NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1878-9,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN SEVEN VOLUMES.
VOL. III.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1879.

884—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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SESSION 1878-9.

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Motion made (*Mr Lynch*) for Opinion of Attorney General as to the validity of unregistered, 411 ; Return to Resolution, laid on Table, 482		325
MAJOR BLACK, KIAMA :—		
Motion made (*Mr. Charles*) for correspondence, &c., between, and the Brigade Office, 462 ; Return to Address, laid on Table, 555		349
VOTE OF CREDIT :—		
Message No. 24, for services for 1878 and 1879, laid on Table, 204		1201
Do. No. 25, for services for 1878 and 1879, laid on Table, 215		1203
Do. No. 27, for services for 1878 and 1879, laid on Table, 224		1205
Do. No. 38, for February, laid on Table, 301		1207
Do. No. 7, for March, do. 381	2	1209
Do. No. 12, for April, do. 443		1211
Do. No. 21, for May, do. 541		1213
Do. No. 33, for June, do. 603		1215
VOTE OF CHAIRMAN OF SELECT COMMITTEE ON PRIVATE BILLS :—		
Sessional Order passed, 8.		
W		
WAGGA WAGGA (See "RAILWAYS"; also "COMMON," also "BY-LAWS.")		
WALLACE, MESSRS. (See "CROWN LANDS.")		
WALLINGS, MRS. (See "POLICE.")		
WALLSEND COLLIERY, PITFALL AT :—		
Motion made (*Mr. Cameron*) for papers, minutes, and reports from the Examiner of Coal Fields and Inspector of Coal Mines relative to, 444 ; Return to Order laid on Table, 496	4	851
WANT OF CONFIDENCE IN THE MINISTRY :—		
Motion made (*Sir Henry Parkes*) that an Address be presented to the Governor, that this House declines to proceed with public business while the present Ministers are allowed to retain office, 211.		
WARATAH (See "CIVIL SERVICE.")		
WARATAH COUNCIL CHAMBERS RESUMPTION BILL :—		
Motion made (*Mr. Hoskins*) for leave to bring in, 583 ; presented and read 1°, 583 ; read 2°, committed, reported without Amendment, and Report adopted, 613 ; read 3° and sent to Council, 617 ; returned without Amendment; 640 ; Assent reported, 643.		
WARRANT (See "ELECTIONS AND QUALIFICATIONS COMMITTEE.")		
WATER AND SEWERAGE BILL :—		
Motion made (*Mr. Fitzpatrick*) for Committee of the Whole, 8 ; House in Committee, Resolution agreed to, 13 ; presented and read 1°, 94 ; Message No. 9, 94 ; read 2° and committed, 135 ; Order of the Day postponed, 229, 240, 304	7	113
WATERLOO MILLS GRANT :—		
Motion made (*Mr. McElhone*) that Government should resume ten acres of land reserved for public purposes in, granted to one Hutchinson in May, 1823, 158.		
WATER CONSERVATION BILL :—		
Motion made (*Mr. Farnell*) for Committee of the Whole, 58 : House in Committee, 71 ; and Resolution agreed to, 72 ; presented and read 1°, Message No. 16, 129 ; Order of the Day discharged, 225	7	107
WATER-RACES (See "MINERAL.")		
WATER RESERVE (See "RESERVES.")		
WATER SUPPLY (See also "CROWN LANDS"; also "WATER AND SEWERAGE BILL") :—		
FOR SYDNEY AND SUBURBS :—		
Return to Order (*Session* 1877-8), laid on Table, 88	7	1
Motion made (*Mr. Hungerford*) for two letters of Mr. James Manning on, by gravitation, addressed to the Minister for Works, such letters to form part of the printed book on, as moved for by Mr. Cameron, 251 : Return to Order, laid on Table, 326	7	1
Petition from Mr. James Manning against the Upper Nepean Waterworks Scheme, presented, 618	7	97
Motion made (*Mr. Hungerford*) that no steps should be taken for carrying out any scheme for, until further engineering information has been obtained, and negatived, 659.		
By-laws respecting, Municipal District of Hay, laid on Table, 109	7	141
Report on, for 1878, laid on Table, 331	7	109
WATSON, THE HONORABLE JAMES, ESQUIRE, M.P. :—		
Acceptance of office as Colonial Treasurer announced, 215 ; resignation reported and Seat as Member for The Lachlan declared vacant, 217 ; issue and return of Writ reported, and Member sworn, 219.		
WAYS AND MEANS (See also "FINANCE") :—		
Sessional Order passed, 7.		
Motion made (*Mr. Cohen*) for House to go into Committee, 122.		
Do. (*Mr. Watson*) do. 226.		
Do. and by leave withdrawn, 305.		
House in Committee, 129, 147, 150, 161, 216, 226, 269, 293, 302, 304, 306, 307, 316, 384, 450, 542, 603, 625, 647.		
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Resolutions agreed to, 161, 216, 226, 302, 316, 384, 450, 543, 603, 625, 647.		
Estimates of, for 1879 (*Mr. Cohen*) laid on Table, 129	2	603
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Explanatory Statements of the Public Accounts for 1879, as embodied in, laid on Table, 129, 269.	2	719, 873
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WENTWORTH WHARF (See "GARDNER, JAMES.")		
WESLEYAN CEMETERY (See "NECROPOLIS.")		

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WEST MAITLAND (See "BY-LAWS.")		
WHARFAGE, CIRCULAR QUAY:—		
Return of Rent received for the years 1870–1877 inclusive, and for half-year ended June, 1878, with cost of collection, laid on Table, 36	4	991
WHARFAGE AND TONNAGE RATES BILL:—		
Motion made (*Mr. Watson*) for Committee of the Whole, 418; House in Committee and Resolution agreed to, 421; presented and read 1°, 425; Order of the Day postponed, 435, 445		
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WHITE BAY (See "RECLAMATION OF LAND.")		
WHITE SPIRITS (See "SPIRITS OF WINE.")		
WIDOW OF THE LATE JOHN DUNMORE LANG:—		
Motion made (*Sir John Robertson*) for Committee of the Whole to consider Address to Governor that £3,000 be placed on Supplementary Estimates for, 157; Order of the day discharged, 173.		
WILKINSON, CRIMINAL CONDEMNED FOR RAPE. (See "ADMINISTRATION OF JUSTICE.")		
WILLIAMS RIVER (See "BRIDGES.")		
WINDEYER, THE HONORABLE WILLIAM CHARLES, ESQUIRE, M.P.:—		
Acceptance of office as Attorney General announced, 215; Seat as Member for the University of Sydney declared vacant, 217; issue and return of Writ reported, and Member sworn, 219.		
WINDSOR (See "VOLUNTEERS.")		
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WOLLONGONG (See "BY-LAWS.")		
WOODS AND KELLY (See "RESERVES.")		
WOOLLAHRA, BOROUGH OF:—		
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WORKING MEN'S COLLEGES (See "TECHNICAL OR WORKING MEN'S COLLEGES.")		
WORKING OF THE REAL PROPERTY ACTS:—		
Motion made (*Mr. Windeyer*) for Committee of the Whole to consider expediency of appointing a Commission to inquire into, 22; Order of the Day postponed, 37; House in Committee and Resolution agreed to, 138.		
WRITS OF ELECTION:—		
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Canterbury, re-election of the Honorable Sir Henry Parkes, 219.		
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The Tumut, do. do. James Hoskins, Esq., 219.		
Central Cumberland, do. do. John Lackey, Esq., 219.		
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YASS PLAINS (See "ELECTIONS AND QUALIFICATIONS COMMITTEE.")		
YASS (See "RAILWAYS.")		
YOUNG (See "TELEGRAPH.")		
Z		
ZOLLNER, BIDDELL, & OTHERS (See "DARLING HARBOUR,")		

1878.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(ANNUAL RETURNS UNDER THE 103RD SECTION OF.)

Presented to Parliament, pursuant to Act 22 Vict. No. 18, sec. 103.

ANNUAL RETURNS under 103rd section of "District Courts Act of 1858," 22 Vic. No. 18.

METROPOLITAN AND COAST DISTRICT.

Sydney.	Penrith.
Campbelltown.	Newcastle.
Windsor.	Maitland.
Parramatta.	Singleton.

SOUTHERN DISTRICT.

Goulburn.	Bombala.
Yass.	Eden.
Wollongong.	Bega.
Kiama.	Braidwood.
Nowra.	Moruya.
Milton.	Berrima.
Queanbeyan.	Hartley.
Cooma.	Mudgee.

SOUTH-WESTERN DISTRICT.

Grenfell.	Corowa.
Young.	Deniliquin.
Gundagai.	Hay.
Tumut.	Balranald.
Wagga Wagga.	Wentworth.
Albury.	Burrowa.

WESTERN DISTRICT.

Dubbo.	Bathurst.
Wellington.	Hill End.
Orange.	Bourke.
Forbes.	Molong.
Carcoar.	

NORTHERN DISTRICT.

Muswellbrook.	Inverell.
Scone.	Tenterfield.
Murrurundi.	Grafton.
Narrabri.	Casino.
Gunnedah.	Wingham.
Tamworth.	Kempsey.
Armidale.	Port Macquarie.
Glen Innes.	

DISTRICT COURTS ACT

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at of the

The nature of Causes under distinct Heads.		The Costs of the Suits.	£	s.	d.
Goods sold and delivered	3,297	3,110 cases, sum sued for did not exceed £5	641	8	9
Work and labour	722	1,192 cases, sum sued for exceeding £5, but not exceeding £10	404	17	0
Rent, use, and occupation and waste	256	801 cases, sum sued for exceeding £10, but not exceeding £30, and no attorney employed	682	10	7½
Money lent, money paid, money had and received	266	187 cases, sum sued for exceeding £30, but not exceeding £200, and no attorney employed	331	16	10½
Promissory notes, cheques, bills of exchange, &c.	459	263 cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney employed by him	1,051	6	6
Wages	35	8 cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney employed by him	44	3	0
Board and lodging	95	51 cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney employed by him	312	18	4
Breach of agreement	69	4 cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney employed by him	30	4	4
Non-delivery of goods	14	51 cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney and counsel employed by him	555	8	4
Negligence	59	33 cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney and counsel employed by him	318	17	4
Damage to personalty	6	49 cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney and counsel employed by him	869	3	9
Hire of goods	43	35 cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney and counsel employed by him	602	17	0
Assault	27	5,784	£5,845	11	10
Trover and detenue	61				
Agistment	4				
Slander	64				
Trespass	34				
Rates	134				
Possession of tenements	4				
Calls on shares	7				
Moiety of dividing-fence	9				
Commission	57				
Sick allowance	6				
Damage to realty	7				
Warranty	3				
Guarantee	11				
Judgment	1				
Bailiff's fees	1				
Funeral expenses	5				
Freight	5				
Charter party	1				
Causes of action not specified above	22				
	5,784				

N.B.—The above does not include the costs in those cases above £10 in which attorneys were employed, and in which defendants confessed judgment.

Place, Date, and Duration of Sittings.				
Place.	Date.	Duration of Sittings. Days.	Hours.	Minutes
	1877.			
Sydney	March	18	93	...
„	April	18	103	30
„	May	22	112	39
„	June	17	94	45
„	August	17	98	...
„	September	14	75	45
„	October	11	58	30
„	November	16	81	...
„	December.	17	90	30
	1878.			
„	February.	19	102	55
Total		169	910	34

I hereby certify that the foregoing is a full and complete Return of the

Dated at Sydney, this 26th day of April, 1878.

OF 1858—(22 Victoria, No. 18.)

SYDNEY, during the twelve months preceding the 1st March, 1878, as required by the 103rd section said Act.

The Number of Suits commenced.			Result.		Number of Cases left in Arrear.	Number of Cases tried by Jury.	Settled by Arbitration.	Number of Cases tried without a Jury.
No. of Suits.	Tried.	Settled without hearing.	In favour of Plaintiff.	In favour of Defendant, including Non-suits.				
5,784	3,378	2,404	3,104	274	1	22	1	5,760

Amount sued for.	Rehearing of Cases of Judgment by default, in consequence of Defendant's absence.	Number of New Trial Motions.	Number of New Trials granted.	The grounds upon which such New Trials were granted.	Number of Appeals to Supreme Court.	Number of Interpleader Suits.	Number of Issues from Supreme Court.
£ s. d.							
64,508 8 1	46	17	2	1 Against evidence, and weight of evidence. 2 Contrary to law. 1 Surprise. 2 Against evidence. 3 Contrary to law. 4 Misdirection.	9	19	14

particulars required by the said Act, so far as I am able to set forth the same,—

ALEX. C. MAXWELL,
Registrar.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at CAMPBELLTOWN, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	32	403 13 3½	14	...	18	...	18	18	...	40 14 4											
Promissory Notes	4	126 12 4	1	...	3	...	3	2	1	8 9 0											
Rent	1	6 10 0	1	...	...	...	...	...	...	0 6 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	1	100 0 0	...	...	1	...	1	1	...	14 14 0											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	27 17 8	...	...	2	...	2	1	1	6 6 6											
Breach of Contract	2	30 19 1	1	...	1	...	1	...	1	4 2 6											
Wages, Work, and Labour	1	3 3 0	...	...	1	...	1	1	...	0 6 6											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Campbelltown ...	1877. 10 Aug....	...	2			
																1878. 8 Feb. ...	...	5			
Totals	43	698 15 4½	17	...	26	...	26	23	3	74 19 4							...	7			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

H. ARKELL SMITH,
Registrar, District Court.

4

A RETURN of the Number and Particulars of Suits commenced in the District Court, holden at WINDSOR, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	35	437 4 9	9	...	24	...	24	23	1	17 2 8	...	.....	.....	2							
Promissory Notes	5	100 15 5	...	...	5	...	5	5	...	3 6 2	...	.....	.....	...							
Rent	4	30 5 10	1	...	3	...	3	3	...	1 11 0	...	.....	.....	...							
Board and Lodging	1	31 17 0	1	...	...	...	...	...	...	1 2 6	...	.....	.....	...							
Trespass on Land	3	34 10 0	...	...	3	...	3	...	3	2 10 6	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	208 19 0	1	...	1	...	1	1	...	2 19 0	...	.....	.....	...							
Breach of Contract	2	23 16 11	1	...	1	...	1	1	...	1 1 0	...	.....	.....	...		1877.					
Wages, Work, and Labour	6	80 18 4	4	...	2	...	2	2	...	3 12 0	...	.....	.....	...		2 May ...	1	2			
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		10 Oct. ...	1	6½			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Windsor						
Sales of Live Stock	2	27 12 6	...	...	2	...	2	2	...	1 2 6	...	.....	.....	...		1878.					
Money Lent	5	38 15 0	2	...	3	...	3	2	1	2 6 4	...	.....	.....	...		13 Feb. ...	1	5			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	1	125 0 0	1	...	...	...	...	...	...	1 9 0	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	5	10 19 9	3	...	2	...	2	2	...	2 0 6	...	.....	.....	...							
Totals	71	1,150 14 6	23	...	46	...	46	41	5	40 3 2	...	.....	.....	2			3	13½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. H. H. BECKE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at PARRAMATTA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	42	511 14 0	23	...	19	...	19	17	2	19 5 10											
Promissory Notes	4	52 19 4	2	...	2	...	2	2	...	2 12 10											
Rent	2	24 6 8	2	...	...	...	...	...	...	0 16 6											
Board and Lodging	1	13 19 3	...	...	1	...	1	1	...	0 10 6											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	1	10 0 0	...	...	1	...	1	1	...	0 6 6											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	2	197 10 0	1	...	1	...	1	1	...	1 18 0											
Wages, Work, and Labour	2	33 18 0	2	...	...	...	...	...	...	1 8 10											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						May	7	3½			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Parramatta	Oct.	15	5¼			
Money lent	1	10 0 0	...	...	1	...	1	1	...	0 6 4						1878.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						Feb.	18	3			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	7	274 7 0	2	...	5	...	5	4	1	3 16 0											
Totals	62	1,128 14 3	32	...	30	...	30	27	3	31 1 4							40	11¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEORGE LANGLEY,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at PENRITH, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	31	408 12 4½	15	...	16	...	16	14	2	13 6 0											
Promissory Notes	2	16 10 6	1	...	1	...	1	1	...	0 15 6											
Rent	2	50 0 0	1	...	1	...	1	1	...	1 0 0											
Board and Lodging	2	3 5 0	1	...	1	...	1	1	...	0 2 6											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	200 0 0	...	...	1	1	...	1	...	3 14 8											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	3	50 17 2	2	...	1	...	1	...	1	1 19 6						1877.					
Libel, Slander, and Defamation	1	20 0 0	...	...	1	...	1	...	1	0 15 0						10 May ...	...	3			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Penrith ...	18 Oct. ...	...	4			
Sales of Live Stock	1	8 0 0	1	...	...	...	...	...	...	0 6 0						1878.					
Money Lent	1	11 17 6	...	...	1	...	1	1	...	0 6 0						21 Feb. ...	...	9½			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	14 0 6	1	...	...	...	...	...	...	0 10 0											
Totals	45	783 3 0½	22	...	23	1	22	19	4	22 15 2							...	16½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. K. CLEEVE, JUN.,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at NEWCASTLE, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	215	2,464 19 11	107	...	108	...	108	104	4	297 7 6	...	.....	.....	...	Newcastle	1877.					
Promissory Notes	18	418 16 9	6	...	12	...	12	11	1	35 11 6						5Mar ...	1	7			
Rent	6	218 8 0	2	...	4	...	4	2	2	36 12 2						6 „ ...	1	7			
Board and Lodging	1	8 8 0	...	...	1	...	1	1	...	2 8 6						7 „ ...	1	6			
Trespass on Land	3	30 0 0	1	...	2	...	2	1	1	1 2 6						12 „ ...	1	6			
Trespass on Person	6	170 0 0	1	...	5	...	5	1	4	24 10 0						11 June...	1	7			
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....						12 „ ...	1	8			
Trover	...	.....	...	...	...	...	...	...	...	.....						13 „ ...	1	5			
Breach of Contract	4	248 9 0	2	...	2	1	1	...	2	45 13 4						18 „ ...	1	1			
Wages, Work, and Labour	36	478 14 5	26	...	10	1	9	8	2	96 4 1						3 Sept....	1	7			
Libel, Slander, and Defamation	4	460 0 0	1	...	3	...	3	2	1	34 12 6						4 „ ...	1	7			
Commission on Agency	1	100 0 0	...	...	1	...	1	1	...	2 9 4						5 „ ...	1	9			
Sales of Live Stock	1	13 0 0	...	...	1	...	1	1	...	4 13 8						19 „ ...	1	7			
Money lent	6	75 17 9	1	...	5	...	5	5	...	14 7 8						20 „ ...	1	3			
Partnership	...	.....	...	...	...	...	...	...	...	.....						3 Dec. ...	1	7			
Interpleader	...	.....	...	...	...	...	...	...	...	.....						4 „ ...	1	3			
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	2	60 0 0	...	...	2	...	2	2	...	15 5 0											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	35	622 6 11	17	...	18	...	18	13	5	159 14 2											
Totals	338	5,369 0 9	164	...	174	2	172	152	22	770 11 11							15	90			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEORGE F. SCOTT,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at EAST MAITLAND, during the Twelve Months preceding the 1st of March, 1877, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	92	858 7 6	45	...	47	...	47	46	1	53 17 6									...		
Promissory Notes	20	316 19 0	6	...	14	...	14	13	1	16 12 0									...		
Rent	6	80 16 4	1	...	5	...	5	4	1	3 12 0									...		
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....									...		
Trespass on Land	20	820 0 0	10	...	10	...	10	6	4	27 8 0									...		
Trespass on Person	2	400 0 0	...	...	2	...	2	1	1	2 5 0									...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....									...		
Trover	...	.....	...	...	...	...	...	...	...	.....									...		
Breach of Contract	8	306 4 0	6	...	2	...	2	2	...	6 11 6									...		
Wages, Work, and Labour	15	162 4 0	9	...	6	...	6	6	...	9 6 0						1877.			...		
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....					East Maitland	13 March	3	19	...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		19 June	3	15	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						11 Sept.	4	26	3		
Money lent	2	51 5 6	1	...	1	...	1	1	...	1 9 6						11 Dec.	2	13	...		
Partnership	...	.....	...	...	...	...	...	...	...	.....									...		
Interpleader	1	1 19 6	...	...	1	...	1	1	...	2 2 0									...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....									...		
Legacy	...	.....	...	...	...	...	...	...	...	.....									...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....									...		
Replevin	...	.....	...	...	...	...	...	...	...	.....									...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....									...		
Causes of action not specified above	16	235 12 8	8	...	8	...	8	5	3	10 2 6									...		
Totals	182	3,233 8 6	86	...	96	...	96	85	11	133 6 0							12	73	3		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

C. DELOHERY,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at SINGLETON, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	16	157 1 1	3	...	4	...	4	4	...	25 16 2	...	.....	.....	9							
Promissory Notes	5	65 6 3	1	...	...	...	...	...	...	0 18 0	...	.....	.....	4							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	1	24 1 0	...	...	...	...	...	...	...	.....	...	.....	.....	1							
Trespass on Land	3	410 0 0	...	...	3	...	3	1	2	40 0 8	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	1	25 0 0	...	...	...	...	...	...	...	.....	...	.....	.....	1	Singleton	1877. 20 Mar.	...	3			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		18 Sept.	...	7			
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	2	41 5 1	1	...	1	...	1	...	1	1 1 6	...	.....	.....	...							
Totals	28	722 13 5	5	...	8	...	8	5	3	67 16 4	...	.....	.....	15							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. BROOK,
For the Registrar, District Court.

10

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GOULBURN, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The Grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	35	554 14 2	18	...	17	...	17	17	...	16 0 0											
Promissory Notes	12	118 19 9	6	...	6	...	6	6	...	4 4 6											
Rent	3	51 0 6	2	...	1	...	1	1	...	1 6 0											
Board and Lodging	2	32 19 2	...	...	2	...	2	2	...	1 0 0											
Trespass on Land	26	1,525 0 0	16	...	10	3	7	8	2	20 0 0											
Trespass on Person	1	200 0 0	...	...	1	1	...	...	1	1 0 0											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	12 0 0	...	...	1	...	1	1	...	0 10 0											
Breach of Contract	5	497 8 7	2	...	3	2	1	3	...	5 0 0											
Wages, Work, and Labour	11	452 14 6	4	...	7	3	4	6	1	5 13 6											
Libel, Slander, and Defamation	1	200 0 0	...	...	1	...	1	1	...	1 0 0						1877. 30 July	1				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						31 „	1				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						20 Jan.	1				
Money lent	1	10 5 0	1	...	...	...	...	...	...	0 10 0						21 „	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	10	859 15 10	3	...	7	...	...	5	2	7 9 6											
Totals	108	4,514 17 6	52	...	56	9	47	50	6	63 13 6	...	.....	.....	...	Goulburn ...		4				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. R. L. ROSSI,
Registrar, District Court.

11

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at YASS, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	115	904 17 4	33	...	72	...	72	71	1	36 10 6	...	.....	.....	10	Yass	1877. 10 Feb.	...	9			
Promissory Notes	18	451 4 5	5	...	13	...	13	13	...	10 3 6	...	.....	.....	...		12 Feb.	...	6½			
Rent	6	72 7 6	1	...	4	...	4	3	1	2 8 0	...	.....	.....	1		4 Aug.	...	8½			
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		6 Aug.	...	2½			
Trespass on Land	17	1,837 10 0	7	...	10	...	10	6	4	14 14 0	...	.....	.....	...							
Trespass on Person	1	100 0 0	...	...	1	...	1	1	...	1 0 0	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	3	87 13 0	...	...	3	...	3	2	1	2 13 0	...	.....	.....	...							
Wages, Work, and Labour	7	220 1 7	2	...	5	...	5	4	1	3 7 6	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	9	22 18 4	6	...	4	...	4	3	1	4 12 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	7	157 8 0	2	...	5	...	5	3	2	3 7 0	...	.....	.....	...							
Totals	183	3,854 0 2	55	...	117	...	117	106	11	78 15 6	...	.....	.....	11			...	26½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

District Court, Yass,
5 February, 1878.

LEOPOLD YATES
Registrar, District Court.

12

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WOLLONGONG, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	17	175 0 2	9	...	8	...	8	7	1	18 16 4											
Promissory Notes	2	99 14 8	1	...	1	...	1	1	...	4 18 8											
Rent	4	76 10 0	1	...	3	...	3	2	1	6 15 10											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	2	400 0 0	2	...	...	...	...	...	...	5 2 8											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	5	134 10 0	1	...	4	...	4	4	...	30 11 8						1877.-					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						23 June.	1	3½			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						3 Nov.	1	1			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	...	...	...	Wollongong.	5 „	1	3			
Money lent	...	.....	...	...	...	...	...	...	...	.....						1878.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						23 Feb.	1	2			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	5	78 16 4	1	...	4	...	4	3	1	24 6 6											
Totals	35	964 11 2	15	...	20	...	20	17	3	90 11 8							4	9¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

ALFRED A. TURNER,
Registrar, District Court.

13

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at KIAMA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	23	251 19 3	13	...	10	...	10	10	...	21 14 7											
Promissory Notes	11	310 10 9	6	...	5	...	5	5	...	14 17 2											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	2	34 19 0	1	...	1	...	1	...	1	1 1 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	3	311 12 0	1	...	2	...	2	2	...	22 11 2											
Wages, Work, and Labour	1	14 10 6	...	...	1	...	1	...	1	0 10 6											
Libel, Slander, and Defamation	3	400 0 0	2	...	1	...	1	1	...	26 2 4											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	1	4 0 0	1	...	...	...	...	...	...	0 7 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	1	.....	...	...	1	...	1	...	1	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	6	324 16 6	...	1	5	...	5	5	...	23 16 4											
Totals	51	1,652 8 0	24	1	26	...	26	23	3	111 0 1	...	.....	.....	...	Kiama ...	1877. 26 Feb. ... 25 June ... 7 Nov. ...	... ...	5¼ 4½ 4¾			
																	...	14			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

HENRY CONNELL, JUN.,
Registrar, District Court

14

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at NOWRA (Shoalhaven), during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	6	101 14 11	2	...	4	...	4	4	...	.....											
Promissory Notes	5	127 7 1	2	1	2	...	2	2	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	2	400 0 0	...	...	2	...	2	2	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	29 0 0	1	...	1	...	1	1	...	.....											
Breach of Contract	1	17 13 3	...	...	1	...	1	1	...	.....											
Wages, Work, and Labour	6	150 19 6	3	...	3	...	3	1	2	.....						1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						27 June...	1	7			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						10 Nov....	1	6¼			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Nowra ...						
Money lent	1	75 0 0	...	...	1	...	1	...	1	.....						1878.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						28 Feb. ...	1	3			
Interpleader	2	107 15 10	1	...	1	...	1	...	1	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	4	119 0 0	2	...	2	...	2	...	2	.....											
Totals	29	1,128 10 7	11	1	17	...	17	11	6	27 17 0							3	16¼			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. LOVEGROVE,
Registrar, District Court.

15

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ULLADULLA (Milton), during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	8	206 10 10	3	...	5	...	5	5	...	6 18 0											
Promissory Notes	4	94 15 2	1	...	3	...	3	3	...	4 13 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	2	19 1 7	1	...	1	...	1	1	...	0 17 0						1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....					Ulladulla...	3 Mar. ...	...	4			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....					Milton ...	30 June ...	...	2			
Sales of Live Stock	2	32 14 6	2	...	...	...	...	...	...	1 1 0	...	.....	.....	...		13 Nov. ...	...	1			
Money lent	1	1 10 0	...	...	1	...	1	1	...	0 14 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	17	354 12 1	7	...	10	...	10	10	...	14 3 0							...	7			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. V. WAREHAM,
Registrar, District Court.

16

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at QUEANBEYAN, during the twelve months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The number of Suits		Settled.		The number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	9	193 13 6	4	1	4	...	4	4	...	31 0 0	...	.....	.....	...							
Promissory Notes	9	181 7 3	3	...	6	...	6	6	...	28 10 8	...	.....	.....	...							
Rent	1	30 0 0	...	...	1	...	1	1	...	4 10 0	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	3	400 0 0	1	...	1	1	...	1	...	17 0 0	...	.....	.....	1							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	55 0 0	...	...	2	...	2	...	2	8 0 0	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	3	125 10 0	2	...	1	...	1	1	...	12 0 0	...	.....	.....	...		1877.					
Libel, Slander, and Defamation.	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Queanbeyan.	Mar. 17...	...	6			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		Aug. 24...	...	3½			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	..		Dec. 1...	...	3			
Money lent	3	80 0 0	...	...	3	...	3	3	...	7 0 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	1	.....	...	...	1	...	1	1	...	1 12 0	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	23	230 1 6	17	...	6	...	6	3	3	25 7 0	...	.....	.....	...							
Totals	54	1,295 12 3	27	1	25	1	24	20	5	134 19 8	...	.....	.....	1			...	12½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

O. WILLANS,
Registrar, District Court.

17

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at Cooma, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.				4							
Goods sold	55	1,130 8 8½	15	...	36	...	36	35	1	31 7 6	...	.....	.....	1							
Promissory Notes	15	296 18 1¾	9	...	5	...	5	5	...	8 14 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	3							
Trespass on Land	15	1,513 0 0	5	...	7	3	4	7	...	23 7 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	99 0 0	...	...	2	...	2	1	1	1 19 0	...	.....	.....	...		1877.					
Breach of Contract	3	165 0 0	...	...	3	...	3	2	1	3 0 0	...	.....	.....	1		21 Mar.	...	7½			
Wages, Work, and Labour	10	183 10 11	2	...	7	...	7	5	2	4 18 0	...	.....	.....	...		22 „	...	9½			
Libel, Slander, and Defamation	3	330 0 0	1	...	2	2	...	2	...	8 7 0	...	.....	.....	...		23 „	...	3			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Cooma...	30 Aug.	...	7			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		31 „	...	6			
Money lent	3	85 18 4	1	...	2	...	2	2	...	2 6 0	...	.....	.....	...		7 Dec.	...	6			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		8 „	...	2			
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	18	793 7 10	2	...	15	3	12	11	4	19 18 6	...	.....	.....	... 1							
Totals	124	4,597 3 11¼	35	...	79	8	71	70	9	103 17 6	...	.....	.....	10			...	41			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEORGE H. SMITHERS,
Registrar, District Court.

18

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOMBALA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	61	561 0 9½	18	...	42	...	42	42	...	27 12 0	...	.....	.....	1							
Promissory Notes	34	1,162 17 8	7	...	27	...	27	26	1	27 6 0	...	.....	.....	...							
Rent	3	41 14 6	1	...	2	...	2	2	...	1 12 0	...	.....	.....	...							
Board and Lodging	4	47 15 6	2	...	1	...	1	1	...	2 14 6	...	.....	.....	1							
Trespass on Land	8	970 0 0	2	...	5	2	3	5	...	11 16 0	...	.....	.....	1							
Trespass on Person	...	650 0 0	...	...	4	...	4	2	2	4 13 0	...	.....	.....	...							
Illegal Distraint	4	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	60 0 0	2	...	2	...	2	2	...	2 13 6	...	.....	.....	...							
Breach of Contract	12	80 0 0	...	...	2	1	1	2	...	2 6 6	...	.....	.....	...							
Wages, Work, and Labour	...	290 19 10	1	...	10	1	9	8	2	10 1 6	...	.....	.....	1		1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		3 April...	2				
Commission on Agency	1	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Bombala	4 April...	...				
Sales of Live Stock	1	12 0 0	...	...	1	...	1	1	...	0 16 0	...	.....	.....	...		3 Sept....	1				
Money lent	...	132 6 5	...	...	1	...	1	1	...	1 0 6	...	.....	.....	...		19 Dec. } 20 Dec. }	2				
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	2	400 0 0	...	...	2	1	1	1	1	8 16 0	...	.....	.....	...							
Totals	136	4,408 14 8½	33	...	99	5	94	93	6	101 7 6	...	.....	.....	4			5				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

Bombala, 25th March, 1878.

JAMES GILES,
Registrar, District Court.

19

19

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at EDEN, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	2	18 15 1	1	...	1	...	1	1	...	5 12 0											
Promissory Notes	4	39 10 5	1	...	3	...	3	3	...	7 1 8											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	3	225 0 0	...	...	3	...	3	3	...	63 2 2											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	5	174 4 6	...	...	5	...	5	4	1	6 18 2											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Eden	29 Mar. ...	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						17 Dec. ...	1	...			
Money Lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	15 6 9	...	...	2	...	2	2	...	6 8 6											
Totals	16	472 16 9	2	...	14	...	14	13	1	89 2 6							1	4			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

RICHD. B. HAYS,
Registrar, District Court.

20

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BEGA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	23	490 2 3	13	...	10	...	10	10	...	34 8 4											
Promissory Notes	23	483 19 0	9	...	14	...	14	14	...	43 8 8											
Rent	1	11 18 1	1	...	...	...	...	...	...	1 18 8											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	2	58 8 0	1	...	1	...	1	1	...	2 15 10											
Trespass on Person	1	30 0 0	...	...	1	...	1	1	...	1 9 8											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	56 5 9	1	1	...	...	...	...	...	3 4 4											
Breach of Contract	1	200 0 0	...	...	1	1	...	1	...	3 1 4											
Wages, Work, and Labour	11	259 1 9	6	...	5	3	2	4	1	15 15 0											
Libel, Slander, and Defamation	2	60 0 0	1	...	1	1	...	1	...	1 9 8						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Bega	27 March	1				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						14 Dec. ...	1½				
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of action not specified above	7	133 15 9	4	...	3	...	3	3	...	12 4 8											
Totals	73	1,783 10 7	36	1	36	5	31	35	1	119 16 2							2¼				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JOHN DAVIS,
Registrar, District Court.

21

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BRAIDWOOD, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases Left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	38	691 10 4	8	...	29	1	28	25	4	56 0 0	1*	.....	1*	1	Braidwood	1877. 15 Mar.	...	5	1	1	That verdict was against evidence.
Promissory Notes	4	52 16 4	3	...	1	...	1	1	...	.....	...	.....	.....	...		20 Aug.	1	...	...	...	
Rent	1	8 5 0	...	...	1	...	1	1	...	.....	...	.....	.....	...		21 „	1	...	...	...	
Board and Lodging	1	5 5 0	...	...	1	...	1	1	...	.....	...	.....	.....	...		28 Nov.	...	11	...	...	
Trespass on Land	16	897 18 0	1	...	15	3	12	13	2	96 10 9	...	.....	.....	...			...	...	4	...	Struck out.
Trespass on Person	1	20 0 0	...	...	1	...	1	1	...	7 18 10	...	.....	.....	...			...	...	...	...	No prosecution.
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Trover	2	20 13 0	...	...	2	...	2	...	2	.....	...	.....	.....	...			...	...	...	...	
Breach of Contract	4	58 19 9	1	...	3	1	2	2	1	9 0 8	...	.....	.....	...			...	...	...	...	
Wages, Work, and Labour	7	57 11 0	1	...	6	...	6	6	...	7 16 0	...	.....	.....	...			...	...	...	...	
Libel, Slander, and Defamation	1	200 0 0	...	...	1	...	1	1	...	13 6 6	...	.....	.....	...			...	...	...	...	
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Interpleader	1	20 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...			...	...	...	...	
Totals	76	2,032 18 5	15	...	60	5	55	51	9	190 12 9	1	.....	1	1			2	16	5	1	

* Appeal from Warden's Court under Mining Act of 1874, to put appellant in possession of tenement.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. F. ROBERTSON,
Registrar, District Court.

22

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MORUYA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	13	347 19 5½	6	...	7	...	7	4	3	35 8 10											
Promissory Notes	1	37 7 0	1	...	...	...	...	...	...	2 6 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	2	19 0 0	2	...	...	...	...	...	...	2 1 6											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	23 7 6	1	...	...	...	...	...	...	1 6 6											
Wages, Work, and Labour	1	1 10 0	...	...	1	...	1	1	...	0 15 6											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Moruya	1877. 28 April, 30 ,, 23 Nov.	...	3¾			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	2	78 9 5	...	...	2	...	2	2	...	2 15 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	21 0 0	1	...	...	...	...	...	...	0 16 6											
Totals	21	528 13 4½	11	...	10	...	10	7	3	45 9 10							...	3¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. CLARKE,
Registrar, District Court.

23

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BERRIMA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	11	172 7 0½	6	...	4	...	4	4	...	9 10 8	...	.....	.....	1					...		
Promissory Notes	5	221 12 2	2	...	3	...	3	3	...	5 3 6	...	.....	.....	...					...		
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trespass on Land	2	300 0 0	1	...	1	1	...	1	...	1 11 0	...	.....	.....	...					...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trover	1	10 0 0	...	...	1	...	1	...	1	0 19 6	...	.....	.....	...					...		
Breach of Contract	3	80 10 0	1	...	2	...	2	1	1	13 18 6	...	.....	.....	...					1		
Wages, Work, and Labour	6	96 10 4½	3	...	2	...	2	1	1	3 4 6	1	1	.....	1					...		
Libel, Slander, and Defamation	2	400 0 0	...	...	1	1	...	1	...	2 12 6	...	.....	.....	1		1877.			...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Berrima	29 Dec.	1	...	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Causes of Action not specified above	4	95 0 0	2	...	1	1	...	1	...	3 0 6	...	.....	.....	1					...		
Totals	34	1,375 19 7	15	...	15	3	12	12	3	40 0 8	1	1	.....	4			1	...	1		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. R. WILSHIRE,
Registrar, District Court.

24

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at HARTLEY, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	19	355 14 4½	6	...	12	...	12	11	1	10 18 0	...	.....	.....	1							
Promissory Notes	2	37 13 0	1	...	1	...	1	1	...	1 3 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	1	7 10 0	...	...	1	...	1	1	...	0 6 0	...	.....	.....	...							
Trespass on Land	2	20 16 0	2	...	...	...	...	...	...	0 16 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	2	41 3 3	1	...	1	...	1	1	...	1 0 0	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Hartley...	19 April...	1	2¾			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		26 Oct. ...	1	1			
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	26	462 16 7½	10	...	15	...	15	14	1	14 3 6	...	.....	.....	1			2	3¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

THOMAS H. NEALE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court, holden at MUDGEE, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	47	972 8 0½	15	...	30	1	29	26	4	24 10 0	...	.....	.....	2					...	...	
Promissory Notes	14	412 4 11	5	...	8	...	8	8	...	9 0 6	...	.....	.....	1					...	...	
Rent	2	30 12 6	...	...	2	...	2	2	...	1 0 0	...	.....	.....	...					...	...	
Board and Lodging	2	11 9 0	...	...	2	...	2	2	...	0 9 6	...	.....	.....	...					...	...	
Trespass on Land	12	1,089 2 0	5	...	7	4	3	4	3	8 10 0	...	.....	.....	...					...	...	
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Trover	1	200 0 0	...	...	1	...	1	...	1	1 0 0	...	.....	.....	...					...	...	
Breach of Contract	2	55 3 1	1	...	1	...	1	...	1	1 0 0	...	.....	.....	...					...	...	
Wages, Work, and Labour	13	607 11 8	4	...	9	2	7	4	5	9 2 0	...	.....	.....	...					...	...	
Libel, Slander, and Defamation	5	1,000 0 0	1	...	4	4	...	2	2	5 0 0	1	.....	1	...	Mudgee	1877.			1	1	Excessive damages (by Jury)
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		17 July ...	4	27	...	...	
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		12 Feb. ...	6	45	...	...	
Money Lent	7	156 3 2	2	...	5	...	5	5	...	3 13 0	...	.....	.....	...					...	...	
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Possession of Tenements	1	26 5 0	...	...	1	...	1	1	...	0 10 0	...	.....	.....	...					...	...	
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Causes of Action not specified above	33	818 12 2	20	1	10	2	8	8	2	13 0 0	...	.....	.....	2					...	...	
Totals	139	5,379 11 6½	53	1	80	13	67	62	18	76 15 0	1	.....	1	5			10	72	1	1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

FRANCIS S. ISAACS,
Registrar, District Court.

26

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRENFELL, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	17	190 12 0	5	...	12	...	12	11	1	7 12 6											
Promissory Notes	5	158 2 1	1	...	4	...	4	4	...	24 14 8											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	200 0 0	...	...	1	...	1	1	...	2 0 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	30 0 0	...	...	1	...	1	...	1	3 9 2											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	8	192 17 6	4	...	4	...	4	3	1	16 18 3						1877.					
Libel, Slander, and Defamation	2	400 0 0	1	...	1	1	...	1	...	13 5 6						11 June.	1	7			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	...	...	...	Grenfell	9 Nov.	1	8			
Sales of Live Stock	1	10 0 0	...	...	1	...	1	1	...	0 8 0						1878.					
Money lent	...	.....	...	...	...	...	...	...	...	.....						15 Jan.	1	8			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	44 3 9	...	...	2	...	2	1	1	1 5 0											
Totals	37	1,225 15 4	11	...	26	1	25	22	4	69 13 1							3	23			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. F. PARKER,
Registrar, District Court.

27

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at YOUNG, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	18	410 1 2	9	...	9	1	8	9	...	18 0 0	...	.....	.....	...							
Promissory Notes	5	346 5 3	1	...	3	...	3	3	...	5 3 6	...	.....	.....	1							
Rent	1	21 0 0	1	...	...	...	...	...	...	0 17 6	...	.....	.....	...							
Board and Lodging	1	14 19 6	1	...	...	...	...	...	...	0 13 6	...	.....	.....	...							
Trespass on Land	5	730 0 0	3	...	2	2	...	2	...	6 10 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1877.					
Trover	1	31 18 1	...	...	1	...	1	1	...	1 9 0	...	.....	.....	...		5 June ...	1	8			
Breach of Contract	3	151 3 8	2	...	1	...	1	...	1	3 5 0	...	.....	.....	...		6 „ ...	1	5			
Wages, Work, and Labour	13	322 17 6	4	...	9	...	9	7	2	10 19 0	...	.....	.....	...		7 „ ...	1	4			
Libel, Slander, and Defamation	2	300 0 0	2	...	...	...	...	...	...	2 11 0	...	.....	.....	...		2 Nov. ...	1	½			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Young ...	3 „ ...	1	3			
Sales of Live Stock	2	40 0 0	...	...	2	...	2	2	...	1 18 0	...	.....	.....	...		5 „ ...	1	9			
Money lent	1	49 2 0	...	...	1	...	1	...	1	1 6 0	...	.....	.....	...		6 „ ...	1	5			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		8 Jan. ...	1	6			
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	8	260 8 6	4	...	4	...	4	3	1	6 17 6	...	.....	.....	...							
Totals	60	2,677 15 8	27	...	32	3	29	27	5	59 10 0	...	.....	.....	1			8	40½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. R. EDWARDS,
Registrar, District Court.

28

ETURN of the number and Particulars of Suits commenced in the District Court holden at GUNDAGAI, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	35	774 10 2	23	...	12	...	12	12	...	33 12 10											
Promissory Notes	1	14 12 0	1	...	...	...	...	...	...	1 0 6											
Rent	1	15 0 0	...	...	1	...	1	1	...	1 5 0											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	6	.....	2	...	4	...	4	3	1	8 2 6											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	3	335 0 0	1	...	2	1	1	1	1	5 2 6											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	...	1	1 13 6						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						20 June ...	3				
Sales of Live Stock	1	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...	Gundagai	20 Nov. ...	2				
Money lent	...	5 5 0	...	...	1	...	1	1	...	1 8 6						1878.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						30 Jan. ...	1				
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	4	210 10 11	2	...	3	...	3	...	3	7 2 0											
Totals	53	2,244 18 1	29	...	24	2	22	18	6	59 7 4							6				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

CHAS. W. WEEKES,
Registrar, District Court.

29

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at TUMUT, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	27	631 18 8	2	...	25	...	25	19	6	72 3 6											
Promissory Notes	6	372 15 2	2	...	4	...	4	4	...	24 7 2											
Rent	1	20 0 0	...	...	1	...	1	1	...	6 3 6											
Board and Lodging	1	18 8 6	...	...	1	...	1	1	...	6 8 8											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	200 0 0	...	...	1	1	...	...	1	36 5 4											
Breach of Contract	1	15 0 0	...	...	1	...	1	...	1	4 12 6											
Wages, Work, and Labour	5	114 19 11	...	...	5	...	5	4	1	27 15 8						1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						25 June...	1	...			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Tumut ...	24 Nov. ...	1	2			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1878.					
Money lent	4	77 16 6	1	...	3	...	3	3	...	5 9 8						1 Feb. ...	...	4			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	46	1,450 18 9	5	...	41	1	40	32	9	183 6 0							2	6			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. W. VYNER,
Registrar, District Court.

30

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WAGGA WAGGA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	139	2,182 4 1½	70	...	55	...	55	55	...	197 12 6	...	.....	.....	14							
Promissory Notes	20	476 5 3	9	...	11	...	11	11	...	33 0 0	...	.....	.....	...							
Rent	4	91 10 0	1	...	3	...	3	3	...	15 0 0	...	.....	.....	...							
Board and Lodging	4	58 4 6	2	...	2	...	2	2	...	6 16 2	...	.....	.....	...							
Trespass on Land	6	650 0 0	2	...	3	1	2	3	...	47 0 0	...	.....	.....	1							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	2	52 10 0	2	...	...	...	...	...	...	4 16 2	...	.....	.....	...							
Wages, Work, and Labour	13	428 8 5	8	...	5	...	5	4	1	30 11 8	...	.....	.....	...		1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		2 July ...	1	10			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Wagga Wagga						
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Money lent	4	225 0 0	2	...	2	...	2	2	...	20 10 4	...	.....	.....	...		7 Feb....	3	...			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	26	990 16 0	10	...	14	4	10	10	4	133 4 4	...	.....	.....	2							
Totals	218	5,154 18 3½	106	...	95	5	90	90	5	488 11 2	...	.....	.....	17			4	10			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

EDWIN H. TOMPSON,
Registrar, District Court.

31

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ALBURY, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	57	856 19 5	22	...	35	...	35	32	3	36 14 5									...	...	
Promissory Notes	23	606 15 2	7	...	16	...	16	16	...	62 1 5									...	...	
Rent	1	13 12 0	...	...	1	...	1	1	...	.....									...	...	
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....									...	...	
Trespass on Land	6	1,002 0 0	4	...	2	2	...	1	1	.....									...	...	
Trespass on Person	1	30 0 0	1	...	...	...	...	...	...	.....									...	...	
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....									...	...	
Trover	4	181 0 0	1	...	3	...	3	3	...	45 12 9						1877.			...	...	
Breach of Contract	3	251 0 0	2	...	1	1	...	1	...	14 5 8						11 July ...	...	7	...	1	Verdict of jury against law.
Wages, Work, and Labour	13	312 1 3	7	...	6	...	6	6	...	70 17 0						12 " ...	...	7	...	...	
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	1	...	28 2 6						13 " ...	...	7	...	...	
Commission on Agency	1	44 19 10	1	...	...	...	...	...	...	.....	...	.....	.....	...	Albury ...	14 " ...	...	7	...	...	
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						18 " ...	...	7	...	...	
Money lent	4	97 4 8	1	...	3	...	3	3	...	.....						19 " ...	...	7½	...	...	
Partnership	...	.....	...	...	...	...	...	...	...	.....						20 " ...	...	7½	...	...	
Interpleader	...	.....	...	...	...	...	...	...	...	.....						21 " ...	...	7	...	...	
Intestacy	...	.....	...	...	...	...	...	...	...	.....						22 " ...	...	7	...	...	
Legacy	...	.....	...	...	...	...	...	...	...	.....									...	...	
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....									...	...	
Replevin	...	.....	...	...	...	...	...	...	...	.....									...	...	
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....									...	...	
Causes of Action not specified above	7	250 0 7	2	...	5	1	4	4	1	.....									...	...	
Totals	121	3,845 12 11	48	...	73	5	68	68	5	257 13 9							2	16	...	1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

EDWARD BROWN,
Registrar, District Court.

32

A RETURN of the number and Particulars of Suits commenced in the District Court holden at COROWA, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	9	151 12 9	5	...	4	...	4	4	...	6 10 0											
Promissory Notes	4	282 9 10	3	...	1	...	1	1	...	3 0 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	1	12 8 0	...	...	1	...	1	1	...	0 10 0											
Trespass on Land	1	100 0 0	1	...	...	...	...	...	...	1 0 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	240 0 0	1	...	1	...	1	1	...	2 0 0											
Breach of Contract	1	40 0 0	...	...	1	...	1	1	...	1 0 0											
Wages, Work, and Labour	1	13 10 0	1	...	...	...	...	...	...	0 10 0											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...	Corowa ...	18 July ...	1				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1878.					
Money lent	3	76 8 0	1	...	2	...	2	2	...	2 0 0						27 Feb. ...	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	16 0 6	1	...	...	...	...	...	...	0 10 0											
Totals	23	932 9 1	13	...	10	...	10	10	...	17 0 0							2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

REGINALD HARE,
Registrar, District Court.

33

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at DENILIQUIN, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.		.....	.....	2							
Goods sold	12	284 7 1	5	...	5	...	5	5	...	57 1 6	...	.....	.....	...							
Promissory Notes	14	467 6 4	9	...	5	...	5	5	...	33 9 0	...	.....	.....	...							
Rent	3	110 1 4	1	...	2	...	2	2	...	21 19 6	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	9	1,185 0 0	2	...	7	1	6	6	1	172 10 4	...	.....	.....	...							
Trespass on Person	2	200 0 0	...	...	2	...	2	2	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	25 0 0	...	...	1	1	...	...	1	30 18 2	...	.....	.....	...		1877.					
Breach of Contract	4	271 11 9	3	...	1	1	...	1	...	6 18 0	...	.....	.....	...		3 Mar.	...	6			
Wages, Work, and Labour	4	81 16 10	3	...	1	...	1	1	...	2 2 0	...	.....	.....	...		4 „	...	6			
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	1	...	31 6 8	1*	.....	.....	...	Deniliquin.	5 „	...	7			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		6 „	...	6			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		25 July	...	6			
Money lent	2	110 0 0	...	...	2	...	2	1	1	5 15 4	...	.....	.....	...		26 „	...	6			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		27 „	...	6			
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	15	897 17 6	3	3	6	2	4	3	3	132 5 2	...	.....	.....	3							
Totals	67	3,833 0 10	26	3	33	6	27	27	6	494 5 8	1	.....	.....	5			...	43			

* This Appeal was struck out with costs against the appellant because he had not given security for costs in terms of the District Courts Act of 1858.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. A. BROUGHTON,
Registrar, District Court.

34

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at HAY, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	18	633 9 3½	8	...	10	...	10	10	...	150 9 2	...	.....	.....	...							
Promissory Notes	8	406 10 10	3	...	5	...	5	5	...	81 13 10	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	1	29 17 6	1	...	...	...	...	...	...	7 6 2	...	.....	.....	...							
Trespass on Land	3	600 0 0	...	...	3	3	...	3	...	125 13 6	...	.....	.....	...							
Trespass on Person	1	30 0 0	1	...	...	...	...	...	...	5 15 6	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	100 0 0	1	...	...	...	...	...	...	7 6 2	...	.....	.....	...							
Breach of Contract	1	200 0 0	...	...	1	...	1	...	1	30 12 10	...	.....	.....	...							
Wages, Work, and Labour	4	104 16 9	2	...	2	...	2	2	...	23 15 6	...	.....	.....	...							
Libel, Slander, and Defamation	4	800 0 0	...	...	3	1	2	2	1	121 10 4	...	.....	.....	1	Hay	1877. 3 April ... 2 Aug. ...	3 2				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	1	20 0 0	...	...	1	...	1	1	...	20 9 4	...	.....	.....	...							
Money lent	4	142 15 10	4	...	...	...	...	...	...	30 5 4	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	2	78 13 0	1	...	...	...	...	...	...	9 17 6	...	.....	.....	1							
Totals	48	3,146 3 2½	21	...	25	4	21	23	2	614 15 2	...	.....	.....	2			5				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

N. C. O'NEILL,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BALRANALD, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	6	160 12 9	2	...	4	...	4	4	...	10 5 0											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	80 0 0	...	...	1	1	...	...	1	5 0 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	50 0 0	1	...	...	...	...	...	...	4 0 0											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Balranald	26 March	...	6			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						8 Aug.	...	4			
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	1	20 0 0	...	...	1	...	1	1	...	2 10 0											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	9	310 12 9	3	...	6	1	5	5	1	21 15 0							...	10			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

District Registrar's Office, Balranald,
2 April, 1878.

R. B. MITCHELL,
Registrar, District Court.

36

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WENTWORTH, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	3	66 3 6	1	...	2	...	2	1	1	26 12 6	...	.....	.....	...	Wentworth	1877. 20 Mar.	1	1			
Promissory Notes	4	207 15 6	1	...	3	...	3	3	...	45 11 8						15 Aug.	1	¾			
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	1	37 14 6	1	...	...	...	...	...	...	4 13 4											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	13 3 6	1	...	...	...	...	...	...	3 6 2											
Totals	9	324 17 0	4	...	5	...	5	4	1	80 3 8							2	1¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. L. RICHARDSON,
Registrar, District Court.

37

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BURROWA, during the twelve months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The number of Suits		Settled.		The number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	11	415 3 5	4	...	7	...	7	7	...	9 4 6	...	.....	.....	.....	Burrowa	1877. 14 June...	1				
Promissory Notes	3	238 4 1	...	...	3	...	3	3	...	3 1 6						14 Nov....	2				
Rent	...	.....	...	...	...	...	...	...	...	.....						1878. 19 Jan. ...	1				
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	11	1,880 0 0	...	...	11	...	11	10	1	15 12 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	200 0 0	...	...	1	...	1	...	1	1 9 6											
Wages, Work, and Labour	2	141 7 0	...	...	2	...	2	...	2	1 17 6											
Libel, Slander, and Defamation.	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	2	386 18 6	...	...	2	...	2	...	2	2 9 6											
Money lent	2	274 5 6	1	...	1	...	1	...	1	2 5 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	10	728 18 5	6	...	4	...	4	2	2	9 8 6											
Totals	42	4,264 16 11	11	...	31	...	31	22	9	45 8 0							4				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

WILLIAM J. E. WOTTON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at DUBBO, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	23	400 7 10	9	...	14	...	14	11	3	97 4 2											
Promissory Notes	10	208 19 8	3	...	7	...	7	5	2	42 13 2											
Rent	1	19 5 8	...	...	1	...	1	1	...	9 8 8											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	200 0 0	...	...	1	...	1	1	...	23 0 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	50 0 0	1	...	...	...	...	...	...	1 10 0											
Breach of Contract	2	190 0 0	...	...	2	2	...	1	1	32 12 10											
Wages, Work, and Labour	6	657 11 2	2	...	4	...	4	3	1	36 8 2											
Libel, Slander, and Defamation	1	50 0 0	1	...	...	...	...	...	...	5 0 0						1877.					
Commission on Agency	5	224 16 11	2	...	3	...	3	3	...	54 9 10	...	.....	.....	...	Dubbo ...	4 Aug.	1	...			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						16 Nov.	1	2			
Money lent	3	101 7 9	2	...	1	...	1	1	...	27 16 8						1878.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						6 Feb.	3	...			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	53	2,102 9 0	20	...	33	2	31	26	7	330 13 6							5	2			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

LUKE M'GUINN,
Registrar, District Court.

39

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WELLINGTON, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	18	347 17 1	3	...	14	...	...	14	...	48 12 8	...	.....	.....	1					...		
Promissory Notes	2	26 15 8	1	...	1	...	...	1	...	3 14 0	...	.....	.....	...					...		
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trespass on Land	7	1,150 0 0	3	...	3	2	...	2	1	79 18 4	...	.....	.....	1					...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trover	1	25 0 0	...	...	1	...	...	1	...	13 14 4	...	.....	.....	...		1877.			...		
Breach of Contract	2	99 10 0	1	...	1	...	...	1	...	9 1 0	...	.....	.....	...		28 May ...	1	7	1		
Wages, Work, and Labour	1	16 3 0	...	...	1	...	...	1	...	5 1 2	...	.....	.....	...		29 „ ...	1	2	...		
Libel, Slander, and Defamation	1	100 0 0	1	...	...	...	...	...	...	2 12 0	...	.....	.....	...		11 Aug....	1	2	...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Wellington	20 Nov....	1	2	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		21 „ ...	1	3	...		
Money lent	2	55 3 0	...	...	2	...	...	2	...	14 1 2	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		11 Feb. ...	1	6½	...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					..		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Totals	34	1,820 8 9	9	...	23	2	...	22	1	176 14 8	...	.....	.....	2			6	22½	1		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

FRED. MARSH,
Registrar, District Court.

40

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ORANGE, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases Left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	38	744 0 6	22	1	15	...	15	14	1	.....											
Promissory Notes	14	413 12 2	8	...	6	...	6	6	...	.....											
Rent	2	106 8 2	1	...	1	1	...	...	1	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	21 16 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	4	390 0 0	3	...	1	1	...	...	1	26 14 0						1877.					
Wages, Work, and Labour	8	186 9 7	5	...	3	...	3	2	1	.....						4 June	2	7			
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	.....						20 Aug.	3	12			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Orange	1 Dec.	1	5			
Sales of Live Stock	2	160 0 0	...	...	2	1	1	1	1	7 14 6						1878.					
Money lent	1	8 0 0	1	...	...	...	...	...	...	.....						14 Feb.	1	12			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	21 7 6											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	6	600 0 0	3	...	3	1	2	2	1	.....											
Totals	76	2,808 10 5	44	1	31	4	27	25	6	77 12 0							7	36			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. T. EVANS,
Registrar, District Court.

41

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at FORBES, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.						1877.					
Goods sold	22	366 4 5	4	...	14	...	14	12	2	20 0 0	...	.....	.....	4		27 & 28 Aug..	15½				
																1878.					
Promissory Notes	13	372 3 5	6	...	7	...	7	6	1	11 13 0	...	.....	.....	...		27 & 28 Feb..	11½				
Rent	2	31 9 4	...	...	2	...	2	2	...	1 13 6	...	.....	.....	...		,,	,,				
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		,,	,,				
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Breach of Contract	6	601 10 0	2	...	4	...	4	3	1	10 9 0	...	.....	.....	...		.....	...				
Wages, Work, and Labour	6	347 16 9	2	...	4	...	4	2	2	6 3 0	...	.....	.....	...		,,	,,				
																,,	,,				
Libel, Slander, and Defamation	1	200 0 0	...	...	1	...	1	...	1	1 2 0	...	.....	.....	...	Forbes ...	1878. 27 & 28 Feb...	,,				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Money lent	1	150 0 0	...	...	...	...	...	...	...	1 3 0	...	.....	.....	1		,,	,,				
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		.....	...				
																1877.					
Causes of Action not specified above	15	1,162 4 0	8	...	7	...	7	5	2	17 3 0	...	.....	.....	...		27 & 28 Aug..	15½				
																1878.					
																27 & 28 Feb...	11½				
Totals	66	3,231 7 11	22	...	39	...	39	30	9	69 6 6	...	.....	.....	5			...				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

STEPHEN FREEMAN,
Registrar, District Court.

42

A RETURN of the Number and Particulars of Suits commenced in the District Court, holden at CARCOAR, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	24	381 5 3½	5	...	15	...	15	14	1	54 9 10	...	.....	.....	4	Carcoar...	1877. 2 March..	1	3	...	...	
Promissory Notes	10	281 7 2	3	...	7	...	7	7	...	54 17 6	...	.....	.....	1					...	1	New Trial granted in case No. 23 of 1877, in order that it may be heard with a cross case No. 39, of 1877.
Rent	2	90 17 2	...	...	2	...	2	2	...	7 0 8	...	.....	.....	...					...	...	
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Trespass on Land	4	375 0 0	...	...	4	1	3	4	...	50 0 6	...	.....	.....	...					...	...	
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Trover	2	51 0 0	...	...	1	...	1	1	...	8 0 0	...	.....	.....	1					...	...	
Breach of Contract	1	30 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Wages, Work, and Labour	2	97 2 0	...	...	1	1	...	1	...	11 17 6	...	.....	.....	1					...	...	
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		5 Sept ...	2	20	...	...	
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		6 „ ...			...	...	
Money Lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...	...	
Causes of Action not specified above	5	381 0 5	...	...	2	...	2	...	2	14 15 8	...	.....	.....	2					...	...	
Totals	50	1,687 12 0½	9	...	32	2	30	29	3	201 1 8	...	.....	.....	9			3	23	...	1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. BADCOCK,
Registrar, District Court.

43

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BATHURST, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	56	1,412 17 9	20	...	33	...	33	29	4	96 7 4	...	.....	.....	3					...		
Promissory Notes	22	588 1 8	5	...	17	...	17	17	...	52 16 10	...	.....	.....	...					...		
Rent	1	5 3 0	...	...	1	...	1	1	...	0 12 6	...	.....	.....	...					...		
Board and Lodging	2	28 14 6	1	...	1	...	1	1	...	3 17 8	...	.....	.....	...					...		
Trespass on Land	10	1,375 0 0	5	...	3	...	3	3	...	55 8 4	...	.....	.....	2					1		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trover	2	90 0 0	1	...	1	...	1	1	...	3 4 4	...	.....	.....	...					...		
Breach of Contract	3	180 0 0	...	...	3	1	2	2	1	70 5 10	...	.....	.....	...		1877.			...		
Wages, Work, and Labour	24	276 17 1	13	...	11	1	10	9	2	54 8 6	...	.....	.....	...		12 Mar.	...	8	...		
Libel, Slander, and Defamation	1	100 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...		13 „	...	9½	...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Bathurst	7 Sept.	...	7¼	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		8 „	...	7¼	...		
Money lent	4	218 10 0	3	...	1	...	1	1	...	1 1 0	...	.....	.....	...		6 Dec.	...	8	...		
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		7 „	...	7½	...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Causes of Action not specified above	7	297 5 2	1	...	6	1	5	5	1	61 13 6	...	.....	.....	...					...		
Totals	132	4,572 9 2	50	...	77	3	74	69	8	399 15 10	...	.....	.....	5			4	0½	1		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

THOMAS C. K. M'KELL,
Registrar, District Court.

44

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at HILL END, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	5	67 1 4½	1	...	4	...	4	3	1	2 13 0											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	12 0 0	...	...	1	...	1	...	1	0 15 6											
Wages, Work, and Labour	2	84 13 6	...	...	2	...	2	1	1	2 19 6											
Libel, Slander, and Defamation	1	200 0 0	...	...	1	...	1	1	...	1 7 0						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Hill End..	16 Mar. ...	1				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						15 Sep. ...	1				
Money Lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	150 0 0	...	...	1	...	1	...	1	1 1 6											
Totals	10	513 14 10½	1	...	9	...	9	5	4	8 16 6							2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

WM. F. WESTON,
Registrar, District Court.

45

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOURKE, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	13	442 4 10	8	...	5	...	5	5	...	29 6 0	...	.....	.....	...	Bourke	1877. 15 May.	1	1½			
Promissory Notes	2	50 0 0	1	...	1	...	5	1	...	13 15 0	...	.....	.....	...		6 ,,	...	2			
Rent	1	20 0 0	...	...	1	...	1	...	1	18 0 6	...	.....	.....	...		5 Nov.	1	2			
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		6 ,,	...	1			
Trespass on Land	1	200 0 0	...	...	...	...	...	...	...	21 8 0	...	.....	.....	1							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	3	65 0 0	1	...	2	...	2	...	2	20 9 6	...	.....	.....	...							
Breach of Contract	2	350 0 0	...	...	2	...	2	1	1	11 18 4	...	.....	.....	...							
Wages, Work, and Labour	5	195 15 0	4	...	1	...	1	1	...	37 6 6	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	..	.....	.....	...							
Money lent	2	96 16 0	2	...	...	...	...	...	...	2 0 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	439 0 0	1	...	2	...	2	2	...	114 8 4	...	.....	.....	...							
Totals	32	1,858 15 10	17	...	14	...	14	10	4	268 12 2				1			2	6½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

L. F. LAYARD,
Registrar, District Court.

46

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MOLONG, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	5	124 13 7	1	...	4	...	4	4	...	3 10 0											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	35 0 0	1	...	...	...	...	...	...	1 0 0											
Breach of Contract	1	28 10 8	1	...	...	...	...	...	...	0 10 0											
Wages, Work, and Labour	2	80 0 0	2	...	...	...	...	...	...	2 0 0											
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	1 0 0											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Molong ...	1877. 1 June...	...	3½			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						26 Nov....	...	1h. 20m.			
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	2	92 2 0	1	...	1	1	...	1	...	1 10 0											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	12	560 6 3	7	...	5	1	4	5	...	9 10 0							...	4h. 50m.			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. H. NISBETT,
Registrar, District Court.

47

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MUSWELLBROOK, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	3	57 18 6	3	...	...	...	...	...	...	1 17 0											
Promissory Notes	1	5 18 6	...	...	1	...	1	1	...	0 10 0											
Rent	1	6 14 9	...	...	1	...	1	1	...	0 6 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	10 0 0	...	...	1	...	1	...	1	0 3 6											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	3	37 15 6	2	...	1	...	1	1	...	18 8 2											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Muswellbrook	12 June	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						5 Dec.	...	½			
Money lent	2	14 2 0	...	...	2	...	2	2	...	1 7 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	3	18 16 8	2	...	1	...	1	...	1	11 2 8											
Totals	14	151 5 11	7	...	7	...	7	5	2	33 14 10							...	4½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

T. FOLEY,
Registrar, District Court.

48

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at SCONE, during the twelve months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The number of Suits		Settled.		The number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	5	68 4 7	1	...	3	...	3	3	...	17 15 8	...	.....	.....	1	Scone ...	1877. 15 June...	1	½			
Promissory Notes	...	....	...	...	...	...	...	...	...	.....	...	.....	.....	...		7 Dec. ...	1	2			
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	4	700 0 0	3	...	1	...	1	...	1	10 1 10	...	.....	.....	...							
Trespass on Person	...	....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	1	11 18 0	...	...	1	...	1	1	...	4 14 4	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	10	780 2 7	4	...	5	...	5	4	1	32 11 10	...	.....	.....	1			2	2½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. T. WILSHIRE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MURRURUNDI, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	18	154 6 2	9	...	8	...	8	8	...	27 12 10	...	.....	.....	1	Murrurundi...	1877. 18 June...	1	...			
Promissory Notes	3	40 16 2	1	...	2	...	2	2	...	2 13 6	...	.....	.....	...		10 Dec. ...	...	6			
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	1	200 0 0	...	...	1	...	1	1	...	23 19 10	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	200 0 0	1	...	...	...	...	...	...	2 14 0	...	.....	.....	...							
Wages, Work, and Labour	2	64 11 9	1	...	1	...	1	1	...	7 5 6	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	1	3 10 0	1	...	...	...	...	...	...	0 4 0	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	1	200 0 0	...	...	1	1	...	1	...	22 10 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	1	25 0 0	...	...	1	...	1	1	...	5 13 6	...	.....	.....	...							
Totals	28	888 4 1	13	...	14	1	13	14	...	92 13 2	...	.....	.....	1							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

G. G. BRODIE,
Registrar, District Court.

50

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at NARRABRI, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	6	129 9 11	2	...	4	...	4	4	...	9 10 8											
Promissory Notes	1	11 14 9	...	...	1	...	1	1	...	1 5 6											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Narrabri	1877. 12 Sept....	...	2			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1878. 19 to 21 Mar.	3	...			
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	7	141 4 8	2	...	5	...	5	5	...	10 16 2							3	2			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

C. E. SMITH,
Registrar, District Court.

51

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GUNNEDAH, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted	
		£ s. d.								£ s. d.											
Goods sold	8	342 0 5	2	...	6	...	6	5	1	7 9 2											
Promissory Notes	2	38 0 0	2	...	...	...	...	...	...	1 0 6											
Rent	1	25 0 0	...	...	1	...	1	1	...	1 0 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	22 6 5	2	...	...	...	...	...	...	1 1 0											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	1	3 17 2	1	...	...	...	...	...	...	0 4 0											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1877.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Gunnedah	12 Mar....	...	3			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						15 Sept....	...	2			
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	14	431 4 0	7	...	7	...	7	6	1	10 15 2							...	5			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

T. K. ABBOTT,
Registrar, District Court.

52

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at TAMWORTH, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	46	796 16 0	26	...	20	...	20	20	...	53 10 9											
Promissory Notes	6	208 9 6	2	...	4	...	4	4	...	5 16 8											
Rent	2	34 3 0	1	...	1	...	1	1	...	4 14 4											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	200 0 0	...	...	1	1	...	1	...	30 10 10											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	2	225 4 0	1	...	1	...	1	1	...	10 10 6											
Wages, Work, and Labour	40	612 2 10	23	...	17	1	16	16	1	53 6 0											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	1	10 3 6	...	...	1	...	1	1	...	0 6 6											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
											...	.....	.....	...	Tamworth	1877. 30 July ...	1	6			
																1878. 4 Feb. ...	1	7			
																5 Feb. ...	1	2			
Totals	98	2,086 18 10	53	...	45	2	43	44	1	159 15 7							3	15			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. M'DONALD,
Registrar, District Court.

53

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ARMIDALE, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	56	800 0 0	34	...	22	...	22	18	4	40 13 0	...	.....	.....	...							
Promissory Notes	19	348 0 0	6	...	9	...	9	8	1	15 0 0	...	.....	.....	4							
Rent	1	28 0 0	...	...	1	...	1	1	...	0 12 0	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	1	30 0 0	...	...	1	1	...	...	...	0 16 0	...	Non suit	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	20 0 0	...	...	1	...	1	...	1	0 15 0	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	5	69 0 0	2	...	3	...	3	3	...	5 0 0	...	.....	.....	...		1877.					
Libel, Slander, and Defamation	1	25 0 0	...	...	1	...	1	...	...	1 0 0	...	Non suit	.....	...	Armidale	8 Aug....	1	2			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		18 Feb. ...	1	...			
Money lent	1	50 0 0	...	...	1	...	1	1	...	1 10 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...		.....	...							
Causes of Action not specified above	11	249 0 0	9	...	2	1	1	2	...	5 16 6	...	.....	.....	...							
Totals	96	1,619 0 0	51	...	41	2	39	33	6	71 2 6	...	.....	.....	4			2	2			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JAMES BRAY,
Registrar, District Court.

54

A RETURN of the Number and Particulars of Suits commenced in the District Court, holden at GLEN INNES, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	11	301 5 1	1	...	10	...	10	9	1	49 5 6	...	.....	.....	...							
Promissory Notes	5	90 10 6	4	...	1	...	1	1	...	11 15 0	...	.....	.....	...							
Rent	3	73 19 6	2	...	1	...	1	...	1	2 4 6	...	.....	.....	...							
Board and Lodging	2	81 4 10	1	1	...	...	...	...	...	3 16 0	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	2	100 0 0	2	...	...	...	...	...	...	1 16 0	...	.....	.....	...							
Wages, Work, and Labour	6	391 6 3	2	...	3	...	3	3	...	21 18 8	...	.....	.....	1	Glen Innes	1877. 16 Aug.	1				
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money Lent	4	113 6 6	2	...	2	1	1	1	1	37 15 10	...	.....	.....	...		1878. 21 Feb.	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	11	478 5 9	5	...	3	...	3	2	1	51 12 2	...	.....	.....	3							
Totals	44	1,629 18 5	19	1	20	1	19	16	4	180 3 8	...	.....	.....	4							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

G. MARTIN,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at INVERELL, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	13	349 16 5	4	...	4	...	4	4	...	10 19 8	...	.....	.....	5							
Promissory Notes	3	59 1 4	1	...	2	...	2	2	...	2 2 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	1	22 0 0	1	...	...	...	...	...	...	0 10 6	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	3	109 16 0	1	...	2	...	2	1	1	2 8 6	...	.....	.....	...							
Libel, Slander, and Defamation	2	200 0 0	...	...	2	...	2	2	...	2 11 6	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Inverell.						
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money Lent	1	7 2 6	...	...	...	...	...	...	...	0 6 0	...	.....	.....	1							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	2	62 0 0	1	...	...	...	...	...	...	2 0 0	...	.....	.....	1							
Totals	25	809 16 3	8	...	10	...	10	9	1	20 18 8	...	.....	.....	7							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. CLARE CARDEW,
Registrar, District Court.

56

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at TENTERFIELD, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	22	575 4 0½	...	...	18	...	18	18	...	49 7 10	...	.....	.....	4							
Promissory Notes	7	173 5 10	...	...	7	...	7	7	...	11 7 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	2	40 16 0	...	...	...	...	...	...	...	.....	...	.....	.....	2							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	12 0 0	...	...	1	...	1	1	...	0 13 0	...	.....	.....	...							
Wages, Work, and Labour	3	68 7 0	...	...	3	...	3	3	...	2 10 6	...	.....	.....	...							
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	1	...	2 4 4	...	.....	.....	...		1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Tenterfield...	26 Feb. ...	2				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	1	70 0 0	...	...	1	...	...	1	...	3 3 4	...	.....	.....	...							
Partnership	1	200 0 0	...	...	1	...	...	1	...	1 0 0	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	38	1,339 12 10½	...	...	32	1	31	32	...	70 6 6	...	.....	.....	6			2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JNO. SIMONS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRAFTON, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	64	766 2 4	22	...	36	...	36	35	1	74 0 8	...	36	.....	6	Grafton	1877. 7 July	1	6			
Promissory Notes	41	1,214 12 4	12	...	25	...	25	22	3	118 1 4	...	25	.....	4		10 „	1	4½			
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		11 „	1	5			
Board and Lodging	4	59 0 10	1	...	2	...	2	2	...	7 4 6	...	2	.....	1		12 „	1	3			
Trespass on Land	3	600 0 0	...	...	3	1	2	3	...	100 4 10	...	3	.....	...		13 „	1	3			
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Illegal Distraint	1	30 0 0	...	...	...	...	...	...	...	8 13 8	...	.....	.....	1		12 Jan.	1	6			
Trover	3	245 0 0	1	...	1	...	1	...	1	25 1 10	...	1	.....	1		14 „	1	3			
Breach of Contract	2	135 0 0	...	...	2	1	1	1	1	42 3 0	...	2	.....	...		15 „	1	5½			
Wages, Work, and Labour	15	260 2 9	5	...	7	2	5	4	3	100 8 10	...	7	.....	3		16 „	1	5			
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 1 0	...	.....	.....	...		17 „	1	7			
Commission on Agency	1	20 17 3	...	...	1	1	...	...	1	1 13 0	...	1	.....	...		18 „	1	6			
Sales of Live Stock	1	3 0 0	...	...	1	...	1	1	...	0 7 4	...	1	.....	...							
Money lent	4	61 19 0	1	...	2	...	2	1	1	5 1 6	...	2	.....	1							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	10	528 7 10	4	...	5	1	4	3	2	59 16 0	...	5	.....	1							
Totals	150	4,124 2 4	47	...	85	6	79	72	13	544 17 6	...	85	.....	18							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. H. THOMAS,
Registrar, District Court.

A **RETURN** of the number and Particulars of Suits commenced in the District Court holden at CASINO, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	25	500 9 2	18	...	7	...	7	6	1	39 19 10											
Promissory Notes	9	405 0 0	4	...	5	...	5	5	...	7 10 2											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	2	79 3 10	...	...	2	...	2	1	1	30 6 8						1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						16 July	1				
Commission on Agency	1	4 7 0	...	...	1	...	1	1	...	0 3 6	.....	.....	.....	...	Casino ...						
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1878.					
Money lent	1	61 0 0	...	...	1	...	1	1	...	13 1 6						21 Jan.	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	1	19 12 2	...	...	1	...	1	...	1	6 11 2											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	5	367 11 8	3	...	2	2	...	...	2	40 12 10											
Totals	44	1,437 3 10	25	...	19	2	17	14	5	138 5 8							2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

M. M. CAMPBELL,
Registrar, District Court.

59

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WINGHAM, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	8	140 8 7	...	...	8	...	8	7	1	10 2 0									2		
Promissory Notes	3	63 4 2	1	...	2	...	2	2	...	5 2 0									...		
Rent	...	.....	...	...	...	...	...	...	...	.....									...		
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....									...		
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....									...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....									...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....									...		
Trover	...	.....	...	...	...	...	...	...	...	.....									...		
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....									...		
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....									...		
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....									...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Wingham	1877. 25 May ...	1	2	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						19 Nov....	1	2	...		
Money lent	1	12 0 0	...	...	1	...	1	...	1	0 16 0									...		
Partnership	...	.....	...	...	...	...	...	...	...	.....									...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....									...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....									...		
Legacy	...	.....	...	...	...	...	...	...	...	.....									...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....									...		
Replevin	...	.....	...	...	...	...	...	...	...	.....									...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....									...		
Causes of Action not specified above	1	10 3 8	1	...	....	...	...	...	...	1 12 6									...		
Totals	13	225 16 5	2	...	11	...	11	9	2	17 12 6							2	4	2		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. A. CREAGH,
Registrar, District Court.

60

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WEST KEMPSEY, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	25	382 18 4	...	...	23	...	23	23	...	16 10 2	...	.....	.....	2							
Promissory Notes	4	234 16 2	2	...	2	...	2	2	...	3 3 0	...	.....	.....	...							
Rent	1	7 0 0	...	...	1	...	1	1	...	0 18 6	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	1	14 15 0	...	...	1	...	1	1	...	0 16 0	...	.....	.....	...		1877.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	West	17 May.	...	3			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Kempsey	8 Nov.	...	6			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	..	.....	.....	...							
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	2	67 0 0	1	...	1	...	1	...	1	3 0 0	...	.....	.....	...							
Totals	33	706 9 6	3	...	28	...	28	27	1	24 7 8	...	.....	.....	2			...	9			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. B. CASEY,
Registrar, District Court.

61

[2s.] A RETURN of the Number and Particulars of Suits commenced in the District Court holden at PORT MACQUARIE, during the Twelve Months preceding the 1st of March, 1878, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The ground on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgements or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	3	17 10 8	...	...	3	...	3	2	1	0 13 0	...	.....	.....	...	Port Macquarie	1877. 14 May....	...	3m.			
Promissory Notes	1	22 10 0	...	...	1	...	1	...	1	0 10 0						12 Nov. ...	...	45m.			
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	4	40 0 8	...	...	4	...	4	2	2	1 3 0							...	48m.			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

ROB. I. PERROTT,
Registrar, District Court.

Sydney: Thomas Richards, Government Printer.—1878.

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1878–9.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(ANNUAL RETURNS UNDER THE 103RD SECTION OF.)

Presented to Parliament, pursuant to Act 22 Vic. No. 18, sec. 103.

ANNUAL RETURNS under 103rd section of "District Courts Act of 1858."

METROPOLITAN AND HUNTER DISTRICT.

Sydney.	Penrith.
Campbelltown.	Newcastle.
Windsor.	Maitland.
Parramatta.	Singleton.
Muswellbrook.	Scone.

SOUTHERN DISTRICT.

Kiama.	Nowra.
Milton.	Bega.
Bombala.	Berrima.
Goulburn.	Yass.
Queanbeyan.	Cooma.
Braidwood.	Moruya.
Eden.	Wollongong.

SOUTH-WESTERN DISTRICT.

Burrowa.	Tumut.
Gundagai.	Albury.
Wagga Wagga.	Deniliquin.
Corowa.	Grenfell.
Hay.	Balranald.
Wentworth.	Moama.
Young.	

WESTERN DISTRICT.

Hartley.	Bathurst.
Carcoar.	Orange.
Forbes.	Molong.
Wellington.	Dubbo.
Mudgee.	Hill End.

NORTH-WESTERN AND EASTERN DISTRICT.

Wilcannia.	Bourke.
Walgett.	Coonabarabran.
Coonamble.	Wingham.
Port Macquarie.	Kempsey.
Grafton.	Casino.

NORTHERN DISTRICT.

Inverell.	Murrurundi.
Tamworth.	Armidale.
Glen Innes.	Tenterfield.
Bingera.	Narrabri.
Gunnedah.	Warialda.
Vegetable Creek.	

DISTRICT COURTS ACT

A RETURN of the Number and Particulars of Suits commenced in the DISTRICT COURT holden at of the

The nature of Causes under distinct Heads.		The Costs of the Suits.				Place, Date, and Duration of Sittings.				
						Place.	Date.	Duration of Sittings.		
								Days.	Hours.	Minutes
Goods sold and delivered	4,090		£	s.	d.	Sydney	March	20	123	30
Work and labour	954	3,633 cases, in which sum sued for did not exceed £5	751	18	9¾	„	April	13	75	...
Board and lodging	92	1,372 cases, sum sued for exceeding £5, but not exceeding £10	455	18	1	„	May	16	98	35
Promissory notes, cheques, bills of exchange, &c.	495	1,034 cases, sum sued for exceeding £10, but not exceeding £30, and no attorney employed	751	7	8¼	„	June	20	110	30
Rent	307	271 cases, sum sued for exceeding £30, but not exceeding £200, and no attorney employed	279	1	0¾	„	August	22	135	45
Money lent, money paid, money had and received	286	278 cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney employed by him	1,155	18	10	„	September	19	114	55
Negligence	50	23 cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney employed by him	166	0	2	„	October	20	125	20
Trespass	28	54 cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney employed by him	357	11	0	„	November	18	93	30
Damage to personalty	16	Nil cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney employed by him	Nil.			„	December	19	114	25
Malicious prosecution	3	61 cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney and counsel employed by him	749	17	0	„	1879. February	20	136	4
Trover and detinue	63	40 cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney and counsel employed by him	416	11	0	TOTAL		187	1,127	34
Breach of agreement	69	58 cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney and counsel employed by him	1,077	5	6					
Wages	32	50 cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney and counsel employed by him	790	0	5					
Rates	118	6,874	£6,950	12	6¾					
Commission	35									
Hire of goods	52									
Bailiff's fees	4									
Judgment	7									
Freight	6									
Possession of tenements	2									
Agistment	9									
Slander	50									
Warranty	12									
Non-delivery of goods	4									
Assault	28									
Bite of dog	5									
Moiety of dividing-fence	9									
Calls on shares	7									
Guarantee	4									
False imprisonment	2									
Illegal distress	6									
Lease	2									
Libel	1									
Livery	4									
Causes of action not specified above	22									
	6,874									

N.B.—The above does not include the costs in those cases above £10 in which attorneys were employed, and in which defendants confessed judgment.

I hereby certify that the foregoing is a full and complete Return of the

Dated at Sydney, this 22nd day of May, 1879.

OF 1858—(22 Victoria, No. 18.)

SYDNEY, during the twelve months preceding the 1st March, 1879, as required by the 103rd section said Act.

The Number of Suits commenced.			Result.		Number of Cases left in Arrear.	Number of Cases tried by Jury.	Settled by Arbitration.	Number of Cases tried without a Jury.
No. of Suits.	Tried.	Settled without hearing.	In favour of Plaintiff.	In favour of Defendant, including Non-suits.				
6,874	3,862	2,939	3,567	295	73	28	Nil.	3,834

Amount sued for.	Rehearing of Cases of Judgment by default, in consequence of Defendant's absence.	Number of New Trial Motions.	Number of New Trials granted.	The grounds upon which such New Trials were granted.	Number of Appeals to Supreme Court.	Number of Interpleader Suits.	Number of Issues from Supreme Court.
£ s. d.							
78,721 9 0	30	9	1	1 Against law. 2 Against evidence, and weight of evidence. 3 Surprise.	11	24	7

particulars required by the said Act, so far as I am able to set forth the same,—

ALEX. C. MAXWELL,
Registrar.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at CAMPBELLTOWN, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	21	532 17 8	4	...	17	...	17	12	5	18 16 3											
Promissory Notes	3	68 19 9	1	...	2	...	2	1	1	3 5 0											
Rent	2	41 0 0	...	...	2	...	2	2	...	3 0 0											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	3	101 0 0	2	...	1	1	...	1	...	4 7 6											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	20 0 0	...	...	1	...	1	1	...	1 3 6											
Wages, Work, and Labour	37	201 11 11	10	...	27	...	27	12	15	24 14 6						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	1	20 1 0	...	...	1	...	1	1	...	1 4 0	...	.....	.....	...	Campbelltown ...	9 Aug.	...	9			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1879.					
Money lent	3	77 10 5	1	...	2	...	2	1	1	2 12 0						7 Feb.	...	4			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	7	87 7 4	1	...	6	...	6	4	2	5 8 1											
Totals	78	1,167 14 0	19	...	59	1	58	33	24	64 10 10											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

HUBERT DILLON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WINDSOR, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	35	271 3 4	14	...	21	...	21	21	...	16 17 0											
Promissory Notes	5	100 17 2	...	...	5	...	5	5	...	3 4 0											
Rent	1	12 8 0	...	...	1	...	1	...	1	0 12 0											
Board and Lodging	1	15 7 6	...	...	1	...	1	1	...	3 19 0											
Trespass on Land	1	2 9 0	...	...	1	...	1	1	...	1 4 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	10	247 0 8	4	...	6	...	6	2	4	7 5 0											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	13	123 11 6	5	...	8	...	8	6	2	5 0 0						1878. Wednesday 8 May ...	1	3			
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Windsor	Wednesday 16 Oct.....	1	7½			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	3	24 8 1	1	...	2	...	2	2	...	1 1 0						1879. Wednesday 8 Feb.....	1	3			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	7 2 4	2	...	...	...	...	...	...	0 11 0											
Totals	71	804 7 7	26	...	45	...	45	38	7	39 13 0							3	13½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. H. H. BECKE,
Registrar, District Court.

67

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at PARRAMATTA, during the twelve months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	43	368 1 11	22	...	21	...	21	19	2	23 4 6											
Promissory Notes	5	255 14 7	2	...	3	...	3	3	...	13 1 10											
Rent	1	27 3 6	1	...	...	...	...	...	...	0 10 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	4	77 15 10	1	...	3	...	3	2	1	6 7 10											
Wages, Work, and Labour	4	99 3 3	...	...	4	...	4	4	...	23 7 5						1878.					
Libel, Slander, and Defamation	2	400 0 0	2	...	...	...	...	...	...	2 1 0						13 May ...	...	1½			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Parramatta	21 Oct. ...	...	5			
Sales of Live Stock	1	21 0 0	1	...	...	...	...	...	...	0 11 6						1879.					
Money lent	...	.....	...	...	...	...	...	...	...	.....						17 Feb. ...	...	2½			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	6	99 13 0	4	...	2	...	2	2	...	9 7 8											
Totals	66	1,348 12 1	33	...	33	...	33	30	3	78 11 5							...	9			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEO. WICKHAM,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MUSWELLBROOK, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	14	119 5 0	5	...	9	...	9	7	2	15 7 8											
Promissory Notes	2	12 16 6	...	...	2	...	2	1	1	1 3 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	50 0 0	...	...	1	...	1	1	...	1 6 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	2	22 9 3	...	...	2	...	2	...	2	2 11 6											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	19	204 10 9	5	...	14	...	14	9	5	20 8 2	...	.....	.....	...	Muswellbrook ...	1878. 3 April... 17 Sept.... 18 Nov....	... ...	½ 1 ¼			
																		1¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

T. FOLEY,
Registrar, District Court.

RETURN of the Number and Particulars of Suits commenced in the District Court holden at PENRITH, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	18	179 0 0	9	...	9	...	9	7	2	6 17 6											
Promissory Notes	1	28 12 9	...	...	1	...	1	1	...	0 10 0											
Rent	2	8 10 0	1	...	1	...	1	...	1	0 9 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	70 0 0	1	...	1	...	1	1	...	2 1 0											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	1	27 3 4	...	...	1	...	1	1	...	0 14 0						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						16 May ...	...	1			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Penrith ...	24 Oct. ...	...	3½			
Sales of Live Stock	1	5 0 0	...	...	1	...	1	1	...	0 3 6						1879.					
Money lent	1	3 10 0	...	...	1	...	1	1	...	0 3 6						20 Feb. ...	...	4			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	4	11 5 0	2	...	2	...	2	2	...	0 16 6											
Totals	30	323 1 1	13	...	17	...	17	14	3	11 15 6								8½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. K. CLEEVE, JUN.,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at NEWCASTLE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.						1879.					
Goods sold	206	2,056 7 5	96	1	109	...	109	106	3	201 16 4											
Promissory Notes	20	481 9 2	5	...	15	...	15	15	...	51 4 6											
Rent	3	59 13 6	1	...	2	...	2	2	...	4 14 3											
Board and Lodging	2	33 2 0	...	...	2	...	2	1	1	2 15 8											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	1	100 0 0	...	...	1	...	1	1	...	13 9 4											
Illegal Distraint	1	200 0 0	...	...	1	...	1	...	1	20 10 10											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	6	334 19 0	3	...	3	...	3	1	2	44 1 4											
Wages, Work, and Labour	31	589 8 10	11	...	20	1	19	16	4	94 6 8											
Libel, Slander, and Defamation	7	190 0 0	2	...	5	...	5	5	...	49 4 0											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	2	21 11 3	2	...	...	...	...	...	...	1 1 0											
Money Lent	6	154 8 2	...	...	6	...	6	5	1	13 11 8											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	1	81 14 4	...	...	1	...	1	1	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	18	1,524 14 6	4	...	14	2	12	9	5	98 18 6									1	...	No appearance when motion called on. Struck out.
Totals	304	5,827 8 2	124	1	179	3	176	162	17	595 14 1	...	.....	.....	...	Newcastle	4 March	1	7			
																5 „	1	8			
																21 „	1	8			
																10 June	1	7			
																11 „	1	7			
																12 „	1	2	1	...	Motion refused.
																2 Sept.	1	7			
																3 „	1	7			
																4 „	1	3	1	1	Defendant not present in the first instance.
																2 Dec.	1	9			
																3 „	1	9			
																4 „	1	8			
																13 „	1	6			
																	13	88	3	1	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEORGE F. SCOTT,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at EAST MAITLAND, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	118	784 6 8	27	...	91	...	91	77	14	9 8 0											
Promissory Notes	13	235 0 5	...	...	13	...	13	13	...	8 17 0											
Rent	12	52 14 7	...	...	12	...	12	12	...	2 10 6											
Board and Lodging	2	18 0 0	...	...	2	...	2	2	...	1 10 0											
Trespass on Land	6	417 15 7	3	...	3	...	3	2	1	8 8 0											
Trespass on Person	2	300 0 0	1	...	1	1	...	1	...	2 4 0											
Illegal Distraint	2	48 0 0	...	...	2	...	2	2	...	1 8 0											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	6	133 15 0	1	...	5	...	5	4	1	4 0 0											
Wages, Work, and Labour	8	96 8 0	...	...	8	...	8	5	3	4 17 0											
Libel, Slander, and Defamation	4	510 0 0	2	...	2	...	2	1	1	2 10 0											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	East Maitland ...	1878. 12 Mar. ...	3	...			
Sales of Live Stock	1	10 0 0	...	...	1	...	1	...	1	0 11 6						18 June ...	2	7			
Money lent	6	62 7 6	2	...	4	...	4	3	1	2 6 0						10 Sept. ...	3	...			
Partnership	...	.....	...	...	...	...	...	...	...	.....						10 Dec. ...	3	5			
Interpleader	1	.....	1	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	11	249 16 2	5	...	6	...	6	4	2	10 15 0											
Totals	192	2,918 3 11	42	...	150	1	149	126	24	59 5 0											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

C. DELOHERY,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at SINGLETON, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	20	227 16 1	8	...	11	...	11	9	2	25 1 8	...	.....	.....	1							
Promissory Notes	6	89 15 10	3	...	3	...	3	3	...	5 12 6	...	.....	.....	...							
Rent	2	104 8 4	...	...	2	...	2	...	2	1 10 0	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	2	50 0 0	1	...	1	...	1	1	...	10 8 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	20 0 0	...	...	2	...	2	1	1	0 15 6	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	1	17 5 9	...	...	1	...	1	1	...	4 11 0	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		19 March..	...	6			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Singleton...						
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		17 Sept. ...	1	6			
Money lent	2	3 1 9	1	...	1	...	1	1	...	0 7 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	33 13 0	1	...	2	...	2	1	1	8 7 0	...	.....	.....	...							
Totals	38	546 0 9	14	...	23	...	23	17	6	56 12 8	...	.....	.....	1			1	12			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

WM. DUDDING,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at SCONE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	7	77 17 6	2	...	5	...	5	5	...	3 17 10											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	2	400 0 0	...	...	2	...	2	2	...	2 0 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	2	48 1 0	2	...	...	...	...	...	...	2 8 6						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....					Scone ...	5 April ...	1	2			
Commission on Agency	1	28 17 6	...	...	1	...	1	1	...	3 1 0	...	.....	.....	...	Do. ...	19 Sept. ...	1	¼			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....					Do. ...	20 Nov. ...	1	3			
Money lent	1	2 0 0	1	...	...	...	...	...	...	0 4 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	41 17 8	...	...	2	...	2	2	...	1 8 0											
Totals	15	598 13 8	5	...	10	...	10	10	...	12 19 4							3	5¼			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. T. WILSHIRE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at KIAMA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	29	317 16 8½	17	...	12	...	12	10	2	22 18 8											
Promissory Notes	8	277 18 8	7	...	1	...	1	...	1	13 0 6											
Rent	2	31 10 0	2	...	...	...	...	...	...	3 5 4											
Board and Lodging	1	11 6 6	1	...	...	...	...	...	...	1 12 2											
Trespass on Land	1	20 0 0	...	...	1	...	1	1	...	1 14 8											
Trespass on Person	1	100 0 0	1	...	...	...	...	...	...	2 12 10											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	2	104 10 0	...	...	2	1	1	1	1	13 14 2											
Wages, Work, and Labour	3	32 4 0	2	...	1	...	1	1	...	3 0 2											
Libel, Slander, and Defamation	1	100 0 0	...	...	1	...	1	1	...	2 12 10						1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Kiama ...	26 Feb. ...	...	8			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						2 Aug....	...	2			
Money lent	2	56 10 0	2	...	...	...	...	...	...	3 14 0						25 Nov....	...	4			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	1	.....	...	...	1	...	1	1	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	6	276 12 6	2	...	4	...	4	4	...	30 1 6											
Totals	57	1,328 8 4½	34	...	23	1	22	19	4	98 6 10							...	14			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

HENRY CONNELL, JR.,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MILTON, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	27	159 1 10	14	...	13	...	13	12	1	11 0 10											
Promissory Notes	4	57 13 1	2	...	2	...	2	2	...	2 2 0											
Rent	2	57 0 0	...	...	2	...	2	2	...	2 12 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	5 0 0	...	...	1	...	1	1	...	0 7 6											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	14 9 0	...	...	1	...	1	1	...	0 17 0											
Wages, Work, and Labour	3	87 5 0	1	...	2	...	2	2	...	1 17 0											
Slander	1	15 0 0	1	...	...	...	...	...	...	0 10 6											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Milton ...	1878. 5 Mar.	...	1			
Sales of Live Stock	3	34 12 8½	2	...	1	...	1	1	...	1 18 0						10 Aug.	...	2½			
Money lent	3	27 15 0	1	...	2	...	2	2	...	2 18 2						29 Nov.	...	1			
Partnership	...	.....	...	...	...	...	...	...	...	.....						1879. 22 Feb.	...	2			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above (Dishonored cheque)	1	4 6 6	...	...	1	...	...	1	...	0 4 6											
Totals	46	462 3 1½	21	...	25	...	25	24	1	24 8 0							...	6½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

S. M. BURROWS,
Registrar, District Court.

A RETURN of the number and Particulars of Suits commenced in the District Court holden at BOMBALA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	19	546 0 5½	5	...	14	...	14	13	1	26 18 6											
Promissory Notes	9	175 9 0	1	...	8	...	8	8	...	8 8 6											
Rent	1	23 0 0	1	...	...	...	...	...	...	0 12 0											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	2	100 0 0	...	...	2	...	2	2	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	50 0 0	...	...	1	...	1	...	1	2 12 6											
Breach of Contract	6	570 0 0	...	...	6	1	5	2	4	9 2 6						1878.					
Wages, Work, and Labour	12	261 1 10	5	...	7	...	7	6	1	16 15 0						23 April...	2				
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						24 „ ...					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...	Bombala	17 Sept....	2				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						18 „ ...					
Money lent	5	268 3 3	...	...	5	...	5	3	2	4 15 0						19 Dec. ...	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	230 0 0	...	...	2	...	2	1	1	2 0 0											
Totals	57	2,223 14 6½	12	...	45	1	44	35	10	74 18 0							5				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JAMES GILES,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GOULBURN, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	21	303 15 7½	11	...	10	...	10	10	...	9 13 6	...	.....	.....	1	Goulburn.	1878. 24 June	1				
Promissory Notes	4	53 6 11	...	...	4	1	3	4	...	1 16 0	...	.....	.....	...		,,	1				
Rent	3	162 6 8	...	...	3	...	3	3	...	2 6 0	...	.....	.....	...		1879. 14 Jan.	1				
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		,,	1				
Trespass on Land	24	1,457 10 0	10	...	14	5	9	13	1	16 9 6	...	.....	.....	...		,,	1				
Trespass on Person	2	200 0 0	2	...	...	...	...	...	...	2 0 0	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	5	429 0 0	3	...	2	2	...	1	1	5 0 0	...	.....	.....	1							
Wages, Work, and Labour	25	234 12 0	18	...	7	...	7	7	...	8 4 0	...	.....	.....	1							
Libel, Slander, and Defamation	3	500 0 0	2	...	1	1	...	1	...	3 0 0	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money Lent	1	32 0 0	...	...	1	...	1	1	...	1 0 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	10	297 2 0	5	...	5	...	5	5	...	5 19 6	...	.....	.....	1							
Totals	98	3,669 13 2½	51	...	47	9	38	45	2	55 8 6	...	.....	.....	4			5				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. R. L. ROSSI,
Registrar, District Court.

A RETURN of the number and Particulars of Suits commenced in the District Court holden at QUEANBEYAN, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	10	253 0 9	5	1	4	...	4	3	1	43 14 2	...	.....	.....	...							
Promissory Notes	10	354 4 0	2	...	8	...	8	7	1	29 5 10	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	4	420 0 0	1	...	3	...	3	2	1	25 0 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	1	71 0 0	...	...	...	...	...	...	...	.....	...	.....	.....	1		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Queanbeyan	28 March	4				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		31 Aug.	3				
Sales of Live Stock	1	17 10 0	1	...	...	...	...	...	...	3 0 0	...	.....	.....	...		11 Dec.	1				
Money lent	1	6 6 7	...	...	1	...	1	1	...	0 15 6	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	60 8 6	1	...	2	...	2	1	1	9 0 0	...	.....	.....	...							
Totals	30	1,182 9 10	10	1	18	...	18	14	4	110 15 6							8				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

O. WILLANS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commencedin the District Court holden at BRAIDWOOD, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	27	482 2 8	8	...	18	...	18	18	...	4 2 8	...	.....	.....	1							
Promissory Notes	11	268 14 8	4	...	7	...	7	7	...	2 16 6	...	.....	.....	...							
Rent	1	16 1 6	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	1	5 9 3	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	6	150 0 0	3	...	3	...	3	3	...	18 2 6	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	25 5 0	1	...	1	...	1	1	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Libel, Slander, and Defamation.	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Braidwood	23 March.	...	4			
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		26 Aug....	...	2			
Partnership	1	15 12 2	...	...	1	...	1	1	...	.....	...	.....	.....	...		7 Dec. ...	...	1			
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	28 1 3	...	...	3	...	3	3	...	.....	...	.....	.....	...							
Totals	52	991 6 6	18	...	33	...	33	33	...	25 1 8	...	.....	.....	1			...	7			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. F. ROBERTSON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at EDEN, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	5	26 6 10	2	...	2	...	2	1	1	1 4 6	...	.....	.....	1							
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Rent	1	10 15 6	...	...	1	...	1	1	...	1 2 0	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	2	175 0 0	...	...	2	1	1	2	...	49 13 10	2	2	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	15 0 0	...	...	...	...	...	...	...	0 10 0	...	.....	.....	1							
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Eden ...	17 April...	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		5 Nov....	...	2			
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	1	16 13 6	1	...	...	...	...	...	...	0 10 0	...	.....	.....	...							
Totals	10	243 15 10	3	...	5	1	4	4	1	53 0 4	2	2	.....	2							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

RICHD. B. HAYS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at NOWRA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	10	156 10 7	2	...	7	...	7	7	...	17 19 6	...	.....	.....	1	Nowra ...	1878. 6 Aug....	1	6½	1		
Promissory Notes	15	509 1 6	8	...	7	...	7	7	...	19 5 0	...	.....	.....	...		27 Nov....	1	7½	...		
Rent	1	140 0 0	1	...	...	...	...	...	...	19 3 0	...	.....	.....	...		1879. 18 Feb. ...	1	8	...		
Board and Lodging	1	11 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trespass on Land	4	390 0 0	...	...	4	1	3	2	2	.....	...	.....	.....	...					...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trover	2	55 0 6	1	...	1	...	1	1	...	.....	...	.....	.....	...					...		
Breach of Contract	2	220 16 0	1	...	1	...	1	1	...	.....	...	.....	.....	...					...		
Wages, Work, and Labour	4	68 18 1	...	...	4	...	4	2	2	.....	...	.....	.....	...					...		
Libel, Slander, and Defamation.	2	400 0 0	...	...	2	1	1	2	...	.....	...	.....	.....	...					...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Causes of Action not specified above	3	73 11 1	...	...	3	...	3	2	1	.....	...	.....	.....	...					...		
Totals	44	2,024 17 9	14	...	29	2	27	24	5	56 7 6	...	.....	.....	1			3	22	1		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. LOVEGROVE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at Bega, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of-		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	51	763 19 2	23	...	25	...	25	24	1	76 10 8	...	.....	.....	3							
Promissory Notes	15	261 0 3	7	...	7	...	7	7	...	21 16 0	...	.....	.....	1							
Rent	1	13 14 0	1	...	...	...	...	...	...	1 1 0	...	.....	.....	...							
Board and Lodging	1	13 11 6	...	1	...	...	...	...	...	1 9 8	...	.....	.....	...							
Trespass on Land	1	10 10 0	...	1	...	...	...	...	...	2 7 2	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	32 0 0	1	...	...	...	...	...	...	3 0 10	...	.....	.....	...							
Wages, Work, and Labour	11	274 17 1	3	...	6	...	6	3	3	12 18 4	...	.....	.....	2		1878.					
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	1	...	2 18 10	...	.....	.....	...	Bega	13 April					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		2 Nov.					
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	5	82 9 4	3	1	1	...	1	1	...	4 14 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	178 18 4	1	...	2	1	1	1	1	5 14 2	...	.....	.....	...							
Totals	90	1,830 19 8	39	3	42	2	40	37	5	132 10 8	...	.....	.....	6							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JOHN DAVIS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BERRIMA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	36	350 4 1	11	...	15	...	15	14	1	32 19 2	1	1	.....	10							
Promissory Notes	1	40 0 0	1	...	...	...	...	...	...	1 12 0	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	2	75 0 0	1	...	1	...	1	...	1	2 8 6	...	.....	.....	...							
Wages, Work, and Labour	9	601 9 9	4	...	5	...	5	4	1	7 4 2	...	.....	.....	...							
Libel, Slander, and Defamation	2	300 0 0	1	...	1	...	1	1	...	1 9 0	...	.....	.....	...	Berrima...	1878. 4 May ...	...	3			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		28 Dec. ...	1	...			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	1	25 0 0	...	...	1	...	1	1	...	0 19 0	...	.....	.....	...							
Totals	51	1,391 13 10	18	...	23	...	23	20	3	46 11 10	1	1	.....	10							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. R. WILSHIRE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at YASS, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	67	1,007 12 5	33	...	31	...	31	30	1	29 16 0	...	.....	.....	3							
Promissory Notes	21	843 14 1	9	...	10	...	10	10	...	19 5 6	...	.....	.....	2							
Rent	3	62 17 6	1	...	2	...	2	1	1	1 16 0	...	.....	.....	...							
Board and Lodging	1	40 8 8	...	...	...	...	...	...	...	1 16 0	...	.....	.....	1							
Trespass on Land	15	1,826 15 6	4	...	11	2	9	10	1	21 0 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	25 0 0	...	...	1	...	1	...	1	0 10 0	...	.....	.....	...							
Wages, Work, and Labour	12	360 14 10	1	...	10	...	10	9	1	7 8 0	...	.....	.....	1		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		28 Jan.	...	7			
Commission on Agency	2	27 16 0	...	...	2	...	2	...	2	1 0 0	...	.....	.....	...		29 „	...	8½			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Yass	1 July	...	7			
Money Lent	5	123 8 11	...	...	5	...	5	4	1	2 9 6	...	.....	.....	...		2 „	...	8½			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	8	124 11 11	1	...	7	...	7	6	1	4 0 0	...	.....	.....	...							
Totals	135	4,442 19 10	49	...	79	2	77	70	9	89 1 0	...	.....	.....	7			...	31			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

28 Feb., 1879.

LEOPOLD YATES,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at Cooma, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	99	1,237 19 2	41	...	54	3	51	52	2	35 11 0	1	1	.....	4					2		
Promissory Notes	12	260 17 11	3	...	8	...	8	8	...	7 2 0	...	.....	.....	1					...		
Rent	3	96 18 6	3	...	...	...	...	...	...	2 0 0	...	.....	.....	...					...		
Board and Lodging	1	6 11 0	...	...	1	...	1	1	...	0 7 0	...	.....	.....	...					...		
Trespass on Land	22	2,340 0 0	14	...	6	6	...	6	...	44 8 0	...	.....	.....	2					...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Illegal Distraint	1	25 0 0	...	...	1	...	1	1	...	0 14 0	...	.....	.....	...					...		
Trover	3	71 5 0	1	...	2	...	2	2	...	2 0 0	...	.....	.....	...					...		
Breach of Contract	8	520 0 0	3	...	5	3	2	4	1	12 13 0	...	.....	.....	...					...		
Wages, Work, and Labour	8	199 16 9	1	...	7	2	5	7	...	8 13 0	...	.....	.....	...					...		
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.			...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		April	...	20	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Cooma ...	September	...	19	...		
Money lent	2	32 10 0	1	...	1	...	1	1	...	1 1 0	...	.....	.....	...		December	...	17½	...		
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Causes of Action not specified above	6	349 0 0	1	...	5	...	5	4	1	4 4 0	...	.....	.....	...					...		
Totals	165	5,139 18 4	68	...	90	14	76	86	4	118 13 0	1	1	.....	7			...	56½	2		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEORGE H. SMITHERS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MORUYA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	11	190 10 6½	1	...	10	...	10	8	2	26 0 4	...	.....	.....	...					...		
Promissory Notes	2	95 8 9	...	...	1	...	1	1	...	5 5 6	...	.....	.....	1					...		
Rent	1	22 10 0	...	...	1	1	...	1	...	8 19 10	...	.....	.....	...					...		
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trespass on Land	1	35 0 0	...	...	1	1	...	1	...	6 3 6	...	.....	.....	...					...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Breach of Contract	1	200 0 0	...	...	1	...	1	...	1	2 2 0	...	.....	.....	...					...		
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Libel, Slander, and Defamation	2	400 0 0	...	...	2	2	...	1	1	22 11 0	...	.....	.....	...	Moruya	1878. 20 May	...	6½	1		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		29 Oct.	...	2	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879.			...		
Money lent	1	45 0 0	...	...	1	...	1	1	...	9 14 6	...	.....	.....	...		28 Feb.	...	3	...		
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...					...		
Causes of Action not specified above	7	99 9 6	2	1	3	...	3	2	1	7 18 6	...	.....	.....	1					...		
Totals	26	1,087 18 9½	3	1	20	4	16	15	5	88 15 2	...	.....	.....	2					1		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

WILLIAM CLARKE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WOLLONGONG, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	20	282 0 4	15	...	5	...	5	4	1	18 5 4											
Promissory Notes	2	25 15 2	...	...	2	...	2	2	...	1 4 6											
Rent	2	245 0 0	2	...	...	...	...	...	...	5 7 4											
Board and Lodging	1	50 10 3	...	...	1	...	1	1	...	1 8 0											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	11 0 0	1	...	...	...	...	...	...	6 5 0											
Breach of Contract	2	60 0 0	2	...	...	...	...	...	...	9 6 2											
Wages, Work, and Labour	8	335 12 3	2	...	6	...	6	1	5	34 10 10						1878.					
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 3 10					Wollongong ...	31 July ...	1	1			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	.....	.....	...			21 Nov. ...	1	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	1	168 0 0	...	...	1	...	1	...	1	12 18 10						1879.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						10 Feb. ...	1	2			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	75 16 0	...	...	2	...	2	1	1	1 2 0											
Totals	40	1,453 14 0	23	...	17	...	17	9	8	92 11 10							3	7			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

ALEX. A. TURNER,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BURROWA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	20	272 7 7	5	...	11	...	11	11	...	24 2 6	...	.....	.....	4							
Promissory Notes	7	203 16 7	1	...	6	...	6	6	...	11 5 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	1	2 4 6	...	...	1	...	1	1	...	0 8 6	...	.....	.....	...							
Trespass on Land	1	200 0 0	...	...	1	...	1	1	...	1 6 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	30 0 0	...	...	1	...	1	1	...	0 17 0	...	.....	.....	...							
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		17 June	1				
Commission on Agency	2	291 13 8	Venue	changed to	Young	...	...	...	...	2 2 0	...	.....	.....	2	Burrowa	4 Nov.	1				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879.					
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		3 Jan.	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	4	92 15 0	1	...	3	...	3	2	1	5 3 0	...	.....	.....	...							
Totals	36	1,092 17 4	7	...	23	...	23	22	1	45 4 6	...	.....	.....	6							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. J. E. WOTTON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GUNDAGAI, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	29	696 12 0	13	...	16	...	16	16	...	26 12 8											
Promissory Notes	3	171 5 0	1	...	2	...	2	2	...	5 13 6											
Rent	1	49 18 1	...	...	1	...	1	1	...	2 18 0											
Board and Lodging	1	80 0 0	...	...	1	...	1	...	1	1 12 0											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	5	122 1 10	4	...	1	...	1	1	...	6 3 0											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Gundagai	24 June ...	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						19 Nov. ...	...	6			
Money lent	2	50 2 5	1	...	1	...	1	1	...	2 0 6						1879.					
Partnership	1	200 0 0	...	...	1	...	1	1	...	2 5 0						21 Jan. ...	...	2			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	3	55 1 2	2	...	1	...	1	1	...	2 16 6											
Totals	45	1,425 0 6	21	...	24	...	24	23	1	50 1 2							...	12			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

CHAS. W. WEEKES,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WAGGA WAGGA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	119	1,297 11 8½	73	...	46	...	46	46	...	185 12 0	...	.....	.....	...							
Promissory Notes	20	263 9 1	10	...	10	...	10	10	...	37 3 7	...	.....	.....	...							
Rent	1	9 6 1	1	...	...	...	...	...	...	0 6 6	...	.....	.....	...							
Board and Lodging	2	35 13 4	1	...	1	...	1	1	...	6 15 0	...	.....	.....	...							
Trespass on Land	3	410 0 0	1	...	1	...	1	1	...	11 8 3	...	.....	.....	1							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	3	223 7 4	2	...	1	...	1	1	...	8 5 10	...	.....	.....	...							
Wages, Work, and Labour	17	459 2 0	7	...	9	...	9	9	...	54 2 1	...	.....	.....	1		1878.					
Libel, Slander, and Defamation	2	400 0 0	2	...	...	...	...	...	...	4 17 8	...	.....	.....	...	Wagga Wagga	23 July ...	1	8			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879.					
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		29 Jan. ...	1	4			
Money Lent	6	235 15 8	2	...	3	...	3	3	...	15 7 3	...	.....	.....	1							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	41	1,100 5 4	24	...	15	...	15	10	5	137 6 3	...	.....	.....	2							
Totals	214	4,434 10 6½	123	...	86	...	86	81	5	461 4 5	...	.....	.....	5			3	0			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

EDWIN H. TOMPSON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at Corowa, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	30	462 17 8	16	...	14	...	14	12	2	21 0 0											
Promissory Notes	11	290 10 4	...	...	11	...	11	11	...	9 10 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	2	320 2 0	...	...	2	1	1	1	1	2 0 0											
Wages, Work, and Labour	5	83 8 4	2	...	3	...	3	3	...	2 10 0						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						10 Aug....	1				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Corowa ...						
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1879.					
Money lent	...	.....	...	...	...	...	...	...	...	.....						11 Feb. ...	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	1	173 8 3	...	...	1	...	1	1	...	1 0 0											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	11 17 6	1	...	...	...	...	...	...	0 10 0											
Totals	50	1,342 4 1	19	...	31	1	30	28	3	36 10 0							2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

REG. HARE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at HAY, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	50	1,695 0 9	20	...	30	1	29	29	1	220 6 0	...	.....	.....	...							
Promissory Notes	14	331 6 6	8	...	6	...	6	6	...	47 1 4	...	.....	.....	...							
Rent	1	14 3 6	...	...	1	...	1	1	...	0 10 6	...	.....	.....	...							
Board and Lodging	4	86 13 1	4	...	...	...	...	...	...	2 6 0	...	.....	.....	...							
Trespass on Land	1	200 0 0	1	...	...	...	...	...	...	1 0 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	150 0 0	...	...	1	...	1	1	...	6 10 6	...	.....	.....	...							
Breach of Contract	1	200 0 0	...	...	1	...	1	1	...	41 16 2	...	.....	.....	...							
Wages, Work, and Labour	9	288 8 7	2	...	7	...	7	7	...	77 13 2	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	1	1 8 0	...	...	1	...	1	...	1	0 6 6	...	.....	.....	...	Hay ...	1878. 12 Mar. ...	3	2			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		27 Aug....	3	6			
Money lent	8	239 3 10	5	...	2	...	2	2	...	13 5 8	...	.....	.....	1							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	11	1,312 17 1	3	...	8	4	4	4	4	168 14 8	...	.....	.....	...							
Totals	101	4,519 1 4	43	...	57	5	52	51	6	579 10 6	...	.....	.....	1			6	8			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

LESLIE W. MACARTHUR,
Registrar, District Court.

24 Mar., 1879.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WENTWORTH, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	7	272 1 1	1	...	4	...	4	4	...	53 7 10	...	.....	.....	2							
Promissory Notes	6	186 1 0	2	...	2	...	2	2	...	41 15 4	...	.....	.....	2							
Rent	1	45 11 5	...	...	1	...	1	1	...	15 5 0	...	.....	.....	...							
Board and Lodging	1	43 1 8	...	...	1	...	1	1	...	8 9 4	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	1	100 0 0	...	...	1	...	1	1	...	4 2 10	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	1	200 0 0	...	...	1	1	...	...	...	20 13 2	...	.....	.....	...							
Wages, Work, and Labour	1	80 1 6	1	...	...	...	...	...	...	4 0 0	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Wentworth	27 Mar.	...	3			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		11 Sept.	...	4			
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of action not specified above	3	152 11 0	2	...	1	...	1	...	1	41 19 0	...	.....	.....	...							
Totals	21	1,079 7 8	6	...	11	1	10	9	1	189 12 6	...	.....	.....	4			...	7			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. L. RICHARDSON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at YOUNG, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	32	547 16 2½	17	...	15	...	15	15	...	35 16 6											
Promissory Notes	10	319 0 1½	6	...	4	...	4	4	...	19 19 0											
Rent	3	125 3 9	1	...	2	...	2	1	1	10 9 2											
Board and Lodging	1	36 0 6	...	...	1	...	1	1	...	1 1 0											
Trespass on Land	6	410 0 0	3	...	3	...	3	2	1	27 8 2											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....						1878.					
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....						4 June...	1	4			
Trover	...	.....	...	...	...	...	...	...	...	.....						5 „ ...	1	7½			
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....						6 „ ...	1	7½			
Wages, Work, and Labour	12	493 10 1	6	...	6	1	5	6	...	25 0 4						7 „ ...	1	6½			
Libel, Slander, and Defamation	2	400 0 0	...	...	2	2	...	1	1	2 7 0						7 Nov. ...	1	3			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						8 „ ...	1	1			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Young ...	14 „ ...	1	11			
Money Lent	4	77 13 7	...	...	4	...	4	4	...	6 6 8						15 „ ...	1	5			
Partnership	...	.....	...	...	...	...	...	...	...	.....						1879.					
Interpleader	...	.....	...	...	...	...	...	...	...	.....						7 Jan. ...	1	1			
Intestacy	...	.....	...	...	...	...	...	...	...	.....						8 „ ...	1	8			
Legacy	...	.....	...	...	...	...	...	...	...	.....						9 „ ...	1	2			
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	47 5 0	2	...	...	...	...	...	...	1 1 0											
Totals	72	2,456 9 3	35	...	37	3	34	34	3	129 8 10							11	56½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. R. EDWARDS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at TUMUT, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	10	365 19 6	3	...	7	...	7	6	1	35 6 3											
Promissory Notes	7	213 8 10	4	...	3	...	3	3	...	14 10 6											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	200 0 0	...	...	1	...	1	...	1	8 14 9											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	..	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	2	146 14 3	1	...	1	...	1	1	...	9 16 2						1878.					
Wages, Work, and Labour	6	160 6 11	4	...	2	...	2	2	...	9 1 0					Tumut...	27 June...	...	5			
Libel, Slander, and Defamation	1	200 0 0	1	...	...	...	...	...	...	2 12 10	...	.....	.....	...		22 Nov.....	...	8			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....						1879.					
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						25 Jan.....	...	3			
Money lent	2	33 16 8	1	...	1	...	1	1	...	9 11 8											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	60 0 0	...	...	1	...	1	1	...	18 9 4											
Totals	30	1,380 6 2	14	...	16	...	16	14	2	108 2 6											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. W. VYNER,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ALBURY, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	53	921 17 7½	22	1	30	2	28	29	1	181 17 0											
Promissory Notes	44	704 13 4	23	...	21	...	21	21	...	121 0 10											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	4	167 17 6	3	...	1	...	1	1	...	5 12 0											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	1	100 0 0	...	...	1	...	1	1	...	26 9 2											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	2	225 0 0	1	...	1	...	1	1	...	17 12 0						1878.					
Wages, Work, and Labour	8	133 2 0	5	...	3	...	3	3	...	21 15 0						5 Aug.	...	6			
Libel, Slander, and Defamation	4	290 0 0	2	...	2	...	2	...	2	24 12 4						6 Aug.	...	6½			
Commission on Agency	2	38 0 0	1	...	1	...	1	1	...	5 10 2	...	.....	.....	...	Albury ...	7 Aug.	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1879.					
Money lent	2	18 10 0	1	...	1	...	1	1	...	0 14 0						5 Feb.	...	5½			
Partnership	...	.....	...	...	...	...	...	...	...	.....						6 Feb.	...	6			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	4	52 6 0	2	...	2	...	2	2	...	20 8 4											
Totals	124	2,651 6 5½	60	1	63	2	61	60	3	425 10 10							...	28			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEO. W. BARKER,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at DENILIQUIN, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	46	1,000 14 4	26	...	20	...	20	20	...	26 12 6	...										
Promissory Notes	20	507 17 10	3	...	17	...	17	17	...	64 11 0	...										
Rent	1	78 15 0	1	...	...	...	...	...	...	.....	...										
Board and Lodging	1	16 5 6	...	...	1	...	1	1	...	.....	...										
Trespass on Land	4	650 0 0	1	...	3	...	3	2	1	77 14 7	1										
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...										
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...										
Trover	1	20 0 0	...	...	1	...	1	...	1	.....	...										
Breach of Contract	1	128 0 10	1	...	...	...	...	...	...	.....	...										
Wages, Work, and Labour	16	647 17 4	5	...	11	...	11	8	3	155 2 8	...										
Libel, Slander, and Defamation	1	100 0 0	1	...	...	...	...	...	...	.....	...					1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Deniliquin	March 5...	1	10			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...					Aug. 19...	1	10			
Money lent	4	105 7 0	2	...	2	...	2	2	...	27 17 0	...										
Partnership	...	.....	...	...	...	...	...	...	...	.....	...										
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...										
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...										
Legacy	...	.....	...	...	...	...	...	...	...	.....	...										
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...										
Replevin	...	.....	...	...	...	...	...	...	...	.....	...										
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...										
Causes of Action not specified above	14	550 4 5	7	...	7	...	7	7	...	62 14 0	...										
Totals	109	3,805 2 3	47	...	62	...	62	57	5	414 11 9	1						2	20			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

29 March, 1879.

BLAKENEY BROUGHTON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRENFELL, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	13	151 12 6	5	...	8	...	8	8	...	7 14 6											
Promissory Notes	9	668 16 9	4	...	5	...	5	5	...	8 7 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	50 0 0	1	...	...	...	...	...	...	1 6 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	60 0 0	...	...	1	...	1	1	...	1 1 0											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	8	477 7 10	5	...	3	...	3	2	1	5 18 0											
Libel, Slander, and Defamation.	...	.....	...	...	...	...	...	...	...	.....						1878.					
Commission on Agency	1	16 0 0	...	...	1	...	1	...	1	0 10 0	...	.....	.....	...	Grenfell...	11 June...	...	2			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						12 Nov. ...	...	3½			
Money lent	1	43 16 8	1	...	...	...	...	...	...	1 0 0						1879.					
Partnership	...	.....	...	...	...	...	...	...	...	.....						14 Jan. ...	...	1			
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	160 0 0	...	...	1	...	1	...	1	2 9 0											
Totals	35	1,627 13 9	16	...	19	...	19	16	3	28 5 6							...	6½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

G. G. BRODIE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BALRANALD, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	11	362 16 7	5	...	6	...	6	6	...	9 0 0											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	1	35 0 0	...	...	1	...	1	...	1	1 0 0											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	1	200 0 0	...	...	1	...	1	1	...	1 10 0											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Balranald	1878. 20 Mar....	1	5			
Money lent	3	504 0 0	2	...	1	...	1	1	...	3 0 0						4 Sep. ...	1	4			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	16	1,101 11 7	7	...	9	...	9	8	1	14 10 0							2	9			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—.

R. MITCHELL,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MOAMA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.							Non-suit	£ s. d.											
Goods sold	4	326 17 6	...	...	3	...	3	2	1	3 11 0	...	.....	.....	1							
Promissory Notes	2	22 6 0	...	...	1	...	1	1	...	1 0 0	...	.....	.....	1							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	2	80 10 3	...	...	2	...	2	2	...	1 13 0	...	.....	.....	...							
Libel, Slander, and Defamation.	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Moama	15 Feb.	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	8	429 13 9	...	...	6	...	6	5	1	6 4 0	...	.....	.....	2			...	4			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

L. S. DONALDSON,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at HARTLEY, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	3	138 6 2	4	...	3	...	3	3	...	4 6 0											
Promissory Notes	1	12 0 0	...	...	1	...	1	1	...	0 10 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	2	150 0 0	...	...	2	...	2	1	1	2 0 0											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	2	56 5 4	...	...	2	...	2	...	2	1 10 0											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	1	9 0 0	...	...	1	...	1	...	1	0 6 0	...	.....	.....	...	Hartley.....	9 May ...	...	3½			
Money lent	...	.....	...	...	...	...	...	...	...	.....						8 Oct. ...	...	2			
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	9	365 11 6	4	...	9	...	9	5	4	8 12 0							...	5½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

THOMAS H. NEALE,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at CARCOAR, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	17	342 18 7	7	...	8	...	8	7	1	39 6 4	...	.....	.....	2							
Promissory Notes	8	217 3 2	5	...	3	...	3	3	...	10 18 10	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	3	350 0 0	...	...	3	3	...	2	1	71 2 10	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	40 0 0	...	...	1	...	1	...	1	1 1 0	...	.....	.....	...							
Breach of Contract	2	224 6 8	...	...	1	...	1	...	1	2 12 0	...	.....	.....	1							
Wages, Work, and Labour	4	492 8 9½	...	...	...	...	...	...	...	.....	...	.....	.....	4							
Libel, Slander, and Defamation	1	30 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...	Court-house Carcoar.	1878. 2 March	1	...			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		4 „	...	3			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1 Aug.	1	...			
Money lent	2	33 1 0	1	...	1	...	1	...	1	1 17 0	...	.....	.....	...		16 Nov.	1	...			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	1	.....	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	5	72 11 3	2	...	3	1	2	2	1	23 15 5	...	.....	.....	...							
Totals	44	1,802 9 5½	17	...	20	4	16	14	6	150 13 5	...	.....	.....	7							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. B. WARNER,
Registrar, District Court.

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A RETURN of the Number and Particulars of Suits commenced in the District Court holden at FORBES, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	11	374 19 9	8	...	3	...	3	1	2	15 12 4	...	.....	.....	...	Forbes	1878. 26 Aug.	7				
Promissory Notes	6	207 9 0	5	...	1	...	1	1	...	4 3 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	1	52 10 6	...	...	1	...	1	1	...	1 4 0											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of action not specified above	4	571 11 0	2	...	2	...	2	2	...	3 12 0											
Totals	22	1,206 10 3	15	...	7	...	7	5	2	24 11 4							7				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

STEPHEN FREEMAN,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WELLINGTON, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	21	515 4 2	6	...	15	...	15	14	1	115 2 4									...		
Promissory Notes	6	167 4 4	1	...	5	...	5	4	1	29 3 2									...		
Rent	...	.....	...	...	...	...	...	...	...	.....									...		
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....									...		
Trespass on Land	3	600 0 0	...	...	3	1	2	3	...	16 11 4									...		
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....									...		
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....									...		
Trover	1	15 0 0	1	...	...	...	...	...	...	1 14 2									...		
Breach of Contract	4	115 0 0	...	...	4	...	4	2	2	24 17 8						1878.					
Wages, Work, and Labour	4	181 3 11	1	...	3	...	3	3	...	33 4 6						23 May ...	1	6	1		
Libel, Slander, and Defamation	1	100 0 0	1	...	...	...	...	...	...	1 3 0						13 Aug. ...	1	1	...		
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Wellington	27 Nov. ...	1	1½	...		
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1879.					
Money lent	...	.....	...	...	...	...	...	..	...	.....						20 Feb. ...			...		
Partnership	...	.....	...	...	...	...	...	...	...	.....						21 „ ...	3	12½	...		
Interpleader	...	.....	...	...	...	...	...	...	...	.....						22 „ ...			...		
Intestacy	...	.....	...	...	...	...	...	...	...	.....									...		
Legacy	...	.....	...	...	...	...	...	...	...	.....									...		
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....									...		
Replevin	...	.....	...	...	...	...	...	...	...	.....									...		
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....									...		
Causes of Action not specified above	3	135 11 5	1	...	2	...	2	2	...	38 1 6									...		
Totals	43	1,829 3 10	11	...	32	1	31	28	4	259 17 8							6	21	1		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

FREDK. MARSH,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MUDGEE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	72	1,219 7 11	34	...	38	...	38	37	1	34 7 0	...	.....	.....	...							
Promissory Notes	12	328 18 9	6	...	6	...	6	6	...	6 17 0	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	10	760 0 0	5	...	4	3	1	2	2	11 13 0	...	.....	.....	1							
Trespass on Person	1	20 0 0	1	...	...	...	...	...	...	0 10 0	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Wages, Work, and Labour	3	33 11 0	3	...	...	...	...	...	...	1 3 0	...	.....	.....	...		18 July	2	12¾			
Libel, Slander, and Defamation	2	400 0 0	1	...	1	1	...	1	...	4 1 0	...	.....	.....	...	Mudgee	1 Nov.	1	3			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879.					
Money lent	7	206 2 8	7	...	...	...	...	...	...	3 9 6	...	.....	.....	...		31 Jan.	1	4			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	7	213 7 9	6	...	1	...	1	1	...	6 12 0	...	.....	.....	...							
Totals	114	3,181 8 1	63	...	50	4	46	47	3	68 12 6	...	.....	.....	1							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

FRANCIS S. ISAACS,
Registrar, District Court.

A RETURN of the number and Particulars of Suits commenced in the District Court holden at BATHURST, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	61	918 5 10	24	...	33	...	33	31	2	111 17 6	...	.....	.....	4							
Promissory Notes	30	752 2 9	12	...	18	...	18	18	...	54 14 10	...	.....	.....	...							
Rent	2	102 5 0	...	...	2	...	2	2	...	16 12 0	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	7	950 0 0	4	...	3	1	2	3	...	69 4 10	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	5 10 0	...	...	1	...	1	1	...	2 1 6	...	.....	.....	...							
Breach of Contract	5	265 0 0	1	...	4	...	4	3	1	37 10 6	...	.....	.....	...		1878.					
Wages, Work, and Labour	13	91 12 7	4	...	8	...	8	7	1	21 13 10	...	.....	.....	1		8 March	...	7			
Libel, Slander, and Defamation	3	500 0 0	...	...	3	2	1	2	1	15 18 4	...	.....	.....	...		9 "	...	1¼			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		7 June	...	8¼			
Sales of Live Stock	1	5 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...	Bathurst	8 "	...	9¼			
Money lent	5	88 4 0	2	...	3	...	3	3	...	10 13 8	...	.....	.....	...		7 Sept.	...	13			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		9 "	...	1½			
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		8 Nov.	...	5			
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Mining Appeal	1	.....	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	13	418 13 0	5	...	8	2	6	3	5	134 18 0	1	.....	1	...							
Totals	142	4,096 13 2	54	...	83	5	78	73	10	475 5 0	1	.....	1	5			...	45¼			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

THOMAS C. K. M'KELL,
Registrar, District Court. -

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ORANGE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	26	654 10 5	14	1	10	1	9	9	1	.....	...	.....	.....	1	Orange...	1878. 1 June...	1	7			
Promissory Notes	18	675 6 0	12	...	5	...	5	5	...	.....	...	.....	.....	1		19 Aug....	1	2			
Rent	3	90 0 0	2	...	1	...	1	1	...	.....	...	.....	.....	...		2 Dec. ...	2	9			
Board and Lodging	1	13 15 0	...	...	1	...	1	...	1	.....	...	.....	.....	...		1879. 26 Feb. ...	1	2			
Trespass on Land	...	.....	...	...	...	...	...	...	...	11 18 0	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	5	245 3 0	3	...	2	...	2	1	1	.....	...	.....	.....	...							
Wages, Work, and Labour	13	467 9 3	6	...	7	1	6	7	...	11 18 6	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	1	15 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	1	2 9 0	...	...	1	...	1	...	1	16 19 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	14 2 6	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	1	22 17 0	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	69	2,186 9 8	39	1	27	2	25	23	4	54 18 0	...	.....	.....	2							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. T. EVANS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MOLONG, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	11	268 3 4	7	...	...	...	...	3	...	5 1 0	...	.....	.....	1	Molong..	1878. 30 May ... 20 Nov....	... ...	1 5¾			
Promissory Notes	2	31 17 0	2	...	...	...	...	...	...	1 0 0	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	1	25 0 0	1	...	...	...	...	...	...	0 11 0	...	.....	.....	...							
Breach of Contract	3	70 0 0	2	...	...	...	1	...	...	1 12 0	...	.....	.....	...							
Wages, Work, and Labour	3	102 7 10	1	...	...	1	1	...	...	1 15 6	...	.....	.....	...							
Libel, Slander, and Defamation.	1	200 0 0	1	...	...	...	...	...	...	1 5 0	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	1	15 0 0	1	...	...	...	...	...	...	0 14 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	145 0 0	1	...	...	...	...	2	...	1 10 6	...	.....	.....	...							
Totals	25	857 8 2	16	...	...	1	2	5	...	13 4 0	...	.....	.....	1			...	6¾			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. H. NISBETT,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at DUBBO, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	27	538 0 0	7	...	20	...	20	15	5	109 5 2	...	.....	.....	...							
Promissory Notes	16	363 15 1	7	...	9	...	9	7	2	79 7 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	5	360 0 0	1	...	4	3	1	3	1	57 10 0	1	.....	1	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	4	108 10 0	2	...	2	...	2	1	1	34 9 8	...	.....	.....	...							
Breach of Contract	10	1,195 11 0	2	...	8	3	5	6	2	111 17 0	...	.....	.....	...							
Wages, Work, and Labour	12	879 17 10	2	...	10	1	9	7	3	151 9 0	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	2	400 0 0	1	...	1	...	1	1	...	51 0 0	...	.....	.....	...		20 May ...	2	2			
Commission on Agency	1	71 5 0	...	...	1	1	...	1	...	20 0 0	...	.....	.....	...	Dubbo ...	7 August	2	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		22 Nov. ...	2	...			
Money Lent	3	298 12 6	...	...	3	...	3	3	...	46 0 8	...	.....	.....	...		1879.					
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		17 Feb. ...	2	4			
Interpleader	1	10 0 0	...	...	1	...	1	1	...	2 2 0	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	81	4,225 11 5	22	...	59	8	51	45	14	663 1 0	1	.....	1	...							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

LUKE M'GUINN,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at HILL END, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	13	210 19 4	5	...	8	...	...	9	...	8 12 0	...	.....	.....	...							
Promissory Notes	1	11 9 0	...	...	1	...	...	1	...	1 1 0	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Commission on Agency	1	13 13 0	...	...	1	...	...	...	1	.....	...	.....	.....	...	Hill End..	13 Mar....	...	3			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		11 Sept....	...	3			
Money lent	2	166 0 0	...	...	1	...	...	1	...	1 0 6	...	.....	.....	1		13 Nov....	...	3			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Malicious prosecution*	1	200 0 0	1	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	18	602 1 4	6	...	11	...	...	11	1	10 13 6	...	.....	.....	1							

* Summons not served in time, and no jurisdiction (struck out).

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

ALFRED B. BURNE,
Registrar, District Court.

A RETURN of the number and Particulars of Suits commenced in the District Court holden at WILCANNIA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	1	150 0 0	...	...	1	...	1	...	1	21 7 4	...	.....	.....	...							
Promissory Notes	3	165 0 0	2	...	1	...	1	1	...	12 5 8	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	1	66 14 6	1	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	1	125 0 0	...	...	...	...	...	...	...	.....	...	.....	.....	1	Wilcannia...	25 Nov....	1				
Sales of Live Stock	1	37 10 0	...	...	1	...	1	1	...	30 16 5	...	.....	.....	...							
Money lent	1	6 0 0	...	...	1	...	1	1	...	6 0 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	1	200 0 0	...	...	1	...	1	1	...	27 5 11	...	.....	.....	...							
Totals	9	750 4 6	3	...	5	...	5	4	1	97 15 4	...	.....	.....	1			1				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

R. R. MORISSET,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WALGETT, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
	1878.	£ s. d.								£ s. d.											
Goods sold	21/9	5 13 0	...	...	...	...	1	1	...	1 9 8											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	11/9	28 4 8	...	...	...	...	1	1	...	3 8 8											
Libel, Slander, and Defamation	21/9	200 0 0	...	...	...	1	...	1	...	2 13 10											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	...	233 17 8	...	...	...	1	2	3	...	7 12 2	...	.....	.....	...	Walgett...	1878. Nov. 4 ...	1				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. B. HALES,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at COONAMBLE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	5	73 14 0½	2	...	3	...	3	3	...	7 10 6											
Promissory Notes	2	53 3 0	...	...	2	...	2	2	...	8 16 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	1	15 0 0	...	...	1	...	1	1	...	0 12 6											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	5 10 0	...	...	1	...	1	1	...	0 12 0											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency as Auctioneer	1	25 0 0	...	...	1	...	1	1	...	5 1 6	...	.....	.....	...	Coonamble...	1878. 29 Oct. ...	...	about 6			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	1	20 0 0	...	...	1	...	1	1	...	5 3 6											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	11	192 7 0½	2	...	9	...	9	9	...	27 16 0											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

ROBERT R. BAILEY,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at PORT MACQUARIE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	2	57 1 11	1	...	1	...	1	1	...	1 10 0											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	2	100 1 0	...	...	2	...	2	1	1	1 10 0											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....						1878.					
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....					Port Mac-						
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....					quarie.	6 May....	...	5			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	do.	23 Dec. ...	...	9			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....					By adjmnt.	28 Dec. ...	...	2½			
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	4	560 0 0	...	...	4	2	2	1	3	4 19 0											
Totals	8	717 2 11	1	...	7	2	5	3	4	7 19 0							...	16½			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

ROBT. I. PERROTT,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GRAFTON, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	64	771 12 7	33	...	30	...	30	30	...	65 8 6	...	.....	.....	1	Grafton ...	1878. 29 June and following days.	4	23½			
Promissory Notes	39	887 13 0	15	...	21	...	21	21	...	60 0 0	...	.....	.....	3		1879. 20 Jan. and following days.	3	17¾			
Rent	3	43 3 9	2	...	1	...	1	1	...	0 5 6	...	.....	.....	...							
Board and Lodging	2	4 7 0	...	...	2	...	2	2	...	0 7 0	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	1	200 0 0	1	...	...	...	...	...	...	1 1 6	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	3	254 10 0	1	...	1	1	...	1	...	40 3 0	...	.....	.....	1							
Breach of Contract	2	60 0 0	...	...	2	1	1	1	1	28 6 0	...	.....	.....	...							
Wages, Work, and Labour	11	151 10 0	8	...	3	...	3	2	1	34 3 10	...	.....	.....	...							
Libel, Slander, and Defamation	5	750 0 0	1	...	4	1	3	2	2	68 9 10	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	1	3 10 0	1	...	...	...	...	...	...	0 5 0	...	.....	.....	...							
Money lent	8	103 16 6	4	...	2	...	2	2	...	1 17 2	...	.....	.....	2							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	3	29 10 6	3	...	...	...	...	...	...	1 4 0	...	.....	.....	...							
Totals	142	3,259 13 4	60	...	66	3	63	62	4	301 11 4	...	.....	.....	7			7	41¼			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. H. THOMAS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BOURKE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	13	364 8 1	6	...	6	...	6	5	1	116 1 6	...	.....	.....	1							
Promissory Notes	14	600 13 8	5	...	8	...	8	7	1	45 19 2	...	.....	.....	1							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	7	1,100 0 0	5	...	2	...	2	2	...	103 5 2	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	3	70 0 0	...	...	3	...	3	2	1	28 4 6	...	.....	.....	...							
Breach of Contract	3	500 0 0	1	...	1	...	1	1	...	55 17 4	...	.....	.....	1							
Wages, Work, and Labour	9	710 13 4	3	...	6	...	6	5	1	24 18 8	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		9 May ...	1	1			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		13 „ ...	...	4			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Bourke...	12 Nov. ...	1	2½			
Money lent	1	25 0 0	...	...	1	...	1	1	...	7 10 0	...	.....	.....	...		13 „ ...	1	½			
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	5	835 0 0	1	...	3	...	3	2	1	85 10 4	...	.....	.....	1							
Totals	55	4,205 15 1	21	...	30	...	30	25	5	467 6 8	...	.....	.....	4			4	2			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

L. F. LAYARD,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at COONABARABRAN, during the Twelve Months preceding the 1st of March, 1879, as required the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
		£ s. d.								£ s. d.											
Goods sold	...	...	...	...	...	...	...	...	...	...											
Promissory Notes	...	...	...	...	...	...	...	...	...	...											
Rent	...	...	...	...	...	...	...	...	...	...											
Board and Lodging	...	...	...	...	...	...	...	...	...	...											
Trespass on Land	...	...	...	...	...	...	...	...	...	...											
Trespass on Person	...	...	...	...	...	...	...	...	...	...											
Illegal Distraint	...	...	...	...	...	...	...	...	...	...											
Trover	...	...	...	...	...	...	...	...	...	...											
Breach of Contract	1	36 0 0	...	...	1	...	1	1	...	1 2 0											
Wages, Work, and Labour	...	...	...	...	...	...	...	...	...	...											
Libel, Slander, and Defamation	...	...	...	...	...	...	...	...	...	...											
Commission on Agency	...	...	...	...	...	...	...	...	...	...											
Sales of Live Stock	...	...	...	...	...	...	...	...	...	...											
Money lent	...	...	...	...	...	...	...	...	...	...											
Partnership	...	...	...	...	...	...	...	...	...	...											
Interpleader	...	...	...	...	...	...	...	...	...	...											
Intestacy	...	...	...	...	...	...	...	...	...	...											
Legacy	...	...	...	...	...	...	...	...	...	...											
Possession of Tenements	...	...	...	...	...	...	...	...	...	...											
Replevin	...	...	...	...	...	...	...	...	...	...											
Consent Jurisdiction	...	...	...	...	...	...	...	...	...	...											
Causes of Action not specified above	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Coonabarabran.	1878. 25 Oct.	1	1			
Totals	1	36 0 0	...	...	1	...	1	1	...	1 2 0							1	1			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. W. EDWARDS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WINGHAM, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	24	184 17 3	13	...	10	...	10	5	5	15 14 6	...	.....	.....	1							
Promissory Notes	9	139 0 5	2	...	7	...	7	7	...	12 12 6	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	5	42 9 3	1	...	4	...	4	3	1	5 15 0	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Wingham	May 13...	1	1			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		Dec. 30...	1	7			
Money lent	1	35 0 0	...	...	1	...	1	1	...	1 0 6	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	...	...							
Causes of Action not specified above	1	30 0 0	1	...	...	...	...	...	...	1 1 0	...	.....	.....	...							
Totals	40	431 6 11	17	...	22	...	22	16	6	36 3 6	...	.....	.....	1			2	8			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. A. CREAGH,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at WEST KEMPSEY, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	5	69 13 0	1	...	4	...	4	3	1	3 5 6	...	.....	.....	...							
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Rent	1	10 0 0	1	...	...	...	...	...	...	0 7 0	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	1	30 0 0	...	...	1	...	1	...	1	0 18 0	...	.....	.....	...							
Illegal Distraint	1	30 0 0	...	...	1	...	1	...	1	1 1 0	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	2	230 0 0	2	...	...	...	...	...	...	3 11 0	...	.....	.....	...							
Wages, Work, and Labour	1	18 10 0	...	...	...	...	...	...	...	0 11 0	...	.....	.....	1							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	West Kempsey.	2 May ...	...	5			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		28 Dec. ...	...	4			
Money Lent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	11	388 3 0	4	...	6	...	6	3	3	9 13 6	...	.....	.....	1			...	9			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. B. CASEY,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at CASINO, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	27	785 19 5	12	...	15	...	15	13	2	78 18 9											
Promissory Notes	5	116 13 5	2	...	3	...	3	3	...	13 4 4											
Rent	1	20 0 0	1	...	...	...	...	...	...	0 10 0											
Board and Lodging	1	9 9 6	...	...	1	...	1	1	...	1 2 0											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	4	240 0 0	...	...	4	...	4	2	2	39 8 2											
Breach of Contract	2	96 17 0	...	...	2	...	2	2	...	19 5 4											
Wages, Work, and Labour	1	9 0 0	...	...	1	...	1	...	1	1 16 0						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						13 July ...	1				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Casino ...						
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						1879.					
Money lent	2	42 0 0	2	...	...	...	...	...	...	3 8 0						25 Jan. ...	1				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	8	398 1 0	3	...	5	...	5	1	4	28 7 8											
Totals	51	1,718 0 4	20	...	31	...	31	22	9	186 0 3											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

M. M. CAMPBELL.
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at INVERELL, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted
	Commenced.	Total Amount sued for.	Without hearing	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	12	226 13 1	5	...	5	...	5	5	...	31 15 4	...	.....	.....	2	Inverell..	1878. 6 Mar.... 2 Sept....	2				
Promissory Notes	6	87 0 0	2	...	3	...	3	3	...	8 0 2	...	.....	.....	1							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	3	233 14 4	...	...	3	1	2	2	1	42 17 0	...	.....	.....	...							
Wages, Work, and Labour	6	147 6 7	3	...	3	...	3	1	2	35 0 0	...	.....	.....	...							
Libel, Slander, and Defamation.	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Commission on Agency	2	43 14 6	...	...	2	...	2	2	...	20 12 4	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	8	139 18 8	2	...	4	...	4	2	2	29 10 10	...	.....	.....	2							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	37	878 7 2	12	...	20	1	19	15	5	167 15 8	...	.....	.....	5			2				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

W. CLARE CARDEW,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at TAMWORTH, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	43	643 7 11	14	...	29	...	29	29	...	74 2 7	...	.....	.....	...							
Promissory Notes	14	289 14 2	7	...	7	...	7	7	...	19 17 8	...	.....	.....	...							
Rent	9	184 3 0	5	...	4	...	4	4	...	29 10 0	...	.....	.....	...							
Board and Lodging	1	8 5 0	...	...	1	...	1	1	...	1 0 0	...	.....	.....	...							
Trespass on Land	1	40 0 0	...	...	1	1	...	...	1	18 12 6	...	.....	.....	...							
Trespass on Person	1	200 0 0	...	...	...	...	...	...	...	1 0 0	...	.....	.....	1							
Illegal Distraint	1	25 0 0	1	...	...	...	...	...	...	11 4 8	...	.....	.....	...							
Trover	2	33 4 0	...	...	2	...	2	...	2	1 0 0	...	.....	.....	...							
Breach of Contract	4	255 0 0	1	...	3	...	3	2	1	31 1 4	...	.....	.....	...							
Wages, Work, and Labour	28	422 5 3	14	...	14	1	13	12	2	56 10 0*	...	.....	.....	...		1878.					
Libel, Slander, and Defamation	3	500 0 0	...	...	3	...	3	1	2	31 10 0	...	.....	.....	...		29 July	1	8	...	...	
Commission on Agency	1	31 5 0	...	...	1	1	...	...	1	24 10 0	...	.....	.....	...	Tamworth	30 "	1	9	...	...	
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879.					
Money lent	3	147 18 4	...	...	3	...	3	2	1	25 10 0	...	.....	.....	...		4 Feb.	1	8	1	1*	
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	111	2,780 2 8	42	...	68	3	65	58	10	325 8 9	...	.....	.....	1			3	25	1	1	

* Verdict against the weight of evidence.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

J. M'DONALD,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GLEN INNES, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff.	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	15	382 16 11	3	...	11	...	11	8	3	59 8 0	...	.....	.....	1							
Promissory Notes	12	168 12 10	3	...	9	...	9	9	...	18 13 8	...	.....	.....	...							
Rent	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trespass on Land	2	210 0 0	...	...	2	...	2	1	1	41 2 4	...	.....	.....	...							
Trespass on Person	1	200 0 0	...	...	1	...	1	...	1	13 4 10	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	2	91 2 0	...	...	1	...	1	...	1	19 17 0	...	.....	.....	1							
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Wages, Work, and Labour	10	478 6 5	1	1	8	...	8	3	5	84 7 10	...	.....	.....	...							
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Glen Innes	1878. 19 Aug.	1				
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...		1879. 26 Feb.	2				
Money Lent	2	55 0 0	...	...	2	...	2	...	2	24 12 2	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	44	1,585 18 2	7	1	34	...	34	21	13	261 5 10	...	.....	.....	2							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

G. MARTIN,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at BINGARA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration.		Motions for New Trials.	New Trials granted.	
																	Days.	Hours.			
Goods sold	Nil.																				
Promissory Notes																					
Rent																					
Board and Lodging																					
Trespass on Land																					
Trespass on Person																					
Illegal Distraint																					
Trover																					
Breach of Contract																					
Wages, Work, and Labour																					
Libel, Slander, and Defamation																					
Commission on Agency																					
Sales of Live Stock																					
Money lent																					
Partnership																					
Interpleader																					
Intestacy																					
Legacy																					
Possession of Tenements																					
Replevin																					
Consent Jurisdiction																					
Causes of Action not specified above																					
Totals																					

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

PATK. BROUGHAM,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at GUNNEDAH, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	12	244 9 7	4	...	8	...	8	8	...	7 15 0											
Promissory Notes	3	220 0 0	...	...	3	...	3	3	...	2 0 8											
Rent	1	12 10 0	1	...	...	...	...	...	...	0 12 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	15 2 6	...	...	1	...	1	1	...	0 12 6											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	1	30 5 0	...	...	1	...	1	1	...	1 2 6											
Libel, Slander, and Defamation	2	400 0 0	2	...	...	...	...	...	...	2 0 6											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Gunnedah	1878. 23 Mar ...	1				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						4 Nov. ...	3				
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	28 16 2	1	...	1	...	1	...	1	1 5 0											
Totals	22	952 3 3	8	...	14	...	14	13	1	15 8 8							4				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

T. KINGSMILL ABBOTT,
Registrar, District Court.

I—608

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at VEGETABLE CREEK, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	...	.....	...	...	...	...	...	...	...	.....											
Promissory Notes	...	.....	...	...	...	...	...	...	...	.....											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	1	30 0 0	...	...	1	...	1	...	1	0 12 0											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....											
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						1878.					
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....											
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Vegetable Creek.	15 Nov....	...	5			
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Feigned issue	1	.....	...	...	1	...	1	1	...	0 6 0											
Totals	2	30 0 0	...	...	2	...	2	1	1	0 18 0							...	5			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEO. H. GOWER,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at MURRURUNDI, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, date, and duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	86	872 15 4½	21	...	65	...	65	60	5	74 0 0											
Promissory Notes	10	199 15 8	5	...	5	...	5	5	...	13 14 0											
Rent	3	54 7 6	1	...	2	...	2	1	1	2 15 0											
Board and Lodging	1	9 10 6	...	...	1	...	1	1	...	0 18 6											
Trespass on Land	2	20 0 0	1	...	1	...	1	...	1	1 4 6											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	6	194 2 9	3	...	3	...	3	2	1	7 19 6						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....						8 April	1	...			
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	.....	.....	.....	...	Murrurundi	23 Sept...	1	...			
Sales of Live Stock	2	42 0 0	1	...	1	...	1	...	1	2 5 0						2 Dec...	...	3			
Money lent	2	38 9 1	...	...	2	...	2	2	...	1 14 0											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	2	46 12 1	1	...	1	...	1	1	...	1 6 0											
Totals	114	1,477 12 11½	33	...	81	...	81	72	9	105 16 6											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

GEO. R. EVANS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at ARMIDALE, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	42	630 14 0	27	...	15	...	15	14	*												
Promissory Notes	12	161 0 0	7	...	5	...	5	3	†												
Rent	3	45 0 0	1	...	2	...	2	1	1												
Board and Lodging	1	20 0 0	...	...	1	...	1	1	...												
Trespass on Land	...	.....	...	...	...	...	...	...	...												
Trespass on Person	...	.....	...	...	...	...	...	...	...												
Illegal Distraint	...	.....	...	...	...	...	...	...	...												
Trover	...	.....	...	...	...	...	...	...	...												
Breach of Contract	...	.....	...	...	...	...	...	...	...												
Wages, Work, and Labour	5	95 0 0	2	...	3	...	3	1	2												
Libel, Slander, and Defamation	2	400 0 0	1	...	1	...	1	1	...												
Commission on Agency	...	.....	...	...	...	...	...	...	...												
Sales of Live Stock	...	.....	...	...	...	...	...	...	...												
Money lent	1	12 0 0	...	...	1	...	1	1	...												
Partnership	...	.....	...	...	...	...	...	...	...												
Interpleader	...	.....	...	...	...	...	...	...	...												
Intestacy	...	.....	...	...	...	...	...	...	...												
Legacy	...	.....	...	...	...	...	...	...	...												
Possession of Tenements	...	.....	...	...	...	...	...	...	...												
Replevin	...	.....	...	...	...	...	...	...	...												
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...												
Causes of action not specified above	10	280 0 0	7	...	3	1	2	3	...	59 14 0	...	.....	.....	...	Armidale..	1878. 9 Aug. ... 1879. 18 Feb. ...	1 ...	5½ 3			
Totals	76	1,643 14 0	45	...	31	1	30	25	3	59 14 0											

* One non-suit. † Two non-suits.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JAMES BRAY,
Registrar, District Court.

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A RETURN of the Number and Particulars of Suits commenced in the District Court holden at TENTERFIELD, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	25	508 8 8½	...	...	18	...	18	18	...	12 6 0	...	.....	.....	7	Tenterfield...	1878–79.	2	4			
Promissory Notes	12	302 9 8	...	...	12	...	12	12	...	8 2 0	..	.....	.....	...							
Rent	1	12 0 0	...	...	1	...	1	1	...	0 10 0	...	.....	.....	...							
Board and Lodging	1	18 0 0	...	...	1	...	1	1	...	0 10 0	...	.....	.....	...							
Trespass on Land	3	70 16 0	1	...	1	...	1	1	...	1 0 0	...	.....	.....	1							
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Trover	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Breach of Contract	2	27 0 0	1	...	...	...	...	...	...	1 0 0	...	.....	.....	1							
Wages, Work, and Labour	2	47 2 3	...	...	2	...	2	1	1	1 0 0	...	.....	.....	...							
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	1	...	1 0 0	...	.....	.....	...							
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Money lent	2	90 0 0	1	...	1	...	1	1	...	1 10 0	...	.....	.....	...							
Partnership	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Interpleader	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Intestacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Legacy	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Replevin	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...							
Totals	49	1,275 16 7½	3	...	37	1	36	36	1	26 18 0	...	.....	.....	9							

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

JNO. W. SIMONS,
Registrar, District Court.

A RETURN of the Number and Particulars of Suits commenced in the District Court holden at NARRABRI, during the Twelve Months preceding the 1st of March, 1879, as required the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	41	633 10 4	33	...	8	1	7	7	1	23 8 0											
Promissory Notes	4	36 19 6	...	...	4	...	4	4	...	2 12 6											
Rent	1	5 4 0	...	...	1	...	1	...	1	0 6 6											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	1	150 0 0	...	...	1	...	1	1	...	1 0 6											
Breach of Contract	2	250 0 0	...	...	2	...	2	2	...	2 2 6											
Wages, Work, and Labour	3	65 14 0	2	...	1	...	1	1	...	1 8 0											
Libel, Slander, and Defamation	1	200 0 0	...	...	1	1	...	1	...	1 6 6											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Narrabri...	1878. March ...	3				
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....						Sept.	1				
Money lent	...	.....	...	...	...	...	...	...	...	.....						Oct.	2				
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	1	13 12 0	1	...	...	...	...	...	...	1 5 6											
Totals	54	1,354 19 10	36	...	18	2	16	16	2	33 10 0							6				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

C. E. SMITH,
Registrar, District Court.

A RETURN of the number and Particulars of Suits commenced in the District Court holden at WARIALDA, during the Twelve Months preceding the 1st of March, 1879, as required by the 103rd section of the said Act.

Nature of Causes under distinct Heads.	The Number of Suits		Settled.		The Number of Cases			Result of Trials.		The Costs of the Suits.	The Number and Result of Appeals.			Cases left in Arrear.	Place, Date, and Duration of the Sittings of each Court.				The Number of		The grounds on which such New Trials were granted.
	Commenced.	Total Amount sued for.	Without hearing.	Arbitration.	Tried.	By Jury.	Without Jury.	For Plaintiff	For Defendant.		Appeals.	Judgments or Orders affirmed.	Reversed.		Place.	Date.	Duration. Days.	Duration. Hours.	Motions for New Trials.	New Trials granted.	
		£ s. d.								£ s. d.											
Goods sold	2	32 17 5½	...	...	2	...	2	1	1	1 10 0											
Promissory Notes	1	17 16 0	...	...	1	...	1	1	...	3 6 0											
Rent	...	.....	...	...	...	...	...	...	...	.....											
Board and Lodging	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Land	...	.....	...	...	...	...	...	...	...	.....											
Trespass on Person	...	.....	...	...	...	...	...	...	...	.....											
Illegal Distraint	...	.....	...	...	...	...	...	...	...	.....											
Trover	...	.....	...	...	...	...	...	...	...	.....											
Breach of Contract	...	.....	...	...	...	...	...	...	...	.....											
Wages, Work, and Labour	...	.....	...	...	...	...	...	...	...	.....						1878.					
Libel, Slander, and Defamation	...	.....	...	...	...	...	...	...	...	.....											
Commission on Agency	...	.....	...	...	...	...	...	...	...	.....	...	.....	.....	...	Warialda ...	22 Nov....	...	3			
Sales of Live Stock	...	.....	...	...	...	...	...	...	...	.....											
Money lent	...	.....	...	...	...	...	...	...	...	.....											
Partnership	...	.....	...	...	...	...	...	...	...	.....											
Interpleader	...	.....	...	...	...	...	...	...	...	.....											
Intestacy	...	.....	...	...	...	...	...	...	...	.....											
Legacy	...	.....	...	...	...	...	...	...	...	.....											
Possession of Tenements	...	.....	...	...	...	...	...	...	...	.....											
Replevin	...	.....	...	...	...	...	...	...	...	.....											
Consent Jurisdiction	...	.....	...	...	...	...	...	...	...	.....											
Causes of Action not specified above	...	.....	...	...	...	...	...	...	...	.....											
Totals	3	50 13 5½	...	...	3	...	3	2	1	4 16 0								3			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act,—

F. CAMERON MACARTHUR,
Registrar, District Court.

[2s. 3d.]

Sydney: Thomas Richards, Government Printer.—1879.

1878.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(ORDER IN COUNCIL—ALTERATION IN SCALE OF FEES.)

Presented to Parliament, pursuant to Act 22 Vict. No. 18, sec. 42.

ORDER IN COUNCIL.

At Government House, Sydney, 28th October, 1878.

PRESENT:—

His Excellency the Governor,
The Honorable the Colonial Secretary,
The Honorable the Colonial Treasurer,
The Honorable the Attorney General,
The Honorable the Secretary for Lands,
The Honorable the Minister of Justice and Public Instruction, and
The Honorable the Postmaster General.

WHEREAS by an Act passed by the Parliament of New South Wales in the 22nd year of the reign of Her present Majesty, and intituled "*An Act for establishing District Courts and for enabling the Judges thereof to act as Chairmen of Quarter Sessions*," it was enacted by the 42nd clause thereof, that it should be lawful for His Excellency the Governor, with the advice of the Executive Council, from time to time to alter the scale of Fees mentioned in the Schedule to the said Act in any particular: Provided that no such alteration "shall come into operation until the expiration of one month after the same shall have been notified to both Houses of the Parliament of the Colony, and that no such alteration shall take effect if within such period either House of Parliament shall by an address to the Governor signify its dissent therefrom": And whereas it appears to the Governor and Executive Council to be expedient and necessary to alter the said scale of Fees, and more particularly to alter and amend in certain particulars the scale of Fees laid before Parliament on or about the 14th and 15th of February, 1871, and the amended scale set forth in an Order in Council dated 18th March, 1878, and duly laid before Parliament: Now therefore, His Excellency the Governor, by and with the advice of the Executive Council, doth by this present Order authorize and direct the following altered scale of Fees, that is to say:—

SCHEDULE—BAILIFF'S FEES.

	£	s.	d.
1. For the service of every summons or subpœna within the city of Sydney	0	0	6
2. For the service of every summons or subpœna in the Sydney District, outside the boundary of the city of Sydney, for every mile beyond such boundary, an additional	0	0	6
3. For the service of every summons or subpœna in any other district, for every mile	0	1	0
4. For keeping possession under a writ of *Fi. fa.*, each day	0	7	0
5. For making levy when the sum levied for shall not exceed £20	0	6	0
6. For making levy where the sum levied for shall exceed £20, the like sum for the first £20, and for every £ over that sum	0	0	3
7. For executing every writ against the person	0	6	0
8. For executing every writ of *Habere* in ejectment	0	7	0
9. For mileage in the execution of any writ, per mile	0	1	0
NOTE.—Mileage to be reckoned one way only, and any fraction of a mile to be reckoned as a mile.			

ALEX. C. BUDGE,
Clerk of the Council.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JURY LISTS, DENILIQUIN.

(NAMES OF PERSONS ON, AND JUSTICES REVISING SAME.)

Ordered by the Legislative Assembly to be printed, 1 *October*, 1878.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 2 May, 1878, That there be laid upon the Table of this House, a Return, showing—

"(1.) The names of all persons on the Jury List for the District of Deniliquin for the years 1877 and 1878.

"(2.) A like Return of the names of all persons on the Special Jury List for the District of Deniliquin for the years 1877 and 1878.

"(3.) A list of the names of all Justices of the Peace who revised such Jury Lists for the last six years, inclusive of 1878."

(*Mr. McElhone.*)

JURY LISTS, DENILIQUIN.

NAMES of General Jurors in the Deniliquin General Jury List for the Year 1877:—

1 Aitkin David
2 Allanson William Hesey
3 Allott Jonathan
4 Andrews Elias
5 Andrews Charles
6 Atkinson John Oldbury
7 Adams George
8 Bailey Charles
9 Baker Joseph Laurence
10 Barber John Reilly Stubbs
11 Barbour Robert
12 Barnfather Andrew
13 Baxter Henry
14 Barnfather John
15 Bell William, senior
16 Bell William, junior
17 Bell James
18 Barnfather Thomas
19 Bignell William
20 Black William
21 Brand Joseph
22 Brown Thomas
23 Brown Charles William
24 Burchfield James, junior
25 Burrows John
26 Byrne Francis Arthur
27 Blay William
28 Brain Joseph Steel
29 Cameron Donald
30 Carey George
31 Cashman William
32 Charters Michael
33 Cheriton Richard Haydon
34 Clancy Richard Patrick
35 Clark Joseph
36 Connell Henry
37 Cooper William
38 Cork Cuthbert
39 Cox Thomas
40 Cox James
41 Cross Alexander, junior
42 Cross Donald
43 Curtis John
44 Cust John
45 Daley Patrick
46 Dalgleish Alexander
47 Davidson James Henry
48 D'Elbeaux Louis William
49 Denby Joseph
50 Devine Joseph
51 Devlin James
52 Dillon John
53 Dickson John, junior
54 Dickson James
55 Doyle Bernard Wright
56 Dingwall William
57 Ellis Samuel
58 Evans Joseph George
59 Everett Joseph George
60 Elliott George
61 Ellwood William
62 Edmunds Edwin
63 Earl John
64 Forrester Frederick Wm. Young
65 Farie John
66 Ferguson Charles
67 Fink Magnus
68 Finn John Joseph
69 Franks Robert William
70 Fraser Alexander
71 Fraser Alexander
72 Froom John Woodmason
73 Finnessy John
74 Gardener George
75 Gibson William
76 Gibson John
77 Gill Samuel
78 Gillespie John
79 Gilligan Martin
80 Graham Robert
81 Griffiths Francis
82 Galbraith William
83 Garrett Charles Henry
84 Glennon Thomas
85 Gwydir John Seamphir
86 Gately Mathew
87 Gately Michael
88 Gillhap William
89 Goulden George
90 Gibsone John Charles
91 Hanlon John
92 Hanson Thomas, senior
93 Harrison Henry Vincent
94 Haverd George
95 Heath William Harrison
96 Hawley William
97 Heriott William
98 Hessian James
99 Hessian Patrick
100 Heatherington Paul
101 Hill David Kyle
102 Hodgkinson Henry
103 Holmes Richard
104 Holmes William
105 Hooper William Henry
106 Howie John
107 Hunter George
108 Hunter Henry Wm., senior
109 Hunter Henry Wm., junior
110 Hunter Thomas Rampton
111 Hutton William
112 Harrison Frederick
113 Hawkins Henry Charles
114 Hawkins John
115 Holloway Robert
116 Hansen Thomas, junior
117 Heatherington Thomas
118 Harvey David, senior
119 Harvey David, junior
120 Halliday William
121 Howie Henry
122 Harrison George
123 Hatch John Dodd
124 Harry William
125 Harris Henry
126 Irving Thomas
127 Irving Robert
128 Jefferson Thomas Bately
129 Jeffery William, junior
130 Johnston Thomas
131 Jones David Griffiths
132 Jones William Henry
133 Jones John
134 Jones John Holme
135 King John
136 Lacy Edmund Gilyard
137 Lamb Decimus
138 Landale Alexander
139 Leatham Thomas, senior
140 Leatham Thomas, junior
141 Leatham William
142 Lawrence Benjamin
143 Loxton John
144 Lee Henry
145 Llewellen Charles John
146 Lowden William
147 M'Kenzie Murdock
148 M'Kenzie Neil
149 M'Intyre Arthur
150 M'Intyre Thomas
151 M'Donald Peter
152 M'Mullen John
153 M'Laurin James William
154 Mann James
155 Marshall Frederick
156 Mathewson Henry
157 Mayger James Frederick
158 Mayger Frederick Henry
159 Metcalf Joshua
160 Middlemiss George
161 Mitchell Edward, junior
162 Mitchell William
163 Moss William
164 M'Donald James
165 M'Donald Samuel
166 M'Grath John
167 M'Guire John
168 Mathewson Andrew Black
169 Mason Edward
170 Munro Henry
171 M'Donald Alexander
172 Moodie Charles Forbes
173 M'Phee John
174 Nash Denis
175 Nesbit William
176 Nixon Joseph Henry
177 Nixon Samuel
178 O'Connor Daniel
179 Ormiston Alexander
180 Orr Robert
181 Oddy John
182 Orr John Henry
183 O'Loughlin Michael
184 Orr William
185 Parry Robert Henry
186 Parker Frederick Langlough
187 Peddle John George Andrews
188 Peppin Frederick
189 Perrott Samuel
190 Pike Robert Harvey
191 Phillips Henry William
192 Paky Francis
193 Quillam William
194 Reid Andrew
195 Robertson Thomas
196 Robertson Andrew
197 Robertson Charles
198 Robertson Angus
199 Robertson Alexander
200 Rose Frederick
201 Rosenfeld Adolph
202 Ross Alexander
203 Rundle Richard
204 Roper Ashton
205 Rundall Jessie

206 Reilley Peter
207 Robertson Ewan
208 Ross Alexander, junior
209 Sharp William
210 Shirrefs Alexander Hix
211 Simmons Hezekiah
212 Simpson Robert Overend
213 Sinclair Donald
214 Sinclair Duncan
215 Slayman Patrick
216 Smith John
217 Smith Patrick
218 Steavenson Alexander Finlayson
219 Stally Thomas
220 Stewart James
221 Sullivan Thomas
222 Sheppard John
223 Stockwell John
224 Senior John
225 Simpson Charles
226 Watson James
227 Watson William
228 Wheeler James
229 Willoughby Henry
230 Willoughby Charles
231 Winterbottom James Edwd.
232 Woolridge Henry John
233 Walsh Patrick
234 Warren William
235 Will Peter
236 Warren Richard
237 Willmore Henry
238 White William
239 Wren Walter Lewis
240 Young Thomas William
241 Young Henry James
242 Yaldham George
243 M'Crae James
244 Stitt Hugh
245 Officer William
246 Patterson Robert Charles

NAMES of General Jurors in the Deniliquin General Jury List for the Year 1878 :—

1 Aikin David
2 Allanson William Hesey
3 Allatt Jonathan
4 Andrews Elias
5 Atkinson John Oldbury
6 Adams John
7 Bailey Charles
8 Baker Joseph Laurence
9 Barber John Rielly Stubbs
10 Barnfather Andrew
11 Baxter Henry
12 Baxter James
13 Bell David J.
14 Bell William, senior
15 Bell William, junior
16 Bell James
17 Bignell William
18 Black William
19 Brand Joseph
20 Brown Thomas
21 Brown Charles William
22 Binchfield James, junior
23 Burrows John
24 Byrne Francis Arthur
25 Blay William
26 Braim Joseph Steele
27 Cameron Donald
28 Carey George
29 Cashman William
30 Charters Michael
31 Cheriton Richard Haydon
32 Clark Joseph
33 Connell Henry
34 Cooper William
35 Corke Cuthbert
36 Cowley Robert Henry
37 Cox Thomas
38 Cox James
39 Cross Alexander, junior
40 Cross Donald
41 Curtis John
42 Cust John
43 Davis William
44 Dalgleish Alexander
45 Davidson James Henry
46 D'Elbeaux Louis William
47 Denby Joseph
48 Devlin James
49 Dickson James
50 Dingwell William
51 Doyle Bernard Wright
52 Ellis Samuel
53 Evans Joseph George
54 Everett Isaac
55 Elliott George
56 Ellwood William
57 Edmunds Edwin
58 Earl John
59 Forrester Frederick William Young
60 Faire John
61 Ferguson Charles
62 Fink Magnus
63 Finn John Joseph
64 Franks Robert William
65 Fraser Alexander
66 Fraser Alexander
67 Froom John Woodmason
68 Finnessy John
69 Gardiner George
70 Gibson William
71 Gibson John
72 Gillespie John
73 Gilligan Martin
74 Graham Robert
75 Griffiths Francis
76 Galbraith William
77 Glennon Thomas
78 Gwydir John Leamphir
79 Gately Matthew
80 Gately Michael
81 Goulden George
82 Gibsone John Charles
83 Hanlon John
84 Hanson Thomas, senior
85 Harrison Henry Vincent
86 Harrison Charles
87 Haverd George
88 Heath William Harrison
89 Hawley William
90 Herriott William
91 Heatherington Paul
92 Hill David Kyle
93 Hodgkins Henry
94 Holmes Richard
95 Holmes William
96 Hooper William Henry
97 Howie John
98 Hunter George
99 Hunter Henry William, senior
100 Hunter Henry William, junior
101 Hunter Thomas Rampton
102 Hatton William
103 Harrison Frederick
104 Hawkins Henry Charles
105 Hawkins John
106 Holloway Robert
107 Hanson Thomas, junior
108 Hetherington Thomas
109 Harvey David, senior
110 Harvey David, junior
111 Hallaiday William
112 Howie Henry
113 Harrison George
114 Hatch John Dodd
115 Harry William
116 Irving Thomas
117 Irving Robert
118 Jackson James
119 Jefferson Alfred
120 Jeffery William, junior
121 Johnston Thomas
122 Jones William Henry
123 Jones John Holme
124 King John
125 Lacy Edward Gilyard
126 Lamb Decimus
127 Landale Alexander
128 Leetham Thomas, senior
129 Leetham Thomas, junior
130 Leetham William
131 Laurence Benjamin
132 Loxton John
133 Lee Henry
134 Lowden William
135 M'Kenzie William
136 M'Kenzie Murdock
137 M'Kenzie Neil
138 M'Intyre Arthur
139 M'Intyre Thomas
140 M'Donald Peter
141 M'Millon John
142 M'Laurin James William
143 Mann James
144 Marshall Frederick
145 Mathewson Henry
146 Mayger James Frederick
147 Mayger Frederick Henry
148 Metcalf Joshua
149 Middlemiss William George
150 Mitchell Edward, junior
151 Mitchell William
152 Moss William
153 M'Kee William
154 Markson Abraham
155 Morrison James
156 M'Donald James
157 M'Donald Samuel
158 M'Grath John
159 Mathewson Andrew Black
160 Mason Edward
161 Munroe Henry
162 M'Donell Alexander
163 Moodie Charles Forbes
164 MacFie John
165 Menere Charles William
166 Nash Davis
167 Nisbet William
168 Nixon Joseph Henry
169 Nixon Samuel
170 O'Connor Daniel
171 Ormiston Alexander
172 Orr Robert
173 Oddy John
174 Orr John Henry
175 O'Loughlin Michael
176 Orr William Alexander
177 Parker Frederick Langloh
178 Peddle John George Andrews
179 Peppin Frederick
180 Perrotet Samuel
181 Pyke Robert Harvey
182 Phillips Henry William

183 Patey Francis
184 Quilliam William
185 Reid Duncan
186 Reed Andrew
187 Robertson Thomas
188 Robertson Andrew
189 Robertson Charles
190 Robertson Angus
191 Robertson Alexander
192 Rose Frederick
193 Rosenfeld Adolph
194 Ross Alexander, senior
195 Rundle Richard
196 Roper Ashton
197 Randall Jessie
198 Reilly Peter
199 Robertson Ewan
200 Ross Alexander, junior
201 Ross Charles
202 Sharpe William
203 Simmins Hezekiah
204 Seeley William Leonard
205 Simpson Robert Overend
206 Sinclair Duncan
207 Slaman Patrick
208 Smith John
209 Smith Patrick
210 Steavenson Alexander Finlayson
211 Stalley Thomas
212 Stewart James
213 Sheppard John
214 Stockwell John
215 Senior John
216 Simpson Charles
217 Simpson Robert
218 Smith George Benjamin
219 Thies James
220 Tapp Peter Slader
221 Tolan John
222 Tomkins John, junior
223 Tolmie Alexander
224 Tracey Phillip
225 Tracey Phillip, junior
226 Tripp Alfred
227 Tripp Sydney Alfred
228 Thomas John
229 Thomas Joseph
230 Tyrer William
231 Tapp John
232 Thompson John Turgood
233 Vagg Robert
234 Varcœ Joseph Rowe
235 Virgœ William Richard, junior
236 Varcœ Benjamin
237 Varcœ Robert
238 Walker Christian
239 Ward Michael
240 Watson James
241 Watson William
242 Wheeler James
243 Willoughby Charles
244 Winterbottom James Edward
245 Wooldridge Henry John
246 Wren Walter Lewis
247 Walsh Patrick
248 Warren William
249 Will Peter
250 Willmore Henry
251 White William
252 Wilson George
253 Waring John
254 Young Henry James
255 Young Thomas Wilson
256 M'Crae James
257 Stitt Hugh
258 O'Shanassy Matthew
259 Officer William
260 Murch John
261 Patterson Robert C.
262 Stamp Theodore A.

NAMES of Special Jurors in the Deniliquin Special Jury List for the year 1877 :—

1 Aitkin David
2 Allanson William Hesey
3 Atkinson John Oldbury
4 Bailey Charles
5 Barbour Robert
6 Bell William, senior
7 Bell James
8 Bignell William
9 Brand Joseph
10 Brown Thomas
11 Brown Charles William
12 Burchfield James, junior
13 Burrows John
14 Brain Joseph Steel
15 Carey George
16 Charters Michael
17 Cheriton Richard Haydon
18 Cooper William
19 Cork Cuthbert
20 Curst John
21 Daley Patrick
22 Dalgleish Alexander
23 Davidson James Henry
24 D'Elbeaux Louis William
25 Devlin James
26 Dillon John
27 Dickson John, junior
28 Dickson James
29 Doyle Bernard Wright
30 Evans Joseph George
31 Elliott George
32 Edmunds Edwin
33 Franks Robert William
34 Forrester Fredk Wm. Young
35 Finnessy John
36 Froom John Woodmason
37 Gardiner George
38 Graham Robert
39 Gibsone John Charles
40 Hanlon John
41 Hanson Thomas, senior
42 Harrison Henry Vincent
43 Haverd George
44 Heath William Harrison
45 Hawley William
46 Heriott William
47 Heatherington Paul
48 Holmes Richard
49 Holmes William
50 Hooper William Henry
51 Hunter George
52 Hunter Henry William, sen.
53 Harrison Frederick
54 Hawkins Henry Charles
55 Hetherington Thomas
56 Harvey David, sen.
57 Harris Henry
58 Irving Thomas
59 Johnston Thomas
60 Jones John Holme
61 Jones David Griffiths
62 Lamb Decimus
63 Landale Alexander
64 Leatham Thomas, sen.
65 Lee Henry
66 K'Kenzie Neil
67 M'Intyre Arthur
68 M'Mullen John
69 M'Laurin James William
70 Mann James
71 Marshall Frederick
72 Mathewson Henry
73 Mayger James Frederick
74 Metcalf Joshua
75 Middlemiss George
76 M'Donald James
77 Moodie Charles Forbes
78 M'Phee John
79 Nash Denis
80 Nesbit William
81 Orr Robert
82 Orr John Henry
83 Orr William
84 Parry Robert Henry
85 Parker Frederick Langlough
86 Peddle John George Andrews
87 Peppin Frederick
88 Pyke Robert Harvey
89 Robertson Thomas
90 Rose Frederick
91 Robertson Andrew
92 Rosenfeld Adolph
93 Rundle Richard
94 Simmons Hezekiah
95 Simpson Robert Overend
96 Sinclair Donald
97 Sinclair Duncan
98 Slayman Patrick
99 Smith John
100 Steavenson Alexander Finlayson
101 Stalley Thomas
102 Tomkins John, jun.
103 Tapp Peter Slader
104 Thies James
105 Tolmie Alexander
106 Tracy Phillip, sen.
107 Tripp Alfred
108 Thompson John Turgood
109 Vagg Robert
110 Virgoe William Richard, jun.
111 Varcoe Benjamin
112 Ward Michael
113 Waring John
114 Watson James
115 Wheeler James
116 Winterbottom James Edward
117 Warren Richard
118 Wren Walter Lewis
119 Wooldridge Henry John
120 Young Thomas William
121 M'Crae James
122 Stitt Hugh
123 Officer William
124 Patterson Robert Charles

NAMES of Special Jurors on the Deniliquin Special Jury List for the year 1878.

1 Aitken David
2 Allanson William Henry
3 Atkinson John Oldbury
4 Bell William, senr.
5 Bell James
6 Bignell William
7 Brown Thomas
8 Brown Charles William
9 Burchfield James
10 Braim Joseph Steel
11 Cameron Donald
12 Davidson John Henry
13 Evan Joseph George
14 Elliott George
15 Edmunds Edwin
16 Franks Robert William
17 Froom John Woodmason
18 Forrester Frederick William Young
19 Gibson John Charles
20 Hanson Thomas, senr.
21 Heath William Harrison
22 Hawley William
23 Herriott William
24 Hogkins Henry
25 Holmes Richard
26 Holmes William
27 Hooper William Henry
28 Hunter George
29 Harrison Frederick
30 Hawkins Henry Charles
31 Heatherington Thomas
32 Irving Thomas
33 Jefferson Alfred
34 Jones John Holme
35 Lamb Decimus
36 Landale Alexander
37 Leatham Thomas, senr.
38 M'Kenzie William
39 M'Kenzie Neil
40 M'Laurin James William
41 Mann James
42 Mathewson Henry
43 Mayger James Frederick
44 M'Donald James
45 M'Fie John
46 Orr Robert
47 Orr William Alexander
48 Parker Frederick Langloh
49 Peddle John George Andrews
50 Robertson Andrew
51 Rosenfeld Adolph
52 Simpson Robert Overend
53 Sinclair Duncan
54 Slaman Patrick
55 Smith John
56 Stalley Thomas
57 Seeley William Leonard
58 Thies James
59 Tracey Philip
60 Thomas Joseph
61 Virgoe William Richard, junr.
62 Watson James
63 Wooldridge Henry John
64 Wilson George
65 M'Crae James
66 Stitt Hugh
67 O'Shanassy Mathew
68 Officer William
69 Murch John
70 Patterson Robert C.
71 Stamp Theodore A.
72 Peppin Frederick
73 Rundle Richard
74 Wren Walter Lewis

RETURN of the Names of all Justices of the Peace who revised the Jury Lists in the District of Deniliquin for the years 1873, 1874, 1875, 1876, 1877, 1878.

1873.	1874.	1875.	1876.	1877.	1878.
George Augustus Gordon, Police Magistrate. James Watson, J.P.	George Augustus Gordon, Police Magistrate. Alfred William Finch Noyes, J.P. James Watson, J.P.	George Augustus Gordon, Police Magistrate. James Watson, J.P.	Alexander Landale, Alfred Wm. Finch Noyes, J.P. James Watson, J.P.	James Davidson, J.P. Robert Patterson, J.P.	Robert Patterson, J.P. Henry Ricketson, J.P. William Bell, J.P. Alexander Wilson, J.P. Frederick Langloh Parker, J.P. Alexander Landale, J.P.

Police Office, Deniliquin,
13 May, 1878.

J. MAIR,
Police Magistrate,
For the Bench of Magistrates.

Sydney: Thomas Richards, Government Printer.—1878.

[6d.] 110—B

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

JURY LIST, DENILIQUIN;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
20 *May*, 1879.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1879.

[1*s*. 6*d*.] 503—

1878–9.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 21, TUESDAY, 22 OCTOBER, 1878.

11. JURY LIST, DENILIQUIN:—Mr. Hurley (*Hartley*) moved, pursuant to Notice,—
(1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the action taken by the Magistrates at Deniliquin in revising the Juries Roll for 1878.
(2.) That such Committee consist of Mr. Leary, Mr. McElhone, Mr. Baker, Mr. McCulloch, Mr. Copeland, Mr. Terry, Mr. Greenwood, Mr. Barbour, and the Mover.
Debate ensued.
And Mr. Dillon requiring that the Committee be appointed by Ballot,—
Question,—That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the action taken by the Magistrates at Deniliquin in revising the Juries Roll for 1878,—put and passed.
Whereupon the House proceeded to the Ballot, and Mr. Speaker declared the following to be the Committee duly appointed:—Mr. Hurley (*Hartley*), Mr. Baker, Mr. Greenwood, Mr. Leary, Mr. McCulloch, Mr. Copeland, Mr. Terry, Mr. Simson, and Mr. Driver.

VOTES No. 56, TUESDAY, 21 JANUARY, 1879.

19. JURY LISTS, DENILIQUIN:—The Order of the Day having been read, on motion of Mr. Hurley (*Hartley*), Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole, to consider an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on an Additional Estimate for 1879 a sum not exceeding £250 to defray the expenses of witnesses before the Select Committee on "Jury Lists, Deniliquin."
Mr. Speaker resumed the Chair; and the Chairman reported that the Committee had come to a Resolution.
Ordered, on motion of the Chairman (*with the concurrence of the House*), that the report be *now* received.
The Chairman then reported the Resolution, which was read a first time, as follows:—
Resolved,—That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on an Additional Estimate for 1879 a sum not exceeding £250 to defray the expenses of witnesses before the Select Committee on "Jury Lists, Deniliquin."
On motion of Mr. Hurley, the Resolution was read a second time, and agreed to.

VOTES, No. 63, FRIDAY, 31 JANUARY, 1879.

2. JURY LIST, DENILIQUIN:—Mr. Hurley (*Hartley*), *by consent*, moved, without Notice,—That the names of Mr. Burns and Mr. F. B. Suttor be added to the Select Committee on "Jury List, Deniliquin."
Question put and passed.

VOTES, No. 121, TUESDAY, 20 MAY, 1879.

2. JURY LIST, DENILIQUIN:—Mr. Hurley (*Hartley*), as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this subject was referred on 22nd October, 1878; together with Appendix.
Ordered to be printed.

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1878–9.

JURY LIST, DENILIQUIN.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 22nd October, 1878,—"*with power to send for persons and papers, to inquire into and report upon the action taken by the Magistrates at Deniliquin in revising the Juries Roll for* 1878,"—have agreed to the following Report:—

Your Committee having examined the witnesses named in the List* (whose evidence will be found appended hereto), have arrived at the following conclusions:

* See List, page 7.

(1.) That the practice of the Deniliquin Bench in revising the Special Jury List has been to retire to the Magistrates Room for deliberation and adjustment of said List.

(2.) That the names of several persons who were qualified to act on the Special Jury List were struck off the said List, but the evidence does not disclose any malice or personal motives in so doing.

J. HURLEY (*Hartley*),
Chairman.

No. 2 Committee Room,
Sydney, 16*th May*, 1879.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 13 *NOVEMBER*, 1878.

MEMBERS PRESENT :—

Mr. Hurley (*Hartley*), | Mr. Terry,
Mr. Simson, | Mr. McCulloch.

Mr. Hurley called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.

Chairman laid before the Committee a letter from the Under Secretary to the Law Department stating that Mr. Alexander Wilson, J.P., of Urana, had telegraphed offering to attend and give evidence.

Clerk instructed to inform Mr. Wilson that the Committee would fix a day on which he might be examined.

Motion made (*Mr. Terry*), and Question,—That the Chairman apply to the Government for the sum of £250 to defray the expenses of witnesses summoned before this Committee, in anticipation of the passing of the Appropriation Act,—put and passed.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

WEDNESDAY, 27 *NOVEMBER*, 1878.

MEMBERS PRESENT :—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Simson, | Mr. Terry,
Mr. McCulloch, | Mr. Baker.

Chairman informed the Committee that the usual circular had been sent to Mr. Ricketson, requesting that he would attend to-day and give evidence, and that Mr. Ricketson was not in attendance.

Clerk laid before the Committee a letter from Mr. Alexander Wilson in reply to letter sent by direction of the Committee asking that an early date might be fixed for his examination.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 31 *JANUARY*, 1879.

MEMBERS PRESENT :—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Leary, | Mr. McCulloch.

Entry from Votes and Proceedings,, adopting Address to His Excellency the Governor asking for £250 to defray witnesses expenses, *read* by the Clerk.

Committee deliberated.

Adjourned to Tuesday next at *Two* o'clock.

TUESDAY, 4 *FEBRUARY*, 1879.

MEMBERS PRESENT :—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Burns, | Mr. Simson,
Mr. Copeland.

Entry from Votes and Proceedings, adding names to the Committee, *read* by the Clerk.

Committee deliberated.

Motion made (*Mr. Burns*), and Question,—That in the opinion of this Committee the inquiry into the revision of the Jury List at Deniliquin could be more satisfactorily conducted, and at far less expense, at that place than at Sydney, and that the Chairman take the necessary steps to obtain the leave of the House, to visit Deniliquin, and to sit during any adjournment,—put and passed.

Motion made (*Mr. Copeland*), and Question,—That the Chairman move the House to obtain the sum of £250 to defray the expenses of the Committee's visit to Deniliquin,—put and passed.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 21 *FEBRUARY*, 1879.

MEMBERS PRESENT:—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Simson, | Mr. Terry,

Mr. Burns.

Henry Ricketson, Esq., J.P., called in and examined.
Witness informed the Committee that he had not received the previous circular in time to attend and give evidence, in consequence of his absence from Sydney.
Witness withdrew.
Committee deliberated.
Ordered,—That Alexander Wilson, Esq., Mr. J. F. Mayger, R. H. Cheriton, Esq., Mr. R. Vagg, Mr. Thomas Johnston, and Sergeant Johnston be summoned to give evidence next meeting.

[Adjourned to Tuesday, 18 March, at *Two* o'clock.]

TUESDAY, 18 *MARCH*, 1879.

MEMBERS PRESENT:—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Burns, | Mr. Simson,

Mr. F. B. Suttor.

Alexander Landale, Esq., J.P., called in and examined.
Witness withdrew.
Alexander Wilson, Esq., J.P., called in and examined.
Witness withdrew.
Frederick Langloh Parker, Esq., J.P., called in and examined.
Witness withdrew.
William Bell, Esq., J.P., called in and examined.
Witness withdrew.
Mr. Cuthbert Corke called in and examined.
Witness withdrew.
Committee deliberated.

[Adjourned to To-morrow at *Ten* o'clock.]

WEDNESDAY, 19 *MARCH*, 1879.

MEMBERS PRESENT:—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Simson.

In the absence of a quorum the meeting called for this day lapsed.

THURSDAY, 20 *MARCH*, 1879.

MEMBERS PRESENT:—

Mr. Hurley (*Hartley*), in the Chair.

Mr. Terry, Mr. F. B. Suttor, | Mr. Burns, Mr. Simson.

R. H. Cheriton, Esq., J.P., called in and examined.
Witness withdrew.
Mr. Robert Vagg (*farmer and grazier*), called in and examined.
Witness withdrew.
Mr. Richard Warren (*farmer and grazier*), called in and examined.
Witness withdrew.
Mr. Joshua Metcalfe (*farmer and grazier*), called in and examined.
Witness withdrew.
Mr. Denis Nash (*farmer and grazier*), called in and examined.
Witness withdrew.
Committee deliberated, and adjourned until *Three* o'clock this day.
Committee met pursuant to adjournment.
In the absence of the Chairman, Mr. Burns called to the Chair, *pro tem.*
Mr. James F. Mayger (*Editor of the Deniliquin Chronicle*), called in and examined.
Witness withdrew.
Witness *handed in* certain documents, which were ordered to be appended. (*See Appendices* A 1 to 5.)

The

The Chairman submitted the following claims sent in for expenses incurred attending before this Committee :—

	£	s.	d.
Mr. F. Langloh Parker	23	2	0
Mr. Alexander Landale	21	12	0
Mr. Alexander Wilson	18	6	0
Mr. William Bell	24	7	0
Mr. Richard Warren	23	16	0
Mr. Joshua Metcalfe	23	16	0
Mr. Denis Nash	23	16	0
Mr. J. F. Mayger	25	0	0
Mr. Robert Vagg	26	0	0
Mr. R. H. Cheriton	26	0	0

Committee considered the respective claims and resolved to pass expenses as follows :—

	£	s.	d.
To Mr. F. Langloh Parker	23	2	0
„ Alexander Landale	21	12	0
„ Alexander Wilson	18	6	0
„ Wm. Bell	23	16	0
„ Richard Warren	23	16	0
„ Joshua Metcalfe	23	16	0
„ Denis Nash	23	16	0
„ Mayger	23	0	0
„ Cheriton	23	16	0
„ Vagg	23	16	0

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

THURSDAY, 24 *APRIL*, 1879.

In the absence of a quorum, the meeting called for this day lapsed.

WEDNESDAY, 30 *APRIL*, 1879.

In the absence of a quorum, the meeting called for this day lapsed.

FRIDAY, 2 *MAY*, 1879.

MEMBERS PRESENT :—

Mr. F. B. Suttor, | Mr. Simson,
Mr. McCulloch.

In the absence of the Chairman, Mr. Suttor called to the Chair, *pro tem.*

Clerk laid before the Committee a claim of Mr. Cuthbert Corke for expenses attending before this Committee.

Resolved,—That the sum of £21 4s. be awarded to Mr. Cuthbert Corke, as expenses attending before this Committee.

Motion made *(Mr. McCulloch)*, and Question,—That the consideration of the Draft Report be postponed until the evidence is printed,—put and passed.

Committee deliberated.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

FRIDAY, 16 *MAY*, 1879.

MEMBERS PRESENT :—

Mr. Hurley *(Hartley)*, in the Chair.

Mr. F. B. Suttor, | Mr. Simson,
Mr. Copeland.

Chairman submitted Draft Report, which was read 1° as follows :—

DRAFT REPORT.

The Select Committee of the Legislative Assembly, appointed on the 22nd October, 1878,—"*with power to "send for persons and papers to inquire into and report upon the action taken by the Magistrates at "Deniliquin in revising the Juries Roll for* 1878,"—have agreed to the following Report :—

Your Committee, having examined the witnesses named in the List (whose evidence will be found appended hereto), have arrived at the following conclusions :—

(1.) That the Magistrates who composed the Bench acted contrary to the usual practice in retiring to a private room to revise the Special Jury List.

(2.) That their action was reprehensible in striking off the Special Jury List persons who, in the opinion of your Committee, were qualified to serve as Special Jurors, including many who have since been replaced, and one who has since been appointed a Magistrate of the Territory.

Draft Report of Chairman read 2°, paragraph by paragraph.
Paragraph 1 *read*, and, on motion of Mr. Copeland, *omitted*.
Mr. Copeland then moved,—That the following new paragraph be inserted, to stand as paragraph 1,—

"That the practice of the Deniliquin Bench in revising the Special Jury List has been to retire to the Magistrates room for deliberation and adjustment of said List."

Question put and passed.
Paragraph 2 *read*, and on motion of Mr. Copeland, *omitted*.
Mr. Copeland then moved,—That the following new paragraph be inserted, to stand as paragraph 2,—

"That the names of several persons who were qualified to act on the Special Jury List were struck off the said List, but the evidence does not disclose any malice or personal motives in so doing."

Question put and passed.
Draft Report, as amended, agreed to.
Chairman to report to the House.

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1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

DENILIQUIN JURY LISTS.

FRIDAY, 21 *FEBRUARY*, 1879.

Present:—

MR. BURNS,
MR. HURLEY (HARTLEY),
MR. SIMSON,
MR. TERRY.

JOHN HURLEY, ESQ., IN THE CHAIR.

Henry Ricketson, Esq., J.P., called in and examined:—

H. Ricketson, Esq., J.P.
21 Feb., 1879.

1. *Chairman.*] You are a Magistrate of the territory of New South Wales, I believe, and follow the pursuit of a grazier or squatter? Yes.
2. You were one of the Magistrates who sat upon the Bench at Deniliquin, on the 11th December, 1877, to revise the jury lists? Yes.
3. The other Magistrates who occupied seats on the Bench at the same time were, I believe, Robert Patterson, Alexander Wilson, Frederick L. Parker, William Bell, and Alexander Landale? To the best of my knowledge they occupied seats on the Bench on that day.
4. The object of this Committee is to ascertain the grounds upon which the Bench, when revising the jury lists, struck off certain names—we wish to find out what justification the Magistrates had for striking off those names which were subsequently published in the *Riverine Gazette*—I had better perhaps read you the names of the persons scratched off the lists: Charles Bailey, Joseph Brand, John Burrows, Michael Charters, Richard Heydon Cheriton, William Cooper, Cuthbert Corke, John Cust, Alexander Dalgleish, Louis Villian D'Elbeaux, James Devlin, Bernard Wright Doyle, Alexander Frazer, John Finnessy, George Gardiner, Robert Graham, John Hanlon, Henry Vincent Harrison, George Haverd, Paul Hetherington, Frederick Harrison, David Harvey, Thomas Johnstone, Henry Lee. Arthur M'Intyre, John M'Millan, Frederick Marshall, Joshua Metcalfe, Abraham Markson, Charles Forbes Mudie, Denis Nash, William Nisbet, John Henry Orr, Robert Henry Parry, Robert Harvey Pyke, Thomas Robertson, Frederick Rose, Hezekiah Simmons, Alexander Finlayson Steavenson, Peter Slader Tapp, John Tomkins, Alexander Tolmie, Alfred Tripp, John T. Thompson, Robert Vagg, Benjamin Varcoe, Michael Ward, James Wheeler, Richard Warren, Henry Willmore, Thomas Wilson Young.
5. I suppose those names are familiar to you? Some of them I know, a great many I do not know. I have no doubt that though unknown to me they were known to the other Magistrates on the Bench.
6. But with regard to the persons you do know, can you assign any reason for their being left off the list of jurors? Because they did not possess the necessary qualifications.
7. Can you name any in particular who did not possess the necessary qualifications? Well, Finnessy is not a proper person to serve as a juror, and is not believed to possess the necessary qualification. The jury list was formed as it always has been since I have attended the Revision Court. I have sat as one of the revisers of the jury list for a number of years.
8. Are not the names submitted to the Bench by the police sergeant of the district? There is an Electoral Roll, and I presume the police take the names from the Electoral Roll. The list is put before the Bench and read over. Most of the names will be known to one or other of the Magistrates, and it is for the majority of the Bench to decide who are qualified to act as jurors and who are not.
9. Is it not a fact that the police sergeant of the district submits to the Bench the names of certain persons who are eligible for the position of jurors, and the Bench then revises the list so submitted? He submits a great number of names. I do not know whether they are all eligible or not.

H. Ricketson, Esq., J.P. 21 Feb., 1879.

10. But he submits the names of persons who, in his opinion, are eligible for the position of jurymen? I do not know how the police sergeant gets the names; but it was known to the Bench that a great number of those submitted were not eligible.

11. The persons whose names I have read were not, in the opinion of the Bench of Magistrates, eligible as jurors? Some of the persons whose names you have read were not, I know, proper men to serve as jurors. They were objected to for certain reasons. One man whose name you have mentioned was fined in the Court for using dirty, low, beastly language in the street before little girls and boys. Judge Forbes fined him £40; and on several occasions the same man has been fined for a like offence. From what I know of the man myself, I do not think he is at all fit for the position of juror, although I do not know whether I was in favour of his name being struck off the list or not. I cannot say now whether I was or not. I have seen him a great number of times within the last three years, and have seen him oftener drunk than sober. For those reasons the man Johnson was struck off the list—Thomas Johnstone.

12. Does your memory enable you to say why other persons whose names I have read were struck off? I object to use any names, because this Committee will not protect me from the law. If I give names, and the reasons why they were left off the jury list, I might be called upon to defend a law suit.

13. In your opinion all the persons who were struck off the jury list were persons who were not eligible? I firmly believe so. But a great number of the persons whose names you have mentioned I do not know. It was no doubt known to the Magistrates that they were not eligible. It was for some good reason, because they were not fit to serve as jurors, they were struck off. I was only one of the Magistrates sitting on that day, and took no active part in the revision of the lists.

14. Did not the Bench recommend a number of names not upon the list for special jurors? A number of names that were not submitted?

15. That were not submitted to the Bench, but which were nominated by the Bench and appointed? I think there were a number.

16. Is it not a fact that those persons who were not on the list submitted to the Magistrates, but were nominated by the Bench, were persons who were engaged in pastoral pursuits? Some of them might have been, others not; I cannot say what names were added. If a name was submitted, and the Bench thought the person a fit and proper person to serve as a juror, they would sanction his name being put on the list.

17. Is it not a fact that there is great antagonism in the Deniliquin district between the pastoral tenants and the free selectors? I do not know why there should be any antagonism, except, you may say, Mr. Barbour and myself. So far as I know the free selectors, I think they would serve me; I am sure I would serve them as soon as I would serve a squatter.

18. But to your knowledge a great number of persons who made themselves prominent at Mr. Barbour's election were persons whose names had been excluded from the jury list? I do not know of any such thing occurring. If it did occur it was unknown to me, and I believe it was unknown to the rest of the Magistrates.

19. Do you remember the Magistrates retiring to a private room to debate or converse on the question of the jury lists? I remember; the course that had always previously been adopted was adopted on this occasion. The names are read over, and then the Magistrates retire to their room to consult as to who are fit and proper persons to have on the jury lists.

20. You know the qualifications of a juror? Yes, I do; I believe I do. I know it now. Perhaps I had not read up the Act then, and did not know it so well as I know it now. But it would have made no difference.

21. You say you know it now, but may not have known it then? I know there has been an amendment of the Act.

22. The other Magistrates on the Bench may have acted ignorantly too? I do not know that they acted ignorantly.

23. But if they had not the knowledge of the Act that is now in force? They would put on any man they thought a fit and proper person to serve as a juror. There are a great many people put on the jury list, because of a money qualification, who have no right to be put on. The outrage at Jerilderie the other day would not have taken place if half the people had not been accessory to it—I mean the robbery by the Kelly Gang.

24. *Mr. Terry.*] One-half the people of the place were accessory to that robbery, you think? Must have been; a greater portion of them, at all events. A thing of that kind could not have taken place unless half the people had been accessory to it—four men stopping in a township twenty-four hours, and ransacking the place.

25. *Chairman.*] You are aware that a special juror must be a person who owns land, or is a tenant of property worth £100 per annum? It is well known that 320 acres, which is the amount of land many of them hold, will not return £100 a year. I think common sense would teach every man that.

26. Then those persons who have property amounting to 320 acres are not entitled, you think, to hold the position of juror? No, that property alone is not sufficient; I know it.

27. And those persons who were struck off to your knowledge were persons who had only that amount of property, or less? As far as my knowledge serves me, that was so; I do not know them all.

28. But as far as your knowledge goes? As far as my knowledge goes, they were people not fit—not law and order people.

29. Of course you are quite aware that it is the duty of the police to collect the names of persons to form jurors? I am aware that they do collect them.

30. Do you remember the number that were submitted to the Bench on the occasion referred to? I do not.

31. If I were to refresh your memory by stating the number, do you think you could recollect it then? Very likely.

32. There were 116? Submitted?

33. Yes? What number were struck off?

34. The Bench struck off fifty-one—are you aware of that? I believe they did.

35. They struck off fifty-one, leaving on sixty-five? Yes.

36. Is it within your knowledge that some of the persons who were struck off were equally as eligible as some of the persons included in the sixty-five? I cannot swear that. I know but a very small number of the selectors. I have had very little chance of knowing many of them. I was summoned to the Court to revise the jury list, and I answered the summons and did my duty.

37.

H. Ricketson, Esq., J.P.
21 Feb., 1879.

37. Do you know a person named Brown, a selector? Yes, I have seen the man's name; I did not know him at the time the lists were being revised.
38. Do you know any person of the name of Robertson, a selector? I have heard the name, but do not know the man.
39. Do you know any one named Cust? Yes.
40. Is Cust not a man of some property? I believe he is. There is a family of Custs, and I believe each has 320 acres of land.
41. If he is a man of property—I mean of property more than ordinarily sufficient to entitle him to become a juror, why was his name struck off the list? That I know nothing of. I do not remember the particular circumstances of Cust's case. If he was struck off, it must have been done by a majority of the Bench. They must have believed that 320 acres would show a disqualification. 320 acres, as we all know, will not produce £100 a year.
42. You had sat on the Bench previously in the revision of jury lists? Yes.
43. On previous occasions did not the Police Magistrate preside—was it not customary for him to preside? No; I think the year before, the Police Magistrate did not preside; and I think he did not preside the year before that.
44. But on this particular occasion, the 11th December, 1877, he was absent, was he not? He was absent.
45. Do you know the reason of his absence? No; I believe he said he had business to attend to at Jerilderie—I think that was the place he said he had to attend.
46. Was not every one, including those who sat upon the Bench, engaged in revising the jury lists, well-known squatters? Tell me their names, and I can tell you whether they were well known or not.
47. Henry Ricketson, Robert Patterson, Alexander Wilson, F. L. Parker, William Bell, Alexander Landale? Yes, they are all well-known men.
48. They are squatters, are they not? Yes; I do not know if any other J.P.'s were there at the time.
49. Was there any conversation between the Police Magistrate and the gentlemen I have named in regard to examining the jury lists? Not to my knowledge; nor do I believe there was any. I never heard of such a thing. I never spoke to a Magistrate in my life upon the subject, nor has any Magistrate ever spoken to me upon it.
50. Did any alteration take place in regard to the special jury list in the open Court? No, I think not. To the best of my knowledge it was prepared in the usual way.
51. If any alteration took place afterwards, would it have been illegal? I do not think so.
52. Do you know that alterations were made afterwards in open Court? Let me understand what you are alluding to.
53. *Mr. Terry.*] Did any alterations take place after the Court adjourned? Not that I am aware of.
54. *Chairman.*] I understood you to say there was no alteration made in the special jury list during the time the Magistrates were sitting? To the best of my knowledge the list was formed in the usual way.
55. There was no alteration of the special jury list in open Court? No, there was nothing unusual, nothing but what had taken place before.
56. Was any alteration made in the special jury list in the Magistrate's private room after the Court rose? The list was read over in open Court, and then we retired to consider who were fit and proper men to be jurymen.
57. Then the fifty-one names were not struck off in open Court, but in the Magistrate's private room adjoining the Court-room? It was in the Magistrate's room.
58. And not in open Court? The list was read over in open Court.
59. But the names were not struck off in open Court? No. The way in which the list was revised was this: The question was put whether such and such a name was eligible, and the Magistrates held up their hands for and against.
60. The presiding Magistrate? The presiding Magistrate.
61. Do you not think it would have been more conformable to the Act if all that had been done in open Court? I do not know whether it would have been more conformable with the Act or not, but it would not have made any difference.
62. Does it not appear to your mind to have been a farce? Not then.
63. But you can see it now? It would not have made a bit of difference.
64. You are aware that the inhabitants of the district are interested in the persons who form special jurors? Yes.
65. Are you not aware that, to have been conformable to the law, that should have been done in open Court? It might have been more conformable to the law, but it would have made no difference to the jury list.
66. But was it not a farce for the Magistrates to sit upon the Bench, and not deal with a matter that was then brought under their consideration? They retired to consider it.
67. They retired, and then dealt with a matter that should have been dealt with in open Court. On previous occasions has it not been customary for you and the other Magistrates composing the Bench to deal with such matters in open Court? No; it has always been done, so far as my knowledge goes, exactly in the same way as it was done on this particular occasion.
68. And you distinctly say that the persons whose names were struck from the special jury list, though having the qualification according to the opinion of the person who collected the names, were not persons eligible for the position? Certainly. There was an error as well in the jury list. There was a mistake made in setting the names down; those who were not qualified to serve on the jury had their names put down. The mistake arose from marking out their names and not their qualification; in that way those who were disqualified got put on, and that is why a great number of them came to be struck off.
69. *Mr. Simson.*] They were put on the wrong list—the special jury list instead of the ordinary jury list? That is it.
70. *Chairman.*] You sat on the Bench when the jury lists were being revised the year previously? I did. I think Mr. Davidson was Chairman on that occasion, and those who were not qualified to serve as special jurors were through an error put on the special jury list.
71. Then those persons who were struck off on the 11th December, 1877, were persons who were actually on the jury list of the previous year, their names having been put on through a mistake? Through mistake, as the papers will show if you look them up.
72. Still they were persons who would have been eligible as common jurors,—would they not? I do not think they would all have been eligible.

H. Ricketson, Esq., J.P. 21 Feb., 1879.

73. But the Bench must have considered them eligible as common jurors, even though a mistake had been made as to their eligibility as special jurors? It was intended that they should be struck off from the special jury list, but the qualification was not rubbed out, and consequently they were all put on the common jury list.
74. By mistake they were all appointed? Yes.
75. And they were not eligible then? Not eligible then.
76. Whose mistake was that? It was the mistake of the Chairman. The Police Magistrate was not there, but was censured because of his absence.
77. Because he was not there acting in the capacity of Chairman? Yes.
78. Mr. Davidson acted as Chairman?* Mr. Davidson acted as Chairman at that time. I remember the circumstance very well. The persons were all put on by mistake; their names were rubbed out, but their qualifications were not.
79. *Mr. Terry.*] Is it customary in your district for Magistrates to sit in open Court first, and then retire into a private room for consideration? It has been, so long as I can remember.
80. And on the particular occasion referred to you did not return into the open Court again to consider your decision? If I remember right, the revised list was given to the Clerk of Petty Sessions.
81. You are aware that that was very irregular? I did not think it irregular at the time.
82. *Mr. Simson.*] During the course of your examination you have been asked whether the revising Magistrates referred to as having sat on the 11th December, 1877, were not all squatters—were there not other Magistrates in the district who were entitled to sit on the Bench? Yes, plenty.
83. Why did they not attend? I do not know. That was their business.
84. They were all summoned to attend? All summoned to attened.
85. And there is a fine if they do not attend? Yes.
86. I supposed the fine is never enforced? I am not aware that it has ever been enforced.
87. Was the course adopted by the Bench on the occasion referred to the same as that which has been adopted on former occasions? Yes, so far as my knowledge goes. I do not remember the jury lists being revised in any other way.
88. *Chairman.*] Do you remember, Mr. Ricketson, my calling upon you some time ago at the Supreme Court in Sydney? I do.
89. Do you remember my telling you that I called upon you with a desire that you should be examined with regard to the question referred to this committee? I do, and I wrote you a letter about it.
90. Did I not tell you at the time that I wished you to attend and be examined as a witness in order that both sides might be fairly represented, and that I had no other desire than to see justice done? My letter was in reply to whatever you said to me. I was at the time looking up a witness in the case in which I was interested. You only spoke one or two words to me, and the answer I made was, "Very well, at any time the Committee may meet I shall feel it my duty to attend and state all I know about the matter."
91. Do you remember me asking your address? No.
92. Do you recollect me taking your address down? I do not.
93. Did you receive a letter from the Clerk of Select Committees, dated November 25? I received one, dated the 25th, on the 18th December. I have it here. [*Handing letter to Chairman.*] I received it in Melbourne.
94. Do you not know that some person at the hotel where you were stopping in Sydney posted this letter to you? I do not know.
95. Have you not been informed that he did do so? I have not. It was well known by Mr. Barbour that I was going away by train that afternoon. I wrote a letter on the same day to you, so that you ought to have been in possession of the fact that I was leaving that afternoon by train, and therefore there was no justification in giving publicity to the statement that I had been summoned to give evidence before the Committee and did not attend. Mr. Barbour, and the letter I wrote to you, ought to have put you in possession of the fact that I had left Sydney.
96. We desire to summon witnesses from Deniliquin in reference to this case, and should like to have your opinion as to the witnesses whom it would be best to send for. Sergeant Johnson, do you know him? Yes, I know him.
97. Do you think he would give the Committee information which would enable the Committee to unravel the case at once? I cannot tell you whether he would or would not.
98. Do you know Mr. Johnstone, an ironmonger, at Deniliquin? Yes.
99. He is a respectable person I suppose, and could give us information? He was one of those who were struck off the jury list for using obscene language in the street; he was fined £40 by the Judge for using indecent language in the streets; he has on several occasions been brought up for using bad language.
100. Do you know a person named Gibson? I know a person named Gibson as having some litigation with me.
101. There is another person named Walker, another named Vagg, another named Cheriton, and another named Mayger? As far as Mayger is concerned, I do not know what reliance you could put upon his evidence; simply because there was an inquiry that took place at Deniliquin, and he told me that he believed what my witness had sworn to, and believed the other side was false, but still he would stick to the other side on principle.
102. He would stick to whom on principle? He would stick to the man who was mixed up in a certain case.
103. Could you suggest the names of any persons likely to be of assistance to the Committee in conducting this inquiry? I do not know who to name. You could summon a great number of people.
104. At all events you would like to have all the persons composing the Bench on the particular occasion referred to examined? I should like it very much; and I dare say they would like it. I wished to be examined, and that is half my errand to Sydney just now.

[Witness then withdrew.]

TUESDAY,

* Revised:—This should be altered. Mr. Davidson acted as clerk. Mr. R. Patterson, the senior Justice present, of course acted as Chairman of the Court. Mr. Davidson did the writing, but he and Mr. Patterson signed the list.—H.R.

TUESDAY, 18 *MARCH*, 1879.

Present:—

MR. BURNS, | MR. SIMSON,
MR. HURLEY (HARTLEY), | MR. F. B. SUTTOR.

JOHN HURLEY, ESQ., IN THE CHAIR.

Alexander Landale, Esq., J.P., examined:—

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18 Mar., 1879.

105. *Chairman.*] You are a Magistrate of the territory? I am.
106. And have been for several years? Yes, I think I have been a Magistrate for fifteen or sixteen years.
107. You have been one of the Magistrates who composed the Bench in revising the jury lists at Deniliquin? Yes; I have sat now every year; I think the last time I sat, before the occasion which originated this Committee was in 1875, when I acted as Chairman.
108. Do you remember, upon the occasion on which the dispute arose in connection with the jury list being altered, whether the list was taken before the full Court, and whether the Magistrates afterwards adjourned to a small room for further examination? We adjourned, when I was Chairman, after calling the common jury over, to strike the special jury, into the Magistrates' room, as had been the custom for several years back.
109. The common jurors were always struck off in open Court? Yes; we thought we could better consult with one another as to the qualification for special jurors in the Magistrates' room.
110. Was any objection raised to that procedure? No.
111. Do you know whether it was a wrong action on the part of the Bench? No, we never thought so.
112. Do you think so now? I do not think so now.
113. Did you hear any objections raised, by persons whose names were struck off, against this mode of procedure? None at all.
114. You have heard since? I have seen it in the public prints, which I did not pay much attention to.
115. Those persons who were struck off, do you still think were not eligible? I think so; they had not the qualification under the Act we considered necessary when we revised the list.
116. Is there not a great feeling of dissatisfaction existing among different classes in the community there? There has been since Selection commenced in 1873, but I am glad to see it dying away.
117. Has that feeling been caused in any measure by the action of the Bench in revising the jury list? I do not think so.
118. Have you heard any remarks upon the Bench as regards the action of Magistrates towards those persons who were struck off? None, except through a certain paper, I think, that has been the cause of all this agitation; I have heard none directly.
119. The classes to which I refer, where there has been this party feeling, are the free selectors and squatters? Yes.
120. Is it within your knowledge whether the persons who composed the Bench upon the occasion of the revision of the jury lists followed the pursuit of squatters? They are mixed, I think, the professions of the gentlemen who have been Magistrates.
121. In lawsuits that have taken place in the district of Deniliquin, has there not been a great deal of ill-feeling because of the action of squatters towards free selectors? In the one great case of Ricketson *v.* Barbour there has been, but apart from it I think there has been no especial party feeling.
122. Do you not know that it is a fact, when certain trials have been about to take place, that each person has been desirous to secure for jurors persons who on account of their calling would be likely to be in sympathy with himself? It may be so, though I have never observed it; still it is quite natural that it should be so.
123. At the time you have referred to, when you were Chairman and retired to the private room to consider the special jurors, did any Magistrate raise an objection to the proceeding to the private room to consult as to the eligibility of persons to be placed on the jury list? No, we considered that we should be better able to consult together and discuss the eligibility of the various names brought before us; and it was the practice which had been previously adopted.
124. Then the Magistrates were unanimous? Yes; there were Mr. Watson, Dr. Noyes, and myself on the occasion I refer to.
125. The persons who were struck off the ordinary jury lists, do you know whether they are eligible now to be placed upon the list? I am not aware; it was the property qualification, we decided, as far as our judgment guided us.
126. The persons whose names were struck off did not, in the opinion of the Bench, hold to the amount required by the Act? They did not hold land to produce £100 rental; of that I was certain in the cases which came before me when I was Chairman.
127. It was customary for the Police Magistrate to preside on such occasions? Yes, Mr. ——— always used to preside.
128. Do you know why the Police Magistrate did not preside on this occasion? No.
129. Do you know that the persons present requested his attendance? No; I am not aware of that.
130. Can you tell the Committee if you think there is any reason to fear that the law would not be administered justly, to persons who were litigants there at any time, by those who were marked as special jurors? No; I think the persons whom we marked as special jurors were good men; we took the names that were left from the common jury and marked them off.
131. And you cannot call to mind one single instance where a name was struck off from the list which you think was unjustly struck off? We did not exactly strike off the names; we took the names from the common jury, and then marked off those which we believed did not possess the necessary qualification.
132. Was that notified in open Court? The common jury were marked in open Court and notified, but the special jury were not.
133. *Mr. Simson.*] When Mr. Gordon was the Police Magistrate, was the same course adopted as now? Yes.
134. Did you then retire to the private room? Yes.
135. He was the previous Police Magistrate? Yes.
136. The same practice has been adopted for the last two years? Yes, he did it, I understood because we could discuss the qualifications better than we could in open Court.

137.

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137. Who were the Magistrates on the Bench when you acted as Chairman? One was a storekeeper, Mr. Watson, and the other a medical man, Dr. Noyes.
138. So that there was only one squatter on the Bench on that occasion? Yes, myself.
139. And there was no objection made? None whatever.
140. *Chairman.*] And you do not think there was any warrant for the paragraphs and articles that appeared in the local paper from time to time? No, they were only for the purpose of exciting one class against the other.
141. *Mr. Simson.*] There are two papers there—did they both express the same feeling? No, the other paper never alluded to it, except slightly; but the *Chronicle* has been very bitter.
142. Did the *Pastoral Times* take the same view as the other? No, it was rather the opposite; but really so much has been written that I did not pay attention to it; but latterly I think the feeling has died away.
143. *Chairman.*] You think it has tended to set class against class? Yes, that has been the effect, but I am glad to say that the feeling is dying away.
144. *Mr. Suttor.*] You have stated that it has been the custom for many years to strike the special jury lists as you did when you sat as Chairman in 1876? Yes.
145. The Magistrates retired to the private room, and discussed each individual name, and struck them off or retained them, according to your judgment of their qualification? Yes.
146. Have you read the Jury Act? Yes.
147. Do you consider, according to the wording of that Act, you are justified in holding a Court with closed doors? We marked off the jury list in open Court, and then, when we had to discuss the qualification of special jurors, we thought it better to retire to the private room, because there is sometimes a difficulty in discussing the money qualifications of a person in public.
148. In what way did you generally arrive at a decision—did each individual express an opinion? Yes; if there were a division of opinion we took a vote, and the majority decided the question.
149. Under the Jury Act all the Magistrates are summoned to be present at the Revision Court? They are bound to attend under a penalty of £10.
150. Hence on these occasions there is a better attendance of Magistrates? Yes; they are obliged to come. I would willingly stay away if I could.
151. On these late occasions when these complaints have arisen, have the Magistrates as a body attended? On the last occasion, 1878, there was a very large meeting—ten, I think, attended; the previous year six; and the year before that, when I acted as Chairman, there were, as I have already said, three.
152. Then I suppose the ten represented almost the entire Bench? Yes, I think nearly all the Magistrates in the district were present.
153. Do these Magistrates occupy different positions in life? Yes, on the occasion when I was Chairman, one was a storekeeper, the other a medical man, and myself a grazier or pastoral lessee.
154. I understand from your reply to a question by the Chairman, that all the names which were struck off were removed because the Magistrates were convinced that the parties did not hold the requisite qualification under the Act? I consider so.
155. Do you know whether any of these have since obtained the qualification to be placed upon the jury list? Some were placed on the jury list at the last revision because we obtained evidence that they had the necessary qualification, although previously they did not.
156. They had subsequently acquired the qualification to be placed on the special jury list? Yes.
157. These were persons to whom there was no objection on the ground of their public character? Yes, and who it was believed had acquired the money qualification required by the Act.
158. Do you know whether any considerable number were placed on the list on that occasion? Yes, I think there has been a considerable addition this year.
159. Many of those were persons who you were satisfied in the previous year did not possess the necessary qualification? Yes, we were all satisfied of that.
160. Many of these were persons who had complained before of having been left off? Yes.
161. In what way are the lists prepared? The sergeant of police puts "freeholder" against the names of those who have land, and the list prepared by him is submitted to the Bench, who mark on the common jury list the names of those who are considered to have a freehold of £100 rental as fit for special jurors.
162. The sergeant prepares this list, and gives evidence of the qualification? He gives no evidence at all, and cannot advise the Bench; they have to use their own judgment very much.
163. I understood you to say that the number of jurors struck off in 1876 and 1877 was greater than on any previous occasion? No, I said there were more put on in 1878 than in 1877.
164. But not more struck off? No.
165. Then I suppose that as the population of Deniliquin is increasing, a greater number of names is submitted to the Bench? Yes, there is a larger number of names, and some of the people have acquired more property.
166. The number of jurors is increasing year by year? Yes, increasing largely in the Deniliquin District.
167. You have said that the ill feeling which existed between the classes is becoming less; do I understand you to refer to ill-feeling in reference to the preparation of the jury list? No, I think the people generally are more reconciled to the existing state of things,—free selection is pretty well over.
168. Has there not been the same ill-feeling with reference to the preparation of the jury lists this year as in previous years? No; I have not heard of any case. Where a name came before the Bench, if they were satisfied, they put it on—they used their judgment in the matter.
169. The Police Magistrate at the last occasion did not attend the revision? Yes, he was there on the last occasion.
170. *Chairman.*] You know Sergeant Johnson? Yes.
171. Is he a very intelligent officer? He is a very good sergeant, indeed.
172. You know that it is his duty to collect names? He collected the names.
173. On the date we refer to, 11th December, 1877, some fifty odd names, speaking from memory, were struck off, those were names that he had collected and submitted to the Bench? Yes.
174. Were those fifty odd persons known to you individually? Most of them were.
175. Was it understood by the Magistrates on the Bench that if any single objection were made by any Magistrate the name should be struck off without discussion? No, we called every name when we were marking

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marking off the special jury; we discussed their qualifications, if there were any objection, and then put the question to the vote, and either struck off or retained them.
176. Would not the sergeant have been in a better position to judge of the value of the holdings of the persons on the list than the Bench? No; we asked him, but he would give us no information.
177. Does it not seem to you that he, being a clear headed intelligent man, was likely to be able to form a correct idea of their holdings? He seemed to have put down every man who had a selection whether of 40 or of 100 acres as a freeholder, and according to the Act a person must have a certain area to be qualified.
178. After these names had been struck off, on the 11th December, 1877, did not the Bench require a certain number of names to be added to the lists that were not submitted by the sergeant? I think some were added; the names of some persons that had not been put down by him.
179. These were added or submitted by the Bench and approved of? These were marked off and approved by the Bench.
180. Were not those who were thus selected and approved by the Bench, men following the same pursuit as yourself? I forget the names. They may have been, but we put them down because we thought them qualified. The Act mentions certain qualifications as necessary for special jurors, and we thought these persons qualified.
181. After going through this list of 160 odd names you found these were left off? Yes.
182. Do you think that may have been done intentionally? I do not think so.
183. But do you think their being left off might have arisen from their being known not to have had sympathy with the free selectors? No, I do not think they were left off intentionally, but some one or two had not been long in the district; but they had been long enough to be qualified.
184. Is it customary for the Bench to nominate persons and place them on the list? Yes, that may always be done if the name of a person is omitted.
185. Without the application of the person? Yes.
186. You came to Sydney purposely to be examined before this Committee? Yes, in respect of the call of the Legislative Assembly, I came to give my evidence.
187. Is there anything you would like to add? No, I do not know that I can add anything more than that we revised the list according to the best of our judgement, and that we struck out only the names of those persons who we were quite convinced had not the money qualification. I had no feeling about the matter either one way or other. There were half a dozen different professions on the Bench, and we had no difficulty in knowing whether the persons whose names came before us possessed the requisite qualification or not.
188. *Mr. Suttor.*] You have stated that the sergeant who submitted the names to you, which were afterwards struck off, could not give you any information as to whether these persons held the requisite qualification? Yes.
189. You asked him, I suppose, if he could give you information? Yes, we asked him in several cases.
190. And he could not give you any information on the subject? No, he only knew that they were freeholders; he could not give any area or quality.
191. Did you find among your own body one or more who knew sufficient of the person whose name you were discussing to give the requisite information? Yes, from my own knowledge, or from what I heard from others, I was guided in my decision.
192. There was always one or two Magistrates who knew sufficient of the man to know whether he held the requisite amount of land? Yes, all living among each other, some one would be able to give the required information.
193. You discussed each man and thoroughly considered his claim? Yes.
194. You did not strike out a name because it belonged to a free selector, or add a name because it belonged to the other class? No, certainly not.
195. Will you read the 8th section of the Act, "List to be corrected." (*Read the section.*) Do you think that justified you in inserting a number of names on the list although not submitted by the sergeant? Yes.
196. Knowing they were persons holding the requisite qualification? Yes; we acted strictly in accordance with the Act, which we had before us.

Alexander Wilson, Esq., J.P., examined:—

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197. *Chairman.*] You are a Magistrate of the territory? Yes.
198. You were one of the Magistrates who was on the Bench at Deniliquin on 11th December, 1877? Yes.
199. Does your memory serve you to say whether on that occasion you were sitting in open Court or whether you retired to a private room? We sat in open Court for some time, and after we had commenced to fix the list of special jurors, some questions were raised, and it was proposed to go into the back room, as is usual when there is any discussion between the Magistrates, and we did not come back to the Court until after the business was over.
200. Was this while you were considering the common jury list? We settled the common jury list in the Court.
201. Do you remember how many names were struck off on that occasion? I have not an idea.
202. Was not fifty-four or fifty-five? I have not the slightest recollection of the total figures.
203. A great number were struck off in open Court? I could not say the number; I know a good number were, for various reasons.*
204. In open Court? Yes, I believe so.
205. What was the point of discussion that was raised that caused the Bench to retire? We had a rather long discussion, so far as I remember, as to the qualification—the freehold. There was a rather large Bench and the previous year there had been some bungle, and we were anxious to get a clear insight as to how we should start on the question as to freehold, which is one of the main points in preparing the list. The question was, the amount of land, how held and utilized, which would bring in an income of £100 a year. There was a long discussion over that, arising out of some of the names on the list. It was something of that kind. I cannot exactly say how it arose, but it was immediately we commenced the special jury list.

* REVISED:—Off the common jury, in open Court.

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206. After retiring to the private room, and discussing the point raised on the Bench, did the Magistrates return to their seats in the Court? No, they did not come back to the Court.
207. Why? I did not know that there was any reason; we understood it was not out of the usual practice—that was the general feeling.
208. Does it not strike you as strange for the Magistrates to raise a point in Court, then to retire, discuss, and determine it, without returning again to Court to announce their decision? We found that there was discussion over a great many names, and did not think such discussion could well be carried on in open Court by the Bench with a due regard to the maintenance of proper appearances. In many cases there were animated discussions, and the names were put to the vote.
209. Were there many votes taken as to the names of persons who should be struck out or put on? A great many names were submitted to vote.
210. When a dispute arose, an attempt was made by those favourable to show that the parties for whom they should vote were eligible? Yes; in some cases there were strong arguments for and against, and a great deal of discussion, leading in many cases to greater light upon the subject.
211. Where they were struck off? The result varied in some cases, the discussion was to leave them on.
212. Will you tell us what were the occupations or professions of the Magistrates who sat on that occasion? If I had their names I could.
213. Robert Patterson? Squatter.
214. Alexander Wilson? Squatter.
215. Frederick L. Parker? Squatter.
216. William Bell? Squatter.
217. Alexander Landale? Squatter.
218. Henry Ricketson? Squatter. Six altogether.
219. So that in point of fact every Magistrate who sat upon the Bench on that occasion was a squatter? Yes.
220. When a discussion arose as to the qualification of any person, did voting take place as to whether the name should remain or be struck off? When there was a discussion as to the property qualification there was generally one or other of the Magistrates who had a knowledge of the property from the proximity of his own residence to it, but perhaps another would take a different view, and then it would be put to the vote.
221. Do you remember as to how the divisions generally resulted? No. There were no sides, exactly, sometimes a Magistrate would vote in one direction upon one case, and in another upon the next, according to what he knew in favour of or against the particular name.
222. If the question were raised by one Magistrate as to a certain person not being eligible, would a vote be taken upon that? If he insisted upon it that the man was not eligible, and others contended that he was, it was put to the vote. Sometimes the question was carried by four to two, sometimes by the casting vote of the Chairman, it was always decided by the majority. No objection by one or two was sufficient.
223. To your knowledge were all those persons who were struck off, persons who had not the qualification to become jurors? So far as my knowledge went at the time I believe they were, unless in the case of those I voted for, where I was in the minority.
224. Have you found out since any single case of where a person was, or any number of cases of persons were struck off unjustly? I have not inquired, but from what I have seen stated in the papers, and have heard personally, I believe mistakes were made, whether I was one of those who made mistakes I cannot say. I do not know any case in which I voted against any name which I now think ought to have been retained. Still where there are a number of men called upon to determine questions of this kind, mistakes will be made.
225. Is it not the fact that there is a great deal of party feeling between the squatters and free selectors? In exceptional cases; speaking for myself, I cannot say that I have experienced it.
226. At that particular time was it not known to the Magistrates on the Revising Bench that there was about to be some litigation with a free selector? I did not know it then, of course I have known it ever since. You refer to Mr. Ricketson. I did not know it then, as a matter of fact. I do not remember when the first action commenced.
227. Do you think that he, sitting as a Magistrate on the Revision Bench, would be interested in getting persons placed upon the jury list who would be favourable to him? I could not answer for Mr. Ricketson's feelings.
228. Is there not a class feeling—supposing you were having a case tried, would you not rather have it tried before persons who had sympathy with you as a squatter, than by free selectors? I know I have a free selector on my own run, and others in my neighbourhood that I would sooner have than Henry Ricketson.
229. I suppose you know the person who collected the jury lists? Sergeant Johnson.
230. He is a person who has the respect of every one in the place? Yes; he was formerly Clerk of the Bench where I have sat for years, viz., at Jerilderie.
231. He bears a good name among the people? Yes.
232. Would he not have been the most fit person to have known the eligibility of the persons whose names he submitted for the jury list? For one thing it appeared that Sergeant Johnson had not actually collected the list himself; indeed a good many names on the list were those of parties who had left the district. That fact was within the knowledge of many of the Magistrates; indeed that point was raised, and it was said he had not been very careful in getting up the list.
233. Were there not a great number of names left off? There were a few.
234. Are you aware that certain Magistrates submitted names to be put on the list, after the Bench had retired to the private room to revise the list? I do not remember that any Magistrate was specially concerned. It arose first in going over the common jury list. We found a number of names of parties who had actually left the district, and that others who should have been upon the list were left off. One Magistrate would suggest one name, and another another who were thought to be duly qualified and who were within the radius of the district. But I do not think any one specially recommended any names to be placed on.
235. You have seen various reports in the local newspapers? Yes.
236. Have those reports been generally correct? I could not say; I believe the main report in the *Chronicle*, I have not seen; at all events I could not tax my memory.

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237. Yet you believe the names of several persons struck off unjustly, or that the Bench made a mistake? Of course the majority of the Bench decided the matter, and it is quite possible they may in some instances have made mistake.
238. *Mr. Burns.*] I understood you to say that there was great animation in the discussion as to the qualification of the jurors? Yes.
239. Did that arise from mere difference of opinion as to the qualification? Yes, in a good many cases the personal qualifications were pretty well settled, and the question of property qualification was discussed according to the personal knowledge of the various Magistrates.
240. Had the discussion reference more to the fitness of the individuals than to the property qualification? I should say there was more feeling as to the personal fitness.
241. You think it arose rather with reference to the fitness of the party than from a feeling of party? For my part, I know I attended the Bench with no previous purpose, and I do not think three of the Magistrates had words together from the time of coming in from the country until they met in the Court.
242. You think the Bench were all for the state and none for party? I cannot answer for them all, I can only answer for myself.
243. *Mr. Simson.*] The Chairman, has referred to all the Magistrates who sat on the Bench being squatters, are there any other Magistrates in the district? Yes.
244. They must all have been summoned? I require some time to think who were the Magistrates then in town.
245. Do you know any reason why they did not attend? I do not, but as a rule the town Magistrates do not attend when there is anything of importance.
246. Do you known any cause for that? No.
247. *Mr. Burns.*] Were there many other Magistrates in town besides these who were squatters? Yes, there were Dr. Noyes and Mr. James Watson.
248. You say they stay away from the Bench when there is anything important? They do not like to sit, it is thought, if there are any stiff cases; because where they are engaged in business its ramifications are so various that they do not know whose toes they may tread upon.
249 Was there any feeling before the Court sat that any difficulty would arise? Not at all.
250. How do you account for the action of these Magistrates? I say they all stay away when there is any important matter to be disposed of.
251. Have you had any additions to your Bench of late? Yes, a large number, I think about six.
252. Do they belong to the class of squatters, or are they engaged in business? I think there are four selectors besides townsmen. I would like to mention why I was not present at the last meeting, though perhaps it does not matter.
253. That is for you to determine? I had made arrangements to be here in Sydney, or I should have liked to have attended again.
254. In the previous year when you revised the list, did you form the same Bench? I did not sit the previous year. The Police Magistrate always attended; I think Dr. Noyes sat one year, some years back; but it is a matter of notoriety that the town Magistrates, if there is any difficulty, do not attend; I suppose they consider their position is not sufficiently independent—even in the case of Dr. Noyes, he might be brought into unpleasant relations with a patient.
255. *Chairman.*] Did you hear anything to the effect that if the town Magistrates attended they would be outvoted? No, as I have just now stated, I had no intimation of any attempt at any course of action. I live 45 miles from Deniliquin, and arrived there only just before the sitting of the Court.
256. *Mr. Burns.*] You attended in compliance with the circular? Yes.
257. *Chairman.*] Are you aware that the action of the Magistrates was wrong in retiring to the private room to revise the special jury list? No, I am not aware of it; I have seen it in these prints, but so far as any legal authority goes I have not yet learned that it was.
258. *Mr. Suttor.*] With regard to the town Magistrates, I understood you to say that they do not attend, because by their decisions their business might be injuriously affected? That is the impression. One of the Magistrates resident in the town is a storekeeper; and the other, who is a doctor, is from the nature of his profession very uncertain in his attendance.
259. You attended in consequence of having received a summons? Yes, I complained to Mr. Broughton, C.P.S., about summoning me, as I lived at such a distance; and he said I was constantly passing through, and ought to be summoned.
260. You said you were not aware of any arrangement having been made between the Magistrates, having come in from a distance of 45 miles from town, just before the sitting of the Bench? Yes.
261. Do you think any arrangement had been come to irrespective of yourself? I should say not.
262. You discussed each name upon its own merits? Yes.
263. You discussed whether the person had the property qualification, and afterwards went to his moral character? Yes.
264. Some persons who had the property qualification did not attain the standard of moral character which you considered to be necessary for a special juryman? Yes.
265. You did not in striking off or putting on names whether the persons represented were squatters or free selectors? Certainly not.
266. With regard to Mr. Ricketson being on the Bench, you have stated that you were not at the time aware of his being in litigation with any other person? Referring to the case of Ricketson and Barbour * I believe if I had been asked at the time if I had known that there was a case coming on, I should have answered yes, but it did not occur to me.
267. On this occasion did Mr. Ricketson attempt to bring any undue influence to bear upon the striking off or retaining the name of any particular person? I think no more than other Magistrates in the cases they took up. Perhaps I ought to know more of these matters, as I called over the various names. Mr. Patterson, who was the Chairman, said his eye-sight was not very good, and he asked me to take the list and call out the names one by one, which I did. At times I got quite tired with the discussions, and wished to pass over the names as quickly as possible. 268.

* NOTE (*on revision*):—I was not aware. But as a matter of general notoriety, it was likely Ricketson had a case coming on.

Alexander Wilson, Esq., J.P.

18 Mar., 1879.

268. On several occasions there were animated discussions? Yes, quite tedious.
269. And sometimes close divisions? Yes, sometimes.
270. You say you think the Magistrates did make some mistakes? I think it is likely they might have done so. I would not say that no persons were left out whose characters entitled them to be left on.
271. Are you aware whether any were struck off who have since been placed on the jury list? That is one of the reasons I regret that I was not able to be present at the last Revision Court, that I might have remedied any injustice that might possibly have been done previously.
272. Sergeant Johnson does not appear to have given any information to the Bench as to the standing of the men whose names were brought forward with regard to qualification? I do not think he showed a very active disposition in the matter. He is a very respectable and gentlemanly officer in his position, but I think he might have shown greater activity in getting up the required information.
273. He could not give you much information? Very little.
274. Therefore you had to get your information from other sources? Yes.
275. Did you as a matter of fact find among the Magistrates who knew something of most of the individual cases? Yes. If I knew nothing, some other Magistrate who lived in the neighbourhood of the person whose name was brought forward would have some knowledge of him, and his case would then be discussed.
276. What would you do in the case of a name that was unknown to all the Magistrates? I do not think any single case came under notice where the character and condition of the person was not more or less known to one or other of the Magistrates. Our community is not very large.
277. *Chairman.*] Do you think 320 acres is a sufficient holding to qualify a person to be placed upon the jury list? Certainly not.
278. You do not think it of the value of £100? We have taken as a standard one of the best small properties that have been put up for public tender to rent. It is on the railway line and was offered a fortnight or three weeks previous to the Court now being inquired into, and the highest offer was 3s. an acre. So that to attain a rental of £100, 700 acres would be required.
279. You are aware that the names of 116 persons were submitted? I do not remember the figures—that was for the special jury.
280. The Bench struck off 51? Yes.
281. What I want to bring you back to is the number struck off in open Court before you retired to the private room? The common jury list was finished so far when we left the Court—at least I have no manner of doubt that it was, because I remember that Mr. Waring, the Town Clerk, claimed to be on the list, and we thought it would have been to his advantage to be off, and he was about the last on the list, among the W's.
282. Do you think persons were struck off who may have been equally eligible with many who were left on? I have said there may have been several.
283. *Mr. Simson.*] Do you think there were very many? No, I do not think there were so many as those mentioned in the paper. I do not think there would be more than three or four; but from the tediousness of the discussion I did not observe as I otherwise might have done, and was often inclined to pass on to the next name.

Frederick Langholm Parker, Esq., J.P., examined :—

F. L. Parker, Esq., J.P.

18 Mar., 1879.

284. *Chairman.*] You are a Magistrate of the territory? I am.
285. You were one of the Revising Bench on the 11th December, 1877, at Deniliquin? I was.
286. A great number of the names submitted by the sergeant to be placed as jurors were struck off. We want to know from you upon what ground those names were struck off? Many of them for want of qualification.
287. Were the fifty odd persons whose names were struck off known to you or to all the Magistrates present? They were not all known to me, but a few of them were, and others were known to the different Magistrates who lived in the locality with them.
288. Do you remember the Bench retiring to the private room adjoining the Court? Yes.
289. Previous to retiring, were not some points of order raised as to the mode of procedure by some member of the Bench? No, not to my knowledge. I never heard of it.
290. Does your memory serve you to say how many were struck of in open Court before you retired to the private room? I do not think there were any.
291. So that all the names of the 116 were struck off in the private room? I have no memory of any being struck off in open Court.
292. There were other Magistrates in the locality besides those who sat upon the Bench? Yes.
293. Do you know the reason of their absence on that particular day? I could not say.
294. Do you know the callings of the persons who sat upon the Bench on the revision of the list? Yes.
295. What vocation did they follow? If you would be kind enough to read the names over I could tell.
296. Robert Patterson, Henry Ricketson, William Bell, Alexander Wilson, Frederick Langholm Parker, Alexander Landale: are they not all following squatting pursuits? Yes, I think so—principally squatting pursuits.
297. In fact, the fifty-one names that were struck off as not eligible were struck off in the private room adjoining the Court? Adjoining the Court.
298. Only the Magistrates revising the lists were present? No other persons.
299. Were you aware at the time the revision was going on that one of the Magistrates was carrying on some litigation against one well-known freeholder in the district? I did not know it at that time; in fact, I arrived very late in town, and went directly on to the Bench. I did not know of any action with any Magistrate at that particular time.
300. Would you have considered it proper to have advised him as a matter of good taste to withdraw from the Bench at that time if you had known it? Probably, I might have done it; but I do not think, at the moment, I was sufficiently up in the matter to give it a thought whether it would affect his decisions on the Bench upon any case that came before him. It never crossed my mind that he would fail to discharge his duty on the Bench without reference to any personal matter. I could only judge from my own feeling.
301. Has anything occurred since the revision to cause you to think any injustice has been done to those whose names were omitted from the list? Not the least; and if on any future revision similar cases come up,

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up, I shall act in the same way. I think fair justice was done by the Bench to the people whose names were submitted to them. I may have made a mistake in some cases, but if so it has not been shown to me, and I should act in precisely the same way again.
302. Do you know that a number of names were submitted by a Magistrate to be placed upon the list, and were passed? Yes.
303. Do you remember the name of that Magistrate? I do not think they were submitted by any one in particular. I remember I named one or two, though I cannot at this moment call to mind the names, then other Magistrates suggested other names.
304. They were not submitted by one individual person? No, they were not.
305. *Mr. Burns.*] Did it occur to you that the chief constable was not sufficiently informed with regard to the qualification and previous character of the persons whose names were submitted? Yes, that has occurred to me. The man could not gather the necessary information by merely visiting the residences of the persons on the list. I will not be sure that I asked the constable on this occasion, but I have inquired how the business was done. I think I asked the constable who was in the habit of collecting the information how he came to the conclusion that there were such large returns from such small properties; and he said the parties told him, "I make £200, £300, or £400 a year from my property." I said, "That is what you put down"; and he replied, "Yes, what else can I do."
306. I suppose the Bench fully discussed each man's case, whether as to character or as to property? Yes.
307. And you divided upon the information you had? Yes, if there were any doubts about it, it was submitted to a vote, and we voted whether we thought the qualification was sufficient.
308. Was there much heat displayed in the discussion? Not the least, I do not think we were more than half an hour over the whole thing.
309. Do you reside far from town? About 20 miles.
310. Do you come to town frequently. Yes.
311. Before you came to town to revise these lists, had you any intention to make it a party question? No, I was on the point of not attending the Revision Court, but other business taking me to Deniliquin was the reason of my being present.
312. *Mr. Suttor.*] You said that you had no angry discussion, and that the whole thing was over in half an hour? I do not remember the time exactly.
313. Did you discuss the names as they were submitted? Yes, each name was taken on its own merits.
314. I understand these names were discussed in a back room? In the room where the Bench has always been in the habit of deciding the special jury list. I cannot say that I have always been in the habit of attending.
315. It was not in this instance adopted for the first time? No.
316. You are an old Magistrate, I believe? I have been a Magistrate for sixteen or seventeen years.
317. And have had considerable experience on the Bench? I have had some experience, and when cases of difficulty or difference of opinion have occurred it has been the custom to adjourn to the Magistrate's room.
318. Were there many in attendance in the public Court? Not many.
319. Were the public informed that you were going to discuss these names in the private room? I think the Magistrates said they would retire and strike the special jury from this list, and there was no objection made.
320. *Mr. Burns.*] The public had no right at all in that room? No.
321. *Mr. Suttor.*] As you have said that you would act in the same way again, I presume you consider that you acted as the law directs? I thought so.
322. Do you think so at present? I do.
323. The constable not having inserted some names that were thought entitled to be upon the list, they were submitted by one or other of the Magistrates to the Bench? Yes.
324. They were not suggested by any one Magistrate in particular? No; if I knew a man in my neighbourhood whom I thought fit, I suggested his name; the other Magistrates did the same, and if they were approved they were put on the list.
325. You claimed to have acted as you were justified by law in striking off and putting on names? Yes; and I would do the same thing again.
326. And in retiring to strike the special jury list, you only did what had been done before, when you were on the Bench, and followed the uniform practice of years? Yes.
327. You did not alter the practice in this instance? No; I never thought about it at the time. There was no objection made and we went through the thing as earnestly and honestly as we could. I never gave a thought to the matter beyond getting the best jury we could.
328. You say you attended as a matter of accident partly, happening to be in Deniliquin at the time? Yes, I knew and was told that the Revision Court would sit.
329. You were not in collusion with any other Magistrates as to who should be struck off and who retained? Certainly not.
330. *Chairman.*] You did not retire from the Bench to discuss any point of order, or to have any controversy in the private room? If I remember rightly, I think we adjourned for lunch, and went into the private room afterwards. I do not remember any discussion further than the discussion respecting the names.
331. You are positive that no names were struck off in open Court? I do not think so.
332. Is there anything you desire to say? No; only that as to the revision of the jury lists, if I were called upon again to do that duty, I should perform it in the same way.
333. *Mr. Simson.*] Were you one of Magistrates who sat in the Revision Court on the following year? No, I was in Melbourne, or I should have attended.

William Bell, Esq., J.P., examined:—

W. Bell, Esq., J.P. 18 Mar., 1879.

334. *Chairman.*] You are a Magistrate of the Colony? I am.
335. How long have you been in the Commission of the Peace? About three years here, and I was fifteen years prior to the 11th December, 1877, in Victoria.
336. Have you had considerable experience in the revision of jury lists? I have.

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337. You were one or the Magistrates who sat on the Bench at Deniliquin, on the 11th December, 1877? I was.
338. Do you remember fifty odd names being struck off the list that had been submitted by the sergeant of the district? I do not remember the number, but I saw that the *Chronicle* stated there were about 52.
339. Were they struck off the common or special jury? The special.
340. Were they struck off in open Court? No.
341. Were any struck off in open Court? I could not tell you, I was not in Court the whole of the forenoon.
342. How long did it take to deal with these cases in revising the list? Some hours. I was on the Bench in the morning about half an hour, and then I left the Bench until they had adjourned.
343. Were any of these names called out in open Court? Yes, what I heard, but they were not struck off.
344. Then, in fact, these names were omitted from the list after the Bench had retired to the private room? Yes.
345. In what way did the Bench proceed to strike off the names? The names were struck off, beginning from the top of the list. When there was no objection they were passed, and the names objected to were considered at last, when I believe a vote after discussion was taken upon all occasions.
346. Supposing any one Magistrate took objection to a certain person, was the name of that person omitted from the list after discussion? It was put to the vote, and the majority carried it.
347. Were any persons ever voting in the minority? Many times. I was frequently, with other Magistrates, in the minority.
348. Have you heard anything since that would cause you to regret having struck off certain persons? No.
349. Do you not believe that those persons who were struck off were eligible? There might have been a few names that might have been left on.*
350. Do you know whether there was a special invitation from any member of the Bench to the Magistrates to meet that day to revise the list? There was the usual notice from the Clerk of the Bench.
351. Was there any other invitation? None whatever.
352. There was no combination among the Magistrates? None whatever.
353. Did you know at the time you sat as one of the Revision Bench that one of the Magistrates was having some litigation with a free selector?† Yes, I knew that; in fact we all knew it.
354. All the Magistrates knew that? Yes, as far as I know, I believe they did.
355. Was there any understanding, or anything said, to the effect that persons ought to be left off because their sympathy would be with certain classes? None whatever.
356. You have seen reports in the local paper with regard to the action of the Bench? Yes.
357. Were they well founded or did they exaggerate the case? They are quite unfounded.
358. Were there other Magistrates in town besides those who sat upon the Bench on this occasion? Mr. Watson and Dr. Noyes—I do not know any other.
359. Do you know why they did not sit? I think they were not in town on that occasion.
360. Do you know why the Police Magistrate did not preside? I was told he had to go to some other district—to attend some other Court upon that day.
361. Has it always been the custom of the Benches with which you have been associated to retire to a private room to revise the common or special jury lists? Not always.
362. Did it ever occur to you that it was wrong to retire for that purpose? I did not think of it at the time, I understood it had been the practice theretofore at Deniliquin.
363. In other places where you have sat as Revising Magistrate of jury lists what has been the practice? It has been done in open Court.
364. Has it not struck you that that is the most fair mode of dealing with the matter? It did not strike me as unfair to retire to discuss the qualifications, as it is necessary in other cases to do so.
365. Do you still consider that the Magistrates acted rightly in retiring to a private room? I think so; I saw nothing wrong that was done there.
366. *Mr. Burns.*] Were you present during the revision of the lists for the common jury? Yes, part of the time I was present, about half an hour.
367. Subsequently the Magistrates went to consider the lists in the private room for the special jury, did they call in the chief constable to ask him to give information with regard to the qualification of the proposed jurors? Not that I am aware.
368. The Bench knew of their own knowledge in many cases? Yes, I did not know many of them myself, for I was not long in the district. Of course, I was led very much by what my brother Magistrates said.
369. Was there much feeling manifested by the Magistrates in discussing the qualifications of parties? None at all.
370. You had frequent divisions? Very frequently.
371. Were you seldom unanimous in accepting or rejecting any name that was brought forward? Very seldom.
372. You think the information supplied by the chief constable was not sufficient? I thought the information supplied was the best he could get.
373. Still the Bench thought fit to reject parties whose names were set down upon the list by the chief constable? Because the Magistrates in many cases themselves knew the parties.
374. Did they know them better than the chief constable? Yes, they believed that many had not the qualification either as to character or property.
375. In some cases, I suppose, they had the qualification as to property but not as to character? Yes.
376. And in other cases they had the qualification as to character and not as to property? Yes.
377. Had you any prior knowledge of any strong feeling in the district on the question of the jury lists? Only through the Press.
378. Was there any intimation in the Press with regard to the existence of this feeling? Only in the *Chronicle*. Of course we got accustomed to what the *Chronicle* said, and paid very little attention to it.
379. Was that before or after the revision? Before.
380. Some feeling had been aroused before the revision took place? Only by the *Chronicle*.
381. Was there any agreement between the Magistrates as to the matter of revision? None.

382.

* Note (*on revision*):—I mean those who I supported in minority.
† Note (*on revision*):—I believe with Mr. Barbour. Whether he is a selector or not, I do not know; I think not.

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382. *Mr. Simson.*] Does the *Chronicle* write continually against the squatters? Yes.
383. So that you pay no attention to it? None whatever.
384. You were a selector before you were a squatter? Yes.
385. You have not long been a squatter? No. I was written up by the *Chronicle* before I became a squatter, and I have been written down since.
386. *Chairman.*] You prefer the one calling to the other? Yes.
387. The common jurors and the special jurors were considered alike in the retiring room, is not that so? I think so, I do not recollect well, only the special jury.
388. Were the common jurors struck off in the open Court, or were they dealt with in the private room with the special jurors? I could not recollect, I think in open Court.

Mr. Cuthbert Corke, examined:—

Mr. Cuthbert Corke.
18 Mar., 1879.

389. *Mr. Burns.*] What are you? A draper.
390. You are the person whose name was submitted as a special juror at Deniliquin by the sergeant of the district? Yes.
391. And your name was left off the lists? Yes.
392. And you consider that you were unjustly treated by having your name struck off? Yes.
393. Are you in business on your own account? Yes, in partnership with Mr. Brown; we have two shops at Echuca, two at Deniliquin, and one at Jerilderie.
394. How long have you been in Deniliquin? Three years in September. I was a special juror once, for I sat on the trial of Ricketson *v.* Barbour.
395. And you remained on the special jury list until this revision of the list in 1877? Yes.
396. Are you still a partner in the business and carrying on business in the town? Yes.
397. Can you give any reason why your name was struck off? I sat as a special juror in the case of Ricketson and Barbour. I sat for three days, and a month or two afterwards the Court was held and I was struck off.
398. You conjecture that that was the cause? Yes, so far as that Mr. Brown and myself devote our whole time to business and never interfere in political matters.
399. Nothing occurred in reference to your material interests to change your position, you have still the same business interest as when your name was put on the list? I have a larger interest than I had; my business has increased.
400. You were on the special jury? Yes.
401. And at the next revision after this trial your name was struck off? Yes, I think so. These papers will show better than anything else what was our position. They represent the amount of our stock in trade and business property in Echuca and Deniliquin. (*The witness produced the same.*)
402. *Chairman.*] You were in every way eligible at the time your name was struck off? Yes, I think so.
403. There were only two in partnership in the business? Yes, Mr. Brown and myself.
404. At the time you have referred to, when you were one of the jurors, was a verdict adverse to Mr. Ricketson given? Yes, we brought in a verdict, one shilling damages. *
405. And you are under the impression that your name must have been struck off in consequence of being on a jury that gave an adverse verdict to Mr. Ricketson? Yes, I think that was the only reason.
406. Were you well known in the district? Yes, as well known as any one, as a draper.
407. Did the chief constable know you well? Yes, he lived in the town.
408. Did any of the Magistrates know you? They must all have known me as a draper in the town.
409. Were any of them your customers? No, I do not think, only one who has been a customer lately, Mr. Bell.
410. Are the Magistrates likely to have known you from visiting the town? Yes, for it is the largest draper's in Deniliquin.
411. Is it in a prominent part of the town? Yes.
412. *Mr. Simson.*] You say you felt aggrieved at being left off the list? Yes, many persons were put on the list in a far inferior position.
413. Many persons are glad to avoid the duty of jurors? So would I, if it were not that I was made out to be not fit to go on the list.
414. You have been placed on the jury list since? Yes, in February last.
415. Was the action to which you have referred Barbour against Ricketson or Ricketson against Barbour? I think in was Ricketson against Barbour, I sat on the jury three days.
416. You say it was an adverse verdict; one shilling damages is not an adverse verdict. Are you aware that one shilling damages carries costs? Yes.
417. Then your verdict was in favour of Ricketson? They gave one shilling damages on one particular count, I think.
418. You were on the jury and gave one shilling damages? Yes, we gave one shilling damages for trespasses on Aratula; on the second count, we thought ten pounds paid into Court sufficient; and upon the third, respecting the non-fatting on plaintiff's cattle, we gave one hundred pounds.
419. Yon said you gave an adverse verdict to Mr. Ricketson? He expected more damages.
420. *Mr Burns.*] Have you any reason to know that Mr. Ricketson was dissatisfied? He asked for a new trial, so I understood from the papers. †
421. *Mr. Simson.*] Do you know wether Mr. Ricketson asked for a new trial? So I understood. I did not take any more notice of it. There are so many cases that Mr. Ricketson had with Mr. Barbour, that I cannot say.
422. *Chairman.*] The newspaper reports that have appeared with reference to this question, have they been generally correct? I think so.

423.

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* ADDED (*on revision*):—I should have said, we gave the plaintiff one shilling damages for trespasses on Aratula; on the second count, we thought £10 already paid into Court sufficient; and upon the third, respecting the non-fatting of plaintiff's cattle, gave £100. I may state, that I had quite forgotten all about the verdict, until seeing the Deniliquin *Chronicle*, October 25, 1877.

† NOTE (*on revision*):—I see by my evidence that I have here confused Mr. Ricketson's late trial with the one I sat on as a juryman.

THURSDAY, 20 *MARCH*, 1879.

Present:—

MR. BURNS, | MR. SIMSON,
MR. HURLEY (HARTLEY), | MR. F. B. SUTTOR,

MR. TERRY.

JOHN HURLEY, ESQ., IN THE CHAIR.

Richard Haydon Cheriton, Esq., J.P., called in and examined:—

R. H. Cheriton, Esq., J.P.
20 Mar., 1879

423. *Chairman.*] What profession or calling do you follow? Farmer and grazier.
424. Do you remember the 11th December, 1877, the day on which the revision of the jury lists at Deniliquin took place? Yes.
425. Were you one of the persons whose names were collected by Sergeant Johnston? Yes.
426. And you were one of the persons whose names were left off the special jury roll? Yes.
427. Do you consider that you are entitled to have your name placed upon the roll as a special juror? I do.
428. Having the qualification required by the Act? Yes.
429. What do you hold to entitle you to consider yourself entitled to be placed on the special jury list? I hold 320 acres of land in my own name, and 1,600 acres in the names of my children: in all, 1,920 acres.
430. So that in point of fact you consider that your income is sufficient to justify you in demanding that your name should be placed on the roll as a special juror? Yes.
431. Is there anything to justify you in saying what your name was left off for? Yes, I think so.
432. Will you state what you think was the reason? I believe it was done for party purposes. Previous transactions led me to believe that the Magistrates on the Bench, being squatters, were antagonistic to the selectors as a rule.
433. You had been present at a previous revision? Yes, I claimed in 1875 to have my name placed on the roll.
434. Did the revision take place in open Court? No.
435. Did the Bench not meet in open Court? Yes, they met in open Court, and then retired to a private room.
436. Were you present on the occasion referred to? No, I was not present.
437. Were you present the previous year? No; I was present in 1875.
438. You appeared in 1875 in open Court and requested that your name should be placed upon the special jury list as a person having the necessary qualification? Yes.
439. Was your request complied with? Yes.
440. Have you ever acted as a special juror? Yes.
441. Did you ever act as a juror in any case in which any of the Magistrates who formed the Revising Bench had any interest? No.
442. Then, it could not have been through any action of yours in regard to any previous case of litigation that caused them to strike your name off? No.
443. Was your name collected by Sergeant Johnson for the special jury? Yes.
444. You believe that your name was merely left off because of the antagonism between the selectors and squatters in the District of deniliquin? Yes, they knowing that some of them had lawsuits coming on.
445. Was it known to you at this time that Mr. Ricketson was about to have some litigation with a well-known free selector of that district? Yes, it was well known by everyone.
446. And it was understood among the class with whom you associated that the Magistrates had met together to revise the jury list, in order to impanel, if possible, a jury favourable to the squatters? Yes, that was the impression conveyed to us.
447. Were there any other Magistrates in the town besides those who sat upon that occasion? Yes.
448. Do you know why they did not attend? No.
449. What are their names? Mr. James Watson and Dr. Noyes; I do not know of any others at that time.
450. You still maintain that in every particular you were qualified for being placed upon the special jury list? Yes.
451. You consider that your moral character, and your holding and income, entitled you to be placed in that position? Yes. I could place financial documents in the possession of the Committee, if they think proper, to prove my qualification.
452. You are not aware of any personal objection to yourself? No. A few months afterwards I was created a Justice of the Peace.
453. You are now in the Commission of the Peace? Yes.
454. Do you sit upon the Bench? Yes, I have sat several times; I sat at the revision of the last jury list.
455. *Mr. Burns.*] How long have you been residing in the district? Five years last September.
456. You hold in all 1,920 acres of land? Yes.
457. The first 320 acres was a free selection, I suppose? Yes; they are all free selections.
458. Have you taken any active part in public matters in the district? Yes, very much so. I could point out to you how the antagonism has arisen towards me and others, and perhaps to myself most prominently as President of the Free Selectors' Association at Deniliquin.
459. You attribute your omission from the jury list to the circumstance that you are an active member of the Free Selectors' Association? Yes.
460. Did you take an active part in matters affecting the free selectors as opposed to the squatters, besides being an active member of the Association. Nothing more than simply claiming their legal right.
461. Do you know of your own knowledge that Sergeant Johnson took your name as one entitled to be on the special jury list? Yes; I have the words from Mr. Johnson's own mouth.

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462. Is it the feeling of the class with which you are identified, as a free selector, that the Bench has been composed too largely of gentlemen who are inimical to your class—the free selectors? Yes.
463. The impression of the free selectors has been that this revision was made in the interests of the squatters in opposition to the free selectors? Just so.
464. Did any of the Magistrates interested in the legal proceedings that were understood to be about to be taken in the district take part in the revision? Yes, Mr. Ricketson and Mr. Bell.
465. *Mr. Simpson.*] Have you paid up the balance for your free selections? No.
466. How much land do you cultivate? 200 acres.
467. What crops? Wheat, chiefly—cereals.
468. Do you know how much income from land it takes to qualify you as a special juror? £100 a year derived from land.
469. 320 acres are all you have in your own name? Yes.
470. Do you think that sufficient to produce £100 a year? Yes, from an agricultural stand-point.
471. You do not think it would if used for grazing only? I think not.
472. You say some of the Magistrates had interests in lawsuits that were coming on? Yes. I allude to the actions between Mr. Barbour and Mr. Ricketson, one to be tried at Sydney and one at Deniliquin. Mr. Bell also had a case pending.
473. Has that case ever come on? It has not, I believe.
474. Then you must have been misinformed? No, an action was threatened against him, but it has not been brought on as yet.
475. You were not present, you say, in Court at the time of the revision in 1877? I was not.
476. How do you know that the sergeant put down your name at that time? From things that transpired afterwards. I was on the special jury list before that, and when the action came on between Mr. Barbour and Mr. Ricketson, it was found that my name had been struck off with some fifty others.
477. You say that there are too many Magistrates connected with squatting? I do not say that particularly, but I say there has been a preponderance of squatters sitting on the Benches in all time past.
478. There were none but squatters in the district at the time they were appointed? Very few.
479. Very few fit to be Magistrates except the squatters? Very likely, at the time they were appointed.
480. *Chairman.*] You came to the conclusion that it was principally because you represented the Free Selectors' Association in the district that your name was struck out? Yes.
481. There were 116 names submitted by the sergeant? Yes.
482. And fifty-one were struck out? Yes.
483. Of your own knowledge, do you know whether any of the fifty-one were equally eligible with yourself? Yes, a great number, even more so.
484. Will you mention the names of persons you consider eligible that were struck out? Michael Charters, butcher, Deniliquin.
485. *Mr. Burns.*] Is he in a large way of business? Yes.
486. And a man of means? Yes; he holds property in Deniliquin to a large amount.
487. And of good character? Yes; in fact he was a special juror in previous years. Mr. Cuthbert, draper, Deniliquin; John Cush, settler, farmer, and grazier, has holdings far in excess of £100 a year; Alexander Dalgleish, settler—I think he has two sections and a half.
488. *Mr. Suttor.*] Are they all free selections? Yes; he has made improvements on them. I may say that Mr. Mayger has sworn declarations, which he will put in, from a number of those who were struck off, showing that they were in possession of the necessary qualification.
489. *Chairman.*] Will you go on to the next name? Mr. Dalgleish has five times 320 acres; that would be 1,600 acres altogether.
490. How does he utilise it? Farming and grazing.
491. Does he possess a large number of cattle? He has a good few; I do not know the number of his sheep, but returns will be furnished to the Committee.
492. He is a respectable person? Yes.
493. Both by education and position he is eligible? Yes.
494. *Mr. Simson.*] How much land has Mr. Dalgleish in his own name? I believe 320 acres.
495. Has the balance been paid up? I do not know.
496. Then, so far as you know, he has only paid five shillings an acre? Yes.
497. *Mr. Terry.*] The rest of the land is in the name of his children? Yes.
498. *Chairman.*] The next name? Louis William D'Elbeaux; he held four selections at that time.
499. Does he cultivate? Yes, about 100 acres.
500. Has he any other property? Not to my knowledge.
501. Any stock? Yes, cattle, sheep, and horses.
502. And is a respectable person? Yes.
503. *Mr. Simson.*] Does he hold 320 acres in his own name? Yes.
504. Has he paid up the balance? Not at that time, I believe.
505. How many stock will 320 acres carry? I suppose it will carry a sheep to the acre; I judge from my own land, which is adjacent to his.
506. Does you land carry a sheep to the acre? Yes, it has done so ever since I have been on the ground; I have had 1,500 sheep, 40 head of cattle, and 20 horses on 1,920 acres.
507. Do you keep them all on your own land? Yes.
508. Is your land very much better than the ordinary land in the district? No, not much.
509. Do you think the land there will generally carry a sheep to the acre? Yes, in my neighbourhood.
510. *Chairman.*] The next name? James Devlin, publican; he has a large hotel in Deniliquin.
511. His own property? Yes, and other property bringing him in rents of £6 a week, as he told me the other day.
512. *Mr. Burns.*] Is he an old resident of the district? A very old resident; I may state that he was placed on the special jury list for the last seven years.
513. He is a respectable person? Yes.
514. *Mr. Suttor.*] Do you know if any other publicans are on the special jury list? I believe there are, but I did not take particular notice.

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515. *Mr. Simson.*] Of your own knowledge, do you know that he holds this property? Yes, if I can take a man's word for it; if he was qualified for seven years, he certainly was last year.
516. *Chairman.*] Will you run through all the names you know of persons who possess the necessary qualification, but have been omitted? Bernard Wright Doyle, settler; Robert Graham, settler; John Hanlon, settler and publican; Henry Vincent Harrison, contractor; Paul Heatherington, settler; Frederick Harrison; David Harvey, settler; Thomas Johnson, plumber; Arthur M'Intyre, settler; John M'Millan, settler; Frederick Marshall, publican; Joshua Metcalf, settler; Denis Nash, settler; William Nisbett, settler; Robert Harvey Pyke, publican; Thomas Robertson, publican; Frederick Rose, settler; Hezekiah Simmons, settler; John Tomkins, settler; Alexander Tolmie, settler; Sydney Alfred Tripp, settler; John Turgood Thompson, publican; Robert Vagg, settler; Richard Warren, settler; Henry Willmore, publican. That is all I know of personally, or am intimately acquainted with.
517. All these names you have enumerated are persons who to your knowledge are in possession of the necessary qualification to be placed on the list as special jurors? Yes.
518. Do you know anything against any of these individuals, so far as their personal fitness is concerned, that ought to prevent them being placed in that position? Nothing.
519. *Mr. Suttor.*] You mentioned a number of publicans—are they generally residents in Deniliquin or scattered about the district? In Deniliquin generally.
520. Are any of these gentlemen on the special jury list now? Yes.
521. They have since been placed on? Yes.
522. And therefore, to a certain extent, the grievance which existed in 1877 has been remedied? No; they struck off 57 at the last revision, in 1878.
523. *Mr. Simson.*] Were you one of the Magistrates who sat then? Yes.
524. *Chairman.*] Were any Magistrates then on the Bench who occupied a seat in 1877? Yes.
525. The same number? No, only two out of the six that sat on the previous occasion—Mr. Landale and Mr. Patterson.
526. *Mr. Terry.*] You said that there were other reasons besides your being President of the Free Selectors' Association, which you thought induced the Magistrates to strike off your name in 1877? Yes. In 1875 the selectors thought they were not fairly represented under the Diseases in Sheep Act on the directory. Being larger in number than the squatters, they thought they should be fairly represented. When the time came for the election the squatters in the district divided their flocks in the names of their men so as to give them a vote, which was not in accordance with the law. There were two Chairmen appointed; the selectors appointed a Chairman, and the squatters appointed a Chairman to foil and frustrate the working of the Act for twelve months, because the selectors had the majority of representatives at the directory. The law remained inoperative for twelve months. In the mean time Mr. Dangar brought in a Bill to give a plurality of votes, but it had not come into operation then. They divided up their flocks into eight, twelve, and sixteen thousand, giving them to their overseers and to rouse-about men. Afterwards they compromised with the selectors, saying they were agreeable to have three out of the five directors for the squatters and two for the selectors. They might as well have had five squatters; but still we were willing to compromise the matter, and did so. Mr. Dangar has since brought in a Bill giving plurality of votes. I took a prominent part in those proceedings, and I think that was one reason why my name was left off.
527. *Chairman.*] Do I understand you to say that the selectors outnumbered in the number of their sheep the number the squatters held? No. The law said then that the holder of 500 sheep and over would be entitled to a vote, and the squatter was only entitled to his own vote, no matter how many sheep he held, and that of his overseer and manager.
528. And of your own knowledge you say they split up their flocks so as to get a plurality of votes? Yes.
529. *Mr. Simson.*] Do you say that was found to be illegal? The law remained inoperative.
530. Did not the Department here take action and appoint a Board? No; no action was taken.
531. In cases where the districts do not appoint a Board of Directors, does not the Department nominate a Board? It was not done for twelve months.
532. *Mr. Terry.*] Are there any other societies you belong to? I was instrumental in forming a league here in Sydney at the time when we were tried to be written down by the *Pastoral Times*, the organ of the squatters.
533. *Chairman.*] What was the cause of your bringing into existence a society such as you speak of? For the protection of men coming to take up land in Riverina.
534. Was it necessary to protect the selectors against the squatters, on account of the antagonism then existing? Yes.
535. Is there any statement you would like to make besides what you have already said? The selectors have had ample reason to know the antagonism on the part of the squatters against them. I would point out the way in which I have in my own case been hemmed in by the Crown lessee *(producing a map).*

[The Chairman here said he did not think this matter came within the province of the Committee; and the witness proceeding to make a statement as to occurrences that took place between him and Mr. Landale, when he came into Riverina to take up land in September, 1873,—Witness requested to withdraw.
Committee deliberated.
Witness recalled.
The Chairman informed him that he was not at liberty to make reference to matters of the kind referred to, except in general terms, and so far as they might bear upon the question of the revision of the Jury Lists.]

536. *Chairman.*] When you came from Victoria to New South Wales, you met with a great deal of antagonism from the squatters? I did.
537. And on account of that antagonism you initiated a society for the protection of your own interests and those of others similarly situated? Yes.
538. And you believe that on account of the action you took, the persons who revised the jury lists had you struck off? Yes.
539. *Mr. Terry.*] Are you aware that it is illegal to revise the jury lists out of Court? I should imply that from reading the Act.
540. *Chairman.*] Of the Magistrates who presided at the last revision, you say two were squatters? The majority were squatters.

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541. Were there any votes taken? Yes, repeatedly. There was a ballot, in accordance with the Act, when there was any disagreement.
542. Was there the same antagonism shown on the Bench in striking off names as in the year previous? Yes, quite as much.
543. Class is still set against class? Yes.
544. Do you find as a rule that squatters who are Magistrates vote as a body? I should presume as much, by the voting power shown.
545. Did they all agree the same way? Yes, pretty much. I was the only selector on the Bench.
546. *Mr. Burns.*] Do you think this class feeling is introduced on to the Bench in the consideration of matters such as this? Yes, very much so.
547. *Mr. Simson.*] Who were the Magistrates who sat on the last occasion? Mr. Landale, Mr. Patterson, Mr. Officer, young Mr. Patterson, Mr. Mackenzie, the stock agent, who has also land of his own, Mr. Gibsone, stock agent, Mr. M'Laurin, and Dr. Stitt, who sat after lunch.
548. Is Mr. Mackenzie not a selector? He has bought land about Deniliquin, but I am not in a position to say whether he is a selector or not.
549. *Mr. Burns.*] How many Magistrates sat at the last revision? I could hardly say; eight, I think. Very often in giving decisions the numbers were even, and the Police Magistrate gave a casting vote.
550. The question of the revision of the jury lists has increased in public interest year after year? Yes.
551. *Mr. Simson.*] Has the number of Magistrates in the district increased lately? Yes.
552. How many Magistrates were selectors at the last revision? I was the only selector.
553. You said just now the votes were often even, and the Police Magistrate had to give a casting vote? Yes. I will not say these gentlemen were all antagonistic to the selectors. I may say that the Crown lessees have done everything in their power to drive men out of the district. I pointed out the whole proceedings to Sir Henry Parkes when he visited the district. I showed him the dummy lists, and I showed him the *bonâ fide* men. It was quite patent to him who were the *bonâ fide* men and who were not.
554. *Chairman.*] Who did the dummies represent? The parties who took up land for the Crown lessees. I may state that when Sir Henry Parkes visited Deniliquin a deputation from the selectors waited on him. Sir Henry thought all parties were evading the Act. He said a selector taking up land for his children was evading the Act. I told him there was a wide difference, and after a great deal of conversation he consented to go out in a buggy with me. He did so, and I have no doubt in his own mind he felt convinced there was a wide difference. The reporter of the *Sydney Morning Herald* was with him and took notes.
555. *Mr. Simson.*] Have many of the selectors sold out since? Yes, through force of circumstances they have been compelled to do so.
556. *Chairman.*] The persecution of the squatters has been so severe against many persons who came to make a home that they have been compelled to sell out? Yes.
557. That you know of your own knowledge? Yes.
558. *Mr. Burns.*] Do you find that the feeling between selectors and squatters has toned down at all of late? No, it was rather aggravated than otherwise by the proceedings at the last Revision Court.
559. Are not the selectors becoming a more numerous class now? Yes.
560. And therefore more powerful? No, not so, when all the Benches are filled by the squatters and their agents, as shown at the last Revision Court, when I was the only selector present.

Mr. Robert Vagg, called in and examined :—

Mr. R. Vagg.
20 Mar., 1879.

561. *Chairman.*] You are resident at Deniliquin? Yes, about eight miles from it.
562. How long have you been in that locality? Since September, 1873.
563. What pursuit do you follow? Sheep farming and agricultural farming.
564. What is your holding? My holding in my own name is 490 acres. I and my family hold 3,400 acres.
565. Are they under the age of 21 years? Yes.
566. How many acres have you under cultivation? About 100 acres.
567. What crop? Wheat chiefly.
568. What is the number of your stock? About 2,000 sheep; a few weeks ago I had some cattle, but I sold them just before I came away from Deniliquin. I had 23 head of cattle, 6 horses, and 1 entire colt.
569. Do I understand you to have held this land on the 11th December, 1877? No, not all of it.
570. What were you in possession of then? 2,100 acres or thereabouts. My two oldest boys had selected 1,280 acres besides it.
571. Had you the same area then in cultivation as you have just named? Yes.
572. And 2,000 sheep? No, not quite 2,000 sheep then; my sheep then numbered between 1,400 and 1,500.
573. Do you remember Sergeant Johnson calling on you to take your name as a juror? Yes.
574. Your name was taken down? I think so.
575. Did you attend at the revision of the jury lists? No, on no occasion.
576. Did you know that your name was struck off? Yes, by the public prints.
577. At the time Sergeant Johnson called on you, did he tell you your name was on the list? I really do not remember.
578. You learnt that your name had been taken down and omitted? I know I was on the special jury list in 1876 and 1877.
579. Did you ever act? No.
580. *Mr. Burns.*] Did you know yourself that your name was on? Yes.
581. *Chairman.*] Was there anything to justify the Revising Magistrates in striking off your name? Not that I know of.
582. You had the necessary qualification? Yes.
583. You know what it is? Yes, £100 a year derived from land. I have paid, since 1873, £1,268 to the Government in hard cash for land; that is the first instalment of the selection money, and I have since put my land under the new Act. Of course, if I had not the income I could not have paid that money Though it has been paid for my children's land, it is my money.

Mr. R. Vagg. 20 Mar., 1879.

584. You are acting as trustee for your children? Yes.
585. The money virtually comes out of your earnings? Yes, it is my earnings.
586. There is nothing, to your knowledge, to prevent you being placed on the special jury list? I certainly do not know of anything.
587. There is a good deal of class antagonism in the district, is there not? Yes.
588. Has anything occurred in the district to lead you to believe that it was owing to this class antagonism that your name was omitted from the list? Yes, I believe that and nothing else has done it. Mr. Charles William Brown is left on the list as a juror, with 320 acres of land in his own right, and I think about 1,600 acres altogether, while I am struck off; and Mr. Johnson owns a considerable quantity over 3,000 acres, and he is struck off.
589. A great number of persons, whose names you could enumerate, having smaller holdings than yourself, were allowed to remain on, while your name was struck off? Yes, that is correct.
590. You have been placed on since? No, I have not been placed on since; they struck me off again.
591. Were you present during the time of the ballot being taken for the present year? No; I think what I have a right to, I have no right to go begging for.
592. Have you had any experience as a juror? Only as a common juror.
593. Have you ever been on a jury that has given an adverse verdict to any of the persons who were the Revising Magistrates on the occasion referred to? Never.
594. Do you belong to the Selectors' Protective Association? Yes.
595. Have you taken a prominent position in connection with it? I do all I can to forward the interests of the district, that is, of my own class.
596. Have you ever, at any time, said anything that would lead persons to believe that if placed on a jury you would give an adverse vote to the squatters? I have said, since those affidavits were sent down by five of the Revising Magistrates, that I would not believe their evidence on oath.
597. *Mr. Burns.*] That has been since the revision? Yes, since their affidavits were sent down with regard to the trial between Ricketson and Barbour.
598. You have said that in public? Yes.
599. *Mr. Simson.*] What affidavits do you allude to? There were some affidavits sent down, swearing that all these names that were struck off the roll were not entitled to be on the roll.
600. *Chairman.*] Did the Magistrates send these affidavits? Yes; Mr. Parker, Mr. Robert Patterson, Mr. Ricketson, all the Revising Bench, with the exception of Mr. Landale, sent these affidavits down.
601. *Mr. Terry.*] Where were they sent to? I think to the Court. I believe they were presented at the time Mr. Barbour applied for a trial in the Law Courts at Sydney.
602. *Chairman.*] On account of their having made these declarations, you were led to make these remarks, that you would not believe them on their oath? Yes.
603. *Mr. Simson.*] Where did you make them? At different places about Deniliquin. I was not particular where I made them.
604. *Mr. Burns.*] Are you an active member of the Selectors' Association? Yes.
605. Have you reason to know you have made yourself obnoxious to the squatters? No, I have no reason to know that; when I meet Mr. Landale, it is "How do you do?"—when I meet Mr. Bell, it is a nod or shake hands.
606. You have no hesitation in expressing you opinion wherever you go? No, why should I?
607. *Mr. Simson.*] How many acres have you in your own name? 490 acres.
608. Did you hold these at the time of the revision? Yes.
609. Was the balance paid up? No.
610. You have placed your selections under the new Act? Yes, I think there is ten shillings an acre paid on the land.
611. The sum you mention has been paid on your own and your children's land? Yes, £1,268 for all the lot combined.
612. *Chairman.*] A great number of persons whose names were struck off are persons well known to you? Yes, the most of them.
613. To your own knowledge were many of those persons equally qualified with yourself to be on the special jury list? Yes, and better qualified; that is, they have more property.

Mr. Richard Warren, called in and examined:—

Mr. R. Warren. 20 Mar., 1879.

614. *Chairman.*] What calling do you follow? Farmer and grazier.
615. What area have you in your possession? Over 3,000 acres.
616. Is it freehold? No, selections.
617. Where? At Billabong.
618. How long have you lived there? Five years last March.
619. Is any of your land under cultivation? Yes, about 60 acres.
620. Have you any stock? Yes, two or three thousand sheep, eleven or twelve horses, and about thirty cattle.
621. Did you hold these on the 11th December, 1877? Not the cattle; I had only two or three cattle then.
622. The sheep? Yes.
623. How many sheep do you generally run to the acre? Scarcely one; I run from two to three thousand over 3,500 acres. I had 2,700 sheep and lambs this season, but I sold 500 three weeks ago.
624. Do you remember Sergeant Johnson calling upon you to take your name down as a person qualified to act as a special juror? Yes.
625. Was your name taken down? Yes.
626. Did you attend the Court upon the revision of the jury lists? No.*
627. You know your name was struck off? Yes.
626. Do you know why? No.
629. Are you antagonistic to any section or class in the district? No.
630. Have you ever made yourself obnoxious to any one? No.

* Revised:—Yes.

Mr. R. Warren. 20 Mar., 1879.

631. There is nothing against your character personally, that you are aware of, to prevent your being accepted as a special juror? No.
632. Do you know of anything that would cause them to strike you off because of any class antagonism? No, unless it is that I was a tenant of Mr. Barbour's in Victoria.
633. *Mr. Burns.*] Are you a member of the Free Selectors' Association? Yes.
634. Are you at all active in its affairs? Yes, pretty well.
635. You take part in the proceedings publicly? Yes, I always take part.
636. You had been a tenant and perhaps also a friend of Mr. Barbour's before you came to that district? I only knew him as his tenant; I had a farm under him in Victoria for eight years and four months.
637. You have had no personal quarrel with any of the Magistrates? No, only with the people whose run I am on.
638. Is the owner of the station a Magistrate? He is not sworn in.
639. Have you any reason to suppose there is an antipathy against you as a free selector? Nothing, without they knew I was with Mr. Barbour before I came here.
640. *Mr. Terry.*] I suppose you voted for Mr. Barbour? Yes.
641. *Mr. Burns.*] Is Mr. Barbour considered to be a gentleman inimical to the squatters? I have not heard anything of that, except as to Mr. Ricketson.
642. The squatters as a class have not supported Mr. Barbour? No.
643. You have identified yourself with the selectors? Yes.
644. *Mr Simson.*] In 1877, how much land did you hold in your own name? 2,000 acres.
645. Did you alienate any of that land in 1877? Yes.
646. How much? I could hardly tell; about three selections, I think.
647. What was the area of each selection? 320 acres.
648. So that you alienated 960? Yes; that would leave over 1,000 acres in my own name.
649. You understand, I am merely asking what you hold in your own name? Yes; I have not sold the land; I only borrowed money on it.
650. I asked you if you had sold it? No, I did not sell it.
651. Did you transfer it from your own name to somebody else? Yes, as security for the money I borrowed on it.
652. Does it not stand in the name of some one else in the books of the Land Office? Yes.
653. How much land did you hold at the time of the revision of the Jury Lists? 2,000 acres, of which three selections were transferred as security for money borrowed. I could produce papers to show that I have made over £1,000 out of the land during the year (*papers exhibited*), thus proving that I was entitled by my financial position to be placed on the list as a special juror.
654. *Chairman.*] You know of nothing that should prevent you from being placed on the list? No.

Mr. Joshua Metcalfe, called in and examined :—

Mr. J. Metcalfe. 20 Mar., 1879.

655. *Chairman.*] You are a selector residing near Deniliquin? Yes, on Warbreccan.
656. What is your holding? About 4,000 acres for myself and family.
657. Are your family all under the age of 21 years? All but one.
658. What area have you under cultivation? Only about 20 acres.
659. What number of stock? 2,500 sheep and about 10 head of cattle.
660. Did you hold this number on 11th December, 1877? No, I did not hold quite so many sheep.
661. Will you state what number you had then? I had 2,000 then.
662. Do you remember Sergeant Johnson calling upon you to take your name as a special juror? Yes.
663. Did he take your name down? Yes; I had acted as a special juror in previous years.
664. Had you been a special juror for many years? I think two years.
665. Do you remember your name being omitted from the list? Yes.
666. Were you present at the Revision Court? No, I did not know anything about it for some time after.
667. Do you know whether the Magistrates acted in any way illegally? I could not say.
668. Is there anything within your knowledge to prevent your being a special juror? Not that I am aware of; I do not think there is anything against my character, and I hold the necessary qualifications.
669. Have you been in antagonism to any of the persons who comprised the Bench at the time of the revision of the list? No.
670. Are you connected with the association for the protection of the interests of the free selectors? I am.
671. Have you ever made yourself objectionable to the class called squatters? At electioneering times, and that sort of thing, I may have done; I took a great interest in the return of Mr. Barbour. Of course, I did not keep it private; I expressed my feelings publicly.
672. Have you been under the impression that it was on account of your prominence on that occasion that you were excluded from the jury list? I believe so; on account of certain proposed actions that were coming on between squatters and free selectors.
673. Have you ever had any litigation with any of the persons who comprised the Bench? No.
674. Some fifty odd other persons were struck off the list with yourself? Yes.
675. Do you know any of them? Yes, most of them.
676. Do you know whether they hold larger qualification than yourself? Some of them do, but I could not say the exact amount.
677. Some of them are entitled equally with yourself? To the best of my knowledge all those that were struck off are entitled, with the exception of perhaps three or four.
678. Do you know that after a certain number of names have been struck off, a number of names were added who were not on the first list? I believe so.
679. Do you know the persons added? No.
680. Therefore you could not say whether they were, in a pecuniary way, inferior to those who were struck off? No; I do not know their position.
681. *Mr. Terry.*] How long have you been in the district? Five years, last October.
682. *Mr. Simson.*] How did you take up your land? I selected it.
683. All at one time? No, not exactly all at one time.

Mr. J. Metcalfe. 20 Mar., 1879.

684. When did you make the first selection? In October, 1873.
685. How much did you take up then? Four blocks. I lost two of those, then I selected five more.
786. How much in your own name? 320 acres; I could not take up any more at that time under the Act.
687. In whose names were the other blocks? In my children's names; I selected five blocks in January, 1874.
688. How many children have you? Nine altogether.
689. At the time of this revision you had 320 acres in your own name? Yes. The first block I took up I carried out the residence condition for two years, and then transferred it to my son. At the time I was struck off the jury list I had re-selected; I held 560 acres at that time in my own name, at the time I was removed from the roll.
690. The rest was in the names of your children? Yes.
691. Do you cultivate at all? A little.
692. For your own use? Yes.
693. Do you think 560 acres would produce £100 a year from grazing? I have realized for the last three or four years from £600 to £700 a year from the whole lot, about 2,500 acres. Last year, when I was struck off, my account of what I realized was £650 from the selections of myself and family.
694. *Chairman.*] So that your income in 1877 was between £600 and £700? Yes.
695. *Mr. Terry.* I suppose it is all your own money, whether the land was taken up in your own name or your children's? Yes, of course it is; my children have nothing only what I give them.

Mr. Denis Nash, called in and examined:—

Mr. Denis Nash. 20 Mar., 1879.

696. *Chairman.*] What pursuit do you follow? Selector and sheep farmer, near Deniliquin.
697. Have you resided there long? Five years next May.
698. Do you remember the revision of the jury lists in 1877? Yes.
699. At that time what stock were you possessed of? About 2,500 sheep.
700. And land? 3,160 acres.
701. Did you hold that as a selection? Yes.
702. How many acres have you under cultivation? About 25 acres.
703. For your own use? Yes, for growing hay and so on.
704. Do you remember Sergeant Johnson calling on you to have your name placed on the jury list? He did not call at my homestead; I know my name was placed on.
705. Do you know it was struck off? Yes.
706. Do you know why? No reason whatever; I do not think any reason was mentioned.
707. Are you known to the Magistrates who formed the Bench? I am known to some of them, by sight perhaps to all.
708. Are you antagonistic to any of them? All that I know I am thoroughly friendly with.
709. You have had no litigation with any of them? Never.
710. Do you feel aggrieved at the action of the Magistrates in striking you off the jury list? Yes, most undoubtedly.
711. Do you look upon it as a reflection upon your character and ability? Yes, I do indeed. I have a large family, and I have always respectably carried them through life.
712. Nothing can be said against your character? Nothing whatever; there is nothing against my moral character whatever.
713. *Mr. Terry.*] You possess the necessary qualification? Yes, the homestead I live on now I would not let at £150 a year; I have expended £1,200 upon improvements on it, and the valuation that has been placed upon it is £1,164; I am not in the least antagonistic to the squatters.
714. *Chairman.*] Are you connected with the Selectors' Protective Association? Yes.
715. Have you taken a prominent part in its business? No, I reside too far from the town, but my sympathies are with the association.
716. Is it understood that in the event of this Committee not paying your expenses the Selectors' Association will do so? No, not that I know of.
717. You have been summoned to give evidence? No, I came on my own responsibility; I have no personal business in Sydney whatever, but, feeling aggrieved, I have come down to give my evidence.
718. Do you know many of the persons who were excluded at the same time as yourself? Yes.
719. Are they equally eligible with yourself? Yes, some of them more so; I have one neighbour, the holder of 4,000 acres, who was struck off at the same time.
720. What stock has he? He runs about 4,000 sheep there.
721. What is his name? John Tomkins.
722. Do you know of many other eligible persons who were struck off? Yes, there are many others.
723. Do you know of many others equally eligible, as far as respectability and their holdings are concerned, to entitle them to be placed on the list of special jurors? Yes, several.
724. *Mr. Simson.*] How much land had you in your own name at the time of the revision? 500 acres in my own name.
725. Have you ever sat on a jury? Yes.
726. Special or common? Common or ordinary jury.
727. *Mr. Terry.*] How much a year do you realise from your sheep? About £700 a year, exclusive of expenses; the amount of cash I realise from the sale of my wool and other things is £700.
728. You have to keep yourself out of that? Yes.
729. *Chairman.*] Does the same antagonism exist in the district now as existed in 1877? Not at all; in fact, I am not aware that there would be a great deal of antagonism, were it not for the action of the squatters themselves, attempting to trample over the rights of the selectors.
730. The squatters act in opposition to the selectors, and the selectors act upon the defensive by having associations to protect their rights, and there is a great deal of ill-feeling existing on that account? I do not know that there is any antagonistic feeling except with regard to the lawsuits.

732. *Mr. Terry.*] You have been in no lawsuits? No, I have never been in one since I have been in the Colony—twenty-six years. Mr. Denis Nash.
731. You desire to live in peace with the squatters? Yes, and I do live in peace with them. 20 Mar., 1879.

Mr. James Frederick Mayger, called in and examined:—

733. *Mr. Burns* [*in the Chair pro. tem.*] I believe you reside in the town of Deniliquin? I have resided there for twenty years. Mr. J. F. Mayger.
734. Are you the proprietor and editor of a newspaper there? Yes, the *Deniliquin Chronicle.*
735. How long has that paper been in existence? Since 1864. 20 Mar., 1879.
736. Your business has led you to observe, I suppose, rather closely the course of public events in the district of Deniliquin? Yes, very closely; in fact, I have acted as reporter to the paper as well as editor.
737. Was your attention drawn in particular to the revision of the special jury list for 1878, on the 11th December, 1877? Yes, I was there; the list then revised was for the year 1878.
738. Were you present from the opening of the Court till its close? Yes.
739. Were you present when the Bench were revising the ordinary jury list? Yes, in fact the list was read over all through together. May I be allowed to read my report written for the paper for that week. The police report was as follows: "Tuesday, December 11, 1877. Before Messrs. Patterson, Landale, Bell, Wilson, Parker, and Ricketson. The common jury list was revised, the names being called out, and some, for various reasons—rewards, &c., struck out. One name was added—that of Mr. John Waring, Council Clerk. Afterwards the Bench recommended certain persons as special jurors, presumably similar to those of last year." The latter phrase was used because of this: after going over the list, which occupied upwards of three-quarters of an hour, striking out the dead men, and so on—going over the list altogether, *in globo*, the Magistrates retired to their private room, and returning afterwards attached their names to the list. No one could therefore tell who was on the special jury list, or who was left out.
740. Were you present when the Bench retired to their private room for the purpose of considering the special jury list? Yes; and such retiring has always occurred until last year—1878.
741. It has always been the practice to retire to a private room to consider the special jury list? Yes. There is no division between the special and common jury-lists; it is one list including two departments—according to the qualification which is shown upon the list, is a man a special or a common juror. Until last December, the consideration of the qualifications of special jurors was always carried on in a private room.
742. I suppose you have a very extensive knowledge of the people of Deniliquin? A very fair knowledge; I am not acquainted with their private affairs, but I think I know generally most of the men.
743. Does it appear to you that the Magistrates have taken a course that was open to comment, in leaving off so many that were proposed for special jurors? Most decidedly.
744. Do you know any or many of the parties who were left off? Yes.
745. Do you know much about their qualifications? Yes.
746. As to their character and their property? Yes; I wish to put in seventeen affidavits from seventeen residents who were struck off.
747. You think the Magistrates took an improper course in leaving off the persons about whom you are putting in these affidavits? Yes; they left off fifty names.
748. Improperly? Yes, in my opinion.
749. The whole of them, or most of them? There may be one or two exceptions; but I would say, speaking generally, all.
750. To what do you attribute the leaving of these names off the list? My opinion is, that it was to give them, or their class, the utmost advantage in the Courts; I cannot come to any other conclusion.
751. Was it matter of notoriety in the district that class-feeling existed with respect to squatters and free selectors? Yes.
752. Is that feeling very strong? Yes; especially among the men who have been treated in this way.
753. Was it manifested in any other way? Yes.
754. How? At the revision of the electoral roll.
755. Did the same thing occur? Yes. Suppose me to be a clerk in a stock agency at Deniliquin—the Court is sitting for the revision of the electoral roll—I bring in a list, and produce a letter signed by Mr. So-and-so, manager of such-and-such a station, asking me to get put on the roll a certain list of names, the names having been sent; these are put on, as I believe, in contravention of the law. The Bench know nothing of the real applicants; the real applicants do not apply, but the manager of the station applies for them, and, peradventure, that gentleman may be ignorant of the law regarding electoral qualifications.
756. You imagine this increase to the electoral roll was made for party purposes? Yes.
757. And the same with regard to the jury list? Yes.
758. Were there any rumours in the district, before this revision, with regard to squatting cases that were coming on for trial? Yes; ever since 1874 the whole atmosphere has been rife with one thing or the other of such character. With regard to cases at this particular time, December, 1877, I went to a lawyer on Monday morning last, before I left Deniliquin; I asked him to give me the number of cases that were in December, 1877, on the *tapis* or threatened, and he gave me this list:—Bell *v.* Cust; Landale *v.* Robertson; Ricketson *v.* Barbour; Barbour *v.* Ricketson; Ricketson *v.* Gibson. These were matters in which writs were issued. The memorandum is signed, "J. R. Edwards."
759. These were actions pending between squatters and free selectors? Yes. There was another case mentioned, Parker *v.* Muir, but Mr. Edwards was not certain about that.
760. Is there a Free Selectors' Association at Deniliquin? Yes.
761. How long has that been in existence? Since October, 1873.
762. Have you been in the habit of attending its meetings? Yes; I am one of the secretaries.
763. How many of the gentlemen omitted from the jury list were members of the association? I never reckoned them up; I could very soon tell you.
764. Can you say, in a general way whether most of them were members? I should say fully twenty-five out of the fifty were.

765.

Mr. J. F. Mayger. 20 Mar., 1879.

765. Can you speak from personal knowledge as to the fitness of the gentlemen omitted from the jury list. First, as to personal qualifications—having regard to your own residence in the district and knowledge of the people, do you think most of them were qualified personally? In the way of intelligence, do you mean?
766. Yes, and by character and education? There is nothing against the men's character; I think they fully equalled the average intellectual status of the others who were put on, neither better nor worse.
767. Are you aware of any personal objection to any of those who were left off—do you know if any were persons to whom exception could be taken as to character? What kind of character?
768. Do you know of any who were disqualified on personal grounds? All I know is this, that perhaps one or two of them might occasionally be seen inebriated; if that is a disqualification, that might be urged against one or two.
769. You are not aware of anything more? No, nothing like criminal misconduct.
770. *Mr. Terry.*] That objection might apply to some who are on the list? Yes. Some publicans were struck off and some put on; with regard to the former, they might have been fined for having their lamps blown out on a windy night.
771. Do you know whether they had sufficient property to qualify them as special jurors? I certainly believe they had; I have here affidavits from nearly twenty residents.
772. Are they persons with whom you are acquainted? Yes: Mr. John Cust, Mr. David Hervey, Mr. Bernard Wright Doyle, Mr. Henry Vincent Harrison, Mr. Paul Hetherington, Mr. Peter Slader Tapp, Mr. Denis Nash (the latter has been examined, but when his declaration was taken we did not think he would come to Sydney), Mr. John Burrows, Mr. William Nisbet, Mr. John Hanlon, Mr. Hezekiah Simmons, and Mr. Arthur M'Intyre—these are twelve of the country residents; now here are declarations from five residents of the township: Mr. Robert Harvey Pyke, Mr. John Thurgood Thompson, Mr. Henry Willmore, Mr. Michael Charters, and Mr. Thomas Johnston.
773. Do you hand in these affidavits? Yes. *(Affidavits handed in. See Appendix* A 1.*)*
774. Do you know all these parties yourself? Yes.
775. Do you know them to be qualified? Yes; you will find all the facts contained in these affidavits. I also put in a synopsis of the statutory declarations made by twelve of the country residents struck out of the special jury lists, showing how long they have resided in the district, the land held, the value of their improvements, and the number of sheep returned in 1877 (before the revision) and in 1878 (after such revision). *(Handed in. See Appendix* A 2.*)* Then, with regard to the townspeople, I have this table, showing the residents of Deniliquin struck off. *(Handed in. See Appendix* A 3.*)* Then I have the names of selectors struck off, who have been unable to make statutory declarations at present—I say at present, because I expect by every post some half-dozen others. *(Handed in. See Appendix* A 4.*)* This dispute about the jury list revision, Mr. Chairman, I should like to explain to the Committee, is not a recent affair at all; it is not a thing that the Revision Court could seize at as a novelty and make a blunder over, because ever since April, 1874, the Association has been trying to get the matter placed upon an equitable footing.
776. The Free Selectors' Association? Yes; may I be allowed to read a summary of the dates of the efforts made by that Association to place these matters upon a just footing?
777. The matter of the revision of the jury lists? Yes. [The witness read "*Memorandum from Minutes of Selectors' Association, as to proceedings regarding Jury List (special).*" *(See Appendix* A 5.*)*] There is one particular matter I wish to refer to, respecting the revision for the year 1877, and it occurred on December 12th, 1876, when the revision took place precisely in the same way as I have described for the year 1878. The Magistrates sat in Court up till five minutes past one, and then adjourned to the Royal Hotel for lunch. This was in December, 1876, for the revision for 1877. The revision for the coming year is always done in the last month of the previous year. When I went back to the Court at twenty minutes past two there was one constable there, who said it was all over, that they had come back and dealt with the business.
778. Will you state who were the Magistrates present at the Revision Court on 12th December, 1876? I take the names from my own paper: Messrs. R. Patterson, H. Ricketson, F. L. Parker, James Watson, James M'Laurin, James Davidson, and W. Bell. The next day I went and asked the C.P.S., Mr. Broughton, to let me look at the roll to see who were on it, and he said he had special directions from the Bench not to allow any one to see it—especially myself.
779. What year are you speaking of now? The list for the year 1877, revised on 12th December, 1876.
780. How many of the Magistrates you have named were squatters? All of them, except Mr. Watson.
781. *Mr. Suttor.*] When reading the minutes in connection with the proceedings of the association, I understood you to read out a statement to the effect that a certain number of persons had been recommended to be placed on the Commission of the Peace, and you read the name of Mr. Bell as one of them? Yes.
782. He was placed on the Commission on the recommendation of the association? I cannot say that. He was placed on the Commission when he had purchased Morago, having been previously a selector on Morago. On purchasing that station he dropped active connection with the association.
783. Mr. Bell was examined before the Committee, and spoke of some paper that as long as he was a free selector wrote him up, and when he became a squatter wrote him down—do you know anything of that? I do not think I ever wrote him up; because when he intended to oppose Mr. Barbour, I preferred Mr. Barbour to him.
784. Your association recommended his appointment as a Magistrate when he was a selector? Yes.
785. But when he was put in that position and became a squatter, the association was opposed to him? We do not believe in a man who turns with the wind; we think a man's opinions should be independent of his position.
786. *Mr. Terry.*] You think Mr. Bell's opinions have changed with his position? Yes.
787. *Chairman.*] Coming to the revision in 1877 of the list for 1878—you were present at that revision—the subject of this inquiry? Yes.
788. Do you know the names of the Magistrates present on that occasion? Mr. Ricketson, Mr. Parker, Mr. Landale, Mr. Patterson, Mr. Wilson, and Mr. Bell.
789. How many of these gentlemen were squatters? All.
790. Were you present when the revision of the common jury list first commenced in Court? Yes, and was present when they retired; as I have said before, they have always retired to their private room, up to the last Court, in December, 1878.

Mr. J. F. Mayger. 20 Mar., 1879.

791. Do you attribute the striking out of so many of these jurors to the feeling existing between the squatters and free selectors? Not to any personal feeling between them, but to class feeling; that is to say, one class had the power of gaining an advantage by the selection of a partial panel, and they used that power.
792. You think there is a strong feeling between the free selectors and the squatters? Yes.
793. Has it been moderated lately? It is moderating in this way, that the selectors are becoming more assured that what they have paid for they are likely to keep. When they were worried for years they did not know what was to be the end of it; now they feel more satisfied, and as that goes on this animosity will go down.
794. Did this revision of the jury list for 1878 excite much feeling? I think it excited a great deal.
795. In your position, as a newspaper proprietor, do you think this was brought about by this class feeling against the free selectors? Yes.
796. That is your own impression? Yes, and a very strong one.
797. Do you not hold some official position in connection with the Free Selectors' Association? Yes, secretary.
798. Are you biased by that position? Not to my knowledge; but of course all men are liable in some degree to that sort of influence.
799. Have you found a larger number of Magistrates attending the more recent revisions of the jury list? Yes.
800. Is that more from the increase of free selection than from the increase in the number of Magistrates? I cannot say exactly why they attend. We had two or three selectors put on the Commission of the Peace, prior to the last revision.
801. Prior to their appointment, did you find an increasing interest in the compilation of the lists? Since 1874 there has been the greatest interest displayed. It is a pitched battle.
802. *Mr. Simson.*] Were you present at the revision in 1878 for 1879? Yes.
803. Were there any Magistrates present who were selectors? Yes, I think Mr. Cheriton was on the Bench. There were about twelve Magistrates on the Bench that day; and all the business was done in open Court.
804. Was the result satisfactory? No.
805. Did they divide often? Yes, on almost every name.
806. Were the divisions close? We did not know that; the balloting took place upon the Bench, and they announced the result according to the ballot, but they did not say what were the number of the votes each way.
807. Mr. Cheriton said the ballot was sometimes so close that the Police Magistrate, as Chairman, had to give his casting vote? Yes, it was so, frequently.
808. Was Mr. Cheriton the only selector present as a Magistrate, do you remember? The Magistrates present were the Police Magistrate (Mr. Mair); Mr. Landale, squatter; Mr. R. Patterson, squatter; Mr. M'Laurin, squatter; Mr. H. B. Patterson, squatter; Mr. Officer, squatter; Mr. Watson, storekeeper; Mr. Gibsone; stock agent; Mr. Cheriton, selector; Mr. Mackenzie, stock agent; and Mr. Stitt, squatter.
809. Were you ever connected with any other paper? Before I started the *Chronicle*, I was connected with the *Pastoral Times*.
810. Were you editor? For some time, I was.
811. Did you ever have anything to do with the *Southern Courier*? Yes, I worked on it as a printer.
812. You never wrote articles for it? No.
813. When did you leave the *Pastoral Times*? In 1864, in April, I think; I started the *Chronicle* in June.
814. Your paper takes a particular side? Yes, you might say so, but I do not think so myself.
815. It is in one interest—in the free selectors' interest—is it not? Yes, I think the country should be settled by families. I believe in selection.
816. Is the tendency of your paper now to aggravate or lessen the feeling between the parties? I could hardly say, but it is rather difficult to lessen the feeling when you find such things as we are considering to-day occurring.
817. *Mr. Terry.*] You think it your duty to report everything that occurs? Yes.
818. *Mr. Simson.*] Have you been always on the list as a special juror? No.
819. Are you on it now? Yes, I have been on as special juryman for four or five years.
820. Have you ever sat on a jury? No; I think not.
821. Do you know any reason for that? No; my name is always scratched out by one side directly.
822. *Mr. Suttor.*] With regard to revising the jury list in December, 1877, I suppose you are tolerably well acquainted with the gentlemen who comprised the Bench on that occasion? Yes, I know them all.
823. Are they intimate with one another? I could not say; I could not say Mr. Bell was intimate with the others, but the others are, I think, intimate.
824. Do you think they would combine together for the purpose of striking off a certain section of the community? I can only judge of that by what they did; I cannot go inside a man's consciousness and find his real motives.
825. So far as the administration of justice is concerned, has any injustice been done by any decisions given by any of these Magistrates? I think, in Barbour *v.* Ricketson, some injustice was done, because they could not get a verdict at Deniliquin; in Sydney they got a panel, and Barbour got a verdict.
826. Who obtained the verdict? In Ricketson *v.* Barbour, at Deniliquin, Mr. Ricketson obtained a verdict with £280 damages; but there were some points reserved.
827. Have any of the persons struck off in 1877 since been placed on at the last revision? Yes; somewhere about twenty-six.
828. Twenty-six out of the fifty who were struck off in 1877? Yes; and they were just as much entitled to be special jurors on the first occasion as on the last.
829. On the last occasion there were a number of close divisions? Yes.
830. And the only way that you could tell when there was a close division, was by the casting-vote of the Chairman? Yes.
831. Then the majority of the Magistrates, being pastoral tenants, they could not have voted in a body against particular men, otherwise there could not have been close divisions? There were seven squatters, one selector, two stock agents, and a storekeeper, as Magistrates.
832. Had the squatters voted in a body they could have struck off any names they chose? Yes, no doubt.

DENILIQUIN JURY LISTS.

APPENDIX.

[*To Evidence of Mr. J. F. Mayger*, 20 *March*, 1879.]

A 1.

I, JOHN CUST, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 640 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £700.
5. I am also the occupier of other lands held under conditional purchase containing in area 3,340 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £700.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,100, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin this thirteenth day of March, 1879, before me,— JOHN CUST.

THOMAS IRVING, J.P.

I, DAVID HERVEY, of Wangonilla, in the Deniliquin District, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 620 acres of land conditionally purchased from the Crown upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £600.
5. I am also the occupier of other lands held under conditional purchase containing an area of 1,570 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £600.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,500, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin this thirteenth day of March, 1879, before me,— D. HERVEY.

JAS. WATSON, J.P.

I, BERNARD WRIGHT DOYLE, of Wangonilla, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 960 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £960.
5. I am also the occupier of other lands held under conditional purchase containing in area 2,240 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £500.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,700, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin this seventh day of March, 1879, before me,— B. W. DOYLE.

R. H. CHERITON, J.P.

I, HENRY VINCENT HARRISON, of Wangonilla, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for seventeen years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 640 acres of land conditionally purchased from the Crown, upon which all conditions of improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £700.
5. I am also the occupier of other lands held under conditional purchase containing in area 2,160 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £400.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,500, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, this seventh day of March, 1879, before me,— H. V. HARRISON.

R. H. CHERITON, J.P.

I, PAUL HETHERINGTON, of Morago, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 320 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £350.
5. I am also the occupier of other lands held under conditional purchase containing in area 320 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £200.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £400, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, this seventh day of March, 1879, before me,— PAUL HETHERINGTON.

R. H. CHERITON, J.P.

I, PETER SLADER TAPP, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 320 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £400.
5. I am also the occupier of other lands held under conditional purchase containing in area 320 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £130.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £550, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judical Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, this tenth day of March, 1879, before me,— PETER SLADER TAPP.

R. H. CHERITON, J.P.

I, DENIS NASH, of Quiamong, Conargo, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for four and a half years.
2. I am possessed of real property within the said district the annual value of which is in excess of £100.
3. My said property consists of 500 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £500.
5. I am also the occupier of other lands held under conditional purchase containing in area 2,760 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £500.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,000, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *"An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judical Oaths and Affidavits."*

Subscribed and declared at Deniliquin this sixth day of March, 1879, before me,— DENIS NASH.

R. H. CHERITON, J.P.

I, JOHN BURROWS, of Woodland's Hotel, near Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for twenty-five years.
2. I am possessed of real property within the said District the annual value of which is far in excess of £100.
3. My said property consists of 200 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £500.
5. I am also the occupier of other lands held under conditional purchase containing in area 195 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £200.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £500, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *"An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits."*

Subscribed and declared at Deniliquin, this sixth day of March, 1879, before me,— JOHN BURROWS.

R. H. CHERITON, J.P.

I, WILLIAM NISBET, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 640 acres of land conditionally purchased from the Crown.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £500.
5. I am also the occupier of other lands held under conditional purchase containing in area 2,485 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £600.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,100, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *"An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits."*

Subscribed and declared at Deniliquin this third day of March, 1879, before me,— WILLIAM NISBET.

R. H. CHERITON, J.P.

I, JOHN HANLON, of Lauriston Hotel, Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for six years and upwards.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 1,480 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £2,000.
5. I am also the occupier of other lands held under conditional purchase containing in area 900 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £800.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £1,600, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revisions held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *"An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits."*

Subscribed and declared at Deniliquin, this third day of March, 1879, before me,— JOHN HANLON.

R. H. CHERITON, J.P.

I, HEZEKIAH SIMMONS, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for five years and upwards.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 320 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £350.
5. I am also the occupier of other lands held under conditional purchase containing in area 960 acres.

6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £300.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £600, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin this third day of March, 1879, before me,— HEZEKIAH SIMMONS.

R. H. CHERITON, J.P.

I, ARTHUR M'INTYRE, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

1. I am a resident of the Police District of Deniliquin, and have been so for six years.
2. I am possessed of real property within the said district the annual value of which is far in excess of £100.
3. My said property consists of 600 acres of land conditionally purchased from the Crown, upon which all conditions of residence and improvements have been completed in accordance with the Crown Lands Alienation Act of 1861 and the Lands Act Amendment Act of 1875.
4. The total value of the fixed and permanent improvements on the said land exceeds in value £600.
5. I am also the occupier of other lands held under conditional purchase containing in area 520 acres.
6. I verily believe that the annual value of the real property held and occupied by me since the year 1876, and which I now hold, has never been less than £500.
7. In addition to the real estate held by me as aforesaid, I am now and have since the year 1876 owned live stock and personal property to the value of £950, the former of which have been returned to the Registrar of the District and to the Police gatherer of statistics.
8. My name was inserted in the Jurors' List for 1878 as the owner or occupier of lands or tenements of the annual value of £100, and as competent to act as a special juror, but was struck out of the said list by the Magistrates sitting in the Court of Revision held at Deniliquin on the 11th December, 1877.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, this third day of March, 1879, before me,— ARTHUR M'INTYRE.

R. H. CHERITON, J.P.

I, ROBERT HARVEY PYKE, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

That I am a resident of the Municipal District and Town of Deniliquin, and have been a resident there for nine years.

That my real estate is considerably above the value of £100 per annum—that having been assessed for the year 1878, in June 1877, at about £520 annual value.

That under the Municipal Law I hold and exercise for local governmental purposes four votes.

That the Police having inscribed my name on the General List of Jurors as for a special juror for 1878, the Revision Court of Justices sitting at Deniliquin on the 11th of December, 1877, struck my name therefrom.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, in the Colony of New South Wales, this tenth day of March, 1879, before me,— ROBERT HARVEY PYKE.

JAS. WATSON, J.P.

I, JOHN THURGOOD THOMPSON, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

That I am a resident of the Municipal District and Town of Deniliquin, and have been a resident there for two and a half years.

That my real estate is considerably above the value of £100 per annum—that having been assessed for the year 1878, in June, 1877, at about £400 annual value.

That under the Municipal Law I hold and exercise for local governmental purposes four votes.

That the Police having inscribed my name on the General list of Jurors as for a special juror for 1878, the Revision Court of Justices sitting at Deniliquin on the 11th December, 1877, struck my name therefrom.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, in the Colony of New South Wales, this 11th day of March, 1879, before me,— JOHN THURGOOD THOMPSON.

WILLIAM BELL, J.P.

I, HENRY WILLMORE, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :

That I am a resident of the Municipal District and Town of Deniliquin, and have been a resident there for three years.

That my real estate is considerably above the value of £100 per annum—that having been assessed for the year 1878, in June, 1877, at about £240 annual value.

That under the Municipal Law I hold and exercise for local governmental purposes two votes.

That, the Police having inscribed my name on the General List of Jurors as for a special juror for 1878, the Revision Court of Justices sitting at Deniliquin on the 11th of December, 1877, struck my name therefrom.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, in the Colony of New South Wales, this 12th day of March, 1879, before me,— HENRY WILLMORE.

JAS. WATSON, J.P.

I,

I, MICHAEL CHARTERS, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

That I am a resident of the Municipal District and Town of Deniliquin, and have been a resident there for six years.

That my real estate is considerably above the value of £100 per annum—that having been assessed for the year 1878, in June, 1877, at about £550 annual value.

That under the Municipal Law I hold and exercise for local governmental purposes four votes.

That the Police having inscribed my name on the General List of Jurors as for a special juror for 1878, the Revision Court of Justices sitting at Deniliquin on the 11th of December, 1877, struck my name therefrom.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin, in the Colony of New South Wales, this twelfth day of March, 1879, before me,—
JAS. WATSON, J.P.

MICHAEL CHARTERS.

I, THOMAS JOHNSTON, of Deniliquin, in the Colony of New South Wales, do hereby solemnly and sincerely declare as follows :—

That I am a resident of the Municipal District and Town of Deniliquin, and have been a resident there for fourteen years.

That my real estate is considerably above the value of £100 per annum—that having been assessed for the year 1878, in June 1877, at about £620 annual value.

That under the Municipal Law I hold and exercise for local governmental purposes four votes.

That the Police having inscribed my name on the General List of Jurors as for a special juror for 1878, the Revision Court of Justices sitting at Deniliquin on the 11th of December, 1877, struck my name therefrom.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Deniliquin in the Colony of New South Wales, this fifteenth day of March, 1879, before me,—
THOMAS IRVING, J.P.

THOMAS JOHNSTON.

[*To Evidence of Mr. J. F. Mayger*, 20 *March*, 1879.]

A 2.

SYNOPSIS of Statutory Declarations made by Twelve Country Residents struck off Special List.

Name.	How long resident in District.	Acreage owned, &c.			Value of Fixed Improvements.	Approximate Annual Value since 1878.	Value of Live Stock, &c., &c.	Sheep returned in January, 1877. *	Sheep returned in January, 1878. †	Remarks.
		Personally.	Occupied.	Total.						
	Years.	Acres.	Acres.	Acres.	£	£	£			
Cust, John	5	640	3,340	3,980	700	700	1,100	2,000	1,800	Made Statutory Declaration.
Hervey, David	5	620	1,570	2,190	600	600	1,500	1,000	1,100	,,
Doyle, Bernard Wright	5	960	2,240	3,200	960	500	1,700	1,214	1,100	,,
Harrison, Henry Vincent	17	640	2,160	2,800	700	400	1,500	...	...	,,
Hetherington, Paul	5	320	320	640	350	200	400	...	...	,,
Tapp, Peter Slader	5	320	320	640	400	130	550	...	...	,,
Nash, Denis	4½	500	2,760	3,260	500	500	1,000	1,960	2,000	,,
Burrows, John	25	200	195	395	500	200	500	...	...	,,
Nisbet, William	5	640	2,485	3,125	500	600	1,100	2,600	1,980	,,
Hanlon, John	6	1,480	900	2,380	2,000	800	1,600	...	...	,,
Simmons, Hezekiah	5	320	960	1,280	350	300	600	...	645	,,
M'Intyre, Arthur	6	600	520	1,120	600	500	950	...	...	,,
M'Millan, John	5½	320	1,800	2,120	320	400	700	1,309	1,460	No Statutory Declaration.

* Taken from published Return at the time.

† Taken from original Return in Clerk of Petty Sessions' possession.

[*To Evidence of Mr. J. F. Mayger*, 20 *March*, 1879.]

A 3.

RESIDENTS OF DENILIQUIN struck off, showing name, time of residence, assessed value of Property held in June, 1877, and number of votes exercised at Municipal Elections.

Name of Resident.	Years residence within Municipality.	Assessed value of Real Estate on which rates have been paid since June, 1877.	Number of Votes.*	Remarks.
Pyke, Robt. Harvey	9	£520	4	Made Statutory Declaration.
Thompson, J. T.	2½	£400	4	,,
Willmore, Henry	3	£231	4	,,
Charters, Michael	6	£550	4	,,
Marshall, F.	26	£900	4	No Statutory Declaration.
Johnston, Thomas	14	£620	4	Made Statutory Declaration.

* NOTE.—Under the Municipal Law, assessment to £25 gives 1 vote; to £75, 2 votes; over £75 to £150, 3 votes; and over £150, 4 votes.

To

[*To Evidence of Mr. J. F. Mayger*, 20 *March*, 1879.]

A 4.

NAMES OF SELECTORS struck off, who have been unable to make Statutory Declarations at present,—giving names, acreage held, and sheep returned in January, 1877, and in January, 1878.

Name.	Acreage.	Sheep.	
		1877.	1878.
	Acres.		
Cooper, William	3,000	...	...
Dalgleish, Alex.	1,500	907	670
D'Elboux, L. W.	1,480	815	800
Fraser, Alexander	1,000	...	...
Parry, R. H.	...	1,200	...
Tolmie, A.	1,000	...	...
Tripp, Alfred	1,100	1,050	990
Tomkins, John	...	3,000	3,200
Ward, Michael	...	2,500	...
Bailey, Charles	1,820	...	1,377
Brand, J.	960	...	...
Rose, Fredk.	...	2,000	1,000

[*To Evidence of Mr. J. F. Mayger*, 20 *March*, 1879.]

A 5.

SYNOPSIS of Minutes of Proceedings of Association, regarding Special Jury Lists; read by Mr. Mayger before Select Committee (*vide* Question 777, p. 22.)

"APRIL 7, 1874, Committee of Association determined to bring the matter before the Premier (then Mr. Henry Parkes) when he visited Deniliquin, there having at this date been summoned as Special Jurors for the Court of 24th April, sixteen persons—these being seven squatters, four squatters' managers, two stock agents, one accountant, and two newspaper proprietors. May 5, 1874, the Secretaries were instructed to write to the Minister regarding the partial character of the panel. In order to have such more impartial, on June 2, 1874, the names of persons were directed to be submitted to the Government as for additional Magistrates. July 2, 1874, a draft letter on this subject was submitted for approval, and ordered to be sent to the Colonial Secretary. August 24, 1874, it was decided to bring before Mr. Parkes the constitution of the Bench, when he reached Deniliquin. At the interview, on August 27, 1874, Mr. Parkes expressed himself strongly on the constitution of Benches in Pastoral Districts, and said it was wrong that such should be formed by members of one class only; he promised, if names of other persons possessing intelligence, character, and some social position were submitted to him, he would appoint such. On September 3, 1874, the Association selected the following as prospective Magistrates, and sent their names to the Colonial Secretary, viz.:—Messrs. Tracy, Barbour, Brown, Cheriton, and W. Bell. On December 3, 1874 (just previous to the revision of the Special Jury List for 1875), the Secretary of the Association stated, that notwithstanding obstacles, he had obtained a copy of the List of Jurors to be submitted on the 8th December, and a sub-committee was appointed to see the Police Magistrate (then Mr. Gordon) on the subject of the Special Jury List. On the 4th February, 1875, the Secretary reported that such sub-committee had attended the Revision Court of the 8th December; and that, since then, he had written to the Sheriff (Mr. Cowper), forwarding names of those thought eligible by the Association to be placed on the Special List, but he (the Secretary) could not report any reply or even an acknowledgment of the letter's receipt. On December 2, 1875, the annual meeting of the Association was held, and the report then read detailed the exertions made during the year in *re* Special Jury List, stating that in November forty names of persons were given to the Bench as qualified for special jurors, but received in silence, the only result of the year's work being that some four or five additions were made to the roll in Sydney. The committee of the Association resolved to take action at the Revision Court to be held on 8th December, 1875, and appointed a sub-committee to do what might appear expedient. On January 6, 1876, the Secretary read correspondence between himself and the Sheriff, and detailed what had taken place at the Court of the previous December. The Jury Law having been amended in July, 1876, the annual report of the Association, read on January 4, 1877, noticed this fact, and referred in detail to the steps taken at the revision in the previous December (1876), but regretted to state that on that occasion a spirit to minimise the chances of equity being obtained by selectors had been still exhibited by such Revision Court. Then followed the events which the Parliamentary Committee now sitting was appointed to investigate; and on October 10, 1878, a sub-committee was appointed to prepare evidence. On November 7, 1878, preparations were made by the Association for the revision of December of that year. On February 12, 1879, information was reported that the Parliamentary Committee would take evidence in Deniliquin. Parliament having, however, afterwards decided to take evidence only in Sydney,—on February 27, 1879, the Society took steps to obtain statutory declarations from those who were unable to attend in the metropolis to give evidence. As the collector of the juries' list (Sergt. Johnston) could not be spared from the district to attend in Sydney, the Association suggested to the Parliamentary Committee, March 10, 1879, that Mr. John Gibson, an old resident and formerly Bailiff in the Supreme Court under the Sheriff, should be summoned in Sergt. Johnston's stead."

Sydney: Thomas Richards, Government Printer.—1879.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JURY LISTS.

(PETITION FROM INHABITANTS OF TOWNS IN THE MURRAY DISTRICT.)

Ordered by the Legislative Assembly to be printed, 18 *September*, 1878.

To the Honorable the Speaker and Members of the Legislative Assembly of the Colony of New South Wales, in Parliament assembled.

The humble petition of the undersigned, inhabitants of the Towns and District of the Murray, in the Colony of New South Wales,—

RESPECTFULLY SHOWETH:—

1. That your Petitioners are residents of the District of Riverina.

2. That of late years a large population of farmers and graziers, possessed in general of considerable means, have settled, and are now settling, upon the Crown lands within the said district, under the provisions of the Acts now in force in this Colony relating to the alienation and occupation of Crown lands.

3. That owing to the present state of the law the interests of the selectors and the Crown lessees or squatters are often found to clash most seriously, and as a consequence innumerable differences and disputes have arisen and now exist, and actions at law have been tried and others are now pending, or are threatened, between members of the one class with members of the other.

4. That the selectors, a great many of whom are numbered among your Petitioners, in attempting to settle upon the rich agricultural and pastoral lands within the said district, and making permanent homes for themselves and their families, are opposed by the squatters in every possible manner, the latter sparing no expense and using every possible means to prevent their settlement in the land.

5. That as the law at present stands the Justices of the Peace within the several districts revise the list of persons who are to be summoned as jurors to try causes in the Courts, and there is no appeal against their decision.

6. That in the district nearly all the squatters, as well as some of their station managers, are Justices of the Peace, and it is a notorious fact that with few exceptions they rarely sit upon the Benches, except where the matter in issue is one in which the interest of the selector clashes with that of the squatter and in cases between master and servant.

7. That the Jurors' roll for the year 1878, as collected by the Sergeant of Police for the district of Deniliquin, contained 268 names, of which 120 were described by him as persons holding the qualification required by law to act as "special jurors."

8. That a Court of Revision was held at Deniliquin Police Court on the 11th day of December, 1877, such Court consisting of the following Justices of the Peace:—Robert Patterson, of Puckanridgee station, squatter; Alexander Wilson, of Coree station, squatter; Frederick Langloh Parker, of Quiamong station, squatter; William Bile, of Morago station, squatter; Alexander Landale, of Deniliquin station, squatter; and Henry Ricketson, of Barratta, Curnella, and other stations, squatter.

9. That the proceedings at the said Court of Revision were conducted in such a manner that those who were present (not being Justices of the Peace) were unable to ascertain whose names were approved of and whose struck out of the Jury roll, as no person in Court openly objected to any name, and no names were declared by the Bench to be either struck off or allowed while the revised list was known until the last sittings of the Supreme Court held in Deniliquin on the 26th day of April last.

10. That this list is signed by all the said Justices, as revised by them, and shows that from the 120 names so stated by the Sergeant of Police as the names of persons qualified to act as special jurors, 50 (fifty) names were struck out by the said Justices and (7) seven fresh names added, all of which last were squatters or squatters' managers.

11. That the names of the fifty persons so struck off the roll of special jurors are the names of some of your Petitioners, and they are all persons of good fame and reputation, and are the owners or tenants of land, the annual value of which is far in excess of £100, the qualification required to be held by a special juror, and nearly all of those persons were on the revised list of jurors for the previous year (1877).

12. That at the last general election of a Member for the district nearly all the persons whose names were so struck off the special Jurors' roll openly supported the free selectors candidate, the present Member for the Murray, a fact of which the Justices were doubtless fully cognizant; it is also believed that all the Justices on the other hand opposed to the utmost the election of the said Member.

13. That it is a notorious fact that each of the said Justices of the Peace either has had or had new differences with free selectors, and one of them, the abovenamed Henry Ricketson, was a party to two actions with a free selector tried at Deniliquin, at the last sittings of the Supreme Court, when each case was tried by such constituted juries; in one case he was plaintiff and obtained a verdict for £300, and in the other he was a defendant, and the jury disagreed and was discharged without delivering a verdict, and he has now other cases pending with other free selectors.

14. That from the manner in which the roll of special jurors has been revised, your Petitioners, having knowledge of the persons approved of by such Justices, believe that it would be unsafe for any selector to have his cause with a squatter tried by a special jury chosen from such roll.

15. That your Petitioners are greatly alarmed at this bold attempt to, as they consider, subvert the ends of justice, which if allowed to pass unchallenged will have the effect of bringing the administration of law into contempt, and endanger the liberties and privileges of the inhabitants, and of the residents of this district in particular.

Your Petitioners therefore humbly pray,—

(1.) That your Honorable House will take the premises above alleged into your most careful consideration, and adopt such immediate measures to investigate the truth of the above allegations as in your wisdom may be deemed most fitting.

(2.) That upon proof to the satisfaction of your Honorable House of the truth of such allegations, you will in your wisdom amend the law now in force for revision of Jury lists in this Colony, in order that the interests of justice alone may be protected and the animosities existing between the two classes allayed rather than increased.

(3.) That upon proof of the matter alleged, your Honorable House will take into your consideration the advisability of so amending the list of the Justices of the Peace as to prevent the recurrence of conduct on the part of such administration so likely to interfere with the pure dispensation of justice.

And your Petitioners will ever pray, &c.

[*Here follow* 290 *signatures.*]

Sydney: Thomas Richards, Government Printer.—1873.

[3*d.*]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(REMUNERATION TO JURORS.)

Ordered by the Legislative Assembly to be printed, 16 *April*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 14 February, 1879, That there be laid upon the Table of this House,—

"Copies of all Correspondence, Minutes, &c., between the Department of "the Sheriff and that of Clerk of the Peace, or any others, relative to the "remuneration paid to Jurors."

(*Mr. Cameron.*)

SCHEDULE.

NO.		PAGE.
1.	Sheriff to Under Secretary of Justice, recommending increased scale of allowances to jurors, with minutes thereon. 24 January, 1878	2
2.	Clerk of the Peace to Under Secretary of Justice, reporting on No. 1, with enclosures. 28 February, 1878	2
3.	Petition to the Executive Council from certain jurors of the Dubbo District, praying for increased allowance, presented by W. T. Coonan, Esq., M.P., with minutes thereon. 3 April, 1878	4
4.	Memo., Under Secretary of Justice, to the Sheriff, for further report, with minute thereon. 27 May, 1878	4
5.	Sheriff to Under Secretary of Justice, further reporting in reply to No. 4, with minutes thereon. 1 June, 1878	4
6.	Memo., Auditor General to Under Secretary of Justice, in reply to No. 5. 16 August, 1878	6
7.	Memo., Clerk of the Peace to Under Secretary of Justice, further respecting allowances to jurors, with enclosures and minute thereon. 28 August, 1878	6
8.	Minute paper for the Executive Council, recommending alteration in scale of allowances to jurors, with minutes thereon. 21 October, 1878	7
9.	Under Secretary of Justice to Sheriff and others, notifying alteration in scale of allowances to jurors, with enclosure. 2 December, 1878	8
10.	Inhabitants of Bathurst to the Honorable W. H. Suttor, M.P., respecting inadequacy of allowances to jurors, with minutes thereon. 7 November, 1878	8
11.	Under Secretary of Justice to Messrs. J. F. Clements, J.P., James Weymark, and others, Bathurst, in reply to No. 10. 12 November, 1878	9
12.	Clerk of the Peace to Under Secretary of Justice, respecting alteration of schedule of allowances to jurors upon voucher form C.A. 10, in accordance with new scale, with minutes thereon. 27 December, 1878	9
13.	Under Secretary of Justice to Under Secretary for Finance and Trade, in reference to No. 12. 27 December, 1878	9

ADMINISTRATION OF JUSTICE.

No. 1.

The Sheriff to The Under Secretary of Justice, &c.

Sir, Sheriff's Office, Sydney, 24 January, 1878.

Now that the Estimates are passed providing for increased pay to jurymen, in terms of the 4th section of the Act 40 Vict. No. 6, I have to propose for the approval of the Minister, to be sanctioned by the Governor and Executive Council, that in future—

	s.	d.
1. Jurymen attending under any Jury precept shall be entitled for such attendance to a fee per diem of	10	0
And for every mile of distance beyond 5 miles ... ... (*i.e.*, 6d. each way, but subject to the proviso in 11 Vic. No. 20, sec. 31.)	1	0
2. Jurors attending more than three days on the same panel—for the fourth and every subsequent day an additional sum of	10	0
3. If continuously on the same trial in any civil case, such further sum (if any) as the presiding Judge shall direct under this Act, sect. 2, which sum shall be paid through the Prothonotary's office, in terms of Judge's order		
4. Bystanders sworn as jurors on any trial, per day	10	0

I may state in explanation that I propose the rate of 10s. per day as being reasonable, and a sum not formerly considered too high. The rate in Victoria ranges from 5s. to 15s. per day, but I fail to see why the wealthy classes should be paid more than workmen and clerks, whose families are often reduced to want in consequence of their salaries being stopped while absent from their employment. None of these men, as far as I can ascertain, receive less than 12s. a day. My experience satisfies me that this class of persons labour under great hardship. In estimating the expenses incurred by jurors in country districts, I take Bathurst as one in which stabling and hotel expenses are not high, and I find that, calculating at the rate of 7s. per night for a horse, and 8s. per day for hotel expenses, it costs a juryman who resides more than 5 miles from town, and who cannot go home at night, £3 15s. for five days. At the present rate he receives £2 15s., being a loss of £1, as well as his time.

By the rate I propose, a juror living 30 miles from Bathurst will receive 10s. a day for five days (£2 10s.), and 1s. per mile for 25 miles (£1 5s.) or £3 15s. in all, being his actual expenses.

The amount paid during any one Court, but at different sittings, varies so much that I am unable to make any calculation as to the total increase of expenditure consequent on this change, as the following statement will show :—

	Highest at any one Circuit.	Lowest at any one Circuit.
	£	£
Bathurst	240	34
Maitland	179	26
Deniliquin	140	11
Tamworth	198	31

The question resolved itself into this: What is a fair amount? And I feel convinced that the rate I propose is not excessive.

I have, &c.,
CHARLES COWPER,
Sheriff.

Favour of report. Mr. Fraser may perhaps, in the first instance, be in a position to offer some observations in reference to proposed increase to jurymen and the additional cost to the country, and how far present provision would require to be supplemented, &c.—The Clerk of the Peace, B.C., 9th February, 1878, W.E.P. Report herewith.—ARCH. C. FRASER, Clerk of the Peace, 28th February, 1878.

No. 2.

The Clerk of the Peace to The Under Secretary of Justice, &c.

Report on proposal of Sheriff to increase Jurors' allowances.

IT is evident that Parliament fixed the existing scale of allowances to jurors upon the assumption that persons holding the property qualifications which entitle them to act as jurors may be fairly called upon to make some sacrifice to secure the administration of justice, or that it would be impracticable to attempt to indemnify them for the pecuniary losses sustained in consequence of having to leave their occupations in order to attend Courts.

At the same time, the scale has been fixed (necessarily upon a rough estimate) to recoup jurors' pecuniary outlay incurred in attending Courts.

Thus, town jurors receive 2s. 6d. per day, to pay, I suppose, for a midday meal, omnibus fare, &c.

Jurors residing over 3 and within 5 miles of the Court are paid 4s. a day, apparently to cover the extra expense of attending from a distance, and a longer absence from their homes.

Jurors residing over 5 miles from the Court are paid an allowance of 8d. a mile one way, and 6s. a day, no doubt to cover hotel expenses.

I can see no reason to deviate from the principle upon which the scale now in operation is founded; but at the same time it is evident that these allowances, which were fixed in 1851, are too small for the present

present time, and, after mature consideration, I would recommend that the following scale be adopted:—Every juror residing in the town where the Court is held, or within such distance as would enable him to return home every day (and I think this distance should be fixed at *5 miles), to be paid 5s. a day.

When jurors reside at such a distance from town (say over *5 miles) as would generally preclude their return home every day, the rate suggested by the Sheriff, namely, 10s., would, I think, be fair.

*See foot-note, page 4.

*See foot-note, page 4.

In every case, however, where the juror resides more than 1 mile from the town where the Court is held, he should, in my opinion, be paid 1s. a mile for travelling expenses one way.

For attendance of more than three days on the same panel, an additional sum for the fourth, and every subsequent day, of 5s.

If continuously on the same trial in any civil case for more than three days, such further sum in respect to the fourth and every subsequent day as the Presiding Judge shall direct, under the 2nd section of 15 Vic. No. 3, which sum shall be paid through the Prothonotary's office in terms of Judge's order.

Talesmen to be paid 5s. a day.

In framing any scale of allowances to jurors, which would be practicable to administer, it would be impossible to adjust payments so as to compensate in anything like an equal way jurors residing in Sydney and its neighbourhood, and those residing in less thickly populated parts of the Colony. A rough estimate is all that could be fixed, and the above scale, in my opinion, would be as generally fair as any scale which would be convenient or practicable to administer.

If the principle of paying jurors merely their outlay is the basis upon which any scale should be framed, I can see no reason why the incidental expenses of special jurors (who are described as Justices of the Peace, Lessees of the Crown, bankers, bank directors, merchants, accountants, engineers, managers of stations, brokers, chemists or druggists, warehousemen, commission agents, architects, or owners or tenants of lands or tenements of the yearly value of £100) should be necessarily higher than those of other persons composing general Juries—any such distinction appears to me to be invidious.

40 Vic. No. 6, sec. 3.

As will be seen by the above, I do not agree with the Sheriff in his suggestion to pay every juror 10s. a day, nor do I think that it is necessary to provide for the case of workmen and clerks "whose salaries," he states, "are often stopped while absent from employment, and whose families are often reduced to want through the jurors' attendance at the Court."

It has been a part of my duty for many years to pay jurors, and I have inquired into the merits of numerous applications for increased expenses in cases of alleged hardship. My experience leads me to believe that, as a rule, the salaries of clerks are not stopped whilst they attend Courts as jurors. The only men whose families could be reduced to want are persons in receipt of small daily wages, and by the lack of the property qualification nearly all of such persons would be excluded from serving on the Jury.

In the event, however, of such a case occurring, the presiding Judge, on representation to him, would, without doubt, excuse the juror from attendance.

Under the scale proposed by me, I estimate that the expense to the country would be certainly twice as much as it now is, and that the Quarter Sessions vote would require to be supplemented for the remainder of the present year to the amount of at least £2,000.

The Sheriff's proposed scale would, if adopted, of course involve a considerably greater expenditure than mine.

ARCH. C. FRASER,
Clerk of the Peace.

Sydney, 28 February, 1878.

P.S.—I annex the schedule of allowances now in operation; also the schedule proposed by me, in such a form as I think might be authorized.—A.C.F.

[*Enclosure* 1 *to No.* 2.]

SCHEDULE of allowances to Jurors now in operation, 15 Victoria, No. 3.

		s.	d.
1st.	Jurors attending under a General Jury Precept—		
	If within 3 miles of the Court, per diem	2	6
	If above 3 but not exceeding 5 miles, per diem	4	0
	If above 5 miles, per diem	6	0
	And for every mile of distance beyond such 5 miles	0	8
	(*i.e.*, 4d. each way, but subject to the proviso of 11 Vic. No. 20, section 31.)		
2nd.	Jurors attending under a Common Jury Precept—		
	The same rates as above.		
3rd.	Jurors attending under a Special Jury Precept, whether of four or of twelve jurors—		
	If within 3 miles of the Court, per diem	5	0
	If above 3 but not exceeding 5 miles, per diem	7	6
	If above 5 miles, per diem	10	0
	And for every mile of distance beyond such 5 miles	1	0
	(*i.e.*, 6d. each way, but subject to the proviso in the aforesaid 31st section.)		
4th.	Jurors attending more than three days on the same panel—		
	If under a General Jury Precept or Common Jury Precept an additional sum (for the *fourth* and every subsequent day) of	2	6
	If under a Special Jury Precept an additional sum (for the *fourth* and every subsequent day) of	5	0
	If continuously on the same trial in any civil case, such further sum (if any) as the presiding Judge shall direct under this Act, s. 2.		
5th.	Bystanders sworn on any trial, according to the class of jurors to which they belong, either 4s. or 7s. 6d.		

NOTES.—

1. Land spaces only are to be reckoned in the calculation of distances.
2. Jurors attending the Courts in Sydney, from the North Shore, Balmain, and Manly Beach, and its immediate neighbourhood, will only be allowed the usual steam ferry fare for the water spaces travelled between those places (to and fro) in addition to the authorized daily allowance for attendance (Executive Council Minute, No. 67/35, 15th August, 1867).

[*Enclosure*

[*Enclosure 2 to No. 2.*]

SCHEDULE of allowances to Jurors attending under any Jury Precept, proposed by Clerk of the Peace.

	s.	d.
See foot-note. Jurors residing in the town where the Court is held, or within five miles thereof, for each day's attendance at the Court	5	0
See foot-note. Jurors residing more than 5 miles from the town where the Court is held, for each day's attendance at the Court	10	0
Travelling expenses to jurors for every mile of distance between the juror's residence and the town where the Court is held	1	0
An additional sum for the fourth and every subsequent day, of	5	0
If continuously on the same trial in any civil case for more than three days, such further sum in respect to the fourth and every subsequent day as the presiding Judge shall direct under the 2nd section of 15 Vic. No. 3, which sum shall be paid through the Prothonotary's Office, in terms of Judge's order.		
Bystanders sworn on any trial	5	0

NOTE 1.—Land spaces only are to be reckoned in the calculation of distances.

NOTE 2.—Jurors attending the Courts in Sydney from the North Shore, Balmain, and Manly Beach and its immediate neighbourhood will only be allowed the usual steam-ferry fare for the water space travelled between those places (to and fro) in addition to the *authorized daily allowance to town jurors* of 5s. a day.

* FOOT NOTE.—Since writing the above I have come to the conclusion (the reasons for which I gave to the Honorable the Minister of Justice, &c.) that the scale recommended herein should be altered as follows, viz., that the distance qualifying jurors to receive 10s. a day should be *eight* instead of *five* miles.—A.C.F.

No. 3.

Petition to the Executive Council.

Presented by Mr. Coonan, 3/4/78.

To the Honorable the Executive Council of New South Wales. The petition of the undersigned jurymen of the district of Dubbo,

HUMBLY SHOWETH:—

That your petitioners are in the habit of serving at Quarter Sessions and Assize Courts.

That the fees paid to jurymen so attending are inconsistently low, amounting to two shillings and sixpence per diem to persons living in towns, and four shillings per diem to persons residing five miles from the place in which are held the Courts.

Your petitioners respectfully point out that the scale of fees now in existence is the same scale which obtained previous to the great increase in wages and cost of living that arose on the breaking up of the gold-fields.

That the circumstances of the Colony are now entirely different to what they were when the scale was first promulgated, and that the fee which was then considered a fair *quid pro quo* does not now represent a fourth of it.

That your petitioners could point out many individual cases of hardship arising out of the miserable fee paid to jurymen. On the various panels there are many labourers, mechanics, and others, employed at from 7s. to 14s. per diem, and as they on some occasions are several days engaged on Jury services and are only paid 2s. 6d. a day, the pecuniary loss sustained by them is more than they can afford, and is seriously felt by themselves and families.

That your petitioners respectfully suggest that 10s. 6d. per diem is the least remuneration that should be paid to jurymen while acting in that capacity.

That your petitioners humbly point out that power is given by the "Jurors Act Amendment Act of 1876" to your Honorable Council to increase, by proclamation of His Excellency the Governor, the remuneration paid to jurors, and trust that in pursuance of such powers given, your Council will at once deem it wise to order the said increase.

And your petitioners, hoping that their request will meet with a favourable consideration, will, as in duty bound, ever pray.

[*Here follow* 83 *signatures.*]

Minister for Justice, B.C., 4/4/78.—M.F. The Under Secretary of Justice, &c., B.C., 4/4/78.—M.R.A.

No. 4.

The Under Secretary of Justice, &c., to The Sheriff.

Memo.—*Re* allowance to jurors.

Department of Justice and Public Instruction, Sydney, 27 May, 1878.

Papers herewith to be returned.

I SHALL be glad to be favoured with further information from the Sheriff upon this subject, as to what might fairly be deemed an adequate allowance to each class of jurors, and particularly with reference to amount of extra cost to the Country for such purpose. I would like a concise report upon the subject.

J. L.

The Sheriff.—B.C.—W. E. P.

Report herewith.—C.C., 6/6/78.

No. 5.

The Sheriff to The Under Secretary of Justice, &c.

REPORT of the Sheriff upon the payment to be made to persons serving as jurymen.

MY recommendations with reference to the payment of jurymen having been submitted to the Clerk of the Peace for his criticism, and referred back to me for further information, with a request that I should make a *concise* report, I think I may be excused if I fail to discover that my report is less concise than the elaborate criticism upon it. I did not think it necessary to refer to the "*evident intention of Parliament in fixing the existing scale*," or to the universally admitted principle that every citizen that owes a duty to the State, must make some sacrifice to secure the administration of justice, and "that it would be impossible to

to attempt to indemnify him from pecuniary losses sustained in consequence of his attendance at Court." I am not prepared to admit that "*the original scale was fixed (necessarily upon a rough estimate) to recoup jurors the pecuniary outlay incurred by them in attending Courts*"; or indeed that it was determined upon any principle whatever. I am rather inclined to the opinion, subsequently expressed by the Clerk of the Peace himself, "that the original framers of this scale of allowance *found it impossible to adjust payment so as to compensate in anything like an equal way.*"

I cannot perhaps boast of the extensive experience of the Clerk of the Peace in paying jurors, but I have no doubt that the Minister will nevertheless believe me when I state that many cases of hardship have been brought under my notice where payment of salaries has been stopped when jurors are absent from their employment. In some cases, I am informed, men have been dismissed because they could not obtain a substitute.

I must take exception to the statement "*that the only men whose families could be reduced to want are persons in receipt of small wages daily, and the property qualification must generally exclude them from serving on the Jury.*" The property giving the qualification might prevent the family being reduced to want, but I fail to see how it excludes the owner from serving on the Jury.

Having now dealt with the part of the criticism which makes us appear to differ, I shall endeavour to show how nearly we agree in result.

The Clerk of the Peace sees "*no reason why the incidental expenses of special jurors should be necessarily higher than those of other persons composing general Juries. Any such distinction would be invidious.*" I infer, therefore, although he does not say so in this paragraph, that he adopts my view, viz., that all jurymen should be placed upon an equal footing.

He approves of the mileage being 1s. per mile one way, to be paid to every juror residing more than 1 mile from *the town where the Court is held.* Under this arrangement a juror living 5 miles from the town would receive 5s. *per day*, and 1s. *per mile*, making a total of 10s. *per day*, exactly what I propose to give, only in another way. My proposal is to give 10s. *a day and no mileage*, except where the juror resides a greater distance than 5 miles. The difficulty of calculating mileage correctly is very great, and causes dissatisfaction among the jurymen. The cards are marked by the Judge's Associates in the higher Courts in conjunction with the Sheriff's officers, and the disputes are very numerous. My idea is to get rid of all complications, and make the payment as simple as possible and not open to dispute. I would even do away with the system of paying ferry charges—another cause of dispute. It only applies in any great measure to persons residing near Sydney, and can safely be dispensed with. I hold that a juryman residing within 5 miles of the Court has as much right to receive 10s. a day as the juryman living beyond that distance, who receives 10s. a day and mileage; but, as it is open to argument, and in many instances the juror would visit town on his own business, and possibly holds a yearly ticket for conveyance by rail or steamer, I propose to give him 10s. a day, and no expenses. To use the expression of the Clerk of the Peace again, "It would be impossible to adjust payment so as to compensate in anything like an equal way." I reiterate my former statement that the persons who suffer hardship are clerks and workmen—an additional reason why my proposal should be agreed to. I do not think the difference in expense would be so great as to justify the Government in adopting an uncertain rate, difficult to compute, and reject a rate which combines simplicity with uniformity. The rate suggested by me, viz., 10s. a day (when the juryman resides over 5 miles from the Court) the Clerk of the Peace considers fair. Jurors attending more than three days on the same panel I propose to allow 10s. a day extra. In criminal cases the necessity seldom arises to pay the extra fee. Mr. Fraser thinks 5s. a day sufficient. They were formerly allowed 2s. 6d. and 5s. respectively, and I see no reason therefore to alter my opinion. Bystanders or talesmen I propose to pay at the rate of 10s. a day, the same as other jurors—the Clerk of the Peace recommends 5s. a day. I think I am right. It is a case of hardship when a man is called upon at a moment's notice without any warning to neglect his business, even although it is to perform a public duty.

1/6/78.

CHARLES COWPER,
Sheriff.

SCHEDULE of allowances to Jurors, as recommended by the Sheriff.

	s.	d.
All jurors shall be paid for each day of attendance at Court	10	0
Jurors residing over 5 miles from the Court-house to receive for each mile of distance beyond such 5 miles	1	0
An additional sum for the fourth and every subsequent day of	10	0
If continuously on the same trial in any Civil case for more than three days, such further sum in respect to the fourth and every subsequent day as the presiding Judge shall direct, under the 2nd section of 15 Vic. No. 3, which sum shall be paid through the Prothonotary's office in terms of Judge's order.		
Bystanders sworn on any trial	10	0

NOTE.—Land spaces only are to be reckoned in the calculation of distances.—CHARLES COWPER, Sheriff, 1/6/78.

Immediate.—This must not be regarded as a matter of dispute between officers of the Public Service, or a question of one officer criticising the suggestions of another, in reference to a subject of much public concern, upon which the most equitable and accurate information should be obtained respecting the remuneration which might reasonably be paid to jurors, and as regards the extra cost to the country. The additional amount must be estimated for the consideration of Parliament. Upon this point I desire to be further informed, and would be glad if the Auditor General would examine these papers, and particularly the Schedules of Allowances submitted by the Sheriff and the Clerk of the Peace, and favour me with report thereon, when I shall be in a position, in terms of the 4th section of 40 Vic. No. 6, to prepare a minute for the Executive Council to increase the compensation to jurors.—J.L., 12th August, 1878.

The Auditor General, B.C., 12th August, 1878.—W. E. PLUNKETT.

No. 6.

No. 6.

The Auditor General to The Under Secretary of Justice, &c.

Department of Audit, New South Wales, 16 August, 1878.

Memorandum on payments to persons serving as jurymen, submitted for my opinion.

All papers returned.

Upon the nearest calculation that time admits of, it is estimated that the Sheriff's proposed scale, which seems to be the simplest and easiest of application, would require an addition of £2,000 to £2,500 to the sum voted for the present year, viz., £4,000.

There are constant disputes and difficulties as to distances, which it would be well to confine within as narrow limits as possible.

C. ROLLESTON.

No. 7.

The Clerk of the Peace to The Under Secretary of Justice, &c.

Memo.—*Re* alteration of rates of allowances to jurors.

The further report of the Sheriff, shown to me on the 26th instant, does not touch in any way the reasons upon which my suggestions are based.

The only ground on which the Auditor General recommends the Sheriff's proposal is its simplicity. There is no doubt as to its simplicity. But had the Auditor General given the matter full consideration (which his memo. appears to indicate he had not time to do), I think he would have seen that the increased allowance to town jurors from 2s. 6d. to 10s. per day would involve needless expenditure of public money.

The Sheriff says: "The difficulty of calculating mileage correctly is very great," and that the rates suggested by me would be "difficult to compute."

What difficulty can there be in computing an allowance of 5s. or 10s. per diem, and 1s. per mile?

However, if such a calculation be considered difficult, an extension of the printed tables prepared by me (enclosed herewith), so as to include the rates of allowances to jurors in *civil* as well as *criminal* cases, would meet the objection.

Annexed is the Schedule of Allowances which I propose, also a Schedule of the Victorian scale.

ARCH. C. FRASER,
Clerk of the Peace.

Sydney, 28th August, 1878.

P.S.—The short time allowed for further report enables me only to furnish the following rough estimate:—

Expenditure for the current year for jurors attending the Supreme Court and Circuit Courts, and Courts of Quarter Sessions, say	£7,000
Under the Sheriff's proposed scale the expenditure would be increased by, say	7,000
Making the total expenditure per annum	£14,000
Under my proposed scale the expenditure would be increased by, say	£4,000
Making the total expenditure per annum	£11,000

A.C.F.

[*Enclosure* 1 *to No.* 7.]

Extract from Printed Tables of allowances to Crown Witnesses and Jurors—prepared by A. C. Fraser, Clerk of the Peace.

Allowances to Jurors under a General Jury Precept, 15 Victoria No. 3.

The allowances to Jurors attending under Special Jury Precepts (which however are very rarely issued for the trial of Criminal causes), are given in the Schedule to this Act.

Jurors attending more than three days on the same panel receive an additional sum of 2s. 6d. for the fourth and every subsequent day.

Jurors residing within 3 miles of Court, 2s. 6d. per diem—no travelling allowance. See notes.*

One day.	Two days.	Three days.	Four days—additional allowance of 2s. 6d. for fourth day.	Five days—additional allowance of 2s. 6d. for fourth and fifth days.	Six days—additional allowance of 2s. 6d. for fourth, fifth, and sixth days.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
0 2 6	0 5 0	0 7 6	0 12 6	0 17 6	1 2 6

Jurors residing at a distance from the Court of above 3 but not exceeding 5 miles, 4s. per diem,—no travelling allowance. See notes.*

One day.	Two days.	Three days.	Four days—additional allowance of 2s. 6d. for fourth day.	Five days—additional allowance of 2s. 6d. for fourth and fifth days.	Six days—additional allowance of 2s. 6d. for fourth, fifth, and sixth days.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
0 4 0	0 8 0	0 12 0	0 18 6	1 5 0	1 11 6

Jurors

JURORS residing above 5 miles from the Court, 6s. per day for attendance at Court, and for every mile beyond such 5 miles, 8d.,—*i.e.*, 4d. each way—subject, however, to the proviso in 11 Vic., No. 20, section 31, that "in all cases in which there may be a regular steam conveyance or the passage can be conveniently made wholly or in part by water, the allowance of such portion of the journey as shall be or might have been performed by water shall be limited to the actual amount of the steerage or cabin passage money payable according to the station in life of the Juror." See notes.*

No. of Miles.	Amount of Mileage.	Total amount of Mileage, and Daily allowance.					
		One day.	Two days.	Three days.	Four days—additional allowance of 2s. 6d. for fourth day.	Five days—additional allowance of 2s. 6d. for fourth and fifth days.	Six days - additional allowance of 2s. 6d. for fourth, fifth, and sixth days.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Over 5 to 6 incl.	0 0 8	0 6 8	0 12 8	0 18 8	1 7 2	1 15 8	2 4 2
7	0 1 4	0 7 4	0 13 4	0 19 4	1 7 10	1 16 4	2 4 10
8	0 2 0	0 8 0	0 14 0	1 0 0	1 8 6	1 17 0	2 5 6
9	0 2 8	0 8 8	0 14 8	1 0 8	1 9 2	1 17 8	2 6 2
10	0 3 4	0 9 4	0 15 4	1 1 4	1 9 10	1 18 4	2 6 10
11	0 4 0	0 10 0	0 16 0	1 2 0	1 10 6	1 19 0	2 7 6
12	0 4 8	0 10 8	0 16 8	1 2 8	1 11 2	1 19 8	2 8 2
13	0 5 4	0 11 4	0 17 4	1 3 4	1 11 10	2 0 4	2 8 10
14	0 6 0	0 12 0	0 18 0	1 4 0	1 12 6	2 1 0	2 9 6
15	0 6 8	0 12 8	0 18 8	1 4 8	1 13 2	2 1 8	2 10 2
16	0 7 4	0 13 4	0 19 4	1 5 4	1 13 10	2 2 4	2 10 10
17	0 8 0	0 14 0	1 0 0	1 6 0	1 14 6	2 3 0	2 11 6
18	0 8 8	0 14 8	1 0 8	1 6 8	1 15 2	2 3 8	2 12 2
19	0 9 4	0 15 4	1 1 4	1 7 4	1 15 10	2 4 4	2 12 10
20	0 10 0	0 16 0	1 2 0	1 8 0	1 16 6	2 5 0	2 13 6
21	0 10 8	0 16 8	1 2 8	1 8 8	1 17 2	2 5 8	2 14 2
22	0 11 4	0 17 4	1 3 4	1 9 4	1 17 10	2 6 4	2 14 10
23	0 12 0	0 18 0	1 4 0	1 10 0	1 18 6	2 7 0	2 15 6
24	0 12 8	0 18 8	1 4 8	1 10 8	1 19 2	2 7 8	2 16 2
25	0 13 4	0 19 4	1 5 4	1 11 4	1 19 10	2 8 4	2 16 10
26	0 14 0	1 0 0	1 6 0	1 12 0	2 0 6	2 9 0	2 17 6
27	0 14 8	1 0 8	1 6 8	1 12 8	2 1 2	2 9 8	2 18 2
28	0 15 4	1 1 4	1 7 4	1 13 4	2 1 10	2 10 4	2 18 10
29	0 16 0	1 2 0	1 8 0	1 14 0	2 2 6	2 11 0	2 19 6
30	0 16 8	1 2 8	1 8 8	1 14 8	2 3 2	2 11 8	3 0 2

TALESMEN.

Bystanders sworn as general Jurymen under 11 Vict. No. 20, sec., 31, are entitled to the same compensation as jurors residing within 5 miles of the Court, *i.e.*, 4s. per day.

* NOTES.—1. Land spaces only are to be reckoned in the calculation of distances.

2. Jurors attending the Courts in Sydney from the North Shore, Balmain, and Manly Beach and its immediate neighbourhood, will not be allowed the usual mileage, but only the usual steam-ferry fare for the water spaces travelled between those places (to and fro), daily, in addition to the authorized daily allowance for attendance. [Executive Council Minute, No. 67-35, 15th August, 1867.]

[*Enclosure* 2 *to No.* 7.—*See Enclosure* 2 *to No.* 2.]

[*Enclosure* 3 to No 7.]

SCHEDULE of Allowances to Jurors in the Colony of Victoria, payable under authority of the Act 40 Vic. No. 560.

The Tenth Schedule.

Rate of compensation to Jury.

	£	s.	d.
Common jurors, residing within five miles of the Court, for each day attending at the Court	0	5	0
Common jurors, residing more than five miles from the Court, for each day attending at the Court	0	7	6
Special jurors, residing within five miles of the Court, for each day attending at the Court	0	10	0
Special jurors, residing more than five miles from the Court, for each day attending at the Court	0	15	0
Travelling expenses to special and common jurors, for every mile of distance beyond five miles between the juror's residence and the Court, one way only	0	1	0
In the event of any criminal or civil case occupying the Court beyond three days, to each juror impanelled on the trial of such case, for each day beyond the first three days, and not exceeding six days	1	0	0
And for every day over six days	2	0	0

In civil Juries the last-mentioned sums to be paid to the Sheriff, in cases of jurors of six, by the plaintiff or his attorney, and in cases of jurors of twelve, by the person requiring the Jury, or his attorney, at the opening of the Court on each day of the trial.

Let a Minute Paper be prepared for the Executive Council, adopting the scale of allowances now agreed to, as proposed by the Clerk of the Peace.—W.E.P., 15/10/

No. 8.

Minute Paper for the Executive Council.

Subject—Alteration in scale of allowance to jurors.

Department of Justice and Public Instruction, Sydney, 21 October, 1878.

REPRESENTATIONS having been made to me as to necessity for some alteration in the Schedule of Allowances to Jurors, after careful consideration of the suggestions which have been submitted by the Clerk of the Peace and the Sheriff, I recommend that the present Schedule of Allowances to Jurors herewith be altered, and in lieu thereof that the amount of compensation to be paid to jurors for attendance in the Supreme and Circuit Courts and Courts of General and Quarter Sessions be fixed in terms of the 4th section of the Jury Laws Amendment Act of 1876, 40 Vic. No. 6, according to the following scale, to take

take effect from the 1st January next, that is to say, the rate of remuneration to jurors attending under any Jury precept shall be from the above date, as follows:—

	s.	d.
If residing within 8 miles of the town where the Court is held, per diem	5	0
If above 8 miles, per diem	10	0
If more than three days on the same panel an additional sum (for the fourth and every subsequent day) of	5	0
If continuously on the same trial in any civil case for more than three days, such further sum (if any) as the presiding Judge shall direct under 15 Vic. No. 3, s. 2. ...		
Bystanders sworn on any trial	5	0
Travelling expenses for every mile of distance from the town (one way)	1	0

Note 1. Land spaces only are to be reckoned in the calculation of distances.

2. Jurors attending the Courts in Sydney from the North Shore, Balmain, and Manly Beach, and its immediate neighbourhood, will only be allowed the usual steam ferry fare for the water spaces travelled between those places and Sydney (to and fro), in addition to the daily allowance of 5s. for attendance.

JOSEPH LEARY.

Approved.—H.R., 28/10/78.

The Executive Council are not aware of any objection to the proposed alteration in the scale of allowances to jurors herein recommended, and advise that effect be given thereto.—ALEX. C. BUDGE, Clerk of the Council. Min. 78/46, 28/10/78. Confirmed.—4/11/78.

Inform Sheriff, Clerk of the Peace, Prothonotary, Crown Solicitor, Secretary to the Attorney General, Mr. Coonan, M.P., Hon. W. H. Suttor, M.P.; and send certified copy of Executive Council Minute to Treasury and Audit Office. Done, 2/12/78.

No. 9.
The Under Secretary of Justice, &c., to The Sheriff.

Sir, Department of Justice and Public Instruction, Sydney, 2 December, 1878.

I am directed by the Minister of Justice and Public Instruction to inform you that His Excellency the Governor, with the advice of the Executive Council, has been pleased to authorize, in pursuance of the provisions of the 4th section of the Jury Laws Amendment Act of 1876, 40 Vic. No. 6, that the present Schedule of allowances to jurors be altered, and in lieu thereof that the amount of compensation to be paid to jurors attending under any Jury precept in the Supreme and Circuit Courts, and Courts of General and Quarter Sessions, shall be, from and after the 1st of January now next ensuing, in accordance with the enclosed scale.

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

[Similar letters to Clerk of the Peace, Prothonotary, Crown Solicitor, Secretary to the Attorney General, Mr. Coonan, M.P., and the Honorable W. H. Suttor, M.P.]

[*Enclosure.*]

SCHEDULE of Allowances to Jurors attending under any Jury Precept.

Executive Council Minute, No. 78-46. Confirmed 4th November, 1878.

	s.	d.
If residing within 8 miles of the town where the Court is held, per diem	5	0
If above 8 miles, per diem.....	10	0
If more than three days on the same panel, an additional sum (for the *fourth* and every subsequent day) of ...	5	0
If continuously on the same trial, in any civil case, for more than three days, such further sum (if any) as the presiding Judge shall direct under 15 Vic. No. 3, s. 2.	5	0
Bystanders sworn on any trial	1	0
Travelling expenses for every mile of distance from the town (one way).....		

NOTES.—

1. Land spaces only are to be reckoned in the calculation of distances.

2. Jurors attending the Courts in Sydney from the North Shore, Balmain, and Manly Beach and its immediate neighbourhood, will only be allowed the usual steam ferry fare for the water spaces travelled between those places and Sydney (to and fro), in addition to the daily allowance of 5s. for attendance.

No. 10.
Inhabitants of Bathurst to The Hon. W. H. Suttor, M.P.

Sir,

We, the undersigned inhabitants of the District of Bathurst, beg respectfully to address you with respect to the very inadequate pay which jurymen receive when attending the Sittings of the Assizes and Quarter Sessions in Bathurst; the allowance they at present receive being the small amount of only 2s. 6d. a day, and 8d. a mile for travelling expenses, whilst their expenses in town amount at the least for a horse to 4s. for the night and 2s. for the day, making 6s. a day and night for a horse alone, and this exclusive of their own personal expenses.

We respectfully beg to point out the very small allowance above mentioned, which jurymen receive for their attendance at Court, and venture to suggest that the moderate sum of 10s. 6d. a day, and 1s. a mile for travelling expenses, ought at the least be paid to them for their services; and even this amount would not even pay their necessary expenses out of pocket.

We are induced to address you principally from the remarks you made at your last election—that you would use your best endeavours to remedy the great hardship which jurymen are now labouring under, on account of the very small and miserable pittance they receive; more especially when it is taken into account that they are considerable losers by neglecting their occupations and devoting their time to the service of the Government.

We

We respectfully request you to take the above premises into your consideration, and take what measures you may deem necessary to remedy the evils above mentioned.
Macquarie Plains, 7th November, 1878.

[*Here follow* 58 *signatures.*]

Will the Honorable the Minister for Justice and Public Instruction kindly look over this letter, and take the matter into his consideration.—W.S., 8/11/78. Acknowledge, and inform what has been done herein.—J.L., 11/11/78. Messrs. J. F. Clements, J. Weymark, and others, 12/11/78.

No. 11.

The Under Secretary of Justice, &c., to Messrs. J. F. Clements, J.P., James Weymark, and others.

Department of Justice and Public Instruction,
Sydney, 12 November, 1878.

Gentlemen,

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of memorial addressed by you to the Honorable W. H. Suttor, Esq., M.P., in reference to the present Scale of Allowances to Jurors, and to state that the subject is receiving attention, and that a revised Schedule of Allowances to Jurors attending the Supreme and Circuit Courts and Courts of General and Quarter Sessions throughout the Colony will shortly be issued, to take effect from the 1st January next.

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

No. 12.

The Clerk of the Peace to The Under Secretary of Justice, &c.

[Immediate.]

Office of Clerk of the Peace, Sydney, 27 December, 1878.

Sir,

I have the honor to request that you will be good enough to cause the Government Printer to alter the Schedule of Allowances to Jurors upon voucher, form C.A. 10, so as to be in accordance with the new scale of allowances under the Executive Minute, No. 78/46, of 4th ultimo .

As these forms will be required at the beginning of next year, and will have to be distributed throughout the Colony, it is unnecessary for me to state that the matter should be expedited.

I have, &c.,
ARCH. C. FRASER,
Clerk of the Peace.

A certified copy of the Executive Minute, No. 78/46, of 4th ultimo, was forwarded under B.C., 12th instant, for the information of the Treasury, and it is presumed that the Government Printer would, in the regular course, be instructed by that department in reference to the requisite alteration upon voucher C.A. 10, in terms of the new scale of jurors' fees. A letter might, however, be addressed to the Treasury on the subject, by way of reminder, as to urgency of matter, &c., &c., and Mr. Fraser informed of action taken herein.—27/12/78.

Treasury, 27/12/78. Mr. Fraser informed personally of action taken herein.—27/12/78.

No. 13.

The Under Secretary of Justice, &c., to The Under Secretary for Finance and Trade.

Department of Justice and Public Instruction,
Sydney, 27 December, 1878.

Sir,

Referring to my blank cover of 12th instant, forwarding a certified copy of Executive Minute, 78/46, of 4th ultimo, altering Scale of Allowances to Jurors from 1st January, 1879, I have the honor to request that you will have the goodness to instruct the Government Printer to cause the requisite alteration in the Schedule of Allowances to Jurors to be made upon voucher form C.A. 10 (copy herewith), and to remind you that, as these forms will be required for distribution throughout the Colony at the beginning of next year, it will be desirable that the matter should be proceeded with with the least possible delay.

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

Sydney: Thomas Richards, Government Printer.—1879.

[9*d*.] 588—B

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JURORS' FEES.

(TABLE OF, AGREED TO BY EXECUTIVE COUNCIL.)

Ordered by the Legislative Assembly to be printed, 26 *November*, 1878.

RETURN to an *Order* of the Legislative Assembly of New South Wales, dated 19 November, 1878, That there be laid upon the Table of this House,—

"A copy of the Table of the Scale of Fees payable to Jurors, lately agreed "to by the Executive Council."

(*Mr. Coonan.*)

Schedule of allowances to Jurors attending under any jury precept.

Executive Council minute, No. 78-46. *Confirmed, 4th November*, 1878.

	s.	d.
If residing within 8 miles of the town where the Court is held, per diem	5	0
If above 8 miles, per diem	10	0
If more than three days on the same panel, an additional sum (for the *fourth* and every subsequent day) of	5	0
If continuously on the same trial, in any civil case, for more than three days, such further sum (if any) as the presiding Judge shall direct under 15 Vic. No. 3, s. 2.		
Bystanders sworn on any trial	5	0
Travelling expenses for every mile of distance from the town (one way)	1	0

NOTES.—1. Land spaces only are to be reckoned in the calculation of distances. 2. Jurors attending the Courts in Sydney from the North Shore, Balmain, and Manly Beach and its immediate neighbourhood, will only be allowed the usual steam ferry fare for the water spaces travelled between those places and Sydney (to and fro), in addition to the daily allowance of 5s. for attendance.

[3*d*.] 359—

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SITE FOR COURT-HOUSE, BOMBALA.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 5 December, 1878.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 30 October, 1878, That there be laid upon the Table of this House,—

"Copies of all Papers and Correspondence with respect to the purchase of "a site for Court-house, Bombala."

(*Mr. Murphy.*)

SCHEDULE.

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29.	Ditto Inspector General of Police. 13 September, 1878	7
30.	Crown Solicitor to Under Secretary, Colonial Secretary's Office. 20 September, 1878	7
31.	Under Secretary, Colonial Secretary's Office, to Under Secretary for Public Works. 23 September, 1878	7

SITE FOR COURT-HOUSE, BOMBALA.

No. 1.

Mr. E. Jonas to The Colonial Secretary.

Bombala Herald Office, Bombala, 3 January, 1877.

Dear Sir,

I pointed out to you on your recent visit a site for a Court-house (close to the site of the new Police Barracks). I have thought it would be right for me, in the interest of the public, to inform you that the land will be for auction on the 18th instant, and it would be a splendid chance of securing one of the only obtainable spots in the town for the object.

I must add that I have no personal reason for writing this, nor am I prompted by anyone that has. I believe it to be a really advantageous opportunity for the Government.

Yours, &c.,
EML. JONAS.

No. 2.

Memorandum of The Inspector General of Police.

Police Department, Inspector General's Office, Sydney, 7 February, 1877.

No application for a new Court-house at Bombala can be traced.

Land purchased for Police Station, Bombala, and tender accepted for buildings.

Suggest telegram to Mr. Giles, J.P., C.P.S., Bombala, to report on site proposed, value, and if suitable to request owner to offer to Government and withdraw from auction.

E.F., I.G.P., 7/2/77.

No. 3.

Telegram from Under Secretary, Colonial Secretary's Department, to Clerk of Petty Sessions, Bombala.

Bombala, 7 February, 1877.

PLEASE report on site proposed for Court-house, and value. If suitable, request owner to withdraw from auction and offer to Government.

No. 4.

Telegram from Clerk of Petty Sessions, Bombala, to Under Secretary, Colonial Secretary's Department.

12 February, 1877.

REFERRING to your telegram, please inform me if you intend that proposed site for Court-house should be adjacent to new police barracks. I presume your telegram to refer to Minehan's land, which has already been offered at auction, but not sold. There are other and most suitable sites in the locality for sale. If required, will report upon hearing from you.

Urgent. The Inspector General of Police.—H.H., B.C., 14/2/77. I suggest that Mr. Giles should be directed to report in reference to the site alluded to by Mr. Jonas, and also as to any other suitable allotment for sale.—EDMUND FOSBERY, I.G.P. The Principal Under Secretary, B.C., 14/2/77.

No. 5.

Telegram from Under Secretary, Colonial Secretary's Department, to Clerk of Petty Sessions, Bombala.

Bombala, 15 February, 1877.

REPORT please, without delay, regarding land for sale on 18th instant, stated by Mr. Jonas as close to site for Police Barracks, as well as to any other suitable allotments for sale.

No. 6.

Telegram from Clerk of Petty Sessions, Bombala, to Under Secretary, Colonial Secretary's Department.

19 February, 1877.

A PROHIBITORY price is asked for the ½ acre allotment of land referred to in your telegram; I have however, succeeded in obtaining the offer of a much more suitable portion containing 1½ acre, price, £200. The site is unquestionably superior to any yet offered, and is situated in the same street as the new police barracks, to which it is directly opposite. I will write fully by the first mail, which leaves here, Thursday. Delay occasioned through inability to communicate with parties.

No. 7.

No. 7.

The Clerk of Petty Sessions, Bombala, to The Under Secretary, Colonial Secretary's Department.

Sir,

Court House, Bombala, 21 February, 1877.

As promised in my telegram of the 19th instant, I now do myself the honor to forward you some further particulars with reference to the proposed site for a new Court-house at Bombala, which has been placed under offer to me by Mr. John Murphy, of Bibbenluke, at the price of £200 sterling. From a perusal of the accompanying plan of the town of Bombala you will perceive that allotments Nos. 1, 2, and 20, of section 2, being those at present under offer by Mr. Murphy, are situated in the same street as allotments Nos. 8 and 9 of section 3, the latter portions being those purchased as a site for the new police barracks. Plan attached.

It is advisable that the three allotments should be purchased, as there would be ample space for the erection of a lock-up in addition to Court-house building if required. The land is all enclosed by a post and rail fence, and as a building site is superior to any other in the locality. I do not regard the sum of £200 (the sum required by Mr. Murphy) as excessive, when taking into consideration the circumstances of its proximity to the police barracks now in course of erection, and more particularly as the same amount is demanded for the land referred to in your telegram of the 15th instant as having been suggested by Mr. Jonas, and which I find only contains 2 roods. This allotment is numbered 2 of section 4 on plan. It would be quite impossible to obtain a title to the adjoining allotment, No. 1 of section 4, owing to the land being held by a minor, aged about 5 years, even if the allotments were for sale.

Under these circumstances I beg to recommend the purchase of the three allotments of land offered Mr. Murphy at the price named by that gentleman, and which are referred to in the enclosed documents, from which it will be observed he declines treating for any lower price than that already named. The enclosures here referred to cannot be found

I have, &c.,

JAMES GILES,

Inspector.

Inspector General of Police.—John R., 27/2/77. B.C., H.H.

No. 8.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Police Department, Inspector General's Office, Sydney, 18 April, 1877.

A new Court-house and lock-up is required at Bombala, and there is no room for the buildings on the land purchased as a site for the police barracks.

The two sites now offered for sale are shown on the accompanying plan in red and green; that marked in red, Nos. 1, 2, and 20 of section 2, contains 1½ acre, is offered for £200, and is the site recommended by Mr. Giles. The other allotments, marked in green, Nos. 1 and 2 of section 4, which contains 1 acre, I have ascertained can be purchased for £280, and is the site chosen by the late Colonial Secretary when on a visit to the place. This site is considered by Inspector Battye to be the best in the township. It has two huts erected on it, which would perhaps sell for £40, and although the price (£280) is something higher, even taking the £40 off, and the area smaller than the site marked in red, I think the superiority of the position would more than counterbalance the difference. For plan see No. 7.

Both sites are equi-distant from the new police barracks.

EDMUND FOSBERY,

Inspector General of Police.

The Principal Under Secretary.—B.C.

No. 9.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir,

Colonial Secretary's Office, Sydney, 24 April, 1877.

I am directed by the Colonial Secretary to request that you will invite the Colonial Treasurer to cause to be placed on Supplementary Estimates a sum of £280 for the purchase of a site for a Court-house and lock-up at Bombala. £280.

I have, &c.,

HENRY HALLORAN.

No. 10.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Sir,

Colonial Secretary's Office, Sydney, 24 April, 1877.

In reply to your report of the 18th instant I am directed by the Colonial Secretary to inform you that the Colonial Treasurer has been invited to cause to be placed upon Supplementary Estimates a sum of £280 for the purchase of a site for a Court-house and lock-up at Bombala. £280.

I have, &c.,

HENRY HALLORAN.

No. 11.

No. 11.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Police Department, Inspector General's Office, Sydney, 25 April, 1877.

Sir,

In acknowledging the receipt of your letter of the 24th instant (No. 77/1,831), intimating that the Colonial Treasurer had been invited to cause to be placed on the Supplementary Estimates a sum of £280 for the purchase of a site for a Court-house and lock-up at Bombala, I have the honor to request to be informed if it is intended that negotiations for the purchase are to be deferred until the money is voted.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

No. 12.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Colonial Secretary's Office, Sydney, 2 January, 1878.

Sir,

Referring to your letter of the 25th April last, respecting the purchase of a site for a Court-house and lock-up at Bombala, for which a sum of £280 has been voted on the Supplementary Estimates for 1877, I am directed to inform you that the Colonial Secretary approves of your proceeding with the negotiations for the purchase of the land.

2. I am at the same time to state that you should place yourself in communication with the Crown Solicitor with respect to the title of the land.

I have, &c.,
HENRY HALLORAN.

Mr. Murphy recommends the purchase for site for Court-house, Bombala, allotment belonging to the estate of James Minehan, between the Police Barracks and the river. Ask the P.M. to ascertain if this land can be procured, and at what price; also whether a title can be given, as I see it alleged that the owner is a minor.—M.F., 7/3.

No. 13.

The Under Secretary, Colonial Secretary's Department, to The Clerk of Petty Sessions, Bombala.

Colonial Secretary's Office, Sydney, 11 March, 1878.

Sir,

Mr. John Murphy, M.P., having recommended the purchase as a site for a Court-house at Bombala of an allotment belonging to the estate of J. Minehan, between the police barracks and the river, I am directed by the Colonial Secretary to request that you will be good enough to ascertain if that land can be purchased, and at what price; also whether a title can be given, as it is alleged that the owner is a minor.

I have, &c.,
M. R. ALLAN.

No. 14.

The Clerk of Petty Sessions, Bombala, to The Under Secretary, Colonial Secretary's Department.

Bombala, 23 March, 1878.

Sir,

Referring to your letter of the 11th instant, intimating that Mr. John Murphy, M.P., had recommended the purchase, as a site for a Court-house at Bombala, of an allotment belonging to the estate of the late J. Minehan, between the police barracks and the river, upon which recommendation my report is requested, I have the honor to inform you that the land referred to, being lot 2 of section 4, containing 2 roods, could be purchased at the price of £200. This allotment would be quite useless for the purposes contemplated unless it were possible to secure the adjoining land, which is numbered 1 of section 4, and which last-named allotment is the property of a minor about six years of age. Under these circumstances it may be inferred that no valid title would be obtainable thereto.

Although not requested to express my opinion as to the suitableness of any other site in Bombala, I deem it my duty to draw your attention to the correspondence on this subject, dated 21st February, 1877, addressed by me to your predecessor in reply to his telegrams of previous dates.

Accompanying my report, dated 21st February, 1877, I forwarded a written offer from Mr. John Murphy to sell his three allotments in Bombala, adjacent to the Police Barracks, being Nos. 1, 2 and 20, of section 2, town of Bombala, containing 1½ acre, for the sum of £200. I recommended the purchase of Mr. Murphy's land as being for many reasons the most suitable for the purposes contemplated. I also forwarded a map of Bombala, showing the situation of the land proposed, by reference to which it will be seen that these allotments are situated in the same street as the new police barracks, and are adjacent thereto.

I again beg to advise the purchase of the three allotments of land from Mr. Murphy, as previously offered, at the price of £200, as they undoubtedly form the most suitable site in the locality for the erection of a Court-house and lock-up.

I may remark that Mr. District Court Judge M'Farland concurs with me as to the suitableness of the site recommended.

I have, &c.,
JAMES GILES, J.P.

No. 15.

No. 15.

The Under Secretary, Colonial Secretary's Department, to The Clerk of Petty Sessions, Bombala.

Sir, Colonial Secretary's Office, Sydney, 28 March, 1878.

In acknowledging the receipt of your letter of the 23rd instant, respecting a site for a Court-house at Bombala, I am directed by the Colonial Secretary to inform you that Mr. John Murphy, M.P., positively declines to part with the piece of land which you recommend should be purchased for the purpose, and that you had better, therefore, consult further with that gentleman when he returns to the district after the prorogation of Parliament.

I have, &c.,
M. R. ALLAN.

No. 16.

Telegram from Clerk of Petty Sessions, Bombala, to The Under Secretary, Colonial Secretary's Department.

23 May, 1878.

Mr. John Murphy has agreed to sell his land to the Government as a site for Court-house, Bombala; price, two hundred pounds (£200). Letter by post.

No. 17.

The Clerk of Petty Sessions, Bombala, to The Under Secretary, Colonial Secretary's Department.

Sir, Bombala, 23 May, 1878.

Referring to your communication of the 28th March last, intimating that Mr. John Murphy, M.P., positively declined selling the three allotments of land recommended by me as a site for a Court-house at Bombala, and suggesting that I should consult further with that gentleman upon his return to the district, I have the honor to report, for the information of the Colonial Secretary, that I have succeeded in inducing Mr. Murphy to consent to the disposal of the land referred to in my letter of the 25th March last, as a site for a Court-house, for the sum of £200 sterling, being the amount previously named by him and recommended in my former communication on the subject.

Mr. Murphy states that he will be prepared to hand over the deeds of the land upon my receiving a notification that the Colonial Secretary approves of the purchase. I would suggest that I may be authorized to request Mr. Murphy to forward the deeds to the Crown Solicitor for perusal and preparation of conveyance at his earliest convenience, in order that the building may be proceeded with.

I have, &c.,
JAMES GILES, J.P.

The site is for a Court-house and lock-up,—27/. Appd.—M.F., 27/5. Referred to the Crown Solicitor, with a view to his taking the necessary steps for obtaining a conveyance of the land, B.C. 28/5/78.—M.R.A. Immediate.

No. 18.

The Under Secretary, Colonial Secretary's Department, to The Clerk of Petty Sessions, Bombala.

Sir, Colonial Secretary's Office, Sydney, 28 May, 1878.

In acknowledging the receipt of your letter of the 23rd instant, reporting that Mr. John Murphy, M.P., has consented to dispose of the piece of land at Bombala which you recommended should be purchased as a site for a Court-house and lock-up, I am directed by the Colonial Secretary to inform you that the matter has been referred to the Crown Solicitor with a view to his taking the necessary steps for obtaining a conveyance of the land in question.

I have, &c.,
M. R. ALLAN.

No. 19.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Sir, Colonial Secretary's Office, Sydney, 28 May, 1878.

Referring to your letter of 25th April, 1877, and to previous correspondence, I am directed by the Colonial Secretary to inform you that Mr. James Giles, J.P., the Clerk of Petty Sessions at Bombala, having reported that Mr. John Murphy, M.P., has consented to dispose of the piece of land at Bombala which Mr. Giles recommended should be purchased as a site for a Court-house and lock-up, the matter has been referred to the Crown Solicitor with a view to his taking the necessary steps for obtaining a conveyance of the land in question.

I have, &c.,
M. R. ALLAN.

No. 20.

The Colonial Architect to The Under Secretary for Public Works.

Sir, Department of Public Works, Colonial Architect's Office, Sydney, 10 July, 1878.

With reference to the vote of £3,000 for erection of a new Court-house at Bombala on the Estimates for this year, I do myself the honor to request I may be furnished with particulars of the accommodation

accommodation required to be provided, and also of the site on which it is proposed to erect the building, in order that plans may be prepared for the work.

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

The Principal Under Secretary, &c., B.C., 12 July, 1878.—J.R.

No. 21.

The Under Secretary, Colonial Secretary's Department, to The Crown Solicitor.

Sir, Colonial Secretary Office, Sydney, 17 July, 1878

I am directed by the Colonial Secretary to invite your attention to my blank cover communication of the 28th May last with reference to the offer made by Mr. John Murphy to sell to the Government a piece of land at Bombala as a site for a Court-house, and to request the favour of an early reply to the same.

I have, &c.,
M. R. ALLAN.

No. 22.

The Under Secretary, Colonial Secretary's Department, to The Crown Solicitor.

Sir, Colonial Secretary's Office, Sydney, 2 September, 1878.

Referring to my letter of the 17th of July last, I am again directed by the Colonial Secretary to request the favor of a reply to my blank cover communication of the 28th of May last, with reference to the offer made by Mr. John Murphy, M.P., to sell to the Government a piece of land at Bombala as a site for a Court-house.

I have, &c.,
M. R. ALLAN.

No. 23.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Sir, Crown Solicitor's Office, Sydney, 4 September, 1878.

I have the honor to state, in reply to your letter (No. 78/6,051) of 2nd instant, that I some days ago prepared a conveyance of the land at Bombala, purchased from Mr. John Murphy, M.P., as a site for a Court-house, and that I forwarded the deed to Mr. Giles, Police Magistrate, by whom the purchase was negotiated for execution by Mr. Murphy.

The deed will probably be returned in the course of a few days, and as it is desirable that there should be as little delay as possible in handing the purchase money to Mr. Murphy, perhaps you will be good enough to make arrangements for the payment thereof at your early convenience.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 24.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Sir, Crown Solicitor's Office, Sydney, 5 September, 1878.

In compliance with your verbal request I do myself the honor to return the papers forwarded to me with instructions to prepare conveyance of land at Bombala, purchased from Mr. John Murphy, M.P., as a site for a Court-house.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 25.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Murphy to the Queen.

Sir, Crown Solicitor's Office, Sydney, 9 September, 1878.

I do myself the honor to inform you that the deed of conveyance of land at Bombala intended as a site for a Court-house has been returned to me duly executed by Mr. Murphy.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 26.

The Under Secretary, Colonial Secretary's Department, to The Crown Solicitor.

Sir, Colonial Secretary's Office, Sydney, 13 September, 1878.

Referring to your letter of the 4th instant, I am directed to inform you that the Colonial Secretary approves of the payment through you of the cost of the piece of land at Bombala, purchased from Mr. John Murphy, M.P., as a site for a Court-house, &c., the amount, £200, to form a charge against the sum of £280 voted on the Estimates for 1877 for the purchase of a piece of land for the purpose, and that the Colonial Treasurer has been apprised accordingly.

I have, &c.,
M. R. ALLAN.

No. 27.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 13 September, 1878.

I am directed to state that the Colonial Secretary has approved of the payment through the Crown Solicitor of the sum of £200, being the cost of a piece of land at Bombala, purchased from Mr. John Murphy, M.P., as a site for a Court-house, &c., the amount to form a charge against the £280 voted on Estimates for 1877, and to request that you will invite the Colonial Treasurer to have the goodness to cause the money to be placed to the credit of the Crown Solicitor accordingly.

I have, &c.,
M. R. ALLAN.

No. 28.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Sir, Colonial Secretary's Office, Sydney, 13 September, 1878.

Referring to my letter of 28th May last, respecting the purchase from Mr. John Murphy, M.P., of a piece of land at Bombala as a site for a Court-house, &c., I am now directed to inform you that the Colonial Secretary has approved of the payment of the purchase money of the land in question through the Crown Solicitor, the amount, viz., £200, to form a charge against the sum of £280 voted on the Estimates for 1877 for the purchase of land for the purpose.

I have, &c.,
M. R. ALLAN.

No. 29.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Murphy to the Queen.

Sir, Crown Solicitor's Office, Sydney, 20 September, 1878.

I have already advised you that the conveyance of land at Bombala, intended as a site for a Court-house, is in my hands duly executed, and I have the honor to inform you that I have paid the amount of consideration money, £200, to the credit of Mr. John Murphy, in the Commercial Bank, as requested by that gentleman.

The voucher for this payment will be duly forwarded to the Auditor General.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 30.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Public Works.

Sir, Colonial Secretary's Office, Sydney, 23 September, 1878.

Referring to your blank cover communication of the 12th July last, I am directed by the Colonial Secretary to state that a communication has been received from the Crown Solicitor intimating that the conveyance of lots Nos. 1, 2, and 20, of section 2, in the town of Bombala, containing 1½ acre of land purchased as a site for a Court-house, &c., has been duly executed, and to request that you will invite the Secretary for Public Works to have the goodness to cause the Colonial Architect to be apprised accordingly.

I have, &c.,
M. R. ALLAN.

[One plan.]

Sydney: Thomas Richards, Government Printer.—1878.

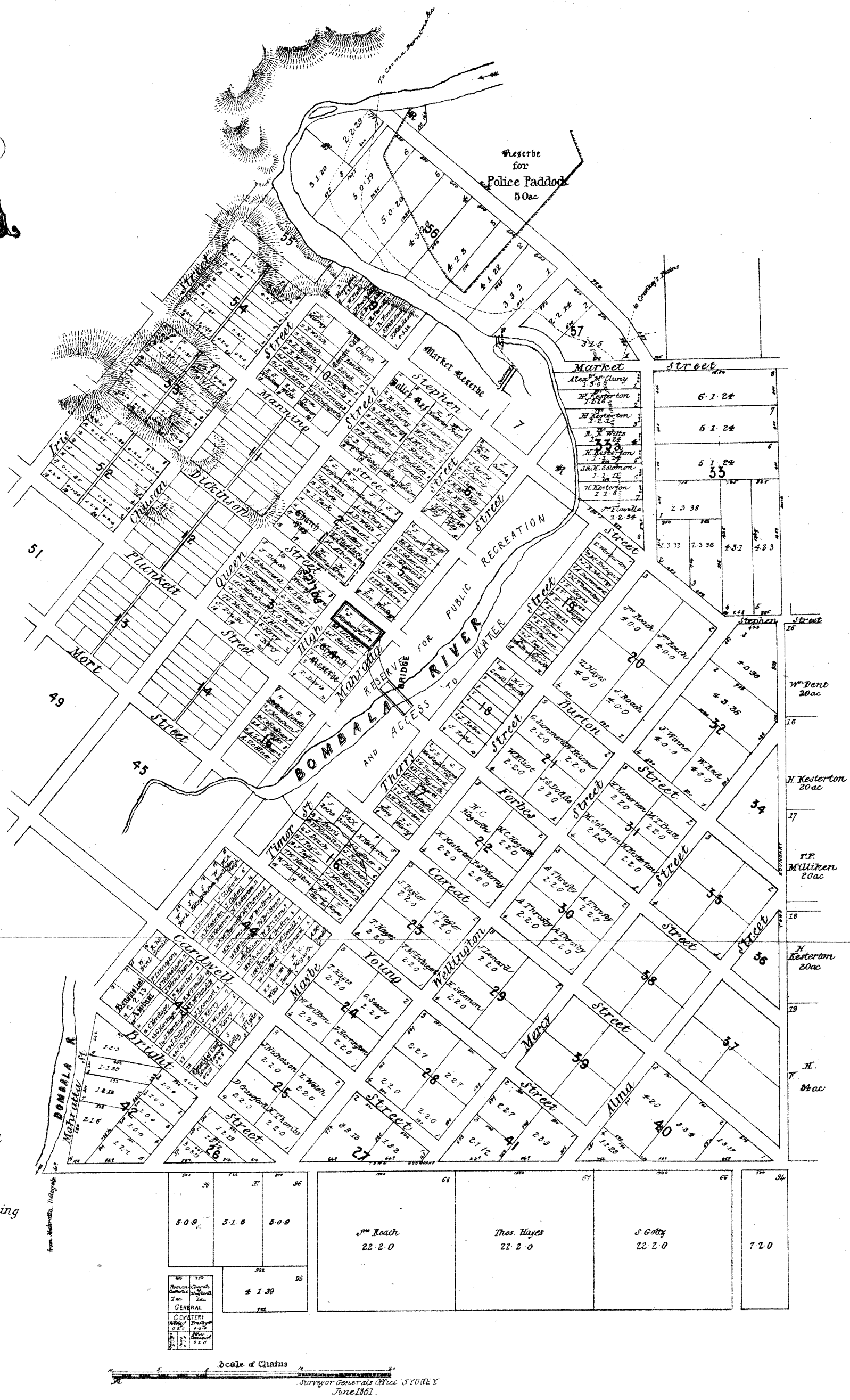
[9d.]

Enclosure

Town of BOMBALA

County of Wellesley

1861



Memorandum

Allotment 1, 2, & 20 of Section 2, Town of Bombala, formerly M Albion, now the property of John Murphy, is a most suitable site for Court House; it is adjacent to the New Police Barracks which building is about to be erected on allotments 8 & 9, of Section 3.

James Giles.

Allotment N° 2 of Section 4. containing 2 roods, is the land referred to in Telegram of 15 Feby. instant

(Sig 374)

Scale of Chains

Surveyor Generals Office SYDNEY
June 1861.

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(APPEALS TO PRIVY COUNCIL.)

Ordered by the Legislative Assembly to be printed, 1 *October*, 1878.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 April, 1878, praying that His Excellency will be pleased to cause to be laid upon the Table of this House, a Return showing,—

"(1.) The number of Appeals that have gone to the Privy Council from our "Supreme Court during the last four years.

"(2.) The names of the Judges whose decisions were appealed against; if not "unanimous, the name of the dissenting Judge.

"(3.) The decision in each case of the Privy Council, mentioning the name "of the cases, and showing which of the Judges of our Supreme Court "have had their legal opinions upheld by the Privy Council."

(*Mr. Coonan.*)

[3d.]

ADMINISTRATION OF JUSTICE.

RETURN, showing:—(1.) The number of Appeals that have gone to the Privy Council from our Supreme Court during the last five years. (2.) The names of the Judges whose decisions were appealed against; if not unanimous, the name of the dissenting Judge. (3.) The decision in each case of the Privy Council, mentioning the names of the cases, and showing which of the Judges of our Supreme Court have had their legal opinions upheld by the Privy Council.

Case.	Judgment of the Supreme Court, when delivered.	How given.	Privy Council Judgment, when delivered.	How given.
Brasyer *v.* M'Lean	15 June, 1874	Hargrave, J., for Plaintiff; Cheeke, J. / Faucett, J. for Defendant	10 June, 1875	For Plaintiff.
Joachim *v.* O'Shannassy (three cases)	25 September, 1874	Hargrave, J. / Faucett, J. / Cheeke, J. for Plaintiff	5 February, 1876	Do.
Jackson *v.* The Australasian Insurance Company	26 September, 1874	Martin, C. J., for Defendants; Hargrave, J. / Faucett, J. for Plaintiff	29 June, 1875	For Plaintiff. In this case the Chief Justice thought that his own ruling at the trial was not sufficiently explicit, and that there ought therefore to be a new trial, but his Colleagues and the Privy Council thought that his ruling was clear and that there ought to be no new trial.
Dibbs *v.* The Colonial Sugar Company	3 December, 1874	Martin, C. J. / Hargrave, J. / Faucett, J. for Plaintiff	10 February, 1876	For Plaintiffs.
In re Church & Hills (Insolvency Appeal *v.* decision of C.C.)	22 December, 1875	Martin, C. J., for Appellant; Hargrave, J. / Faucett, J. for Respondents	9 May, 1877	For Respondents.
Dibbs *v.* Brown and another (Equity Appeal)	20 September, 1875	Martin, C. J. / Hargrave, J. / Faucett, J. for Appellant (Defendant)	4 May, 1876	For Appellant (Defendant).
The Attorney General *v.* M'Lean and another	28 March, 1876	Martin, C. J. / Faucett, J. for Plaintiff; Hargrave, J., for Defendants	23 January, 1878	For Plaintiff.
Bucknell *v.* Vickery	4 September, 1876	Martin, C. J., for Defendant (Appellant); Hargrave, J. / Faucett, J. for Plaintiff (Respondent)	26 July, 1877	For Plaintiff (Respondent). Their Lordships, in giving judgment, said that the judgment of the Chief Justice was entitled to great consideration, and that they sustained the decree with some hesitation.
Prince and others *v.* The Oriental Bank	11 September, 1876	Martin, C. J., for Plaintiffs; Hargrave, J. / Faucett, J. for Defendants	24 January, 1878	For Defendants.
Pennington and others *v.* Pitt	17 March, 1876	Martin, C. J., for Defendants; Hargrave, J. / Faucett, J. for Plaintiff	23 January, 1878	For Plaintiffs.

Supreme Court, Sydney,
19 August, 1878.

T. M. SLATTERY,
Prothonotary.

Sydney: Thomas Richards, Government Printer.—1878.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. NEIL HARPER, J.P.

(CONVICTION OF—CORRESPONDENCE AND DEPOSITIONS.)

Ordered by the Legislative Assembly to be printed, 11 *October*, 1878.

[*Laid upon Table in accordance with promise made in answer to Question* 10, *Votes No.* 15, 8 *October*, 1878.]

CORRESPONDENCE and Depositions relating to his conviction for unlawfully using two cows belonging to James Smith.

SCHEDULE.

NO.		PAGE.
1.	Inspector General of Police to Under Secretary of Justice and Public Instruction, with enclosure. 14 June, 1878	2
2.	Under Secretary of Justice and Public Instruction to Clerk of Petty Sessions, Nowra. 9 July, 1878	2
3.	Acting Clerk of Petty Sessions, Nowra, to Under Secretary of Justice and Public Instruction, with enclosures. 13 July, 1878	2
4.	Minute of Minister of Justice and Public Instruction. 1 August, 1878	3
5.	Under Secretary, Colonial Secretary's Office, to Mr. Harper. 9 August, 1878	4
6.	Mr. Harper to the Colonial Secretary, with enclosures. 29 August, 1878	4
7.	Minute of Colonial Secretary. 2 September, 1878	4
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9.	Under Secretary, Colonial Secretary's Office, to Mr. Harper. 18 September, 1878	4

MR. NEIL HARPER, J.P.

No. 1.

The Inspector General of Police to The Under Secretary, Department of Justice, &c.

Sir, Police Department, Inspector General's Office, Sydney, 14 June, 1878.

I beg to submit herewith, for the perusal of the Minister of Justice and Public Instruction, copy of a report obtained from the Nowra Police regarding certain proceedings taken against Mr. Neil Harper, J.P., of Kangaroo Valley, for unlawfully using two cows, the property of one James Smith.

My attention was drawn to this matter by a resident of Kangaroo Valley, who requested that his name might not be disclosed.

I have, &c.,
EDMUND FOSBERY.

[*Enclosure.*]

Police Station, Nowra, 10 June, 1878.

SERGEANT GRIEVE reports that on the 28th May Neil Harper, of Kangaroo Valley, was convicted by the Nowra Bench for unlawfully using two cows, the property of James Smith, and fined 1s. and costs, amounting to £1 17s. 4d.

It appeared from the evidence that in September, 1877, Smith lost two springing heifers; they were away for about eight months; during that time he had searched for and inquired about them unsuccessfully. On the 2nd May, from information received, he went to Mr. Harper's place, described the colour and brand of his cattle, and asked if they were there, as he had been told they were. That gentleman, however, persistently denied having seen them. On the 6th of May he went again, and, having obtained Mr. Harper's permission, searched and found them. One had been milked for six months, and the calf killed; the other cow had also calved, and the calf bore Mr. Harper's brand.

In defence, Mr. Harper stated that the cows trespassed in his paddocks; that he milked the one from motives of pity, as she was suffering from her milk; that he killed the calf, as it was sickly; that the other calf was branded by his servants in mistake.

THOS. GRIEVE,
Sergeant.

Forwarded for the information of the Inspector General of Police.—J. RYELAND, Inspector, 12/6/78.

No. 2.

The Under Secretary, Department of Justice, &c., to The Clerk of Petty Sessions, Nowra.

Sir, Department of Justice, &c., Sydney, 9 July, 1878.

I am directed by the Minister of Justice and Public Instruction to request that you will have the goodness to forward to this office, at your earliest convenience, the proceedings taken in the case against Mr. Neil Harper, J.P., of Kangaroo Valley, for unlawfully using two cows, the property of one James Smith.

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

No. 3.

The Acting Clerk of Petty Sessions, Nowra, to The Under Secretary, Department of Justice, &c.

Sir, Police Office, Nowra, 13 July, 1878.

In compliance with the request contained in your letter 78/5,339, of the 9th instant, that copies of proceedings taken in the case against Neil Harper for unlawfully using two cows, the property of James Smith, I beg to forward them accordingly.

I have, &c.,
THOMAS GRIEVE, Sergeant,
Acting C.P.S.

[*Enclosure.*]

INFORMATION—(GENERAL PURPOSES.)

New South Wales, } 17 Vic. No. 3, sec. 6.
Shoalhaven, to wit. }

BE it remembered, that on this 23rd day of May, in the year of our Lord one thousand eight hundred and seventy-eight, at Broughton Creek, in the Colony of New South Wales, James Smith, farmer, of Broughton Creek, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen in and for the Colony of New South Wales, and informs me, that on the 6th and previous days of May, in the year of our Lord one thousand eight hundred and seventy-eight, one Neil Harper did unlawfully take and use two cows, the property of James Smith, without his consent, or the consent of the person in charge thereof, contrary to the Act in such case made and provided; whereupon the said James Smith prays that I, the said Justice, will proceed in the premises according to law.

Exhibited at Broughton Creek, in the said Colony, on the day first above written, before me,—

his
JAMES × SMITH.
mark.

WILLIAM STEWART,
Justice of the Peace.

Court of Petty Sessions, Nowra, 28 May, 1878.

Before Messrs. Waddington, Morton, and Brown, Justices.

James Smith *v.* Neil Harper.—17 Vic. No. 3. Illegally using two cows. Plea: That he used one cow, but "Not guilty."

James Smith, duly sworn, says:—My information is true; the defendant is the person to whom it refers; some time ago, about October, 1876, I bought some cattle branded JM over 3; among them were two cows which I had in my possession till August last; in consequence of the dry weather I put them in my bush paddock; they got out; on the 2nd May, in consequence of information received, I went to Kangaroo Valley to look for them; I did not find them, but on the 5th

5th May I went to Mr. Harper's place; I asked him if there were any strange cattle in his paddocks; he said, "No, not a beast, except two of Mr. Robinson's"; he followed me and told me not to take any cattle away till he came back; I found my cow in his paddock with a calf; I drove her up and put her in the yard, and saw another cow with the milkers; the calf was about six months old, cut and branded NH, which Mr. Harper said was his brand; when Mr. Harper came home I told him I had found two cows; he said, "If you had described them I could have let you known at once"; he also said, "The cow in the yard has been milking here a long while, and I knocked the calf on the head"; he said that the calf belonging to the other cow must have been branded in mistake; I could not take the cow away as it was too dark; he said, "I suppose the milk of one cow will go against the grass of the other"; I saw him next morning (7th May); I had the cows in the yard; he told me he would have to charge me for six months' grass for the cow with a calf; I said, "I thought you promised to let the one go for the other," but I paid him 10s. as per receipt marked "A."; I then took the cows away; I can swear that the cow had been milked; his daughter milked her in my presence, and with my consent, as I did not wish her to spoil; I swear that the two cows found by me in Mr. Harper's place are the two I purchased from Boyd, and I have no doubt that the calf with the brand is the progeny of my cow; I value the cows when I lost them at £6 each; they were both beginning to "spring"; I found the cows on the 6th of May; I was at his place on the 2nd and 5th of May; on both occasions he denied having them.

To Mr. Harper: I was not in your paddocks except on the 6th of May; you said that if I had given you the description of the cattle you could have told me at once; there were no persons present during the conversation; you said, "The calf must have been branded in mistake, and if the cow is your property, the calf must be also"; you did not say you milked the cow to save her life; I never asked one of your family to milk the cow; I never proposed to let the milk of the one cow go for the grass of the other, but you did; I said you promised last night to do so; this was on the morning of the 7th; you did conceal the cattle; when you came home you asked me if I had found my cattle; you said, "If you had described the cattle I could have told you at once"; I am not in the habit of allowing my cattle to stray; I have been fined for allowing them to stray; some of them have been impounded recently; it is not a fact that I turn them out to find their living off my neighbours; I lost them in 1877; you did not tell me they had been there nine months; I lost two with this brand and a spotted heifer with another brand, which I found at Mr. Davy's, near Mr. Harper's place; you said that the heifer had been milking some time.

To the Bench: I asked Mr. Harper if there were any stray cattle on his place; he turned and asked his man, and said, "No, not a beast"; on the morning of the 6th I asked him if he would allow me to look in his paddocks; he said "Yes," but said I need not look among the milkers; the nearest pound to Mr. Harper's is at Numba.

Sworn before me,—
HENRY G. MORTON, J.P.

his
JAMES × SMITH.
mark.

Witness,—T. GRIEVE, Acting C.P.S.

John Boyd sworn, states: I deal in cattle; I purchased eighteen months ago from Mr. Waddington some cattle branded W over ⅂, with a number 3 or 4; I sold some to James Smith about eighteen months ago, but I can't fix the date or describe the cattle; they were heifers "springing."

To the Bench: I have not seen the cattle in dispute, but I think I could identify them if I saw them; there was no brand except Mr. Waddington's on them.

Sworn before me,—
HENRY G. MORTON, J.P.

JOHN BOYD.

Alexander Emery sworn, says: I live at Kangaroo Valley, near Mr. Harper's; I have lived there about nine months; I saw a roan cow, branded like W; she calved on the road, and was there several weeks; I saw her afterwards in Harper's paddock; I told Smith, and went with him to look for her; he "spotted" her when he was five chains from her; next day I saw the cow and calf; the calf had a fresh brand, but I could not say whose it was.

To Mr. Harper: I think I saw the cow about the end of September last; I said to defendant it would be a charity to put them in his paddock, and not to have them "dogged" as they were.

Sworn before me,—
HENRY G. MORTON, J.P.

ALEXANDER EMERY.

George Clarke, sworn, says:—I know the parties before the Court; I saw Smith at Mr. Harper's on the 5th or 6th instant; I saw them speaking together, but heard nothing; Mr. Harper asked me if I saw any strange cattle; I said, "No;" I saw Smith take some cattle away; I saw one of them in the milking-yard, and had milked her several times; I saw the other cow—its calf was branded NH—Mr. Harper's brand; I assisted to brand it, and Mr. Harper was there; I saw Smith put them in a lane, but did not see them taken away.

To Mr. Harper: There were over forty calves in the yard being branded; Mr. Lumsden and Thomas Dowse were present assisting; I heard you say there was a mistake about branding this calf; the cow and calf were put back to the paddock where they came from.

To the Bench: The cow was milked every day while I have been there.

Sworn before me,—
HENRY G. MORTON, J.P.

GEORGE CLARKE.

FOR THE DEFENCE.

Neil Harper states:—About the month of September last ten head of cattle came to my place; six were claimed by one Beacon; Smith's cattle were dogged all round the roads for weeks; when I put them into my paddock this cow calved, and as she suffered from her milk I took pity on her, and took her home to the yard and milked her; the calf was sickly, and I knocked it in the head; when Smith came he looked through my paddock for one day; when he came to me and offered to sell me the cattle I offered him £10 for them, but he declined, and paid 10s. for grazing.

Taken before me,—
HENRY G. MORTON, J.P.

NEIL HARPER.

Fined 1s., and costs of Court, 7s. 4d.; three witnesses, 10s. each.

HENRY G. MORTON, J.P.
BERNARD BROWN, J.P.

I certify that the foregoing depositions are true and correct copies of the proceedings taken in the case to which they refer.

Nowra, 13th July, 1878.

THOMAS GRIEVE, Serg.,
Actg. C.P.S.

No. 4.

Minute of The Minister of Justice, &c.

The Colonial Secretary,—I think Mr. Neil Harper, J.P., of Kangaroo Valley, who was, on the 28th May last, convicted by the Nowra Bench of unlawfully using two cows, the property of one James Smith, and fined 1s. and costs, amounting to £1 17s. 4d., should be called upon to show cause why he should not be removed from the Commission of the Peace. J.L., 1st August, 1878.

The Under Secretary, Colonial Secretary's Department, B.C., 5 August, 1878.—W.E.P.

No. 5.

No. 5.

The Under Secretary, Colonial Secretary's Department, to N. Harper, Esq., J.P.

Sir, Colonial Secretary's Office, Sydney, 9 August, 1878.

It having been reported to the Colonial Secretary that on the 28th May last you were convicted by the Bench of Magistrates, Nowra, of unlawfully using two cows, the property of one James Smith, and fined 1s. and costs, amounting to £1 17s. 4d., I am directed to request that you will show cause why you should not be removed from the Commission of the Peace.

I have, &c.,
M. R. ALLAN.

No. 6.

N. Harper, Esq., J.P., to The Colonial Secretary.

Sir, Kangaroo Valley, 29 August, 1878.

I am in receipt of a letter from the Colonial Secretary's Office, dated 9th August, requesting me to show cause why I should not be removed from the Commission of the Peace, for that I did unlawfully use two cows, the property of one James Smith, and that for doing so I was fined 1s. and costs. In reply I beg to say that by the evidence it was shown that only one cow was milked on my establishment, and that was done to save the cow from injury; that Smith's cattle had been trespassing on my run for a period of nine months; that the pound was too far distant to travel the cattle with safety; and that I used every laudable means to find the owner of the cattle; that when Smith claimed the cows he paid for the grass of one of them and appeared satisfied, and that the prosecution was initiated by malicious persons, and notably by a publican, whose license had been taken from him for keeping a disorderly house.

I acknowledge I broke the law by my servant's act in milking this cow, but it was done to prevent injury to the beast, such cases frequently occurring in a dairying district like ours. H. G. Morton, Esq., the chairman of the Bench, regretted that he had to inflict a penalty under these circumstances. Permit me to suggest to you, before you inflict such a painful degradation on me for an error of judgment, that you will communicate with the Bench at Shoalhaven on the subject. If they say that I acted with a felonious intent in this matter I will at once place my resignation in your hands, being unworthy to hold such an honorable position. I hope you will give the matter your impartial consideration. I am well known to the Honorable the Minister for Lands, Honorable John Marks, Captain Charles, S. W. Gray, and Mr. Roseby, M.L.A.'s, who will give evidence as to character if required.

I have, &c.,
NEIL HARPER.

[*Enclosure.*]

Shoalhaven, 28 August, 1878.

Smith *v.* Harper.

We, the undersigned Magistrates, who tried the above case at the Police Court, Nowra, wherein the defendant was fined 1s. and costs, took the view of the case as follows:—

That Harper had no intention of hiding or making use of Smith's cattle, and by taking them into his paddock he did so out of pure charity, as they were running about his fences and dogged by dogs for some time previous. That when they calved the cattle were so poor that one of the calves was killed, the mother being unable to rear it from poverty. The other calf was branded by mistake, and was never denied by Harper as being a strange calf.

As a simple breach of the Act was committed, we thought the smallest fine enough, namely 1s., and costs of Court.

Further, we think that Mr. Harper has been harshly used throughout this case.

HENRY G. MORTON, J.P.
BERNARD BROWN, J.P.

No. 7.

Minute of The Colonial Secretary.

I have read this case very carefully, and I confess I can find nothing in it requiring Mr. Harper's removal from the Commission of the Peace.

It is quite clear that the Bench did not consider him guilty of any intentional offence, or they would have punished him otherwise than by the infliction of 1s. penalty. M.F., 2/9.

Minister for Justice. The Under Secretary of Justice, &c., B.C., 2/9/78.—M.R.A.

No. 8.

Minute of The Minister of Justice, &c.

I have read this case carefully, and see no reason whatever for making any recommendation to my colleague. I think the case a very insignificant matter. J.L., 14/9/78.

The Under Secretary, Colonial Secretary's Department, B.C., 14 September, 1878.—W.E.P.

No. 9.

The Under Secretary, Colonial Secretary's Department, to N. Harper, Esq., J.P.

Sir, Colonial Secretary's Office, Sydney, 18 September, 1878.

In acknowledging the receipt of your letter of the 29th ultimo, with reference to your recent conviction by the Bench of Magistrates at Nowra, of unlawfully using two cows, the property of one James Smith, I am directed by the Colonial Secretary to inform you that the explanation of the matter offered by you is considered satisfactory.

I have, &c.,
M. R. ALLAN.

Sydney: Thomas Richards, Government Printer.—1878.

[3*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(THE CASE OF SAMUEL JEFFS.)

Ordered by the Legislative Assembly to be printed, 6 *November*, 1878.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 17 September, 1878, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

"Copies of all Petitions, Letters, or Documents praying for the release of "Samuel Jeffs, a prisoner confined in Berrima Gaol, with all Minutes, "Reports, and Papers relating thereto."

(*Mr. Driver.*)

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ADMINISTRATION OF JUSTICE.

No. 1.

Warrant transmitting Prisoner Samuel Jeffs to Berrima Gaol.

Colony of New South Wales, }
to wit. }

Warrant for one prisoner tried at the Court of Quarter Sessions, held at Yass, on the 18th day of January, 1875, and under transmission to his destination as stated below.

To all constables, gaolers, lock-up keepers, watch-house keepers, and others concerned, on the line of road between Yass and the destination of the prisoner herein mentioned.

No.	Name.	Offence.	Sentence.	Date of Sentence.	Present Destination.
1	Samuel Jeffs ...	Receiving stolen cattle ...	Four years hard labour on roads or public works of the Colony	January 19 ...	Berrima Gaol.
			Date of conviction	January 18.	

Whereas the above named prisoner has been duly convicted and sentenced at the above-mentioned Court; and whereas, under the directions of His Excellency the Governor, the said sentence is to be served at the place hereinbefore named: These are therefore, in Her Majesty's name, to command you, and each of you, upon sight hereof, to take into your custody the body of the said prisoner, and him safely to keep and convey, until in due course he shall be safely delivered to the proper authorities at the place hereinbefore set opposite his name. Herein fail not at your peril.

Given under my hand and seal this 21st day of January, 1875.

W. G. BEVERLEY,
Deputy Comptroller of Prisons.

NEW SOUTH WALES.

PARTICULARS of conviction of Samuel Jeffs, under sentence to four years roads.

Extract from Return of Prisoners convicted before His Honor Judge M'Farland, at the Quarter Sessions holden at Yass, in the month of January, 1875.

Name of prisoner—Samuel Jeffs.
Offence—Cattle-stealing and receiving.
Date of conviction—18th January, 1875.
Sentence—Four years' hard labour on the roads or public works.

A correct extract,
HAROLD MACLEAN,
Comptroller General.

The Gaoler, Berrima.

No. 2.

The Visiting Justice, Goulburn Gaol, to The Comptroller General of Prisons.

STATEMENT of William O'Dare, a prisoner serving 21 months in Goulburn Gaol for cattle-stealing.

I volunteer this statement. I do not expect any benefit from my having made it. I received 21 months sentence for stealing cattle, the property of Lehane, Busby Creek. Prisoner Jeffs had no connection whatever with the matter. I got the cattle from a man named Long, living near Binalong. I gave him a horse for them; I value it at £10. I don't know where Long is now; I don't know what his occupation was. Long told me that his uncle Lehane had given him or left him the cattle. I told Jeffs I bought the cattle at Bowning. He gave me a fair price. I never applied for a subpœna for Long. I believe that Jeffs had no guilty knowledge whatever in the transaction.

Made before me 20th February, 1875,—

J. J. ALLMAN, V.J.

Memo.,—I forward this statement for what it is worth for consideration of the Comptroller General. The two prisoners, Jeffs and O'Dare, were tried before Mr. Chairman M'Farland. O'Dare says he has no object but to clear an innocent man. Jeffs was convicted at the same Sessions as O'Dare. Jeffs has a large family, and I hear was well off. He says he bought 27 head of cattle on the same day from Lade, a farmer at the Gap, for which he gave the same price as he did to O'Dare, viz., £4 a head, and that the police can find out this.

I find there are former convictions against Jeffs for petty larceny, but it is several years ago.

Goulburn Gaol, 23/2/75.

J. J. ALLMAN, V.J.

No. 3.

No. 3.

Statement of prisoner William O'Dare.

Yass Gaol, 30 January, 1875.

STATEMENT concerning five heifers branded JL, *and dewlapped*, which I, William O'Dare, sold Samuel Jeffs on the 30th of July last for the sum of £20 sterling.

1. I bought the heifers referred to about ten days before I sold them to Jeffs, at the Two-mile Creek, near Bowning, from a man who gave me the name of Long. Hardy and Barry were present when the transaction took place, which was as follows:—I gave him £8 in notes, and a dark brown horse, branded CS on the near shoulder.

2. The said cattle were brought by Hardy to my mother's place, at Manton's Creek. I went sometime afterwards to Jeffs and offered them to him for sale; next morning his son and him came, and we made the bargain. The reason I mentioned Minahan's name was, because I was afraid Jeffs might be suspicious as to how I came by them at the same time. I did not know that they were stolen then, and I solemnly declare that Jeffs had no knowledge whatever as to knowing they were stolen, and I am satisfied that Jeffs gave me full value for them. The reason I have made this statement is because I am satisfied that Jeffs had no complicity in the matter in any way whatever.

his
WILLIAM x O'DARE.
mark

Witness:—JAMES DUNCAN.

The prisoner Jeffs begs of me to lay this paper before the Visiting Justice.—JAMES FITZGERALD, H.M. Gaol, Yass, 1 February, 1875.

Prisoner Jeffs wishes this to be brought under the notice of the Minister of Justice.—A. CAMPBELL, V.J. The Comptroller General of Prisons, 12/2/75.

MEMORANDUM.—William O'Dare was convicted at Yass Quarter Sessions on 19th January last, of cattle-stealing, and sentenced to one year and nine months labour. Samuel Jeffs convicted at same Court of receiving stolen cattle, and sentenced to four years roads. O'Dare's statement is for the purpose of clearing Jeffs.—W.G.B., Prisons Department, New South Wales, Comptroller General's Office, Sydney, 13 February, 1875.

The Hon. the Minister of Justice and Public Instruction would probably desire to cause further inquiry in this matter. The Judge who tried the cases would be able to say whether this statement would seem to affect the verdict in Jeff's case.—H.M'L. Under Secretary, Department of Justice, B.C., 13 February, 1875. Judge M'Farland.—J.D., 23 February, 1875. Prepare letter, 24/2/75. Judge M'Farland, 25/2/75.

No. 4.

The Under Secretary, Department of Justice, &c., to Judge M'Farland.

Sir, Department of Justice and Public Instruction, Sydney, 25 February, 1875.

I am directed to request the favour of your report upon the accompanying statement, for mitigation of the sentence of four years roads passed by you upon the prisoner named in the margin. Samuel Jeffs, Yass Gaol.

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

No. 5.

Judge M'Farland reporting on No. 3.

Bombala, 2 March, 1875.

I HAVE read the annexed statement by William O'Dare, who was sentenced, in January last, to one year and nine months imprisonment. The object of it is to obtain, if possible, the discharge of his fellow-prisoner Jeffs, who was sentenced to four years labour on the roads as a receiver of the cattle which O'Dare stole. The case which O'Dare now seeks to make for Jeffs was made at the trial, and failed—most properly failed, in my opinion. The jury disbelieved it, so did I, and I see no reason to alter the opinion then formed. O'Dare was a tool of Jeffs, and a much younger man—and Jeffs bore a bad character; he had also been convicted upon a previous occasion.

ALFRED M'FARLAND.

After reading the minute of the Judge, I am not disposed to make any recommendations with regard to further proceedings in this case.—J.D., 8/3/75. Prepare letter for Comptroller General, 8/3/75. The Comptroller General of Prisons, 9/3/75.

No. 6.

The Under Secretary, Department of Justice, &c., to The Comptroller General of Prisons.

Sir, Department of Justice and Public Instruction, Sydney, 9 March, 1875.

Referring to your memorandum of 13th ultimo, *in re* prisoners named in margin, and submitting statement of O'Dare respecting the innocence of Jeffs, I am directed to inform you that after reading minute of Judge M'Farland thereon, the Minister of Justice and Public Instruction is not disposed to make any recommendation with regard to further proceedings in this case. William O'Dare and Samuel Jeffs.

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

Prisoner Jeffs to be informed if he is aware of the statement having been made.—H. M'L., 12 March, 1875. I believe prisoner Jeffs is in Goulburn Gaol.—W.S., Gaoler, H.M. Gaol, Berrima, 14/3/75.

No. 7.

No. 7.

Prisoner Samuel Jeffs to The Comptroller General of Prisons.

Prisoner's Letter—Passed by permission.

Sir, Berrima Gaol, 1 April, 1875.

I received notice from the Commercial Bank, Yass, to retire to its credit the sum of £183, pro.-note, made by James Wood and Charles Jones in favour of A. F. Remmington, which I endorsed. Therefore I beg the favour of you to allow me the opportunity of communicating to my lawyer to arrange this business for me.

I remain, &c.,
SAMUEL JEFFS.

Allowed.—H. M'L., 7 April, 1875, B.C., Berrima.

No. 8.

Prisoner Samuel Jeffs to The Comptroller General of Prisons.

Prisoner's Letter—Passed by permission.

Sir, Berrima Gaol, 17 May, 1875.

I beg to solicit the favor of addressing a letter to my wife or trustees, to engage a solicitor on my behalf to defend a trespass suit, which trespass the plaintiff says took place previous to my conviction.

On the 15th instant I received a summons to make my appearance at the District Court, Yass, on 2nd June, as defendant.

I have, &c.,
SAMUEL JEFFS.

Mr. Small,—Approved.—W.G.B., B.C., 18/5/75. Berrima.

No. 9.

The Gaoler, Berrima, to The Comptroller General of Prisons.

Sir, H.M. Gaol, Berrima, 24 June, 1875.

Samuel Jeffs—4 years roads.

I have the honor to forward the annexed telegram, addressed to my care, for the prisoner named in the margin. I have not communicated in any way with the prisoner on the subject, and beg to request to be instructed what steps to take in the matter.

I have, &c.,
W. SMALL,
Gaoler.

Prisoner may communicate with solicitor.—W.G.B., 26/6/75. B.C., Berrima.

[*Enclosure.*]

Telegram from Manager, Commercial Bank, Yass, to Prisoner Samuel Jeffs, Berrima Gaol.

June 22, 1875.

Finally against you. Verdict, twenty-two pounds nine one. Authorize me to pay this sum to prevent execution.

No. 10.

The Comptroller General of Prisons to The Under Secretary, Department of Justice, &c.

I TRANSMIT herewith a petition which I have permitted to be signed by prisoner Samuel Jeffs.

I have reason to believe that there is a very decided opinion held by persons conversant with the circumstances of the case that the prisoner really did honestly purchase the cattle. I am informed by Mr. Want, barrister-at-law, who defended the prisoner, that the representations made in the petition are correct. The man O'Dare did make a statement after his own conviction exculpating Jeffs, which was sent to the Minister of Justice on the 25th February last, but not entertained, as by a communication therefrom of the 9th March.

The case appears to be one calling for further inquiry. I was not however aware until the petition came into my hands of the two previous comparatively small convictions against the prisoner, as shown in the accompanying particulars.

It will be seen from the report of the visiting surgeon that the prisoner is in a very weak condition.

H.M'L.

Under Secretary of Justice and Public Instruction, B.C., 15 Sept., '75.

Refer these papers to Judge M'Farland for report.—J.D., 20/9/75. Judge M'Farland, 20/9/75.

[*Enclosure* 1 *to No.* 10.]

To His Excellency Sir Hercules George Robert Robinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

Your petitioner, now a confinee in Her Majesty's Gaol at Berrima, in the Colony of New South Wales, begs leave to approach your Excellency for the purpose of bringing under your notice the circumstances surrounding his recent trial and conviction at the Yass Quarter Sessions, held on the 18th day of January, 1875, whereat your petitioner was found guilty of receiving five head of cattle which one William O'Dare was at the same sessions convicted of stealing from Mrs. Lehane, of Reedy Creek, and your petitioner respectfully begs to state,—

That on the 11th day of November last your petitioner was summoned as a witness for the Crown to give evidence against one William O'Dare, at the hearing of a charge of cattle-stealing preferred against the said William O'Dare at the Police Court, Yass, and having given evidence the prisoner O'Dare was committed to take his trial at the next Quarter Sessions.

That

That immediately after the committal of the said William O'Dare your petitioner was arrested on a charge of receiving the very same cattle which his evidence had convicted O'Dare of stealing, and upon such charge was also committed to take his trial. Your petitioner was indicted and tried at Yass Quarter Sessions in conjunction with the said William O'Dare on the 18th day of January last before Mr. District Court Judge M'Farland and a jury of 12 persons on two charges—the first of stealing the said cattle, and the second of receiving the same knowing them to be stolen.

That Mr. J. Want, barrister-at-law, who appeared as counsel for and defended your petitioner, and the said William O'Dare, protested against your petitioner being indicted jointly with the said William O'Dare, as it was impossible for him as such counsel to properly defend your petitioner, as the said William O'Dare was an important and necessary witness for the defence of petitioner, and because the witness that he would call in O'Dare's case would be unnecessary and prejudicial to the defence of your petitioner.

That notwithstanding such protest your petitioner was tried jointly with the said William O'Dare and found guilty of receiving the cattle which, by the same jury, O'Dare was found guilty of stealing. Upon such trial the following evidence for the defence was given, and your petitioner humbly submits that the same would have been sufficient to acquit him from the charge preferred had it not been for certain witnesses and facts which were proved and tendered in evidence in support of the defence of the said William O'Dare.

That evidence for the defence was as follows, and clearly shows that your petitioner gave more than the full market value for the said cattle, and did all in his power to bring about the conviction of the said William O'Dare immediately there was any suspicion of the cattle not being the *bonâ fide* property of the said William O'Dare. The witnesses for the defence deposed as follows:—

R. W. Pearson: I am the Manager of the Commercial Bank in Yass; this cheque for £11 11s. 9d. (produced) is dated 1st August; if that cheque had been drawn for £20 it would not have been honoured, as there would not have been sufficient funds; at the time this cheque was presented there were not quite sufficient funds to meet it, though it was honoured.

Samuel Jeffs, junior: I am the son of the prisoner; I remember my father receiving a message from O'Dare; I went with my father to the O'Dare's place, where we saw the prisoner O'Dare and his brother John; we saw some cattle also; I heard the prisoner O'Dare ask £5 a head for some of them; my father said he would not give more than £4 a head; O'Dare afterwards said, "I suppose you must have the cattle for £4 a head"; my father gave O'Dare £2 to bind the bargain; I then took the cattle to my father's accommodation paddock, in which he takes horses for agistment; my father went on to Lade's to buy some more; the cattle were left in the accommodation paddock until they began to drop their calves; two of them, as they came into milking, were removed to another paddock which runs for three-quarters of a mile along the main road; there was a thrashing-machine, at which twenty men were at work, in the paddock in which the two head of cattle were; O'Dare came to my father's place for payment of the balance due to him; I was not present when O'Dare was paid; I saw him come; I remember Privett coming up to my father and saying, "The O'Dare's have gone, and a good job too"; my father and I and a man named Westwood were putting up fencing together when Privett came up; my father said he had bought five heifers, and asked Privett if he knew who branded JL cut throat, and suggested Ledger or Loomes; Privett said he thought it was Lehane's brand; my father said it was no odds to him, that he had bought the cattle and had asked O'Dare where they came from, and that O'Dare had said they came from Bowning, where he and Minehan had bought a little lot; my father also told Privett that O'Dare had said if they got away my father was to let him know; Westwood could hear the whole of the conversation; my father never said that O'Dare must have stolen them, or else he would have told where he got the cattle from; nothing of the kind was said, neither was anything said about the cattle having been bought cheap; my father did not say the cattle might be long enough in the paddock without being seen; I heard the whole conversation from beginning to end; Westwood was also there the whole time; about six weeks after that conversation Privett took a wool-table which I and my father had made from the wool-shed in our paddock; I spoke to Mr. Brennan about it; he sent out two constables to Privett's place, and they found the wool-table there; the table was not taken then—subsequently it was returned to our wool-shed.

John Westwood corroborated the evidence given by Samuel Jeffs, junior.

Anne Jeffs, daughter of the prisoner Jeffs, gave evidence as to the payment of the balance due by her father to the prisoner O'Dare for the cattle; O'Dare was paid on the 1st of August by five £1 notes, a cheque for £11 11s. 9d., and credit for goods to the amount of £1 8s. 3d.

John Lade deposed to having sold some cattle to the prisoner Jeffs in July last, on the same day on that on which Jeffs had purchased the five head from O'Dare; the price was £4 per heifer; the price was not stated in the receipt; Jeffs told me he had bought five heifers that same morning.

John Leonard, junior, deposed: I am a farmer, living at Yass River; on one occasion I asked Jeffs to give me some cattle for some brood mares; he said he was buying cattle, and did not care to exchange; he told me he had bought some cattle from O'Dare; he subsequently pointed out to me one of the head of cattle he had bought off O'Dare; he asked me whose the brand was, as he wanted to know were they were bred in case they got away.

That before sentence was passed upon your petitioner the said William O'Dare wished to state to Mr. District Court Judge M'Farland that your petitioner was entirely innocent in the matter, and had bought the said cattle *bonâ fide*, and had paid the full value for them, but your petitioner was *advised* that such statement was then a matter for the investigation of your Excellency's advisers and officers, and would be of no avail before the then presiding Judge.

That a sentence was then passed upon your petitioner of four years hard labour on the roads or other public works of the Colony, which sentence by the present Prison Regulations involved one year's solitary confinement in Berrima Gaol, at which place your petitioner has since been confined, but has been, through ill-health, and still is unable to leave the hospital ward of the said gaol.

That since your petitioner's incarceration the said William O'Dare has given certain information to the police and your Excellency's officers showing who were and are the guilty persons in the matter, and clearly exonerating your petitioner and establishing his innocence, and to whom for which information your petitioner would humbly and respectfully refer your Excellency, as your petitioner is unable to state the exact purport of it other than as aforesaid.

That your petitioner humbly prays your Excellency to allow an inquiry to be made into the circumstances of this case, and although admitting previous trivial transgressions of the law, for which your petitioner has already suffered, submits that such investigation will clearly establish his innocence of this last charge, and that there has been a grave miscarriage of justice in this particular case. Your petitioner is now suffering severely from ill-health, and would respectfully ask for as early inquiry as to your Excellency shall seem meet, inasmuch as your petitioner has been already more than six months, as he now submits, improperly incarcerated.

And your petitioner will ever pray.

SAMUEL JEFFS.

[*Enclosure* 2 *to No.* 10.]

I HEREBY certify that prisoner Jeffs has been eight months and a-half, or above, in Berrima Gaol, eight months of which he has been in hospital with acute opthalmia, which has now left him nearly totally blind. His bodily health is also failing, I believe, from mental depression.

W. H. WILLIAMSON, M.R.C.S.E., L.S.A.,
Visiting Surgeon, Berrima Gaol.

Berrima Gaol, September 8th.

[*Enclosure* 3 *to No.* 10.]

PARTICULARS of conviction and prison history of Samuel Jeffs, a prisoner in Berrima Gaol, petitioning for remission of sentence.

Name of prisoner—Samuel Jeffs. Birth-place and age—Buckingham, England; 45. Convicted at Yass Quarter Sessions on 18 January, 1875. Offence—Receiving stolen cattle. Sentence—4 years roads. Judge—M'Farland.

Previous

Previous convictions.

Where.	When.	Offence.	Sentence.
Yass Quarter Sessions	February, 1869.....	Stealing timber.....	6 months imprisonment.
Summary—Yass	March, 1872.....	Stealing and drunk	3 months imprisonment.

Punishments—Nil. General conduct in gaol—Good.

Berrima Gaol, 14 September, 1875.

W. SMALL,
Gaoler.

No. 11.

The Under Secretary, Department of Justice, &c., to Judge M'Farland.

Sir,

Department of Justice and Public Instruction, Sydney, 20 Sept., 1875.

Samuel Jeffs, Berrima Gaol. To be returned.

I am directed to request the favor of your report upon the accompanying petition for mitigation of the sentence of four years roads passed by you upon the prisoner named in the margin.

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

No. 12.

Judge M'Farland's Report.

Shoalhaven, 6 October, 1875.

On the 18th January last Samuel Jeffs, the petitioner, was convicted at the Yass Quarter Sessions of having received certain cattle knowing they "were stolen," and at the same time William O'Dare was convicted of having stolen those cattle. Upon hearing and considering the evidence given, *both* for the Crown and the prisoners, and all that could be urged by the learned counsel of the latter, the jury were satisfied of the guilt of each, and so was I, the presiding Judge; and Jeffs was described by the local police, after conviction and before sentence, as having a strong propensity to thieving, though a man of very considerable wealth, and as having been convicted of and sentenced for "larceny" on two former occasions.

Yet the Comptroller General of Prisons took upon himself, on the 13th February last, to suggest to the Minister of Justice, by written minute, that there should be "further inquiry in the matter." He thus ignored the verdict of the jury, in manifest ignorance of all the facts of the case proved at the trial, and relying only upon a "statement" made by O'Dare whilst in prison, to the effect that both he and Jeffs were innocent men.

But the substance of that very statement had been previously discredited by the jury—properly discredited, in my opinion, when sought to be established before them by confederates of O'Dare, called as witnesses on his behalf. And upon my reporting on the case (2nd March, 1875) the Minister of Justice declined (on the 8th) to recommend, and the Governor (I believe) would not sanction any such "inquiry" as the Comptroller was pleased to suggest.

Not content with this, that gentleman has thought proper during the last month (15th September) to interfere once more, and to make the following extraordinary representation to the Minister of Justice:—"He has reason to believe there is a very decided opinion held by persons conversant with the circumstances of the case that Jeffs really did honestly purchase the cattle."

But the Comptroller does not even attempt to show that he has a particle of reason for thus impugning, for a second time, the verdict of the jury—a verdict to the very opposite effect—unless it be that he has derived that belief from the prisoner's "barrister," to whom he alluded as having afforded him "information," or from the very peculiar petition now presented by Jeffs which, by a strange accident, *omits to state any portion of the evidence given at the trial on the part of the Crown*—the evidence on which the jury acted, and sets forth in detail that which was given on the part of Jeffs, and which the jury would not credit.

Nor is this all. The same petition whose "representations" the Comptroller does not hesitate to adopt as correct, insinuates that Jeffs was wronged at the trial by being prosecuted jointly with O'Dare; and it presumes to add that there has been a grave miscarriage of justice in that respect. If *this libel were levelled against myself* alone I should not stoop to refute it, but as it affects the *Crown Prosecutor* as well—who perhaps may never see these papers—it is my duty to state the fact that it is utterly unfounded.

The case against O'Dare and Jeffs was common to both in nearly every particular from first to last, and they were defended by the same able counsel. They were therefore properly placed upon trial together, and the application to try them separately was manifestly made for the purpose of defeating justice. But the Comptroller now deems it becoming to support with his approval a petition which asperses both Mr. Lee and me, by audaciously alleging a very different state of things.

With that knowledge of all the facts of the case, which I have derived from presiding at the trial, and from considering and reporting upon them to the Minister of Justice as well now as in March last, I am satisfied that that trial was full and fair in every way—that Jeffs was rightly convicted, and that there is no ground whatever for any such "inquiry" as the Comptroller has ventured to recommend.

I am satisfied also that the persistent agitation which is being had for his release is highly injurious to the administration of justice in the district in which he lived; and if it be competent for a Ministerial Officer to assume the province of those discrediting a solemn verdict, and of disregarding a prior determination both of the Minister and of the Governor, I can see but little use in trial by jury, the functions of a Judge, or the decisions of Executive authority.

With respect to the medical certificate which accompanies the petition, I shall only observe that a rich man, who has been convicted of larceny on three separate occasions, is stated to be suffering from "opthalmia" (as he was before his arrest)* and from depression of spirits.

ALFRED M'FARLAND,
Chairman of Yass Quarter Sessions.

As

* See his own deposition on the commitment of O'Dare.

As this case has been again submitted for consideration by the express action of the Comptroller General of Prisons, before I make any recommendation in the case I think this paper should be submitted to that officer for any explanation he may desire to give upon the statements made by the Judge.—J.D., 11/10/75. The Comptroller General of Prisons, B.C., 11 Oct., 1875.—W.E.P.

No. 13.

Telegram from Comptroller General of Prisons to Gaoler, Berrima.

12 October, 1875.

SEND by first post all papers respecting Samuel Jeffs.

Returned with required papers.—W. SMALL, Gaoler, H.M. Gaol, Berrima, 12/10/75.

[*Enclosure.*]

PARTICULARS of conviction and prison history of Samuel Jeffs, a prisoner in Berrima Gaol.

Name of prisoner—Samuel Jeffs. Birth-place and age—England; 45 years. Convicted at Yass Quarter Sessions on 18th January, 1875. Offence—Receiving stolen cattle. Sentence—4 years, roads. Judge—M'Farland.

Previous convictions.

Where.	When.	Offence.	Sentence.
Summary, P.O., Yass	March, 1872	Stealing and drunk	3 months' imprisonment.
Yass Quarter Sessions	February, 1869	Stealing timber	6 "

PRISON HISTORY.

Marks.

In the Gaol at	Period. From.	Period. To.	Total No. of days.	Orderly.	Industrious.	Disorderly.	Idle.	Sick.
Berrima	16 March, 1875	12 October, 1875	210	210	5	...	...	205

Punishments—Nil. General conduct in gaol—Good. Sick, Sundays, and holidays—205.

Berrima, 12 October, 1875.

W. SMALL, Gaoler.

No. 14.

The Comptroller General of Prisons to The Under Secretary, Department of Justice, &c.

DIVESTED of the inference drawn by His Honor Judge M'Farland upon (as it appears to me) an inaccurate comprehension of the fact relating to my course of procedure, what does His Honor's vehement denunciation of my action amount to?

In the first place, that a prisoner having made a written declaration of the innocence of another prisoner in a transaction complicated in its nature, I passed that declaration on for the superior consideration of the Hon. the Minister of Justice. I could not have refused to do so without assuming a great part of the functions of the Minister, and in a sense deciding the matter myself without even the means of obtaining information. I did not "rely" upon this declaration as my remarks will show, and the man does not therein claim exemption from guilt for himself, as asserted by His Honor, but distinctly avers that it was entirely put forward as to the innocence of the other. Neither did I suggest, as again inferred by His Honor, a form of inquiry reflecting on the Court, but, as my words happen to show, the idea of the inquiry running in my mind was of His Honor himself. The following to its logical conclusion of the position assumed by Judge M'Farland in this matter would preclude any revision or inquiry at all by the Executive, which I have always understood to be a most important part of criminal administration, and it must be remembered that I am the only channel by which a prisoner who has not friends who take up his case from outside can reach the Executive.

In answer to my reference upon the declaration I was informed that the Minister, after reading the Judge's report, was not disposed to make any recommendation as to further proceedings in the case. I did not see the report of the Judge, or did not know therefore whether it was conclusive as against the prisoner, or only sufficient to deter the Minister from further action upon the declaration.

So far from being "complicated" the transaction was a very simple and ordinary one.—A. M'F.

No one has ever blamed Mr. M'L. for having forwarded that "declaration." Whether he was authorized to accompany it by any recommendation or expression of opinion on his part is a different matter.—A. M'F.

Mr. M'L. is quite mistaken. The declaration seeks to make out in express terms that O'Dare the declarant was as innocent as Jeffs.—A. M'F.

Mr. M'L. should know perfectly well that he is here confusing and confounding the two "inquiries,"—the one with the other—which he recommended.—A. M'F.

I have "assumed" no such "position"; the very opposite is the fact.—A. M'F.

But Jeffs had friends who took up his case.—A. M'F.

He should have seen it before he sent forward a one-sided and aspersive petition, and supported it by his recommendation, though it ignored that report and the verdict of the jury, and assailed both the Judge and Crown Prosecutor.—A. M'F.

Six months only.—A. M'F.

By whom were those representations made to? A public officer who ought to have kept himself aloof from improper influences. Mr. M'L. does not state or show unless the next paragraph in his remarks afford the clue.—A. M'F.

A pretty state of things would exist if prisoners, convicted by juries, with the full concurrence of the Judge, were to be discharged on "affidavits"; and this is the sort of "inquiry" that Mr. Maclean recommended in his minute of 15th September.—A. M'F.

This is a specimen of Mr. Maclean's recklessness. Mr. Want was counsel for Jeffs at the trial, and afterwards prepared the elaborate and unjustifiable petition on his behalf, to which I have alluded in a preceding note and in my reports. Yet Mr. Want was a mere volunteer, and had then no professional relation towards him. Who can believe this?—A. M'F.

This is another delusion, and a very great one. In express terms Mr. Maclean wrote that "the case appears to be one calling for further inquiry," and alleged that he had "reason to believe that Jeffs was considered, by competent persons, acquainted with the facts, to be an innocent man."—A. M'F.

See my report herewith.—A. M'F.

The libellous petition which Mr. Maclean has supported makes a very different case.—A. M'F.

It would have been very desirable that Mr. Maclean should have stated by whom he was "so authorized," but he omits to do so.—A. M'F.

It would have been equally desirable if he had disclosed the grounds of a belief that is at utter variance with the verdict of the jury, and the Judge's report.—A. M'F.

How many of these gentlemen heard the evidence given at the trial, or are acquainted with the facts of the case, or competent to form an opinion upon them?—A.M'F.

I think the jury and the Court are much more likely to have taken a correct view of the case than Mr. Maclean, who did not hear a word of the evidence, and knows nothing whatever about it, beyond what interested persons have thought proper to tell him.—A. M'F.

Mr. Maclean may perhaps be unaware that he is here misstating my objection to his proceedings; but he is the only one reading the papers who can be so, or who can imagine for one moment that the "further inquiry" which he recommended, on the 15th September, was an inquiry "of the Judge."—A. M'F.

In my accompanying report I have disposed of the foolish yet malicious calumny sought to be conveyed by the opposite paragraph.—A. M'F.

I have seen it, and a very singular report it is.—A. M'F.

After a lapse of time, from March to September, strong representations were made to me of the innocence of the prisoner. I did not regard such a fact, if it existed, as inconsistent with the right action of the Court. I have known cases where by after-inquiry a man's innocence has been clearly established, and he has been set free with the full concurrence of the presiding Judge, and no reflection was supposed to lie upon the Court.

In the first draft of the Criminal Law Consolidation Bill the late Chief Justice had inserted a clause providing a mode of inquiry upon affidavit in such cases. Mr. Want, the counsel for the prisoner, himself brought to me a petition which he had prepared. He did so entirely because of his strong personal conviction of the innocence of the prisoner, with whom his professional relations had entirely ceased. I permitted the petition to be signed and forwarded it for the consideration of the Minister, in the minute so violently objected to by His Honor.

I expressed no opinion upon the petition, and I said that I had reason to believe that there was a decided opinion, and I deny that I am answerable for its allegations. I merely said that they were affirmed by Mr. Want to be in fact correct. That gentleman at the time told me, from his professional stand-point, in answer to a doubt expressed by myself, that they could not be taken to reflect upon the Crown Prosecutor nor on the Court. I suppose that His Honor will admit that a prisoner may be placed by a necessary course of legal procedure, at a disadvantage in his position on a trial, without any fault attaching to the Court.

Apart from the conviction of Mr. Want, who is done with the case, I am authorized to give the names of the following gentlemen, residents in the district, who believe the prisoner to be innocent, and may or may not possess further information than was before the Court, viz., Mr. F. Gardiner, squatter, Mr. James Reardon, farmer, Mr. A. F. Remmington, squatter, Mr. Pearson, banker, Mr. Thomas Colls Mayor of Yass, Mr. Barber, Dr. Perry, J.P., Dr. Campbell, J.P. Unless upon the assumption that the Court was infallible, and was of necessity possessed of all the knowledge possible to obtain in the case, I cannot see that I committed any error, either on the first or second occasion of my passing the case to the Minister, who, indeed, would seem to have concurred, firstly, that an inquiry, and secondly that a further inquiry was desirable, as in both instances he directed such inquiries to be made of the Judge himself, nor that I am in any degree amenable to the strictures that His Honor has taken upon himself to pass.

The concluding paragraph of His Honor's report appears to impute to the surgeon of the gaol a pecuniary interest in reporting as he did. If this be the meaning, and I can see no other, in the reference to the prisoner being a "rich man," and the imputation can be sustained, the officer should be removed from the position of trust that he occupies. If it cannot be sustained it has no right to a place, even in a privileged official correspondence, and the officer should be protected.

I trust that His Honor may see this report.

HAROLD MACLEAN,
Comptroller General.

B.C., 19 October, 1875. In compliance with the request of the Comptroller General of Prisons this minute may be forwarded for the perusal of Judge M'Farland.—J.D., 21/10/75. Judge M'Farland.—21/10/75.

No. 15.

The Under Secretary, Department of Justice, &c., to Judge M'Farland.

Sir, Department of Justice and Public Instruction, Sydney, 21 October, 1875.

Samuel Jeffs. To be returned.

. Referring to your letter of 6th instant reporting on case of the prisoner named in margin, in which reference is made by you to the action taken by the Comptroller General of Prisons, in submitting this case for inquiry, &c., I am directed by the Minister of Justice and Public Instruction to inform you, that your communication was forwarded for Mr. Maclean's information, and he has written a reply thereon, which is forwarded to you herewith.

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

No. 16.

No. 16.

Judge M'Farland to The Under Secretary, Department of Justice, &c.

Cooma, 26 October, 1875.

I HAVE read the "observations" of the Comptroller General, under date 19th October.

Instead of condoning the grave errors into which he has fallen in this matter, by apologising to those affected by them, he seems resolved to have them out; but he has failed, as it appears to me, to vindicate his conduct in any way.

That conduct amounts to this:—About six months after he was expressly informed by the Minister of Justice that he had declined to adopt a former recommendation of his "for further inquiry" into the case of Samuel Jeffs (convicted of felony for the third time), and knowing also that the Judge who presided at the trial had reported against any such inquiry, Mr. Maclean takes upon himself to assert in a formal minute, under his hand, but without knowing one particle of the evidence given for the Crown at that trial, or having any ground for his belief, except what he derived from communications with the prisoner's counsel, and an *ex parte* petition drawn by that counsel (as Mr. Maclean now admits) that he has reason to believe there is a very decided opinion held by persons conversant with the circumstances that the prisoner really did honestly purchase the cattle "in question," *i.e.* that the verdict of twelve men upon their oaths, after hearing all the evidence on both sides, and the charge of the Judge, and which convicted him of having received those cattle, knowing them to have been stolen, was an unjust and wrongful verdict. And Mr. Maclean not only proceeds once again to recommend "further inquiry," but he forwards to the Minister of Justice, and supports by his approval the one-sided and aspersive petition to which I have alluded, and to which he had previously procured Jeffs signature, and which while it states in detail the whole of the evidence given on his behalf (but which the jury declined to believe), does not state one word of that given for the Crown (which the jury did believe), and contains the unfounded and unjustifiable imputations upon the jury, the Judge, and the Crown Prosecutor, by or before whom Jeffs was prosecuted, convicted, and sentenced, to which I have adverted in my report of the 6th instant, and which imputations are shown by paragraph marked at the top of page 5 in Mr. Maclean's "observations" of the 19th to be in his own opinion "reflections upon the Judge and prosecutor, at least, though in his former minute he cites the prisoner's counsel, and on his authority puts forward as "correct" the "representations" made in that petition.

A prisoner has the fullest right to present to the Executive any fair, truthful statement of the circumstances of his case, and I have ever afforded to the Executive the fullest assistance in my power, by a careful report upon every such statement when referred to me for that purpose. But Mr. Maclean appears to me to have no authority to act as he has done in this case, interfering with his advice, though unsought for, and ignoring the verdict of a jury, the decision of the Minister of Justice, and an express report of the Judge, and all this simply because the prisoner's counsel thought himself at liberty to make certain "representations" to him, instead of communicating with the Minister if he had any complaint to prefer, or new facts to present. In a word, the Comptroller General seems to be assuming functions that do not belong to his office—functions of jury, Judge, and Minister of Justice, all combined, and which would lead to frequent and serious complications if permitted.

I have replied *seriatim* in the margin of his "observations" to a number of minute, but extraordinary assertions and inferences of his, but nearly every one of which is incorrect.

I will only add, that the attempt made by Mr. Maclean in the concluding paragraph of those "observations" to divert the issue from himself, and to fasten upon me a charge of imputing corruption to the respectable officer who signed the medical certificate is as absurd as it is wicked. Anyone who knows the plain meaning of language will see at a glance that my suggestion was this and nothing more:—That a "rich man," who had been three times convicted of felony, and was then in gaol, might be expected to suffer from "depression of spirits," and that that circumstance therefore was not a ground for the "further inquiry" recommended by Mr. Maclean. His calumny does not need any other refutation. It is too despicable.

ALFRED M'FARLAND,
Chairman of Yass Quarter Sessions.

As the petition on which this extraordinary correspondence has taken place, the papers must go before His Excellency. I think there is much cause for regret that official correspondence cannot be carried on in terms of ordinary courtesy, especially between parties holding high official positions, and I should not have forwarded the minute of the Comptroller General of the 19th October for the perusal of the District Court Judge had it not been at the express request of the former. With regard to the petition I decline to recommend any further proceedings, or remission of sentence.—J.D., 2/11/75.

His Excellency the Governor,—Petition refused.—H.R., 2/11/75.

Principal Under Secretary.—3/11/75.

No. 17.

The Under Secretary, Department of Justice, &c., to The Principal Under Secretary.

Sir, Department of Justice and Public Instruction, Sydney, 3 November, 1875.

I am directed by the Minister of Justice and Public Instruction to forward, for the information of the Honorable the Colonial Secretary, the accompanying petition from the prisoner named in the margin, praying for a mitigation of his sentence, and to state that, the same having been laid before the Governor, His Excellency has not seen fit to authorize the remission of any portion of Jeffs sentence.

Samuel Jeffs, Berrima Gaol. To be returned.

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

The necessary action having been taken, the papers are returned to the Under Secretary of Justice, B.C., 6 Nov., 1875.—(For the U.S.), W.G. Put by.—J.D., 10 Nov., 1875.

No. 18.

The Under Secretary, Department of Justice, &c., to M. Fitzpatrick, Esq., M.P.

Sir, Department of Justice and Public Instruction, Sydney, 15 December, 1876.

Samuel Jeffs. I am directed by the Minister of Justice and Public Instruction to acknowledge receipt of the petition forwarded by you in favour of the prisoner named in the margin, praying for a mitigation of his sentence, and to inform you that when a decision has been arrived at the result will be communicated to you by the Prison authorities, when sanctioned in due course.

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

No. 19.

Petition in favour of Prisoner Samuel Jeffs.

To His Excellency Sir Hercules George Robert Robinson, Knight, C.M.G., &c., &c.,—

The humble petition of the undersigned,—

Most respectfully sheweth :—

That Samuel Jeffs, now a prisoner in Berrima Gaol, was tried before His Honor Judge McFarland, at Yass, in January, 1875, for buying stolen cattle, and was found guilty and sentenced to four years' hard labour on the public works of the colony.

That the aforesaid prisoner (Jeffs) has a large family of ten (10) children, all living, who have suffered incalculable losses through sickness, great losses in stock on account of their inability to manage their business and other causes, all arising out of this prisoner's long imprisonment.

That the aforesaid prisoner (Jeffs) has lately sold his farm near Yass, with the intention of leaving the colony as soon as your Excellency may be pleased in your mercy to grant him his liberty.

That we, your Excellency's humble petitioners, considering the great losses sustained by this prisoner and his large family through his long imprisonment, humbly submit to your Excellency that he has already been sufficiently punished for his crime.

That we, your petitioners, anticipating the great distress that this prisoner's longer imprisonment will assuredly entail upon his large family, most respectfully recommend that your Excellency will be pleased to remit the remainder of the prisoner's sentence, he having now served nearly two years of the sentence passed upon him.

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

Hannah M. Lehane, prosecutrix.	Michael C. Law, C.E., Council Surveyor, Yass.
W. H. H. Yarrington, incumbent.	F. Leathart.
W. Perry, J.P., M.R.C.S.	G. Lawson.
B. W. Prinson, Manager, Commercial Bank, Yass.	Arthur Remmington.
P. T. O'Keefe.	Henry J. Dodds, Cooma-st.
J. B. Sharpe.	W. L. Sully, Cooma-st.
J. D. Williams, J.P.	James A. Aldous.
Henry Brown, J.P.	James Carpenter.
J. Perry, grazier.	John Walls.
Wm. McBean, J.P.	Hiram Quinn.
John McBean.	George Mill.
P. T. Brown.	W. T. Howard.
W. Barber, storekeeper.	W. Travers Jones.

Obtain further particulars.—J.D., 18 December, 1876. The Comptroller General of Prisons, B.C., 19 December, 1876.—W.E.P. Gaoler at Berrima for further particulars and report of conduct.—H.M'L., 20 December, 1876. Herewith.—W. GORE BEVERLEY, D.C.P., in ab. of C.G.P., 22/12/76. B.C., The Under Secretary for Justice. Mr. District Court Judge M'Farland's favour of report, B.C., 27 December, 1876.—W. E. PLUNKETT.

PARTICULARS of conviction and prison history of Samuel Jeffs, a prisoner in Berrima Gaol, petitioning for remission of sentence.

Name of prisoner—Samuel Jeffs. Born where and when—England, 1830. Convicted at Yass Quarter Sessions on 18 January, 1875. Offence—Receiving stolen cattle. Sentence—Four years roads. Judge—M'Farland.

PREVIOUS CONVICTIONS.

Where.	When.	Offence.	Sentence.
Summary, P.O., Yass	March, 1872	Stealing and drunk	3 months' imprisonment.
Yass Quarter Sessions	February, 1869	Stealing timber	6 „ „

PRISON

11

PRISON HISTORY.

Marks.

In the Gaol at	Period. From	Period. To	Total No. of days.	Orderly.	Industrious.	Disorderly.	Idle.	Sick.
Berrima	16 March, 1875	21 December, 1876 ...	647	647	346	...	...	301

Punishments—Nil. General conduct in Gaol—Good. Sick, Sundays, and holidays—301.

Berima, 21st December, 1876. W. SMALL, Gaoler.

No. 20.

Judge M'Farland's Report on No. 19.

IT would have been a great convenience if the ordinary and proper course had been adhered to in this case by the clerks in the Department, of forwarding a letter to the Judge requesting his report upon some specific document, instead of forwarding to him a mass of papers and leaving him to collect as he best may upon which of them his report is desired.

As it is, I gather, after having waded through that mass, that both Samuel Jeffs and Wm. O'Dare are again petitioning, or have induced others to petition, for a remission of the sentences passed upon them. I say "again," because there has been already the fullest investigation of the case of each, upon petitions, Judge's reports, and decisions of the Minister of Justice and His Excellency the Governor, and no new facts of the slightest importance has been stated in the present petitions.

I beg to refer to my former reports of 2nd March and 6th October, 1875, to Mr. Docker's prior refusals to recommend, and to the Governor's prior refusals to grant, any remission of either sentence (see same amongst the annexures); and I am not aware of any reason for my altering in any way the opinion expressed in those reports.

ALFRED M'FARLAND,

29 December, 1876.

There is no reason for departing from previous decisions on this case.—J.D., 3/1/77. His Excellency,—Refused.—H.R., 5/1/77. Principal Under Secretary, 6/1/77.

No. 21.

The Under Secretary, Department of Justice, &c., to The Principal Under Secretary.

Sir, Department of Justice and Public Instruction, Sydney, 6 January, 1877.

I am directed by the Minister of Justice and Public Instruction to forward, for the information of the Honorable the Colonial Secretary, the accompanying further petition in favour of the prisoner named in margin, praying for a mitigation of his sentence, and to state that the same having been laid before the Governor, His Excellency has not seen fit to authorize the remission of any portion of the prisoner's sentence.

Samuel Jeffs, Berrima Gaol. To be returned.

I have, &c.,

W. E. PLUNKETT,

Under Secretary.

Returned after necessary action. The Under Secretary for Justice, &c., B.C., 12/1/77.—H.H. Put by.—J.D., 13 January, 1877.

[*Enclosure to No.* 21.]

To His Excellency Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

The humble petition of Samuel Jeffs, at present a confinee in Her Majesty's Gaol at Berrima, in the Colony of New South Wales, Showeth—

That your petitioner was, on the 18th day of January, in the year of our Lord 1877, at the Yass Quarter Sessions, holden there before His Honor Mr. District Court Judge M'Farland, convicted of having received *five* head of cattle, knowing them to be stolen.

Upon the 19th day of the said month His Honor the Presiding Judge sentenced him to four years imprisonment in Berrima Gaol.

That your petitioner was at the time of his sentence possessed of valuable properties, consisting of stock and farming land, of which he was the sole manager, and conducted in person his business.

That he has a wife and family of eleven children, nine of whom are infants depending upon him for maintenance.

That since his imprisonment his stock have been neglected, and his property has suffered very severely on account of wanting proper supervision and attention,—his eldest son having become very unsteady during the absence of your petitioner.

That your petitioner's family are now heavily in debt, and unless your petitioner is enabled shortly to personally attend to the management of his property all will be lost, and himself and family totally ruined.

That your petitioner has now served nearly *two* years and *seven* months of aforesaid sentence, and during that time, as will appear by the records of the gaol, his conduct has been good.

Your petitioner therefore humbly prays that your Excellency will be pleased to take this, his petition, into consideration, and will, after he has completed the third year of his sentence, be pleased to direct the remission of the remaining term of such imprisonment.

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

SAMUEL JEFFS.

No. 22.

No. 22.

The Comptroller General of Prisons to The Under Secretary, Department of Justice, &c.

THIS case has already been before the Government and was determined, as notified to me by the Principal Under Secretary's letter of 5th January last. I have however permitted the prisoner to sign this petition, understanding that such was the desire of the Minister of Justice, and now forward it with usual particulars.

H. M'L.

B.C., 17 July, 1877, the Under Secretary of Justice, &c.

The Comptroller General of Prisons is in error in understanding it was my desire that the prisoner should sign this petition. I never heard of the case until these papers were placed before me.—F.B.S., 27/7/77.

From those papers I find that this case has already been twice brought forward for consideration, and a remission of sentence refused. As the present petition does not set forth any new matter for a remission of sentence worthy of consideration, I do not recommend that the prayer of the petitioners be complied with.—F.B.S., 27/7/77. His Excellency the Governor,—Refused.—H.R., 30/7/77. Principal Under Secretary, 1/8/77.

PARTICULARS of conviction and prison history of Samuel Jeffs, a prisoner in Berrima Gaol, petitioning for remission of sentence.

Name of prisoner—Samuel Jeffs. Birth-place and age—England, 1830. Convicted at Yass Quarter Sessions on 18th January, 1875. Offence—Receiving stolen cattle. Sentence—4 years roads. Judge—M'Farland.

PREVIOUS CONVICTIONS.

Where.	When.	Offence.	Sentence.
Summary, P. O., Yass	March, 1873	Stealing and drunk	3 months' imprisonment.
Yass Quarter Sessions	February, 1869	Stealing timber	6 „ „

PRISON HISTORY.

In the Gaol at	Period. From	Period. To	Total No. of days.	Marks. Orderly.	Industrious.	Disorderly.	Idle.	Sick.
Berrima	16 March, 1875	14 July, 1877	851	851	710	...	...	141

Punishments—nil. General conduct in gaol—Good. Sick, Sundays and holidays, 141.

Berrima Gaol, 14th July, 1877.

W. SMALL, Gaoler.

No. 23.

The Under Secretary, Department of Justice, &c., to The Principal Under Secretary.

Sir,

Department of Justice and Public Instruction, Sydney, 1 August, 1877.

I am directed by the Minister of Justice and Public Instruction to forward, for the information of the Honorable the Colonial Secretary, the accompanying petition from the prisoner named in margin, praying for a mitigation of his sentence, and to state that the same having been laid before the Governor, His Excellency has not seen fit to authorize the remission of any portion of the prisoner's sentence.

Samuel Jeffs, Berrima Gaol. To be returned

I have, &c.,

W. E. PLUNKETT,

Under Secretary.

Returned after necessary action. The Under Secretary for Justice, B.C., 7/8/77.—H.H.

No. 24.

The Rev. W. P. Riordan to The Colonial Secretary.

Dear Sir,

Berrima, 9 April, 1878.

Prisoner Jeffs, who is seeking a mitigation of his sentence, requests me, as R. C. Chaplain, to bear testimony to his good character whilst here. I do so with pleasure. His conduct throughout has been most excellent, and I should like to see it rewarded by the mitigation which he expects.

I have, &c.,

W. P. RIORDAN.

Minister for Justice, B.C., 10/4.—M.F. The Under Secretary of Justice, &c., B.C., 10/4/78.—M.R.A. The Comptroller General of Prisons will please to say whether "Jeffs" has been discharged from custody, B.C., 25 May, 1878.—W.E.P. His sentence will not expire until 17th January next.

next. Being under a third conviction he has forfeited remission under the regulations.—H. M'L., B.C., 4/6/78. Under Secretary of Justice. In view of all the circumstances of this prisoner's case I cannot at present recommend any remission of punishment in Jeffs case.—J.L., 17 June, /78.

His Excellency,—Refused.—H.R., 19/6/78.

The Under Secretary, Colonial Secretary's Department.—21/6/78.

No. 25.

The Under Secretary, Department of Justice, &c., to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Justice and Public Instruction, Sydney, 21 June, 1878.

I am directed by the Minister of Justice and Public Instruction to forward, for the information of the Honorable the Colonial Secretary, the accompanying papers respecting the case of prisoner named in margin, praying for a mitigation of his sentence, and to state that the same having been laid before the Governor, His Excellency has not seen fit to authorize the remission of any portion of the prisoner's sentence.

Samuel Jeffs, Berrima Gaol. To be returned.

I have, &c.,

W. E. PLUNKETT,
Under Secretary.

Inform the Comptroller General of Prisons.—24. The Comptroller General of Prisons.—24 June, /78. Acted on and returned, B.C., 25/6/78.—W.G.B., in absence of C.G.P. The Under Secretary of Justice, &c., B.C., 26/6/78.—M.R.A. Put by.—J.L., 27/6/78.

Sydney : Thomas Richards, Government Printer.—1878.

[1s.]

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1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM CRESWELL.

(CORRESPONDENCE, MINUTES, &c.)

Ordered by the Legislative Assembly to be printed, 6 November, 1878.

RETURN to an *Address* adopted by the Honorable the Legislative Assembly of New South Wales on 8th October, 1878, That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House :—

" (1.) Copies of all Correspondence relating to the lunatic called William " Creswell, now in the hands of the Government; or that may reach them " up to the present time.

" (2.) Copies of all Correspondence in the hands of Dr. Taylor, Medical " Superintendent, Lunatic Asylum, Parramatta, relating to the afore- " mentioned lunatic, more especially a letter said to be forwarded by " Mr. Wickham, Chief Clerk of Darlinghurst Gaol, on or about 20th June " last, to Dr. Taylor, from the friends of the lunatic in England.

" (3.) Copies of all Minutes in the hands of Dr. Manning, or the Resident " Surgeon, Gladesville, relating to the aforementioned lunatic, together " with the names of barristers from England, and solicitors or agents from " Sydney, who interviewed him, and at whose instance, in 1871.

" (4.) That Mr. Fowler, Superintendent of Receiving House, Darlinghurst, " be requested to furnish copies of dates when the aforementioned lunatic " was received by him, how often, and what was his state of mind whilst " under his care, and who did he represent himself to be.

" (5.) That Mr. Wickham, who was Chief Clerk at Darlinghurst Gaol on " or about 20th June last, be requested to state, is it a fact that he had " received a letter, in his official capacity or otherwise, from the friends of " the lunatic before alluded to, and that he had forwarded it to Dr. Taylor " some three or four days previously, he having made this statement to " Mr. Eckford in the presence of Mr. Eckford's two daughters and two " officials in Mr. Wickham's office."

(*Mr. Eckford.*)

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WILLIAM CRESWELL.

No. 1.

The Superintendent, Lunatic Reception House, Darlinghurst, to The Under Secretary, Colonial Secretary's Department.

Sir,

Lunatic Reception House, Darlinghurst, 9 August, 1871.

I do myself the honor to enclose a copy of the warrant under which the lunatic named in the margin has been received into my custody, and request that I may be furnished with the necessary order, under the 1st section of the Act of Council, 7 Vic., No. 14, for his admission into the Asylum at Tarban Creek.

Wm. Creswell.

I have, &c.,
F. FOWLER,
Superintendent.

[*Enclosure.*]

Commitment as a Lunatic.

To Mr. Inspector Read, a Constable in the Police Force for the Colony of New South Wales, and all other Constables in the said Force, and to the Keeper of the Lunatic Reception House, Darlinghurst, in the said Colony,—

WHEREAS William Creswell hath been discovered and apprehended in the Colony of New South Wales, that is to say, at Sydney, under circumstances denoting a derangement of mind and a purpose of committing suicide, and the said William Creswell being brought before us, D. C. F. Scott and W. D. Meares, Esquires, two of Her Majesty's Justices of the Peace for the Colony of New South Wales, we did call to our assistance two legally qualified medical practitioners: And whereas upon view and examination of the said William Creswell, and upon proof, on oath, by the said two medical practitioners, that in their opinion the said William Creswell is a dangerous lunatic, and upon other proof duly made before us, we the said Justices are satisfied that the said William Creswell is a dangerous lunatic: These are therefore to command you, that you, the said constable, forthwith convey and deliver into the custody of the said keeper of the said Lunatic Reception House, in the said Colony, the body of the said William Creswell, and we command you, the said keeper of the said house, that you receive into your custody the body of the said William Creswell, herewith sent as a dangerous lunatic, and him keep in strict custody until he shall be discharged by the order of two Justices of the Peace, one whereof shall be one of us, the said D. C. F. Scott or W. D. Meares, or by one of the Judges of the Supreme Court of New South Wales, or until he shall be removed to some Public Colonial Lunatic Asylum, by order of His Excellency the Governor of New South Wales for the time-being, as is by law provided; and for so doing this shall be your sufficient warrant.

Witness our hands and seals, at Sydney, in the said Colony, this 8th day of August, 1871,—

D. C. F. SCOTT, P.M. (L.S.)
W. D. MEARES, J.P. (L.S.)

A true copy,—F. FOWLER, Superintendent.

No. 2.

Warrant for admission of William Creswell into Lunatic Asylum, Tarban Creek.

By His Excellency the Right Honorable SOMERSET RICHARD, EARL OF BELMORE, a Member of Her Majesty's Most Honorable Privy Council in Ireland, Governor and Commander-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

To the Superintendent of the Darlinghurst Lunatic Reception House, and the Superintendent of the Lunatic Asylum, Tarban Creek,—

WHEREAS it has been duly certified, that, in accordance with the provisions of the Acts of Council, 7 Victoria No. 14, and 31 Victoria No. 19, William Creswell has been committed to the Darlinghurst Lunatic Reception House as a dangerous lunatic, I hereby order the said William Creswell to be removed from the said Lunatic Reception House to the Lunatic Asylum at Tarban Creek, there to remain until it shall be duly certified to me that the said William Creswell has become of sound mind, or until he shall be otherwise discharged by due course of law; and I hereby require and order the said William Creswell to be received into the said Asylum accordingly.

Given under my hand, at Government House, Sydney, this 11th day of August, 1871.

BELMORE.

By His Excellency's Command,—JOHN ROBERTSON.

The Superintendent, B.C., 12 August, 1871.

No. 3.

The Medical Superintendent of Hospital for the Insane, Gladesville, to The Under Secretary, Colonial Secretary's Department.

Sir,

Hospital for the Insane, Gladesville, 13 April, 1872.

The Superintendent of the Lunatic Asylum, Parramatta, having informed me that he is now able to receive thirty (30) male and eight (8) female patients, I have the honor to request that the necessary warrants may be granted for the transfer from this institution to the Lunatic Asylum, Parramatta, of the patients named in the margin.

* * *
William Creswell
Date of admission, 11th August, 1871.
* * *

I have, &c.,
F. NORTON MANNING,
Medical Superintendent.

No. 4.

No. 4.

Warrant for transfer of W. Creswell from Tarban Creek Asylum to Parramatta Lunatic Asylum.

To Frederick Norton Manning, Esquire, M.D., Superintendent of the Lunatic Asylum, at Tarban Creek, and to Edward Wardley, Esquire, the Superintendent of the Lunatic Asylum at Parramatta.

WHEREAS by the "Lunacy Act, 1867," the Colonial Secretary is empowered by writing under his hand, to order and direct the removal of any lunatic, other than a criminal lunatic, from any asylum or licensed house to any other asylum or licensed house; and whereas * * * * * * * * William Creswell * * * * * * * * are lunatics other than criminal lunatics, and are now detained in the Lunatic Asylum at Tarban Creek, and it is desirable that the said lunatics should be removed thence to the Lunatic Asylum at Parramatta:

Now I, the Honorable John Robertson, Esquire, the Colonial Secretary, by virtue of the power given to me by the said Act, do, by this writing, order and direct the removal of the said lunatics from the said Lunatic Asylum at Tarban Creek to the said Lunatic Asylum at Parramatta.

Given under my hand, in duplicate, at the Colonial Secretary's Office, Sydney, this 16th day of April, 1872.

JOHN ROBERTSON,
Colonial Secretary.

Dr. Manning, B.C., 16 April, 1872.

No. 5.

Mr. J. Jackson to The Colonial Secretary.

Sir, 114, Stanley-street, Sydney, New South Wales, 6 March, 1877.

I am in receipt of two letters from England by the February mail (one is printed), which relate to a patient named Creswell in the Lunatic Asylum at Parramatta.

The patient alluded to has, I believe, been interviewed upon several occasions by persons under a supposition that he is *Arthur Orton*.

I deem it my duty to draw the attention of the Government, and to express an opinion in my belief that the lunatic Creswell should be thoroughly examined as regards to any *marks* upon his person, including *the lobes of his ears;* and special supervision exercised in order to preclude a possibility of tampering.

I am desirous to know whether it be true that the patient above-named "*is there under the name of William Creswell, alias Smith alias Arthur Orton?*"

I am, &c.,
J. D. D. JACKSON.

No. 6.

The Under Secretary, Colonial Secretary's Department, to Mr. J. Jackson.

Sir, Colonial Secretary's Office, Sydney, 17 March, 1877.

In acknowledging the receipt of your letter of the 6th instant, in the last paragraph of which you inquire whether a certain patient in the Parramatta Lunatic Asylum is there under the name of William Creswell, *alias* Smith, *alias* Arthur Orton, I am directed by the Colonial Secretary to inform you that such is not the case.

I have, &c.,
HENRY HALLORAN.

No. 7.

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Under Secretary, Colonial Secretary's Department.

Sir, Lunatic Asylum, Parramatta, 11 May, 1877.

For the information of the Colonial Secretary, I have the honor to state that the patient William Creswell, sometimes called "Arthur Orton," was visited in this asylum on the afternoon of the 7th instant by a lady from England, representing herself to be Mrs. Jury, a sister of the veritable Arthur Orton, of Tichborne notoriety. This lady again visited him on the morning of the 9th, accompanied, as on the previous occasion, by Mr. Lock.

The result of these interviews is, that Mrs. Jury left the asylum expressing to myself and others her fullest satisfaction and conviction that the patient William Creswell was not her brother. She stated that her chief reasons for arriving at this conclusion were—Firstly, that the patient bore no resemblance whatever to any member of the Orton family; and secondly, that he exhibited none of the marks by which she knew Arthur Orton could be recognized, viz., the letters "A.O." tattooed upon one of the fore arms, and the ears pierced for rings.

I have, &c.,
CHAS. TAYLOR.
Medical Superintendent.

No. 8.

Mr. J. Jackson to The Colonial Secretary.

Sir, 114, Stanley-street, Sydney, 14 August, 1877.

In March last I apprised the Government of my suspicions regarding a patient named Creswell, in the Lunatic Asylum at Parramatta, in connexion with the Tichborne imposture. I now write asking to be informed whether a Mrs. Jury or agent has since interviewed the patient alluded to, and if so, on what date?

I have, &c.,
J. D. D. JACKSON.

No. 9.

The Under Secretary, Colonial Secretary's Department, to Mr. J. Jackson.

Sir, Colonial Secretary's Office, Sydney, 27 August, 1877.

In acknowledging the receipt of your letter of the 14th instant, inquiring whether Mrs. Jury or her agent has had an interview with a patient named Creswell, in the Parramatta Lunatic Asylum, I am directed by the Colonial Secretary to inform you that, from a report furnished by the Medical Superintendent of that asylum, it appears that the above-mentioned patient was visited on the 7th and 9th May last by Mrs. Jury and Mr. Lock.

I have, &c.,
HENRY HALLORAN.

No. 10.

Mr. W. Lock to The Colonial Secretary.

Sir, 31, Charles-street, Fitzroy, near Melbourne, Victoria, 24 September, 1877.

Having by the last mail received instructions from the "National Tichborne Release Association Committee (Lord Rivers and Guildford Onslow, Esq.)" to obtain the release from the Parramatta Lunatic Asylum of William Creswell, who has been identified as the veritable Arthur Orton, for the purpose of taking him to England to secure the release of "Sir Roger Tichborne," who is now undergoing sentence, believed to be the same person, and have the honor to request information from you as to what steps it will be necessary for me to take in order to obtain the object in view?

I would state that I have visited the asylum and identified the said William Creswell as "Arthur Orton," whom I knew in this Colony many years since.

Requesting an answer at your earliest convenience,

I have, &c.,
W. H. LOCK,
Agent for the National Tichborne Release Association in Victoria.

No. 11.

Mr. W. Lock to The Colonial Secretary.

Sir, 31, Charles-street, Fitzroy, 26 September, 1877.

On the 25th instant I received a telegram from "London," relative to my letter to you of yesterday, a copy of which I herewith enclose, and I therefore have the honor to request your earliest attention thereto.

I have, &c.,
W. H. LOCK.

[*Enclosure.*]

Telegram from G. Onslow, Esq., London, to Mr. W. Lock, 31, Charles-street, Fitzroy, Melbourne.

R.P.—10 words.—Can you release Creswell and bring him next Mail with free passages sent? From Onslow.
Melbourne Station, 24 September, 1878.

No. 12.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary of Justice, &c.

SUBMITTED, Colonial Secretary.

Papers relating to a lunatic named Creswell in lunatic asylum, now stated to be the veritable *Arthur Orton*.

Requiring consideration and decision. H.H.

On proper security for his case being entered into I see no objection to the application being approved. Minute, Executive Council.—JOHN R., 1 Oct., /77.

The opinion of the Attorney General may be asked in the first instance as to the legality of releasing the patient unless under medical certificate of his sanity before it is determined to whom he may be released.—H.H., 5/10/77.

Of course this Government can have no interest in keeping here the lunatic in question, and therefore, provided efficient provision for his well-being could be obtained it could have no objection. The Attorney General, however, should be asked the state of the law on the subject.—JOHN R., 8/10/77.

The Under Secretary of Justice, &c.—H.H., B.C., 8/10/77. Immediate.

No. 13.

Opinion of The Attorney General.

On the application of W. H. Lock, of 31, Charles-street, Fitzroy, Melbourne, for the release of William Creswell, a lunatic, presently confined in the Lunatic Asylum at Parramatta.

AN application having been made by Mr. W. H. Lock, of Melbourne, for the discharge from the Lunatic Asylum at Parramatta of one William Creswell, under the peculiar circumstances to which I shall presently allude, my honorable colleage, the Colonial Secretary, has forwarded the papers in connection with the application to me for my advice. The applicant, who describes himself as the "Agent for the National Tichborne Release Association in Victoria," alleges that he has been instructed by the English Committee of this Association, consisting of Lord Rivers and Mr. Guildford Onslow, to procure the release of the lunatic named, "who has been," as the applicant alleges, "identified as the veritable Arthur Orton," and that

that such release is applied for with the view, in the language of the applicant, "of taking him to England to secure the release of Sir Roger Tichborne, who is now undergoing a sentence, believed to be the same person." The lunatic patient in the Parramatta Asylum was received into the Lunatic Reception House at Darlinghurst under a warrant of date 8th August, 1871, signed by two Justices of the Peace, who, having taken the evidence on oath of two medical practitioners as to his condition, were satisfied that he was a dangerous lunatic. On the 10th of the same month the order for his admission under sec. 1 of 7 Vic. No. 14, to the Asylum at Tarban Creek, was made, and he was taken to that place. In April of the following year he was transferred under warrant to the Lunatic Asylum at Parramatta, where he has remained ever since. If there was any reason to suppose that this patient had ceased to be of unsound mind, the applicant could at once obtain his release by an application to a Judge of the Supreme Court, under section 2 of 9 Vic. No. 4; but I apprehend that this application is made with the knowledge that the patient has continued to be, and now is, of unsound mind. As he is still labouring under insanity, the power to discharge him by His Excellency the Governor is given under sec. 3 of 9 Vic. No. 34, which enacts that the Governor may if he thinks fit order the discharge of a lunatic from a lunatic asylum to any friend or friends who may be able and willing to support such lunatic, provided that in the case of an application for the discharge of a person who may have been committed to an asylum as a dangerous lunatic, the discharge shall not take place unless the friends of the lunatic shall enter into sufficient recognizances for his peaceable behaviour. This is manifestly not such an application as is contemplated by this section. The person applying is not a friend—nor is he making the application on behalf of any friends—of the lunatic; the application is made for the purpose of endeavouring to prove by the production of this lunatic in England that the verdict of an English Jury was an erroneous one, and that a convict now confined in an English Gaol is the victim of that error. It is not in the interests of the lunatic himself that this liberation is desired, but in the interests of a felon now serving a sentence in England. The lunatic may be very much injured by his release from the Asylum—his transport to England, and the excitement to which he will, in all probability, be subjected by being confronted with all kinds of persons on his arrival in England; and the Government can have no kind of security that upon his arrival there he may not be abandoned by those who have withdrawn him from the protection and careful treatment which he is now receiving. I would venture to express a very decided opinion that the Government would not be justified in acceding to any such application as this, even if there were much greater probability than now exists that the visit of this lunatic to England could be of any value whatever in the reversal of a solemnly considered verdict of an English Court. The duty of the Government towards the unhappy lunatic himself is a very serious one; and although I should hesitate if the necessity to repair a great wrong and to vindicate the administration of justice absolutely required the production of this lunatic in England, to oppose his release for that purpose, I think that the course should not be adopted except under very strong evidence of its necessity, and with the utmost precautions against any possible injury or misery to the lunatic himself. He should not under any circumstances be delivered up to the person making this application, but should be, if his transport be deemed necessary, placed under the care of one of our own officers of the Asylum, and should not be permitted to be withdrawn from the protection of such officer of our own Government during his stay in England, and until his return to the Colony. But I think, upon examination, my honorable colleague the Colonial Secretary will be able to satisfy himself that no grounds whatever exist for supposing that any object would be served by the release of this lunatic. He has been already seen by the sister of the real Arthur Orton, who it is said came to this Colony for the express purpose of identifying him, and she affirmed, after her interviews with him, that she had perfectly satisfied herself that he was not her brother, and bore none of the distinctive marks by which that person could be identified.

For all these reasons I am of opinion that the application of Mr. Lock ought to be refused.

WILLIAM B. DALLEY,
Attorney General.

Crown Law Offices, Sydney, 11th October, 1877.

No. 14.

The Colonial Secretary to Mr. W. Lock.

Sir,

Colonial Secretary's Office, Sydney, 19 November, 1877.

With reference to your letters of the 24th and 26th September last, concerning the release of William Creswell, a lunatic presently confined in the Lunatic Asylum at Parramatta, in this Colony, I have the honor to inform you that, under an opinion which has been obtained from the Attorney General, the application for the release of William Creswell cannot be acceded to.

I have, &c.,
JOHN ROBERTSON.

No. 15.

Messrs. Mason Brothers to The Under Secretary, Colonial Secretary's Department.

Sir,

Sydney, 24 September, 1877.

We have the honor to apply that permission be given to Thomas Prust, lately from England, to visit the patient Creswell (or, as he is sometimes called, Arthur Orton), now in the Lunatic Asylum, Parramatta.

Mr. Prust has been instructed to obtain personally full particulars and description of this person; also to get his photograph taken; and we should be glad that the Hon. the Colonial Secretary would be pleased to give instructions to allow him to obtain the required information.

We have, &c.,
MASON BROTHERS.

No. 16.

No. 16.

The Under Secretary, Colonial Secretary's Department, to Messrs. Mason Brothers.

Gentlemen, Colonial Secretary's Office, Sydney, 25 September, 1877.

In reply to your letter of the 24th instant, applying for a permission for Mr. Thomas Prust to visit the patient named in the margin (sometimes called Arthur Orton) at the Parramatta Lunatic Asylum, and to obtain certain information regarding him, I am directed to inform you that the Medical Superintendent of the Asylum has been instructed that the Colonial Secretary approves of his allowing Mr. Prust to visit the patient on the terms which a visitor was allowed to see him in May last. William Creswell

I have, &c.,
HENRY HALLORAN.

No. 17.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, Colonial Secretary's Office, Sydney, 25 September, 1877.

Messieurs Mason Brothers having applied for permission for Mr. Thomas Prust to visit the patient named in the margin (sometimes called Arthur Orton), at the Parramatta Lunatic Asylum, and to obtain certain information regarding him, I am directed to inform you that the Colonial Secretary approves of your allowing Mr. Prust to visit the patient on the terms on which Mrs. Jury was allowed to see him, as you reported in your letter of the 11th May last. William Creswell

I have, &c.,
HENRY HALLORAN.

No. 18.

Mr. J. Jackson to The Colonial Secretary.

Sir, 114, Stanley-street, Sydney, N.S.W., 27 September, 1877.

It having been publicly asserted that the patient Creswell, in the Asylum at Parramatta, is about to be taken to England under a supposition that he is Arthur Orton, I beg to state that if such be the case I would urgently suggest that the arms, ears, and even the body of the patient alluded to, be minutely examined, and a clear description recorded.

I would further ask, that in the event of such an examination, for permission to be present.

I have, &c.,
J. D. D. JACKSON.

No. 19.

Mr. T. Prust to The Colonial Secretary.

Sir, Sydney, 10 October, 1877.

I have the honor to thank you for the permission granted me to visit the patient Creswell, at present in the Lunatic Asylum, Parramatta.

In accordance with your permission I visited the asylum on the 2nd instant, and beg to state that the Medical Superintendent showed me every attention and granted every facility in the furtherance of my object, which was to ascertain particulars of the patient's in question supposed identity with Arthur Orton, of Tichborne notoriety.

I have, &c.,
THOMAS PRUST.

No. 20.

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Under Secretary, Colonial Secretary's Department.

Sir, Lunatic Asylum, Parramatta, 12 November, 1877.

I have the honor herewith to enclose for the information of the Colonial Secretary, a letter, received by me by the late English mail, from Guildford Onslow, Esquire, of England, respecting the personal appearance, &c., &c., of the patient, William Creswell. Printed enclosures accompany

I beg to be informed whether I am to reply to Mr. Onslow's letter and to furnish him with the required information?

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

[*Enclosures.*]

Please say whether Creswell had a leather coat with him, and whether that coat is in existence. Registered letter paid. Please give me Creswell's height and weight.

Sir, The Grove, Ropley, Hants, England, 25 August, 1877.

I shall feel extremely obliged to you if you will examine the person of Creswell, a patient in the Lunatic Asylum, of which you are the Superintendent of the Medical Department. I am most anxious to know first of all, whether, upon a close examination of his wrists with a glass, you can detect any initials said to have been discovered on the photograph of Creswell, brought to this country by Mrs. Elizabeth Jury? The initials appear to be very faint, as if they had been at one time attempted to be got rid of; it is above the finger on wrist to the front, in what appear in the photograph his left hand. Please inform me whether he has any tattoo marks on his left breast, or on any part of his person, and if so, what and where? Please observe whether he has a scar from eye downward on his cheek, any small pock-marks on nose or forehead, and above all, please examine the points of his chin and see if any cut, scar, or mark divides it? Also observe if the tops of his little fingers are perfect and intact? If he has any old scars on forehead to front? What, if any, front teeth missing? What colour do you consider his hair to have been through life, also eyes in youth? What colour are they now? His age—about? Is he knock-kneed or straight-legged? What size should you call his feet and hands—bony or covered with fat? Has his ears been bored for rings. Please Printed evidence from Guildford Onslow, Esq., herewith enclosed.

Please inform me when he came into the Asylum and who put him there? I think it right to inform you that several persons who knew one Arthur Orton in Australia have seen the photograph of Creswell, and have at once sworn to it as Arthur Orton.

I beg to enclose you certain copies of letters from a most respectable gentleman to his brother in England, one, as you will see, written years ago, in 1871. Please read them carefully over, and see if the description of Alfred Smith tallies with the description of your patient, Creswell. I must apologise for troubling you in this matter, but the immense and vital importance attached to the matter, combined with the fact I know from personal knowledge that an innocent man is suffering unjustly in prison, will be, I feel assured, sufficient excuse for the favour I ask at your hands or reply to these questions.

Believe me, &c.,
GUILDFORD ONSLOW.

Does this evidence correspond with Creswell?—G.O.

Extract. Short-hand Government Notes.

Examination in chief of Sir Roger.—16th day.

Gifford: Describe Arthur Orton.
Claimaint: He was a rather sharp-featured and very large-boned man.
Lord Chief Justice: What features?
Claimant: Rather sharp; he had a lengthy face.
Lord Chief: What face?
Claimant: A kind of a long face.
Gifford: Anything about his personal appearance that was remarkable? Face, any marks on it?
Claimant: He was slightly marked with small-pox.
Gifford: Do you say slightly?
Claimant: As it was quite distinguishable.
Gifford: Have you ever seen his arms bare?
Claimant: Well, I have no doubt I have, but I cannot say positively.
Gifford: Do you remember any marks on his arms?
Claimant: No, I cannot speak with regard to marks myself, because I do not remember them.
Gifford: Was there anything remarkable about his eyes? Were they big or little? Or what were they?
Claimant: They were always very red. He was an inch and a half taller than I am.
Gifford: Before we leave the description of Arthur Orton, do you remember anything about his hands and feet?
Claimant: No, not more than that he had very large hands and feet—very bony hands.
Gifford: During any of your visits to Wagga Wagga was Arthur Orton with you?
Claimant: Yes, he was there when I left.
Gifford: When do you mean, when you left finally?
Claimant: Finally.
Lord Chief Justice: When you say finally left, can you give a date to that when Orton was with you?
Claimant: I saw him the day before I left, I cannot tell you what day it was without referring to a note?
Claimant: It was the commencement of June, 1866.
Lord Chief: The reason of my asking the date was, you say Orton in later years passed by another name, as Alfred Smith, you say, in 1866. Now can you give us any date in 1866 at which he changed his name from Orton to Smith?
Claimant: I cannot give you when he changed it.
Lord Chief: You say he was with you when you finally left. Tell us what name he was passing by?
Claimant: He went by that name in 1866.
Lord Chief: What name?
Claimant: Alfred Smith.

Copy of a Letter written by a solicitor's clerk, J.S., to his brother in England, holding a Government appointment.

My very dear Brother Samuel, Tumut, Australia, 31 Oct., 1871.

The excitement here about this Tichborne trial is equal I should think to that at home. We have had the two junior counsel out—Mr. Jeune for the claimant, Mr. Purcell for the defendant, and the country has teemed with detectives and lawyers and witnesses. Amid it all, my dear brother, I have played a part. Our firm was engaged by Mr. Jeune's Melbourne attorney. But it is not to that I refer. Tumut and the neighbouring town of Wagga Wagga were the scenes of the claimant's New South Wales life, when the evidence came out here in which the claimant says he left "Arthur Orton" working for Higgins, the butcher, in Wagga Wagga in 1866, under the name of "Alfred Smith." I went to the very Pat. Readon (our present butcher), who the claimant refers to, and questioned him on the point; at first he said, "No, Tom (meaning the claimant) makes a mistake there; there was no 'Alfred Smith' working for Higgins." However, one morning after this I happened to pass by Pat Readon's shop, when he called out to me and said, "Oh! I recollect *that Alfred Smith*, and what is more you know him too." He then told me that in talking the matter over with his wife after our recent conversation, he had recollected all about it—that shortly before Tom Castro left Wagga Wagga a man came there who knew him, and was much with him; *he wore a peculiar leather coat*, he was a first-class butcher; when Castro left this man got a job with Higgins. Tom Castro, the claimant, sometimes called this man "Smith," and sometimes "Alfred." Smith stopped at Castro's place at Newtown. Pat Readon saw him there, he was helping Castro to smoke some beef for the journey, just before Castro left. For two days before Castro left the two were inseparable, walking the town together, etc., etc. Now I knew from Readon's description *that I knew the man, Alfred Smith*, although Readon had never seen him in Tumut. Well, with much trouble and much letter-writing—I traced this man, Alfred Smith's history, an eventful one—in gaol often, and I was not long before *I found him*, and from what I previously knew myself about the man, just where I expected to find him, videlicet, *in a lunatic asylum in Sydney*.

Now there is no doubt whatever that this is the man referred to by the claimant, who, he says, is "Arthur Orton." Whether he be or whether he be not remains to be proved; the man has been very insane, but is now improving. I have by me a letter which he wrote to me from Gladesville Hospital (the asylum) only the other day, and by it it shows that he is getting better. His wife has turned up near "Orange"; she had not lived with him for years, and I understand she says that she knew he was Arthur Orton. But as she never reads papers, she did not know what was going on in the world; I am awaiting her story; she has been examined by a trustworthy party. I am aware that the Melbourne solicitors think that this man is not Arthur Orton, but I am not done with him yet. Some of the marks coincide with marks known to have been on Orton's person; his handwriting is said to be unlike Orton's. *But they have only two specimens of Arthur Orton's handwriting*, and it is believed by good judges that these two have been forged, and made to imitate Tom Castro's handwriting. But we must have patience; a man whom I know, named Charles Cox, a publican out of business, is going home as a Crown witness against the claimant; he carries with him a pocket-book which has caused some commotion between the various parties; I believe that if it is not altogether *a forgery* it has most certainly been *tampered* with. We have kept a true copy of that book, and it has been carefully photographed page by page. No doubt, my dear brother, you are tired of all this, but then you see it is more in my line, and I like probing a matter to the bottom. If anything interesting turns up here I will be sure to let you know. I expect the case will last long enough yet. If I am successful in finding Arthur Orton there is a good reward to be obtained, but enough.

With kind regards, ever your affectionate brother,
J.S.

Copy of part of letter from the solicitor's clerk, J.S., to his brother.

My very dear Brother, Tumut, Australia, 3 June, 1874.

I have perused the greater part of the Tichborne case in the newspapers. You say you shall be glad to hear my opinion after a perusal of the Judge's summing up. But after the eloquent exhaustive speeches of counsel and judges, and the deluge of ink in the public press, what avails a word from me? However, my opinion is that the weight of evidence is against the claimant. I feel pretty well convinced, as Gibbes (the solicitor who was a Crown witness against the claimant) *told me a short time since*, that both sides were guilty of cooking evidence. On the side of the Crown, "was the tattoo business."

I take it that evidence was cooked up as a winning card to strengthen the case for the prosecution; then the Luie episode; it seems to me perfectly astounding that the man only fresh from Chatham, and an old offender, should be allowed to run week after week, as he did, unmolested, with Scotland Yard swarming around him, and his photograph in every print shop; surely the police knew him well; could it be that he was put forward as a trap, and that the unscrupulous claimant, ready to catch at straws, walked into it? I must say that this is the aspect it wears to me. When living in Tumut, the claimant could speak French, though imperfectly, yet so as a Frenchman could understand him; he told one person that he came from Paris; another that he belonged to an old Catholic family—that his father was dead and his mother living in Paris; *this I know to be a fact*, and this was in 1862, before the Dowager advertised for him; and before he ever saw Gibbes at Wagga, he stated he had a brother, Alfred Joseph, and he gave to Gibbes the correct date of his birth, Roger Tichborne's; that he had two sisters born in Paris, who both died young; he stated this before he had any conference or correspondence with any one who could have given him that information. The claimant said he wrote to Arthur Orton to come home and give evidence, and offered him a reward to do so; he addressed the letter to Alfred Smith, to Joseph Robins, of Wagga Wagga; I know Joseph Robins; he never received that letter. I should like to find out who the man is in the asylum, the "Alfred Smith" of the claimant. No doubt there will yet be some confessions and explanations made; all we have to do is to have patience.

Your affectionate brother,
J.S.

Copy of letter from Mr. John Bradbury, of Birkenhead, who has been thirty-five years in Australia, to Mr. Onslow.

Sir, Birkenhead, 30 October, 1876.

Having seen a statement in the newspapers that Arthur Orton is found in the Lunatic Asylum at Parramatta, I beg to inform you that I have known that man mentioned and all his doings for a long time before he went into the Parramatta Asylum; I knew him by the name of Alfred Smith and Arthur Orton.

He was in the same establishment as myself for a long period; he then went in charge of horses to another place. He married a widow woman that was well to do; he married her under another name; her name was Mrs. Robert Clark; he married her under the name of Creswell; he ran through all her money and then ill-used her; he was brought before the Court and got six months in gaol for it. I was well acquainted with his wife both before and after his marriage; the name of Arthur Orton occurred as his name immediately after, before the trial in England was known. While the claimant was at Ashton-under-Lyne in 1872, he wrote to me; I at once replied, but my letter was returned as he had left for London; I knew Thomas Castro well; if I had known what I do now I should have made it my business to have seen the claimant after he wrote to me from Ashton-under-Lyne; I was in Australia thirty-five years.

I am, &c.,
JOHN BRADBURY.

From J. S. to his brother.

My dear brother, N.S.W., Tumut, 11 May, 1877.

As to your wish that I should write you all the particulars I can about the lunatic "William Creswell," in Gladesville Asylum, on the Parramatta River, in this Colony, allow me to say, first, that by the last English mail-steamer a Mrs. Jury (said to be Mrs. Mina Jury), arrived for the purpose, as the papers state, of seeking her brother in the said asylum, viz., "Arthur Orton." What the result is I have not heard. I think I have already told you how it was I began to search for "Alfred Smith," and how I at length found him. I will now answer your questions:—I don't know what book you wish photos. from; I have forgotten exactly what was in my letter you refer to. As to your next query—"Creswell" came to Queanbeyan (in this Colony) from Gippsland, in Victoria, and was butcher at Sale there in the year 1859. It was reported that he had committed murder over in Gippsland, and inquiries were instituted in Victoria, as well as in this Colony, but without success. He called himself Andrew Smith when he first came over, but married Mrs. Clarke (the widow of Mr. Robert Clarke, a publican, deceased), under the name of William Creswell. Mrs. Clarke then lived at Gundaroo, a township on the Yass River, 25 miles from Queanbeyan; she kept a public-house and had a farm; she was a smart, stirring sort of a woman, but unable, I believe, to read or write. The pair soon quarrelled. Creswell took to drink, and assaulted his wife; the latter left Gundaroo and went to Queanbeyan and opened a public-house on her own account, and Creswell for some time kept on the place at Gundaroo. He afterwards ran through everything, deserted his wife, and left the district; he subsequently appeared at Wagga Wagga under the name of Alfred Smith, and worked for Higgins, who was a butcher there. *He was most intimate with the "claimant";* the two were inseparable, and spent much time together in close talk when the claimant was on the eve of departing from Wagga Wagga. Creswell also turned up in this neighbourhood, and it was in Tumut that I first became acquainted with him. (I cannot put my hand on the document to-day, so as to establish the dates, but I will give all dates by-and-by if necessary.) Creswell at first worked for a farmer here, whom I know also as a boundary-rider upon a run, and afterwards as a butcher; I became acquainted with him through his being a witness in a law case—one of trespass; he called himself "William George Creswell," though when he first went to work with my friend Mr. Brooks, the farmer referred to, he put his name down in the Electoral List, which was being taken at the time, as "George Smith," saying that name would do as well as any other. He was a fine looking man, of rather a superior appearance, but wild withal. Before he left Tumut he was quite crazed. He wore at times a leather coat, and was known by the soubriquet of "Leather Jacket"; he was a fair scholar; I have no doubt I could yet find some of his writing; he was also a first-class shot—could kill almost anything upon the wing. In Tumut he got into some trouble through drink or his craziness, and was sent for a short time to Gundagai Gaol. He shortly afterwards disappeared from here. He afterwards entered the said asylum under the name of Creswell, I think about the year 1869 or 1870. I cannot just now find Dr. Manning's letter, in which he gave me all the information, when I first discovered his whereabouts. Some years back I had every matter at my fingers' ends.

Mr. Jeune should have known that "Alfred Smith" was in the asylum, as per extract from letter received by me from the gentleman I before referred to, dated 11th September, 1871:—"Copies of your letter and Reardon's go to Mr. Jeune by next mail (Wednesday). Should the information you have furnished lead to the discovery of 'Orton,' there can be no doubt that Reardon and yourself will be well rewarded. *The case you put seems to me to be a very strong one indeed.*"

October 23, 1871.

"As to the marks upon Creswell, *some of them* do coincide, but it appears that all do not."

Previous to the last, above, *October 7th*, 1871.

"Some delay must have taken place in Victoria in getting the necessary parties to go round. This much I know, that "the description of the two men tallies in some important particulars."

October 17, 1871.

"Creswell has been examined by *trustworthy persons*, and the conclusion come to by the solicitors is *that he is not Orton*. His *writing* is very unlike, his history does not coincide with Orton's, neither do the marks upon his person. A clue in Victoria is being followed up far more likely to bring to light the real man."

I have not put the above extracts in order of date, but I have put the *correct dates*, so I judge Mr. Jeune knew of "A.S." being in the Asylum. "Reardon" abovenamed, is Patrick Reardon, who lives, and has for some years past, in Tumut, who was shopmate with the claimant, and for whom the claimant also worked as a butcher in Wagga Wagga. He well knows both "Alfred Smith" and Tom Castro. Mrs. John Lanergan and family live at Tumut, who let the public-house to Mrs. Clarke (or Creswell) in Queanbeyan. The Lanergans were very intimate with Mrs. C. and knew Creswell well. In the year 1871 (about 19th of October), Mr. H. F. Purcell, the English barrister, opposed to the claimant, arrived in Gundagai with Gibbes, the attorney—the latter then lived at Wagga. Purcell "wired" for Reardon to come to Gundagai and see him. I cautioned Reardon to be very careful and note all that Purcell said to him. Reardon was shown a number of photos. and he at once identified two, viz., "Tom Castro" and "Alfred Smith" or Creswell. Purcell tried to bother him with the photos., but Reardon was quite sure about the two; then Purcell tried to find out from him the name of Castro's English correspondent. Mr. Purcell went on with Gibbes to Sydney (I have it from Gibbes himself); they agreed to go together, and see the lunatic in the asylum said to be "Alfred Smith" or "Orton." Gibbes did not stay at the same hotel as Mr. Purcell, and upon going to keep his appointment, he found a note for himself, explaining that Mr. Purcell regretted circumstances necessitated that he should leave earlier than he intended; in short he had given Gibbes the slip, went to the asylum and saw the lunatic himself. Gibbes then

then went to Gladesville, and said he found it difficult to get admission, but after a while he was permitted to see Creswell. Creswell was quite rational, said that he was not Orton, but that he knew Tom Castro well and was with him at Boisdale. In a letter I received on 30th of October, 1871, occurs this passage: "There is no doubt that we have for a certainty the *Alfred Smith*, spoken of by the claimant, *and he is 'Creswell.'*" I am not at liberty to mention the gentleman's name who used to correspond with me, but I believe he faithfully supplied the Melbourne solicitor, viz., Mr. Curzon Allport, with all particulars.

It will be seen from what I have written, that the two men were well acquainted with each other; moreover, in 1859, when Creswell butchered at Sale, in Victoria, was the very year *that the Castlemaine episode occurred*. One thing to me is singular—that the opposition, after Purcell's visit to the Asylum, and after he had learned, I suppose, nearly all the facts I have related, did not move to get the lunatic taken home, and have taken also witnesses to prove conclusively this is the man spoken of by the claimant as Alfred Smith, who he stated was 'Orton,' and then have shown that he was not Orton. Of one thing I am certain, *if the claimant spoke the truth* when he made the statement referred to, *the man in the Asylum under the name of Creswell is certainly Orton.*

I must now close this, but will endeavour to write some further particulars by the Torres Straits' Mail, leaving this month. I have written the above so that you can make what use you please of it. I have been careful to confine myself to what I know to be facts. I may say, in conclusion, *that Creswell is a marked man, well identified, being known to the police of both Colonies.* The mail is going out; I have not time to read the above over.

Ever your affectionate brother,
J.S.

No. 21.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir, Colonial Secretary's Office, Sydney, 20 November, 1877.

Returned herewith. William Creswell.

In acknowledging the receipt of your letter of the 12th instant, enclosing a communication received by you by the late English mail, from Mr. Guildford Onslow, respecting the personal appearance, &c., of the man named in the margin—a patient in the institution, under your superintendence,—I am directed by the Colonial Secretary to inform you that there can be no objection to your supplying Mr. Onslow with any information respecting Creswell that you may be able to communicate.

I have, &c.,
HENRY HALLORAN.

No. 22.

The Secretary of State for the Colonies to His Excellency the Governor.

Sir, Downing-street, 12 December, 1877.

I have the honor to transmit to you, for your information, and for that of your Ministers, a copy of a letter received from Mr. Guildford Onslow, requesting my assistance in obtaining the release and conveyance to this country of a lunatic of the name of Creswell, now confined in Gladesville Lunatic Asylum, New South Wales, whom Mr. Onslow represents to be Arthur Orton.

I also enclose copies of the replies, which I have caused to be sent to Mr. Onslow's application.

I have, &c.,
CARNARVON.

P.S.—Since writing the foregoing I have received a letter from Mr. East on the same subject, a copy of which I enclose with my acknowledgment.

Col. Sec.—H.R., 27/1/78. Forward these papers for the opinion of the Attorney General.—M.F., 30/1/78. The Under Secretary of Justice, &c., B.C., 30/1/78.—M.R.A.

I have nothing to add to the opinion of the late Attorney General, forwarded herewith. I do not find that any fresh question has arisen since that opinion.—W.J.F., A.G., 2/2/78. The Under Secretary, Colonial Secretary's Department, B.C., 11 February, 1878.—W.E.P. His Excellency the Governor.—M.F., 14/2. Seen.—H.R., 15/2/78.

[*Enclosures.*]

G. Onslow, Esq., to The Colonial Office.

The Grove, Ropley, Hants, 20 November, 1877.

My Lord,

I have the honor to inform your Lordship that after a most careful and anxious search, extending over many years past, I have at length discovered beyond a doubt that justice did miscarry in the Tichborne trial, and that I am in a position to prove an *alibi* to the verdict by producing to the satisfaction of Her Majesty's Government the real person who the jury in the trial mistook for the claimant, Arthur Orton, the son of George Orton, late of Wapping. I can prove by documents and respectable witnesses to be in a lunatic asylum at Sydney, in Australia, under the name of Creswell.

I trust your Lordship will be kind enough to communicate by wire with the Australian Government, and instruct them to grant the request which I have made in the joint names of Lord Rivers, Mr. ex-Sheriff East, and myself (the trustees of the public money subscribed for the purpose), that Creswell may be immediately released and given into the custody of the ex-Detective Officers and late Agent to the Insolvent Debtors Court at Melbourne, Mr. William Lock, who is well known to the Australian Government, who is acting as an agent, and who has full instructions to bring the said lunatic to London, if possible by the next mail.

Mr. Lock also holds a power of attorney from, and signed by, Charles Orton, authorizing the release of his brother Arthur, who is in the Gladesville Asylum under the name of Creswell, with a view to bring him forthwith to this country.

I have, &c.,
GUILDFORD ONSLOW.

The Colonial Office to G. Onslow, Esq.

Downing-street, 30 November, 1877.

Sir,

I am directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 20th instant, requesting his Lordship's assistance in obtaining the release and conveyance to this country of a lunatic of the name of Creswell, now confined in Gladesville Lunatic Asylum, New South Wales, whom you suppose to be Arthur Orton, and I am to say that a further communication will be made to you as soon as Lord Carnarvon has taken advice on the subject of your letter.

I am, &c.,
R. G. W. HERBERT.

The

The Colonial Office to G. Onslow, Esq.

Sir, Downing-street, 12 December, 1877.

With reference to the letter from this Department of the 30th November, I am directed by the Earl of Carnarvon to acquaint you that his Lordship has considered the request contained in your letter of the 20th November for the assistance of this Department in obtaining the release and conveyance to this country of the lunatic now confined in Gladesville Lunatic Asylum, New South Wales, whom you suppose to be Arthur Orton, and I am to inform you that the Secretary of State for the Colonies has no power to give such instructions to the Government of New South Wales as are suggested in your letter.

I am, &c.,
R. G. W. HERBERT.

Mr. W. East to The Colonial Office.

My Lord, "Queen's Hotel," City, 6 December, 1877.

In addition to my positive assertion as to the discovery of Arthur Orton in the person of "George Creswell," made in the "*Standard*," of the 17th September last, I now enclose copy of affidavit, the original of which is in my possession.

I may observe the cause of justice is my sole motive for thus troubling your Lordship, and beg to remain, &c.,—
W. Q. EAST.

Copy of Affidavit.

I JOHN Wigley, of Grove Hall, Lunatic Asylum, Bow, in the County of Middlesex, attendant to the said asylum, do solemnly and sincerely declare as follows:—

1. I was for 15 years in the Second Life Guards in England, and after that for 7 years in the service of the Italian Consul, at Sydney, Australia, and formerly lived and carried on business at 25, Park-street, Sydney, Australia, as a bootmaker, in the year 1873, and I was previously employed in the Darlinghurst Gaol, at Sydney, in or about the years 1871, 1872, and 1873; and in the year 1871 in the course of my duty I had to remove a man of the name of Creswell, who had become lunatic while at the said gaol to the asylum for Lunatics at Parramatta, about 15 miles from Sydney.

2. It was a matter of notoriety to me and the other officers of the gaol at the time that the said Creswell's real name was Arthur Orton, and he was always so called by the said officers and by his fellow prisoners, but he was convicted and incarcerated in the name of Creswell.

3. While an officer in the gaol, I recollect Mr. Parkes, the Prime Minister in the Colony of New South Wales, coming there to see this man Creswell, as to his being Arthur Orton, and it was commonly reported among the officials that the said Creswell had refused to answer all questions unless he was liberated.

4. On the 7th day of January, 1874, I came from Australia to this country, and on the 29th day of November last I saw in the London newspapers an extract from the *Melbourne Argus* referring to the said Creswell as Arthur Orton, and that was the first time that I had any reason to suppose there was any confusion between the said Creswell *alias* Arthur Orton and Thomas Castro *alias* Arthur Orton *alias* Sir Roger Tichborne, who is now incarcerated in Portsea Prison under the name of Thomas Castro, and who has been convicted of being Arthur Orton, and I have consented to make this declaration to enable proceedings to be taken for the release of the said Sir Roger Tichborne *alias* Thomas Castro.

5. The photograph now produced to me, marked "A," correctly represents the said prisoner called Creswell; and I make this solemn declaration, conscientiously believing the same to be true and by virtue of the provisions of an Act made and passed in the sixth year of His late Majesty King William the Fourth, intituled "*An Act to repeal an Act of the present Session of Parliament intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'*"

Declared at No. 18, Gresham-street, in the City of London, this 3rd day of December, 1877, before me,— JOHN WIGLEY.

THOMAS PHELPS,
A Commissioner to administer Oaths in the Supreme Court of Judicature.

The Colonial Office to Mr. Q. East.

Sir, Downing-street, 12 December, 1877.

I am directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 6th instant, enclosing a copy of an affidavit made by John Wigley, respecting a man of the name of Creswell, now confined in a Lunatic Asylum in New South Wales, whom you suppose to be Arthur Orton.

I am, &c.,
R. G. W. HERBERT.

No. 23.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, Colonial Secretary's Office, Sydney, 28 January, 1878.

Mr. Joseph Eckford, M.P., having applied for permission for himself and Mr. W. H. Locke to visit the patient named in the margin, in the Parramatta Lunatic Asylum, I am directed to inform you that the Colonial Secretary approves of those gentlemen seeing Creswell, provided that you have no objection.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 24.

The Under Secretary, Colonial Secretary's Department, to J. Eckford, Esq., M.P.

Sir, Colonial Secretary's Office, Sydney, 28 January, 1878.

I am directed to inform you that the Colonial Secretary approves of yourself and Mr. W. H. Locke being permitted to visit the patient named in the margin, in the Parramatta Lunatic Asylum, provided that the Medical Superintendent of the Asylum sees no objection, and that Dr. Taylor has been apprised accordingly.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 25.

The Secretary of State for the Colonies to His Excellency the Governor.

Sir, Downing-street, 29 January, 1878.

With reference to my despatch, No. 111, of 12th December, I have the honor to transmit to you, for the information of your Government, a copy of a letter which I have received from Mr. H. B. Harding,

Harding, who styles himself late Secretary to the Tichborne claimant, respecting the lunatic Creswell, now confined in Gladesville Lunatic Asylum, together with a copy of the reply which I have caused to be sent to Mr. Harding's letter.

I have, &c.,
CARNARVON.

Col. Sec.—H.R., 17/3/78.
To follow other papers with the Attorney General, 22/3.—M.F. The Crown Solicitor, B.C., 22/3/78.—M.R.A.

[*Enclosures.*]

Mr. H. Harding to The Earl of Carnarvon.

My Lord, 118, Caledonian Rd. N., January 18, 1878.

Having read in the *National Independent* newspaper the correspondence between your Lordship and Messrs. Onslow, East, and Kimber, relative to one William Creswell, a lunatic in the asylum at Parramatta, in Australia, I venture humbly and most respectfully to solicit the favour of being supplied with any description or particulars of Creswell which may have reached the Colonial Office.

My reasons, my Lord, for this request are given in the enclosed statement, and they include the object of making thoroughly known, through the press and otherwise, that Creswell is not and cannot be Arthur Orton.

My Lord, Mr. Anthony Biddulph, a cousin of the claimant and a Justice of the Peace for Sussex, has done all he could to arrest the action of the gentlemen referred to in the statement in regard to this matter of Creswell, as well as in regard to their other action done in the name of his cousin's cause, and with the evident object of making a platform for demagogues and revolutionists; but he is powerless in this instance to Creswell without information which is authentic as well as believed to be reliable.

Trusting I shall not be felt to have overstepped the line of duty in this communication,

I have, &c.,
H. B. HARDING,
Late Secretary to the Tichborne Claimant.

Statement respecting William Creswell, the alleged Arthur Orton.

SIXTEEN months ago Mr. Guildford Onslow announced that he had found Arthur Orton in the person of one William Creswell, a lunatic in the asylum at Parramatta, in Australia (Pamphlet 3, page 2, B). But according to the information at hand, Creswell is a much older man than Orton, and not so tall by several inches, whilst also he has none of the marks nor any of the distinctive features of Arthur Orton, except a scar on the cheek, and even that is on a different part of the face. Indeed, there does not appear to be any other pretence for saying that Creswell is Orton than this, that he was found in a lunatic asylum at the antipodes with his history lost. Nevertheless, Mr. Onslow has held him before the public all this time, obtaining subscriptions for the professed purpose of bringing him to England, and inciting the people to disaffection and acts of rebellion, on the pretence that the Government knows that he (Creswell) is Orton, and is conspiring with the Australian Government to prevent his being produced, lest the Tichborne claimant should be released. (Pamphlet 3, page 8, D.)

Mr. Onslow has not brought forward any other authority for stating that Creswell is Orton than that of one Lock, an irresponsible person and an entire stranger, even to Mr. Onslow himself. Nor does he appear to have communicated with the Superintendent of the Asylum at Parramatta, or with any other person who could have given him authentic information with regard to Creswell, who is the *second* "Arthur Orton" Lock has found for him. (Pamphlet 3, page 1, A.) He had also sent Mr. Onslow statutory declarations, purporting to be from persons in Australia, who declared they had seen and converred with Arthur Orton in different places so lately as 1873 and 1874—three or four years after Creswell's incarceration at Parramatta.

Mr. Onslow professes to have sent Mrs. Jury, Arthur Orton's sister, to Australia, to identify Creswell, and he has made it to appear in his paper—the *National Independent*—that she did identify him as her brother; but as her husband says she did not go to Australia, and as she has been hiding under an assumed name ever since her alleged return last July—no one knowing her whereabouts, except Mr. Onslow and his confederates in this business—the truth of this matter cannot be elicited.

Through information from Australia four months ago, I found Creswell's mother and other of his relatives in England, and I offered the treasurer of the Creswell-Orton fund—Mr. East—and subsequently another of the trustees, to introduce them to these persons, but my offer was not accepted, and it was thrown aside in the manner of Mr. East's letter (E.) on page 4 of the accompanying printed correspondence, and of the article in the *National Independent* of December 28. But from that time the published appeals for funds for bringing Creswell to England were discontinued, and Mr. Onslow then began to take steps with the obvious intention of getting Creswell off his hands, as he had done with the *four previous* "Arthur Ortons" he had put upon the Tichborne case. Pressed, however, to produce Creswell, or to show what he had done with the money subscribed for the purpose of bringing him to England, Mr. Onslow resorts to the expedient of throwing the responsibility of producing him upon the Colonial Department of the Government, where it is obvious he intends to leave that responsibility, and not only to wash his hands of Creswell, but still taking advantage of *distance*, of *lunacy*, of *credulity*, of *doubt*, to do as he did during the last Session of Parliament (Pamphlet 3, page 8, D) incite and cause his agents to incite the people to *demand* the release of the Tichborne claimant.

In that release Mr. Onslow has not only personal and political interests, but he has a rent-charge on the Tichborne Estates, and considerable sums in bets and otherwise dependent upon it. He says that if he only succeeds in establishing a *doubt* as to the identity of Creswell, he shall have accomplished his object in a great measure, and that agitation will do the rest. The former portion of this task he has already accomplished with only too many, and the latter will be the easier from the fact that so many know and have sworn that the claimant verily is Sir Roger Tichborne.

The publication of the correspondence on page 4 of the *National Independent* of December 28, had obviously the two-fold objects of creating a doubt and disaffection—so had much of the article (G.) in the same paper, in which this passage occurs:—"Mr. Lock has been flatly refused all assistance by the Australian Government, whose Attorney General the Tichborne family have retained, whilst their agents here operate upon Lord Carnarvon and Mr. Cross."

At the Tichborne meeting at Portsmouth on the 7th January (instant), Mr. Onslow urged that the "Government ought to take steps to bring to this country the man now in Parramatta Lunatic Asylum, who, he said, is Arthur Orton." A petition was also adopted by the meeting, requesting the "Government to take action to bring Arthur Orton to England."

That petition will probably be the precursor of hundreds to the same effect, unless something is done to show the people they are being misled in regard to Creswell; and those petitions will be backed up at meetings and in the *National Independent* and *Englishman* newspapers in such a manner as will most likely lead to even nearer approaches to rioting than occurred in connection with the same matter in the last Session of Parliament, whilst the seeds of disaffection and disloyalty will have become thereby still more deeply sown in the hearts and minds of multitudes of the people.

H. B. HARDING,
January 18, 1878. Late Secretary to the Tichborne Claimant.

The Colonial Office to Mr. H. Harding.

Sir, Downing-street, 28 January, 1878.

I am directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 18th instant, and I am to inform you that no information of any kind respecting the Lunatic Creswell has been transmitted to this Department from New South Wales.

I am, &c.,
W. R. MALCOLM.

No. 26.

No. 26.

Mr. W. Lock to The Colonial Secretary.

Charles Orton—p. of attorney.
Robert Dear—Declaration.
James Peebles do
Do. Character from captain on leaving ship; character on joining ship; 2 certificates of discharge; 1 mariner's register; a certificate; 3 declarations of Mrs. Creswell.
Robert Hutton—Declaration.
Frank O'Brien do.
J. Sutton do.
W. H. Lock do.
And a copy of *Western Examiner's* paragraph.

"Eckford's Hotel," Wynyard Square,
Sydney, 20 March, 1878.

Sir,

I have the honor to apply, through you, to the Governor, that Arthur Orton, *alias* Smith, *alias* Cresswell, may be handed over to me for the purpose of taking him to England for identification in the case of the claimant to the Tichborne Estates, he having been convicted as Arthur Orton, whereas the said Arthur Orton (as) has been proved without a doubt to be a lunatic confined in the Parramatta Lunatic Asylum.

Parties in England, as well as here, and in proof of which I beg to refer you to the accompanying documents, particularly the declaration of James Peebles, of Sydney, and the lunatic's wife, Mrs. Creswell, of Cargo, near Orange, which, coupled with the power-of-attorney sent from England by his brother, Charles Orton, I think will carry out the opinion of the late Attorney General, Mr. Dalley.

Should any bond be required, I am prepared to enter into whatever amount may be required.

I have, &c.,
W. H. LOCK.

P.S.—Please return documents I forwarded for your information.

Documents returned on 11th April, 1878. (See No. 30.)

No. 27.

The Under Secretary, Colonial Secretary's Department, to The Crown Solicitor.

In re "Creswell," alleged to be "Orton."

THIS case assumes a different shade now from that presented to Mr. Dalley, inasmuch as the person applying for Creswell's release is the attorney of one who is alleged to be Creswell's or Orton's brother; but the validity of the power-of-attorney depends on the identity of Creswell with Arthur Orton, and I am afraid that point is not much advanced by the so-called declarations now enclosed.

Weak, however, and informal as is the evidence now tendered, it is, perhaps, sufficient to justify me in once more referring this case for the opinion of the Attorney General.

M.F., 21/3.

The Crown Solicitor, B.C., 21/3/78.—M.R.A.

No. 28.

The Under Secretary, Colonial Secretary's Department, to J. Eckford, Esq., M.P.

Sir,

Colonial Secretary's Office, Sydney, 21 March, 1878.

I am directed by the Colonial Secretary to inform you that the application which has been made by Mr. W. H. Lock—that Arthur Orton, *alias* Smith, *alias* Creswell, a patient in the Parramatta Lunatic Asylum, may be handed over to him, for the purpose of being taken to England for identification in the case of the claimant to the Tichborne Estates—has been referred for the opinion of the Attorney General.

I have, &c.,
M. R. ALLAN.

No. 29.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Sir,

Crown Solicitor's Office, Sydney, 8 April, 1878.

I have the honor to return herewith the papers relating to "*re* Creswell, alleged to be Orton," and to state that I have submitted same to Mr. Attorney General, a copy of whose opinion will be found on the other side.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

[*Enclosure.*]

Opinion *re* Creswell.

WITHOUT going over the ground dealt with in the opinion of my honorable predecessor, I am of opinion that the documents now submitted for my opinion are not such as would warrant the delivery of the lunatic Creswell to William Lock as the attorney of Charles Orton.

W.J.F., A.G., 6/4/78.

No. 30.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Lock.

Sir,

Colonial Secretary's Office, Sydney, 11 April, 1878.

With reference to your letter of the 20th of last month, asking that William Creswell, called by you Arthur Orton, an inmate of the Parramatta Lunatic Asylum, might be handed over to you in order that you might take him to England for identification in the case of the claimant of the Tichborne Estates,—I am directed by the Colonial Secretary to inform you, that the Attorney General, to whom your communication

communication with its enclosures was referred, is of opinion that the documents submitted to him are not such as would warrant the delivery of the lunatic Creswell to you as the attorney of Charles Orton.

2. The documents which accompanied your application are returned herewith.

I have, &c.,
M. R. ALLAN.

No. 31.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, Colonial Secretary's Office, Sydney, 13 April, 1878.

Copy herewith. William Creswell.

I am directed by the Colonial Secretary to inform you, that in view of the notice given by Mr. Eckford, M.P., of a motion for Tuesday next, regarding the person named in the margin, an inmate of the Parramatta Lunatic Asylum, he shall feel much obliged if you can find time to commit to paper, no matter how briefly, the principal facts and arguments touching the alleged identity of Creswell with Arthur Orton.

I have, &c.,
M. R. ALLAN.

[*Enclosure.*]

TUESDAY, 16 APRIL.

GENERAL BUSINESS—NOTICE OF MOTION :—

1. MR. ECKFORD to move,—
(1.) That in the opinion of this House, it is desirable for the ends of justice that Arthur Orton, *alias* William Creswell, a lunatic confined in the Parramatta Lunatic Asylum, should be handed over to W. H. Lock, of 31, Charles-street, Fitzroy, Victoria, as the duly authorized agent of Arthur Orton's elder brother, Charles Orton, of 66, Paradise-street, Rotherhithe, in the County of Kent, England, for the purpose of taking him to England for further identification, there being reason to believe that he is the Arthur Orton referred to in the Tichborne trial, and who may be the means of proving beyond doubt that the person now serving a sentence of fourteen years imprisonment in gaol in England, in connection with the claims known as those of Tichborne, is not the Arthur Orton he has been assumed to be.
(2.) That the above Resolution be communicated by Address to His Excellency the Governor.

No. 32.

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Under Secretary, Colonial Secretary's Department.

Sir, Lunatic Asylum, Parramatta, 14 April, 1878.

For the information of the Colonial Secretary, I have the honor to submit the following facts, as bearing upon the important question of the identification of "Arthur Orton" in the person of the lunatic "William Creswell."

These facts all support the belief that William Creswell is not in any way identical with "Arthur Orton" of Tichborne notoriety.

[This lady was Mrs. Haigh, of Waverley, and was accompanied by Mr. Wickham, of Darlinghurst Gaol.]

1. Creswell was admitted into Gladesville Asylum as "William Creswell," and letters have been received from relatives in England bearing the same name.

2. He has none of the marks of identification (in themselves indestructible) by which "Arthur Orton" *must* be identified. Notably, A.O. in large size letters on the fore-arm, and holes pierced through the ears for ear-rings.

3. He failed to recognize any one of the numerous portraits of the "Orton" family introduced to him by Mrs. Jury in my presence. He knew none of the persons supposed to be represented by those portraits, and distinctly said so.

4. As opposed to this evident want of knowledge on the part of the lunatic, of any member of the "Orton" family, including Mrs. Jury, is this most remarkable, and to my mind, convincing and conclusive fact,—"That on the 31st day of October, 1877, a lady now resident in Sydney, called to see Creswell at the Asylum. She had known Creswell before he became insane, and had known members of his family in England. She had not seen Creswell for I think nearly ten years; he at once recognized her, and addressed her by her name. After a brief conversation this lady produced the photograph of a female and asked Creswell if he knew it. He looked at it very carefully and said, that ought to be my sister, Mrs. Gough."

This was the portrait of a Mrs. Gough, known to the lady who introduced it. The lunatic has frequently stated that he had two sisters, one of whom was married to a man in London named Gough. I regard this fact as thoroughly fatal to the success of any further attempt to pursue the identification of *Orton* in the person of the lunatic.

5. The lunatic had no knowledge of the person said to be Charles Orton, whose photograph was recently exhibited to him.

6. In May, 1877, Mrs. Jury, a sister of Arthur Orton, arrived in this Colony from England for the express purpose of identifying Arthur Orton, supposed to be detained in the Lunatic Asylum at Parramatta under the name of William Creswell. On the 7th of May, Mrs. Jury made her first visit to the Asylum, and was conducted into a room wherein Creswell was seated with six other patients, men of his own stature and general appearance.

As a matter of fact, Mrs. Jury utterly failed to recognize Creswell; indeed she addressed all the others but Creswell, and ultimately I pointed him out to her as "the man she had travelled so far to see." After this first interview Mrs. Jury was quite prepared to state that the lunatic was not the man that she had expected to find. I urged her not to come to a conclusion at once, as so many years (twenty-five) had elapsed since her brother left home, and that great changes might be expected, after that long interval, in his personal appearance.

On the 9th of May Mrs. Jury again interviewed the lunatic, again introduced portraits of her family, and again examined his arms and ears. Having completed her investigations she left the room saying to me she was *quite satisfied* that the man shown to her *was not Arthur Orton, her brother;* that

that he bore no resemblance to her family, and was wanting in the distinctive marks by which she could have recognized him. Those marks being A.O. tattooed on the fore-arm, and the ears pierced for rings. Finally, when quitting the institution she made this significant remark to myself,—"It is of no use, I cannot say he is like my brother, or any member of my family, *for he is not*. I shall go back fully satisfied that Arthur Orton is not here, or that I have not seen him!" These facts carefully recorded by me in a diary at the time of their occurrence, lead to the following conclusions:—

1. That the lunatic has no personal knowledge of the Orton family, and has failed to recognize any one of the numerous photographs of members of this family exhibited to him.
2. That he has none of the marks of identification said to be essential to the identity of Arthur Orton.
3. That he belongs to a family distinct from, and probably unknown to the Ortons, having immediately recognized the portrait of his sister, and declared her name.
4. That Mrs. Jury, eldest sister of Arthur Orton, twice interviewed this patient most carefully and anxiously, and left, declaring in the most positive manner that the lunatic now in Parramatta Lunatic Asylum, known as William Creswell, IS NOT ARTHUR ORTON.

I have, &c.,
CHARLES TAYLOR,
Medical Superintendent.

No. 33.

J. Eckford, Esq., M.P., to The Colonial Secretary.

Sir, Parliament, New South Wales, Legislative Assembly, 27 June, 1878.

Will you kindly give authority to myself, Mr. John Davies, M.P., and Mr. John Roseby, M.P., to be allowed to interview the lunatic, William Creswell, a confinee in the Lunatic Asylum, Parramatta, on Tuesday next, July 2nd?

I am, &c.,
JOSEPH ECKFORD.

P.S.—As also to have furnished me from the records how many letters have been received by the lunatic, and the number of letters written by him (the lunatic) to his friends or any other persons, and what property was handed over with him when he was sent from Gladesville to Parramatta.—J.E.

Does Dr. Taylor see any objection?—M.F., 27/6. B.C., 27/6/78.—M.R.A. Immediate.

No. 34.

The Medical Superintendent, Lunatic Asylum, Parramatta, to the Under Secretary, Colonial Secretary's Department.

Sir, Lunatic Asylum, Parramatta, 28 June, 1878.

In reply to your B.C. of the 27th instant, covering application of Mr. Eckford, M.P., for permission to visit the lunatic, William Creswell, I have the honor to state, for the information of the Colonial Secretary, that I have no reasons to urge against the visitation by Messrs. Eckford, Davies, and Roseby, Members of Parliament.

I have further to add, that no letters have been written or received by the lunatic, William Creswell, since his residence in this Asylum. Letters have been received by me from his sister in London, and she has enclosed letters for him to which he has not replied. He has never to my knowledge written a letter though frequently asked to do so. He had no property when received from Gladesville, excepting a bag containing two letters from his brother and sister.

I have, &c.,
CHARLES TAYLOR,
Medical Superintendent.

No. 35.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, Colonial Secretary's Office, Sydney, 29 June, 1878.

In acknowledging the receipt of your letter of the 28th instant, I am directed to inform you that the Colonial Secretary approves of Mr. Joseph Eckford, M.P., Mr. John Davies, M.P., and Mr. John Roseby, M.P., seeing the patient named in the margin in the Parramatta Lunatic Asylum on the 2nd proximo.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 36.

The Under Secretary, Colonial Secretary's Department, to J. Eckford, Esq., M.P.

Sir, Colonial Secretary's Office, Sydney, 29 June, 1878.

In reply to your letter of the 27th instant I am directed to inform you that the Colonial Secretary approves of yourself, Mr. John Davies, M.P., and Mr. John Roseby, M.P., seeing the patient named in the margin in the Parramatta Lunatic Asylum on the 2nd proximo.

2. I am desired to add that Dr. Taylor has reported that no letters have been received or written by Creswell since his residence in the above asylum, and that he had no property when received from the Hospital for the Insane at Gladesville excepting a bag containing two letters from his brother and sister.

I have, &c.,
M. R. ALLAN.

No. 37.

No. 37.

J. Eckford, Esq., M.P., to The Colonial Secretary.

Sir, Sydney, 6 August, 1878.

I will feel obliged by your giving authority for myself, Mrs. Captain Bell, and Miss Bell, to see the lunatic William Creswell in the Parramatta Lunatic Asylum on Saturday next, 10th instant.

In your letter to me of 29th June last, in reply to my inquiry as to what property Creswell had when taken into the Asylum, you stated Dr. Taylor had informed you he had not any property other than a bag containing two letters from his brother and sister. I would therefore feel obliged by your instructing Dr. Taylor to allow me to look at these letters.

I am, &c.,
JOSEPH ECKFORD.

No. 38.

The Under Secretary, Colonial Secretary's Department, to J. Eckford, Esq., M.P.

Sir, Colonial Secretary's Office, Sydney, 6 August, 1878.

In acknowledging the receipt of your letter of the present date, I am directed to inform you that the Colonial Secretary approves of yourself, Mrs. Bell, and Miss Bell, being permitted to visit the patient named in the margin, in the Parramatta Lunatic Asylum, on the 16th instant, provided that the Medical Superintendent of the Asylum sees no objection, and of your being allowed to see the two letters from Creswell's brother and sister, therein referred to; and that Dr. Taylor has been apprised accordingly.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 39.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir, Colonial Secretary's Office, Sydney, 6 August, 1878.

I am directed to state, for your information and guidance, that the Colonial Secretary approves of Mr. Joseph Eckford, M.P., Mrs. Bell, and Miss Bell, being permitted to visit the patient named in the margin, in the Parramatta Lunatic Asylum, on the 16th instant, provided that you see no objection, and of Mr. Eckford being allowed to see the two letters from Creswell's brother and sister, referred to in your report of 28th June last.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 40.

The Secretary of State for the Colonies to His Excellency the Governor.

Sir, Downing-street, 13 August, 1878.

I have the honor to transmit to you for your information, the accompanying copy of a letter which I have received from Mr. J. Eckford, a Member of the Legislative Assembly of New South Wales, complaining of the refusal of the Colonial Government to allow a certain lunatic confined in New South Wales, and whom he represents to be Arthur Orton, to be taken to this country, with a view to further identification.

I request that you will cause Mr. Eckford to be informed that in accordance with established regulations his letter should have been forwarded through you, and you will at the same time acquaint him that the matter of which he complains is one which comes entirely within the jurisdiction of the Colonial Government.

I have, &c.,
M. E. HICKS-BEACH.

Colonial Secretary,—Will you cause Mr. Eckford to be informed as requested by the Secretary of State?—H.R.

[*Enclosure.*]

J. Eckford, Esq., M.P., to The Secretary of State for the Colonies.

My Lord, Sydney, May 31, 1878.

I take the liberty, as a Member of the Parliament of this my native country, and who has arrived at the ripe age of sixty-four years, of addressing you, conscientiously believing I should be wanting in the discharge of my duty to my God, my Queen, and country, were I not to put facts before you which I believe to be of the most grave importance, with a fervent hope that you will at your earliest convenience give those facts your most serious and earnest consideration, and that you will place my humble letter, with appendices, before Her Most Gracious Majesty the Queen, in order that she may give this most mysterious matter that grave, earnest, and humane consideration that is and ever has been the true characteristic of our good and gracious Queen, since her accession to the throne. I feel sure her voice will never be raised against doing justice to a deeply injured man—such has been refused by the Government of this country,—I allude to the refusal of allowing an inmate of the Lunatic Asylum, Parramatta, and who is not a criminal, being taken to England. He is confined under the name of William Creswell, but is, without doubt, the veritable Arthur Orton; notwithstanding any amount of bond the Government chose to demand was offered for the safe keeping of this lunatic and his return to the Colony if required, yet the Colonial Secretary, when the opinion of the Attorney General (which is appended), refused after nearly four weeks consideration, I then felt it to be my duty, holding views so strongly as I do, to move a resolution in Parliament to the effect that the lunatic be handed over to the authorized agent of Charles Orton, who had forwarded a warrant of attorney to him in order that he might hand it to the Government for the afore-mentioned lunatic's release. Placing also, as will be seen, as per accompanying statutory declarations, the most unmistakeable evidence as to the identity of Arthur Orton being in the Lunatic Asylum at Parramatta, as also the utter impossibility of his being William Creswell. I also showed when and where this man first took up the name of Creswell, and the movements of Arthur Orton, as will be seen per statutory declarations, from his leaving London by the British ship "Middleton" until his incarceration in Parramatta Lunatic Asylum. This lunatic was first applied for by Mr. W. H. Lock, as agent for the Tichborne claimant. Several months ago, when the then Attorney General, Mr. Dalley, refused to recommend his liberation on the ground that Mr. Lock was not a relative, it was then supposed there would not be any obstacle in the way of obtaining the release of this man, provided authority was got from a relative; the appendices will show that not only was a warrant of attorney by the elder brother produced, but a statutory

statutory declaration from the lunatic's wife, that knowing as she did he was Arthur Orton, it was her wish and desire he should be forwarded to England in order that an innocent man might be released from a prison. I forward copies of declarations, the originals of which were placed before the Government, and are now in my possession. But all this did not satisfy the present Colonial Secretary, who felt it his duty, in reply to my motion, to entirely ignore statutory declarations, copies of which form a portion of the appendices I allude to, and is the law throughout the British dominions. I wish respectfully to refer your Lordship to the unmeaning and contemptible reply of the Colonial Secretary to Mr. Lock's application for the release of this lunatic, a copy of which is herewith forwarded, he being the mouth-piece of the present Attorney General. I cannot understand why the Colonial Secretary should misrepresent me as he did in his speech, in replying to my motion. He stated I used people's names as those who would prove a great deal, and never mentioned what they could prove. Again, he stated I was annoyed with Dr. Taylor because he remained present whilst I was interviewing the lunatic. Now these assertions are false and without any foundation. His first accusations, the Members present upon the occasion are fully aware, there is no truth in. It is also untrue; I never felt annoyed at the presence of so great a man as Dr. Taylor; but the poor lunatic did, through his tyrannical looks all the times I was present. But it is an astonishing thing that a Mrs. Haigh, of Waverley, should be permitted to see this lunatic without the Colonial Secretary's authority, and I, a Member of Parliament, should not be—Mrs. Haigh being allowed to interview him without even the presence of this watchful doctor, whose conduct in this matter looks to me more like that of a paid agent than a public officer.

He denied to Mrs. Jury that her brother, the lunatic, had any mark upon his cheek, which is positively untrue. The first time I visited the asylum in January last, the first thing that caught my eye was the mark upon his cheek, from eye to chin, and the only way he tried to get out of it was by stating it is not an incised wound; the pony's bite is on the arm, and Dr. Taylor in his cunningness states that it is not a bite but a wound caused through the fall of some butcher's implements. There is also many descriptive marks, the whole of which Dr. Taylor misrepresents, and which has been given in evidence on the great trial, and as stated in the declarations forwarded herewith. The only deficiency is "A. O." said to be on the arm of Arthur Orton which is not on this lunatic's; notwithstanding, Mrs. Creswell declares this man is her husband, and had blue marks upon his arm when they parted. Not only has this doctor misled Mrs. Jury and others by stating this man had not the marks as represented in different places upon him, but he told me and Mr. Lock the same, and also that he did not know anything about Mrs. Creswell; at the same time I had letters from her in my possession informing me that she had been in communication with this doctor, and as soon as she heard that her husband was an inmate of the Asylum under his charge. The last time I went to the Asylum a Mr. Barnett accompanied me, and in conversation with the doctor he stated that it was no use of me trying, that he would stop the lunatic's liberation. I replied, "I'll fetch Mrs. Creswell to take him out." He then said, "He is a dangerous lunatic." I replied, "If so, why did you always say to me and Mr. Lock that there was not anything dangerous about him, and that the passage to England would in all probability do him good? Those were your opinions when you expected to be taken home with him at a cost of two thousand pounds (£2,000) as you said; at least since which Mr. Lock told you your services would not be required, now the man is a dangerous lunatic."

The following queries I leave for your Lordship's judgment, viz.:—Dr. Taylor was appointed to the superintendency of the Asylum after the death of Dr. Greenup, and entered upon his duties on the 22nd September, 1872, which, if my memory serves me rightly, was about the time Mr. Barrister Purcell visited the Parramatta Asylum, saw the lunatic, and afterwards a Mr. Reardon. His return to England was speedy, and the result of his mission was a secret known only to himself and friends. I also saw a letter purporting to be from Bowker and Sons, in which they stated the lunatic Creswell's career was fully exhausted during the first trial. Of course it would not do to say that Arthur Orton was in the Parramatta Lunatic Asylum under the name of William Creswell. After Dr. Taylor had filled the appointment of Superintendent about three years and four months, he applied for and obtained leave of absence to visit the old country. He left on February the 1st, 1876, returned and resumed his duties on October the 1st following, after an absence of eight months. This is the first time I ever heard of an officer so short a time in the Public Service ask for leave of absence under any circumstances whatever. I do not pretend to say that Dr. Taylor would prostitute his position to mix with the "Lushington" party, but this I do say, there is an undercurrent at work somewhere. Dr. Taylor stated to me, as also did he to the Assembly through the Colonial Secretary, that Creswell was frequently in receipt of letters from his friends in England, but failed to produce them; a greater piece of absurdity was never attempted, to think of thrusting down the throats of gentlemen that some people in England would, having a relative in an asylum out here, write to him; most certainly not; it would be to the Superintendent, inquiring after the health of the unfortunate lunatic, and who they would expect a reply from; but I can understand deeply interested parties who have money, reputation, and everything that is dear in this world to lose, trying by every means in their power to keep *their shame* hidden, perhaps not thinking that there is a day of reckoning at hand. Those are parties who would doubtless write letters to a lunatic, with a view of misleading. There are also parties who would probably engage some person to perform a farce by showing a lunatic some pretty pictures, telling him that they were likenesses of a sister or a brother, more especially if the lunatic should be a dangerous one, as Dr. Taylor now represents Creswell to be. After the Colonial Secretary had disgorged the Budget furnished him by Dr. Taylor, Captain Charles, M.P., knowing the circumstances as well as I do, commenced to address the House, which was counted out. Had such not been the case, and I had a chance of replying to the unfounded statement of the Colonial Secretary, there would not have been necessity for me to enter into so lengthy a statement to you. I would ask your Lordship, if this lunatic was not Arthur Orton, why should the claimant's friends be prevented from taking him to England, as it would decide the case at once against them, more especially when they are willing to bear the expenses from here to England, and back to Australia if required. At the same time I am convinced the lunatic is Arthur Orton, and if I am rightly informed by a person named Jackson, that he has written to Her Majesty, stating the claimant is Arthur Orton, and Roger Tichborne is in England under the assumed name of Souper. This, I am convinced is only imaginary, and I trust, for the honor of the Crown of England, its rulers will not any longer allow the most material piece of *evidence* to be withheld, and die in a public asylum.

The next matter I desire to draw your Lordship's attention to is the whereabouts of Captain Stephen Hellon, of the schooner "Osprey," who picked up at sea the survivors of the wrecked "Bella." I have been fortunate enough to trace this gentleman from his arrival in Melbourne with the shipwrecked people up to December the 25th of last year. He came to Sydney on October the 10th, 1854, from Melbourne, with Railway iron (P. N. Russell & Co. agents), and sailed for South Sea Islands on April the 23rd, 1855. On this occasion his name is entered in the Customs books as "Helton." From his arrival in 1854 he has been almost a continuous trader to the different colonial ports up to the date he last sailed from Sydney, viz., 21st April last year (1877), for Shanghai. Now, from what I can recollect of this trial, the only thing necessary to put beyond doubt whether the claimant is Sir Roger C. D. Tichborne or an imposter, or Athur Orton, was the production of one or other of these parties, viz., Hellon or Orton. I now apprise the British Government that Arthur Orton is a confinee, and not a criminal one, in an asylum in a Crown Colony, where we cannot pass an Act of Parliament, and make it one of our laws, outside the constitution we live under, without the Royal assent. It would therefore be idle to say, the Home Government could not interfere, as by the scratch of a pen our Government must do in a matter of that kind as they are bid, particularly when as it seems to me the honor of a British people is at stake, and the Home Government, notwithstanding the vast amount of money they caused to be spent for the purpose of obtaining a conviction against this unfortunate claimant, will never refuse to allow his friends the opportunity of proving the innocence of this poor prisoner. Nay, I feel that from time immemorial it has been the pride and glory of England's people to give and insist in return, fair play for all. I therefore trust that justice will be meted out to this poor prisoner, and that the outraged feelings of a British public may be allayed by insisting that with all possible speed this most important witness shall be taken to England, and the captain of the "Osprey" also, who is now in command of the barkentine "Lizzie," trading between the China ports, when this the greatest of all mysteries will be set at rest.

I was forgetting to mention the Colonial Secretary, Mr. Fitzpatrick's insolence, in stating my motion in the Assembly was the last dying kick of Guildford Onslow. I can only say that gentleman has never, either directly or indirectly, communicated with me upon this or any other subject. What I have done in this matter is solely in the cause of humanity, being a descendant of a British people, and imbued with the feelings of that people which I am proud of. So strong are my views regarding this matter, if it were possible to spare the time from the care and support of my family, although so far advanced in years, I would not hesitate going to England to put this case before Her Majesty the Queen much more fully than I possibly can with pen, ink, and paper.

In conclusion, I sincerely trust your every action in this matter will be under the guidance of the great Architect of the Universe, and beg to subscribe myself, &c., &c.,

JOSEPH ECKFORD.

P.S.—Address of Captain Hellon, formerly of the "Osprey," now of the barkentine "Lizzie":—Messrs. Morris & Co. Agents, Shanghai; last heard of at Cheefoo, December 25th, 1877.

No. 41.

The Under Secretary, Colonial Secretary's Department, to J. Eckford, Esq., M.P.

Sir, Colonial Secretary's Office, Sydney, 4 October, 1878.

The Principal Secretary of State for the Colonies having forwarded to His Excellency the Governor a copy of a letter received from you under date the 31st May last, complaining of the refusal of this Government to allow the lunatic William Creswell, now confined in the Parramatta Lunatic Asylum, to be taken to England for a certain purpose, I am directed by the Colonial Secretary, by command of Sir Hercules Robinson, to inform you, that Sir Michael Hicks-Beach has desired that you be apprised that in accordance with the established regulation your letter should have been forwarded through His Excellency, and that you be at the same time acquainted that the matter of which you complain is one that comes entirely within the jurisdiction of the Colonial Government.

I have, &c.,
M. R. ALLAN.

No. 42.

J. Eckford, Esq., M.P., to The Colonial Secretary.

Sir, 19 August, 1878.

Will you kindly give an authority for myself, Mr. John Davies, M.P., Mr. John Harris, M.P., and Mr. John Roseby, M.P., to interview the lunatic William Creswell on Tuesday next, 27th instant. I will also feel obliged by your authorizing Dr. Taylor again to show me the two letters Creswell had when he was received from Gladesville into the Institution at Parramatta, as Dr. Taylor previously informed you, as when I visited the Asylum with Mrs. Bell, Dr. Taylor, I was informed, had come to Sydney, and the chief clerk, Mr. Colley, was out in town, hence the necessity for me troubling you again.

I am, &c.,
JOSEPH ECKFORD.

No. 43.

The Under Secretary, Colonial Secretary's Department, to J. Eckford, Esq., M.P.

Sir, Colonial Secretary's Office, Sydney, 19 August, 1878.

In acknowledging the receipt of your letter of the present date, I am directed to inform you that the Colonial Secretary approves of yourself, Mr. John Davies, M.P., Mr. John Harris, M.P., and Mr. John Roseby, M.P., being permitted to visit the patient named in the margin, in the Parramatta Lunatic Asylum, on the 27th instant, provided that the Medical Superintendent of the Asylum sees no objection, and of your being shown the two letters addressed to Creswell, therein referred to, and that Dr. Taylor has been apprised accordingly.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 44.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir, Colonial Secretary's Office, Sydney, 19 August, 1878.

I am directed to state for your information and guidance that the Colonial Secretary approves of Mr. Joseph Eckford, M.P., Mr. John Davies, M.P., Mr. John Harris, M.P., and Mr. John Roseby, M.P., being permitted to visit the patient named in the margin, in the Parramatta Lunatic Asylum, on the 27th instant, provided that you see no objection, and of Mr. Eckford being shown the two letters addressed to Creswell, referred to in my communication of the 6th of this month.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 45.

J. Davies, Esq., M.P., to The Under Secretary, Colonial Secretary's Department.

Dear Sir, Bourke-street, Surry Hills, 27 August, 1878.

Will you kindly get the Colonial Secretary to extend the time for our visit to Parramatta Asylum to Friday next, as we found it inconvenient to go to-day.

Yours, &c.,
J. DAVIES.

No. 46.

The Under Secretary, Colonial Secretary's Department, to J. Davies, Esq., M.P.

Sir, Colonial Secretary's Office, Sydney, 28 August, 1878.

In acknowledging the receipt on the 27th instant of your communication without date, I am directed to inform you that the Colonial Secretary approves of yourself, Mr. Joseph Eckford, M.P., Mr. John Harris, M.P., and Mr. John Roseby, M.P., seeing the inmate of the Parramatta Lunatic Asylum named in the margin on the 30th of this month, provided that the Superintendent of the Asylum sees no objection; and that Dr. Taylor has been apprised accordingly.

William Creswell.

I have, &c.,
M. R. ALLAN.

No. 47.

No. 47.

The Under Secretary, Colonial Secretary's Department, to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir, Colonial Secretary's Office, Sydney, 28 August, 1878.

I am directed to state for your information and guidance that the Colonial Secretary approves of Mr. John Davies, M.P., Mr. Joseph Eckford, M.P., Mr. John Harris, M.P., and Mr. John Roseby, M.P., seeing the inmate of the Parramatta Lunatic Asylum named in the margin, on the 30th of this month, provided that you see no objection. William Creswell.

I have, &c.,
M. R. ALLAN.

No. 48.

Mr. J. M'Donald to The Secretary for Public Works.

Dear Sir, Redfern Station, 23 September, 1878.

I see by the *Herald's* account of Parliament that there is to be more talk about the man Creswell in Parramatta Asylum. When I was running the Western luggage brake, a friend in Bathurst told me that the man Creswell was an old friend of mine. On thinking over the matter, it is twenty-five years ago since Creswell and I were acquainted; he then gave me a book belonging to his father.

"Wm. Creswell, Balksdown Farm, Bromby, Harts, June, 1833," is written in the book, and also "W. Creswell, London."

The book I had left with a friend when I removed to Sydney eleven years ago; after I was told that this was the man that is said to be "Orton." I wrote for the book and at last had to go to the place about 20 miles out from Bathurst. After searching the house we came across it in a box of lumber under one of the beds. I told Dr. Taylor what I had, and that I would like to see the Creswell mentioned. He said he would like me to see him, and he the doctor would like to see the book. If I would be of any use in the matter I would willingly do so, but to go and visit the asylum would be a day's loss of wages to my little ones, which I cannot afford. If I am any use in the case you are welcome to call upon me.

Yours obediently,
JOHN A. M'DONALD,
Porter, Redfern.

Residence—Rosehill-street, Parramatta.

For the information of the Honorable the Colonial Secretary, I have directed the man to get leave of absence to go and see Dr. Taylor.—J.S., 23/9/78.

No. 49.

The Under Secretary, Colonial Secretary's Department, to The Inspector of the Insane, Gladesville.

Sir, Colonial Secretary's Office, Sydney, 25 September, 1878.

Mr. John A. M'Donald, porter at the Redfern Railway Station, having stated to the Secretary for Public Works that William Creswell, a patient in the Parramatta Lunatic Asylum, alleged to be identical with Arthur Orton, was known to him twenty-five years ago, and gave him a book now in his possession, I am directed to inform you that the Colonial Secretary thinks it desirable for the ends of justice that M'Donald should be permitted to see Creswell, taking the book with him.

2. Mr. Sutherland has given authority for leave of absence to M'Donald to enable him to wait upon Dr. Taylor, and I am to request that the necessary intimation may be made to that gentleman in the matter.

I have, &c.,
M. R. ALLAN.

No. 50.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Public Works.

Sir, Colonial Secretary's Office, Sydney, 25 September, 1878.

With reference to the minute, dated 23rd instant, written by the Secretary for Public Works, on a communication from Mr. John A. M'Donald, porter at the Redfern Railway Station, who states that William Creswell, a patient in the Parramatta Lunatic Asylum, alleged to be identical with Arthur Orton, was known to him twenty-five years ago, and gave him a book now in his possession, I am directed to state that the Colonial Secretary thinks it desirable for the ends of justice that M'Donald should be permitted to see Creswell, taking the book with him; and I am to request that you will express Mr. Fitzpatrick's thanks to Mr. Sutherland for his communication, and for the authority given for leave of absence to M'Donald to enable him to wait upon Dr. Taylor, to whom the necessary intimation has been made in the matter.

I have, &c.,
M. R. ALLAN.

No. 51.

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Inspector of the Insane, Gladesville.

Sir, Lunatic Asylum, Parramatta, 27 September, 1878.

For the information of the Colonial Secretary I have the honor to state that Mr. John A. M'Donald visited the patient named in the margin this day. He also produced a book said to have been given to him by Creswell more than 20 years ago. This book has the name of Creswell written in it in several places. William Creswell.

Mr. M'Donald fully identifies the patient as the William Creswell with whom he was intimately acquainted nearly 20 years ago.

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

The Principal Under Secretary, Sydney, 28/9/78, B.C.—F.N.M.

No. 52.

No. 52.

Mr. R. Tomlinson to The Colonial Secretary.

Dear Sir, 6, Artlett-street, Rushcutters' Bay, 1 October, 1878.

I have some important documents relating to the Tichborne case, more especially to the release of Creswell, which may be of service to you before Mr. Eckford's motion comes on this day week. If you think proper to grant me an interview I shall be happy to see you, and also show you some papers that have been sent to Mr. O'Brien, whose name was mentioned in Eckford's former application.

I have, &c.,
R. W. TOMLINSON.

No. 53.

The Under Secretary, Colonial Secretary's Department, to Mr. R. Tomlinson.

Sir, Colonial Secretary's Office, Sydney, 2 October, 1878.

In acknowledging the receipt of your letter of the 1st instant, I am directed to inform you that the Colonial Secretary will be glad to see the documents therein referred to, relating to the Tichborne case.

I have, &c.,
M. R. ALLAN.

No. 54.

The Under Secretary, Colonial Secretary's Department, to Mr. G. Wickham.

Sir, Colonial Secretary's Office, Sydney, 10 October, 1878.

William Creswell.

In transmitting to you the accompanying extract from an Address adopted by the Legislative Assembly on the 8th instant for information respecting the lunatic named in the margin, I am directed by the Colonial Secretary to request that you will have the goodness to furnish the particulars relative to the letter therein alluded to.

I have, &c.,
M. R. ALLAN.

[*Enclosure.*]

(5.) That Mr. Wickham, who was chief clerk at Darlinghurst Gaol on or about 20th June last, be requested to state, is it a fact that he had received a letter in his official capacity or otherwise from the friends of the lunatic before alluded to, and that he had forwarded it to Dr. Taylor some three or four days previously, he having made this statement to Mr. Eckford in presence of Mr. Eckford's two daughters and two officials in Mr. Wickham's office?
Question put and passed.

No. 55.

Mr. G. Wickham to The Under Secretary, Colonial Secretary's Department.

Sir, Police Office, Parramatta, 11 October, 1878.

William Creswell.

In acknowledging receipt of your letter of the 10th instant, accompanying extract from an address adopted by the Legislative Assembly for information respecting the lunatic named in the margin, I have the honor to state it *is* a fact that I received a letter from the friends of the lunatic referred to, and forwarded that letter to Dr. Taylor, as I have previously stated, to Mr. Eckford. The date I do not recollect, but may be able to ascertain if necessary.

The letter in question did not pass through my hands in my official capacity; it was a private communication, asking information on behalf of the lunatic's mother.

I have, &c.,
GEO. WICKHAM,
C.P.S.

No. 56.

Minute of The Colonial Secretary.

Re Creswell.

Mr. R. Y. Cousins, of Bathurst, waited on me to-day, and voluntarily stated that the man, Creswell, now in Parramatta Asylum, is well known to him; that he was engaged in England by the late Mr. William Kite (Mr. Cousins' father-in-law) about the year 1855, to take charge of some bulls; that he arrived here and went direct to Bathurst, where he was employed for a considerable time under Mr. Kite's immediate inspection; that he then went to Wagga Wagga, and started in business as a butcher.

From Wagga Wagga he used to write to Mr. Cousins letters more or less incoherent.

Mr. Cousins heard no more of him until he was sent to a lunatic asylum.

This man was engaged in the name of Creswell, and was never known by any other name.

Mr. Cousins added that Mr. John Kite is prepared to bear the like testimony.

M.F., 25/10.

No. 57.

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Inspector of the Insane, Gladesville.

Sir, Lunatic Asylum, Parramatta, October 30, 1878.

I have the honor to enclose a letter received by me this day from Mr. John A. M'Donald, relative to the lunatic, William Creswell.

I forward it, as it is very desirable it should appear amongst the correspondence called for.

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

The Principal Under Secretary, Sydney.—F.N.M. B.C., 31/10/78.

[*Enclosure.*]

[*Enclosure.*]

Rosehill-street, Parramatta.

To Dr. Taylor, Lunatic Asylum, Parramatta, in reference to William Creswell, at present confined in the Lunatic Asylum, Parramatta.

I beg to state that I was acquainted with him in the year 1856 at Bathurst. We were very often together, in fact warm friends. He (Creswell) gave me as a keepsake a book—*The Modern Farrier*—a book that he set a great value on, as it had been his father's. The same book I have still in my possession, with the address, *William Creswell, Bullsdown Farm, Br(a)mly, Ha(n)ts, June*, 1833, written in several places.

a and *n* put in by me, as they were indistinct by the writer—should read "Bramley, Hants."—C.T., 20/12/78.

I was married in the early part of 1857, and left Bathurst to reside on the Lower Lachlan River. I never saw nor heard of Creswell again until last June, when a friend of mine in Bathurst, where I was at dinner, told me that my old mate was in the mad-house, and that it was reported he was Orton. After that, I saw by the *Herald* that Mr. Eckford had a motion on in the House concerning Creswell. I wrote to the Minister for Works, informing him what I knew of the case, and asked for leave of absence to visit the Asylum. Leave was given, and on the 27th September I was shown round the inmates, and in the second yard that I visited I found, amongst a number of other men, my old friend Creswell. I knew him at once, and I showed him the book, which he claimed as his, and in turning the pages over he missed a leaf, the skeleton of a horse, and asked what had become of it. In our conversation I mentioned some of our old conversations, and he recollected one horse, *Elegance*, and I called him Bill—a name that he would not be called. He instantly checked me and told me his name was William. I said, "You have not forgot that, old man." When I was going away he asked me to come and see him again. The next time I called to see him was Wednesday, the 16th of October. He recalled a bit of fun we had at Ashton's Circus to me, and again I had almost forgotten, it was so long since. I have never known him under any other name than that of Creswell.

JOHN M'DONALD.

October 30th, 1878.

No. 58.

The Under Secretary, Colonial Secretary's Department, to The Inspector of the Insane, Gladesville,

Sir, Colonial Secretary's Office, Sydney, 10 October, 1878.

In transmitting to you the accompanying copy of an Address of the Legislative Assembly, for information respecting the lunatic named in the margin, I am directed by the Colonial Secretary to request that you will be good enough to furnish me with the following papers, which are required for the purpose of being laid on the Table of the Assembly, viz. :—

William Creswell.

"Copies of all Correspondence in the hands of Dr. Taylor, Medical Superintendent, Lunatic Asylum, Parramatta, relating to the aforementioned lunatic, more especially a letter said to have been forwarded by Mr. Wickham, Chief Clerk of Darlinghurst Gaol, on or about 20th June last, to Dr. Taylor, from the friends of the lunatic in England.

"Copies of all Minutes in your hands, or those of the Resident Surgeon, Gladesville, relating to the aforementioned lunatic, together with the names of barristers from England and solicitors or agents from Sydney who interviewed you, and at whose instance, in 1871.

"Report from the Superintendent of the Lunatic Reception House, furnishing copies of dates when the said lunatic was received by him, how often, what was his state of mind whilst under his care, and whom did he represent himself to be?"

I have, &c.,
M. R. ALLAN.

[*Enclosure.*]

11. WILLIAM CRESWELL—ARTHUR ORTON :—Mr. Eckford moved, pursuant to Notice (*as amended by consent*),—

(1.) That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House, copies of all Correspondence relating to the lunatic called William Creswell, now in the hands of the Government, or that may reach them up to the present time.

(2.) Copies of all Correspondence in the hands of Dr. Taylor, Medical Superintendent, Lunatic Asylum, Parramatta, relating to the aforementioned lunatic, more especially a letter said to be forwarded by Mr. Wickham, Chief Clerk of Darlinghurst Gaol, on or about 20th June last, to Dr. Taylor from the friends of the lunatic in England.

(3.) Copies of all Minutes in the hands of Dr. Manning, or the Resident Surgeon, Gladesville, relating to the aforementioned lunatic, together with the names of barristers from England and solicitors or agents from Sydney who interviewed him, and at whose instance, in 1871.

(5.) That Mr. Fowler, Superintendent of Receiving House, Darlinghurst, be requested to furnish copies of dates when the aforementioned lunatic was received by him, how often, and what was his state of mind whilst under his care, and who did he represent himself to be?

(5.) That Mr. Wickham, who was Chief Clerk at Darlinghurst Gaol on or about 20th June last, be requested to state, is it a fact that he had received a letter in his official capacity or otherwise from the friends of the lunatic before alluded to, and that he had forwarded it to Dr. Taylor some three or four days previously, he having made this statement to Mr. Eckford in presence of Mr. Eckford's two daughters and two officials in Mr. Wickham's office?

Question put and passed.

No. 59.

The Inspector of the Insane, Gladesville, to The Under Secretary, Colonial Secretary's Department.

Lunacy Department, Office of the Inspector of the Insane, 22 October, 1878.

Sir,

I do myself the honor to forward herewith the correspondence, &c., relating to William Creswell, a patient in the Lunatic Asylum, Parramatta, as requested in your letter of the 10th instant.

I have, &c.,
F. NORTON MANNING,
Inspector of the Insane.

[*Enclosure.*]

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Inspector of the Insane, Gladesville.

Sir, Lunatic Asylum, Parramatta, 22 October, 1878.

I have the honor herewith, in compliance with your letter of the 11th October, to forward copies of all correspondence in my hands relating to the lunatic patient, William Creswell; also a letter forwarded by Mr. Wickham, Chief Clerk of Darlinghurst Gaol, on about the 20th June last, from friends of the lunatic in England. You will observe that the correspondence furnished by me may be considered as extra-official, as I presume that the official correspondence relating to the lunatic will be supplied from the office of the Colonial Secretary.

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

Mrs.

Mrs. E. West to Mr. W. Creswell, care of Doctor Manning.

5, Lambeth Road, opposite the Blind School, Southwark,
November 29, 1871.

Long lost and very dear Brother,

It will be useless to attempt the delight to describe my poor dear mother and brother felt when we once found you. What a merciful Providence once more to know where we all are. You appear, dear William, to have been misinformed as to my death; I have had some very severe illnesses, but have been spared. On the 11th of July, in the present year, I married George John West, after being a widow twenty years; he is a very old gentleman, eighty years on the 13th of next month—a broker and rent collector. I have a very comfortable home, and he is very kind. I am as happy, dear William, as I can expect. My two daughters, Nelly and Bessie, were both married last year. They have not married so well as I would wish,—they are commercial men. Poor Nelly has just lost her baby, five weeks old, and Bessie is expecting every day. I must now tell you how we got your letter. Howitt had been trying to find Tom everywhere, but could not; they sent to Mr. Stamp's, and he went to Mrs. Sinclair; she came over to me last Sunday. I went on Monday to Mr. Howitt, and got your letter; he behaved very very kind, and promised me he would write to you. Your letter, dear William, was greatly shown, first to one and the other; it contained some important news. One thing, I think, if Serjeant Ballantine knew you were with Sir Roger Tichborne in Australia he would like to see you. Tom is going to see him. I hope you will come home. Poor dear mother prays to see you. Tom will write more particulars. I am just writing this to catch the Australian Mail, as I am sure you are anxious to hear. True it is dear Futher and dear Emily are gone; all the rest are living, but I am afraid poor Louis Gough will be the next. He is in deep consumption, and gone as the last resource to Ventnor, Isle of Wight. When poor dear Ann and Henry went to America, they took their youngest son with them; left Louis with his grandpa, Gough. We had a letter from dear Ann yesterday, 28th November; thank God, they are all saved from the terrible fire. Henry is not getting on at all well; I wish old Mr. Gough would send for him to come home. Poor dear mother looks, dear William, very careworn and old. Tom has four little children—one son and three daughters. He is now farm bailiff at East End Farm, Fulham; getting on better. His wife behaves pretty well to dear mother; of course she is fidgety, and being wholly dependent on him, makes them at times a little snubby. I go as often as I can to see her, but I cannot leave old Mr. West beyond the house. I was best off as a widow. When you write, which I hope will be as soon as you get this, tell me who you married, and how long you have been left. Should you see Mrs. Haigh, tell her I will write to her. No doubt, my dear brother, you have had to rough it; indeed we all have had too; but when we are all together we can share each—a kind word, even in trouble, consoles one; when away in a foreign land, it is hard. Dear mother and I often talk of dear Ann and you. God send us all once more to meet. This is dear Ann's address:—"Mrs. Henry Gough, 407, Halstead-street, Chicago, United States." I dare say you will have a letter from Tom, but I would lose no time in sending. Why did you turn Catholic? Let me know. I am afraid we should never recover the lost property, but you are the only one that could claim it of our family. I hope we may all see better days. You must not let anyone see this. It is late at night, and the shops are closed. Excuse the paper.

With the sincere of every one, my dear brother, accept the fond affection of your absent and sincere sister,

ELLEN WEST.

Good night—God bless you. Send me your likeness.

MEMO.:—On this letter the following remarks are made, evidently by, and in the handwriting of, the patient Creswell:—"I am sound and hope to keep so. I will give you the original. For the Queen of England—from Sir A. Stephen to Lady Belmore; and do as you think proper with it after. Delivered to her, she is very likely to let Lord Belmore see it no doubt. My sister wished me not to show it to anyone, and I have done so.

January 26th, 1872. WILLIAM CRESWELL."

Mr. T. Creswell to Mr. W. Creswell.

East End Farm, December 1, 1871.

My dear Brother,

We are all delighted to hear you are in land of the living, and shall be pleased to see you home again. I am happy to tell you I am married, and one son twelve years old, and three daughters, ten years, seven do., five do., and a good big wife, and my own weight about 14 stone; and my profession is bailiff to Captain Ewen of the Raleigh Club, of Regent-street. I am poor but I am happy; I have had a hard struggle to get on, but that nothing for good pluck people like you and me. I have got a nice little house to live in, and a very pleasant place; no rent to pay, which is a good thing, and very nice people I live with. I have got about 120 pigs and about 400 fowls and poultry of all kinds to see to its is just my handwriting. I am pleased to tell you mother is living with me, and has been with me nearly since you left. She was pleased to hear from you, and hopes to live to see you home again. She carries her age well. Father and Emily I buried. Ellen has been married about six months ago to a nice old gent; so you will see she is not dead yet; worth a dozen dead ones yet. Ann and Henry Gough are in America, which I will send you her address. I was pleased to hear you have heard about the Tichborne case. I think we stand a good chance yet to be better off some day, and be able to go to down to our old country once more together. Young Tubbs are still at Sheffield Farm, and Butters at Bullsdown. Henry Welch has a good shop in High-street, St. John's Wood still, and Lawrence Welch is living with him. I suppose you remember riding the grey horse round Gifard's block at the shop in High-street. I have not seen Mr. or Mrs. Palmer for some time, but they are still living in St. John's Wood. I hope you will endeavour to come home as soon as you can, and please to bring, if possible, a parrot for me, if it will not be much trouble to you, as I should like one very much. Please give my best respects to Mrs. Haigh, and I should like to see her if ever she comes to London. I am pig-killing to-day; we kill all our own pork and poultry, &c., on the premises, and cure our own bacon. I no doubt you are fond of the gun still. Mr. Stiles often asks about you. I have had a great many changes since you left. I have been draper, cheesemonger, poulterer, cattle salesman, butcher, milkman, pig-jobber, horse-dealer, and I am happy to say I can turn my hand to anything on the board, and work is no trouble to me. I cannot tell you about how many letters were sent to you, but we had them returned; I should not trouble about them, as we have found each other again. I only received your letter November 27th, 1871, and then I wrote this short note, but will write again soon. I have sent you Ann's address—"Mrs. H. Gough, 407, South Halsted Street, Chicago, Illinois, America." Please let me know when you will come home, and I will come and meet you. You must please excuse this paper. All sends their fondest love to you, and are pleased to of heard from you.

From your affectionate Brother,

THOMAS CRESWELL.

My address—"Mr. T. Creswell, East End Farm, Parson's Green, Fulham, London."

Mr. C. Edwards to The Inspector of the Insane, Gladesville.

Cargo, 25/5/72.

Sir,

Some two weeks back I wrote to you, but not receiving an answer, presume you may not have received it; will you be kind enough to inform me in what state of health William Creswell is, and also will you please let me know if there are any marks of tattooing on his arms?

I am, &c.,

C. EDWARDS.

The Acting Superintendent, Parramatta Lunatic Asylum, to Mr. C. Edwards.

Lunatic Asylum, Parramatta, 6/6/72.

Sir,

In reply to your note of 25/5/72, addressed to Dr. Manning, complaining of a previous letter not having been answered, I am requested to inform you that he never received it. In answer to your second letter forwarded to this Asylum, as Creswell is now here I beg to inform you that he is in good bodily health. Having examined his arms I can find no traces of tattooing on them.

I am, &c.,

JAMES R. FIRTH.

Mr. A. Sangster to The Inspector of the Insane, Gladesville.

Cargo, 20/11/72.

Sir,

At the request of Mrs. Creswell, I respectfully beg that you will be pleased to let me know whether her husband William Creswell is still an inmate of the Asylum; and, if so, whether there is any improvement in his unhappy condition?

I am, &c.,

A. SANGSTER.

The

The Medical Superintendent, Parramatta Lunatic Asylum, to Mr. A. Sangster.

Lunatic Asylum, Parramatta, 25 November, 1872.

He is at present in very good bodily health, but no mental improvement has taken place in his mental condition.

CHAS. TAYLOR,
Medical Superintendent.

Mrs. E. West to The Inspector of the Insane, Gladesville.

Sir,

East End Farm, Fulham, 17 January, 1874.

It is now 18 months since I addressed a letter to you, begging you to send particulars of my poor brother, William Creswell, who was at the time we wrote an inmate of the Gladesville Lunatic Asylum. The last letter we sent to his brother Tom we said he was better, but wished his letters to be sent to yourself as the safest means of his getting them; there are two letters remain unanswered, one I sent to my brother, and one to yourself, asking as a great favour that would let us know if William is incurably insane, why he was, and by whom, placed in the Asylum; of course it is a great source of trouble to my brother and myself, also to my aged mother, who is in her 78th year. When I once hear from you it will greatly relieve our anxiety for him. I have enclosed a few lines to my brother if you would kindly give him.

Allow me, &c.,
E. M. WEST.

Please address to Mr. Creswell, East End Farm, Fulham, near Parson's Green.

Mrs. E. West to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir,

Eastbourne, 28 February, 1875.

It is now some months since you so kindly sent me information of my dear lost brother. I have to ask you to pray let me know how he is; if there is any improvement in his state. I am so very anxious to know if he is sensible to a sister's love; the enclosed would you please give him; I have no doubt at times moments are when he may recollect. I have one great favour to ask, is it possible you could sent me the *carte de visite* of my dear brother. My poor aged mother does so desire to once more, if it could be, to look upon the likeness of her son, though no doubt greatly changed. She is now in her 79th year; it would I dare say not cost a large amount. I would remit you in stamps if you have use for them in Parramatta. Thanking you, dear sir, for the past favour by letter.

Allow me, &c.,
E. WEST.

The Medical Superintendent, Parramatta Lunatic Asylum, to Mrs. West.

Madam,

Lunatic Asylum, Parramatta, 3 June, 1875.

In answer to your letter of the 28th February, 1875, I beg to state that your brother, Mr. William Creswell, is at present in very good bodily health, but has made no mental improvement. He is subject to frequent attacks of delusional mania, when he becomes violent and aggressive. His mental condition has not improved in any way, neither do I consider his case hopeful for permanent recovery.

In compliance with your wish I have endeavoured to persuade him in his calmer moments to allow his photograph to be taken, but he has not up to the present time consented; I may however yet be successful. You can, if you think fit, send a Post-office order, payable to me in Parramatta, for £1, out of which the expense of obtaining the photograph could be defrayed, and any balance handed over for your brother's use.

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

The Acting Superintendent, Parramatta Lunatic Asylum, to Mrs. West.

Madam,

Lunatic Asylum, Parramatta, 22 August, 1876.

In reply to your letter of the 26th of May last, I regret I have no encouraging news to tell you. Your brother, Mr. Creswell, although in remarkable good bodily health, makes no mental improvement. I gave him your letter to read, and asked him to write to you, which he promised to do, but I much fear he will not keep his promise. At present he seems quite absorbed in his own thoughts, and seldom or ever talks of home or kindred. I will, however, try and induce him to write to you if I can prior to the mail's departure.

I am, &c.,
JAMES R. FIRTH,
Acting Superintendent.

Mr. J. Jackson, to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir,

114, Stanley-street, Sydney, 30 October, 1876.

My attention having been drawn to the subjoined paragraph, which I have copied from the *Hamilton Spectator* of October 7th, I beg to ask if you will kindly inform me whether there is any truth in this statement:—

"The *Herald* is credibly informed that the Agent of the Tichborne Claimant has started from New South Wales with Alfred Smith *alias* George Creswell, said to be Arthur Orton, who has been for years confined in the Parramatta Asylum, New South Wales. This man Mr. Wright discovered when he was in Sydney recently. The agent intends proceeding to England from Melbourne with the man in question."

I am, &c.,
J. D. D. JACKSON.

The Medical Superintendent, Parramatta Lunatic Asylum, to Mr. J. Jackson.

Sir,

Lunatic Asylum, Parramatta, 1 November, 1876.

In answer to yours of the 30th October, I beg to state that the patient named Creswell is still in the Asylum; that he has been interviewed upon several occasions under a supposition that he is Arthur Orton; that no statement made by this patient can be regarded as reliable or trustworthy; he has been for some years thoroughly insane.

I am, &c.,
CHARLES TAYLOR,
Medical Superintendent.

The Medical Superintendent, Parramatta Lunatic Asylum, to Mr. J. Jackson.

Sir,

Lunatic Asylum, Parramatta, 8 February, 1877.

Concerning the lunatic patient named Creswell, now in my care, I have to state:—

1st. That a Mr. Lock, upon two occasions in September, 1876, visited this man by permission of the Colonial Secretary.
2nd. That he has no letters or figures whatever tattooed on either arm.
3rd. His ears are not pierced.

Yours faithfully,
CHARLES TAYLOR,
Medical Superintendent.

Mr. J. Jackson to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir,

114 Stanley-street, Sydney, 25 September, 1877.

Will you inform me whether Mrs. Jury or Mr. Locke, when they visited the patient Creswell, on the 7th and 9th of May last, expressed an opinion touching their recognition of Arthur Orton, in the person of Creswell?

It is publicly announced that the patient above-stated is about to be taken to England. If there be any truth in the report, I would urgently suggest that *the arms and ears* of Creswell be carefully examined before he leave the Asylum, as it would not be a very difficult matter to pierce his ears, tattoo, and make an Arthur Orton of him.

I am, &c.,
J. JACKSON.

The

The Medical Superintendent, Parramatta Lunatic Asylum to J. Jackson, Esq.

Sir, Lunatic Asylum, Parramatta, 26 September, 1877.

In reply to your letter of the 25th instant respecting the patient Creswell, I beg to state,—

1st. That Mrs. Jury left here expressing her conviction that Creswell was not her brother, Arthur Orton.

2nd. I have received no information concerning this patient's removal to England.

3rd. All marks, scars, &c., &c., upon the person of this man are well known, and, in the event of his removal, will be carefully and officially recorded.

Yours, &c.,
CHARLES TAYLOR, M.D.,
Medical Superintendent.

Sir Alfred Stephen to The Medical Superintendent, Parramatta Lunatic Asylum.

Sir, Parliament, L.C., New South Wales, 3 October, 1877.

You will, I trust, pardon me for asking you a question of some importance to the interests of public justice. It is stated in a recent number of the *Sydney Herald* newspaper that a person in the Parramatta Lunatic Asylum is supposed, and alleged to be identical with one Arthur Orton, and that steps have been taken, in a view to his removal to England. Will you oblige me by saying whether there is any, and if any, what amount of truth in the newspaper statement, and whether, in point of fact, there is any person in the asylum supposed to be (or said to be) Arthur Orton?

In view of the conviction and sentencing in England of the person who carried on the business of a butcher in Wagga Wagga, under the name of Castro, the endeavour to identify another individual as Orton is one which demands vigilant watching on the part of every person who desires that truth and justice shall not be defeated, especially by tattooing at a period when detection will be impossible.

I am, &c.,
ALFRED STEPHEN.

The Medical Superintendent, Parramatta Lunatic Asylum, to Sir Alfred Stephen.

Sir, Lunatic Asylum, Parramatta, 4 October, 1877.

I have the honor to acknowledge the receipt of your letter of the 3rd instant, and have much pleasure in affording you such information as I am in possession of concerning a patient under my care named William Creswell, who has been interviewed upon several occasions by persons who have been led to believe that he is identical with Arthur Orton, of Tichborne notoriety. I am unable myself to arrive at any reasonable conjecture upon which this alleged identity is based. Creswell is known to have been engaged at Wagga Wagga in business as a butcher.

He has stated that he knew "Tom Castro," a butcher, but his mental condition is such that I should place no reliance upon any statement that he might make. I am disposed to think that all his own utterances upon the subject of the Tichborne claimant are but the inconsistent ramblings of a disordered intellect. I have received no notice of any proposals to remove this man to England; and I should think that the Government would demand better reasons for his removal than have yet been offered. Some time in May Mrs. Jury, sister of the veritable Orton, came from England to interview this man. I adopted such measures for this interview as have completely baffled any intentional design to claim and recognize this man at once as Arthur Orton. I am justified in stating to you that she failed to recognize him as her long absent brother, that the patient appeared to have no knowledge of her whatever, or to recognize any of the numerous Orton family portraits produced. Mrs. Jury took leave of me, and distinctly asserted that she was *perfectly satisfied* that the man she had seen upon two occasions in my presence *was* not her brother Arthur Orton.

He has none of the distinctive marks by which the genuine Orton *must* be identified, viz., "A. O." tattooed on one of the fore-arms (not known which) and the ears pierced for rings, I presume after the style of seamen. I am thoroughly acquainted with every physical peculiarity of my patient, and can at any time, and under any circumstances, identify him. I am satisfied that he is not a Londoner. He appears to be ignorant of the various districts surrounding that city. His dialect has always led me to regard him as a man of rustic origin. I have within the past week had this singularly confirmed by his own statement, after a long and patient conversation with him, in which he utterly ignored any knowledge of the neighbourhood of *Wapping* (the home of the Ortons); he entered into a statement which (taken of course at its value as the utterance of a recognized lunatic) leads me to believe that he was either born at, or with his family formerly lived at, Mortimer, in Berkshire. Now, as I know something of this part of England, I was enabled to speak to him of Reading, Andover, Newbury, Basingstoke, with all of which places he assumed a familiarity. He has an alias, viz., Smith, but I believe his correct name to be as herein described; it would therefore be very easy for inquiries to be set on foot to discover whether a family named Creswell ever lived in Mortimer, and whether a William Creswell was born there about 1828. *He* fixes this as the date of his birth. I have seen a statement made in one of the London newspapers that Mrs. Jury *did not* fail to recognize the lunatic as her brother. If she has made such a statement, it is utterly at variance with her acknowledgment to myself and several others. In the interests of truth and justice, I have done all I can to protect this patient from being in any way tampered with, and to prevent strangers assuming to have known Arthur Orton being placed in a position to declare at once in a ready off-hand manner, "Oh, this is the man, I recognize him at once!" I defeat such enthusiasts by allowing them to select their own Arthur Orton from the body of the patients, and they invariably fail to take *the one suspected*.

Having from the first taken a large interest in the Tichborne case, I have arrived at the following conclusions, after carefully perusing all the published evidence:—

1. That the prisoner now at Dartmoor *is not* Sir Roger Tichborne.

2. That he is in all probability Arthur Orton, or at any rate is identical with a man formerly butchering at Wagga Wagga, who was tutored into the family history of the Tichbornes by the black valet Bogle.

3. That the patient William Creswell, at present confined as a lunatic in the Parramatta Asylum, has no identity whatever with Arthur Orton. He is wanting in those indestructible evidences which I have mentioned, and by which I believe those who seek for Arthur Orton are to be guided.

I have had letters years ago from people in no way identified with Ortons or Tichbornes making inquiries concerning Creswell. I may be able to give you a portrait of this now famous lunatic; and should your Honor be further curious in this matter, I need hardly say that I shall be most happy to introduce him to your notice if you will visit this asylum, and I can probably furnish you with more detailed information.

I have, &c.,
CHARLES TAYLOR, M.D.,
Medical Superintendant.

Sir Alfred Stephen to The Medical Superintendent, Parramatta Lunatic Asylum.

Dear Sir, Legislative Council Chambers, 10 October, 1877.

I am exceedingly obliged by your prompt and full reply to my letter respecting this new attempt on the part of a few fanatics to get up a case in the Wagga Wagga butcher's favour.

I have this moment placed your excellent letter in the hands of my friend Mr. Dalley; but he will not make use of it—or even quote you for any of the facts—without your consent. Do me the the favour to let me know whether you have any objections to any such quotations.

The opinions expressed, and the matters stated by you, are of such value, as tending to defeat the new conspiracy to defraud a rightful heir and cheat justice, by releasing a villain, that, if I might do so, I should like much to send a copy of your letter, either to the Right Hon. Mr. Lowe, or to my relative, Sir James (Fitzjames) Stephen; but this, of course, I could not do without your express consent.

Again thanking you,

I remain, &c.,
ALFRED STEPHEN.

The

The Medical Superintendent, Lunatic Asylum, Parramatta, to Sir Alfred Stephen.

Sir,

Lunatic Asylum, Parramatta, October 12, 1877.

I have the honor to acknowledge the receipt of your letter of the 10th instant, requesting to be informed whether I had any objections to your making use of the statement recently furnished by me to you in writing, relative to the lunatic named *William Creswell*.

As these statements are but the embodiment of facts connected with or arising out of my personal knowledge and observation of the person named, I have placed them *unreservedly* at your disposal, to use and employ in such manner as you may consider conducive to the ends of truth and justice. Should you determine to remit to England some account of this patient, I can furnish a few more particulars which, if intelligently connected and investigated with those already given, will, I feel assured, successfully explode any pretensions based upon the supposed identity of William Creswell with Arthur Orton.

I have, &c.,
CHARLES TAYLOR, M.D.

The Secretary to the Attorney General to Mr. G. Wickham.

Sir,

Attorney General's Office, Sydney, 26 October, 1877.

I am desired by the Honorable the Attorney General to thank you for your communication of the 17th instant, bringing under his notice that a lady residing at Woollahra has good reason to believe that there are no grounds for supposing, as stated in a paragraph of the *Sydney Morning Herald* recently, that a patient in the Lunatic Asylum at Parramatta, named Creswell, is Arthur Orton.

If (Mr. Dalley observes) your informant would desire to carry out her intention of visiting Creswell in the Asylum she might be of some service in preventing the growth of an idle report concerning the unhappy lunatic.

I have, &c.,
ALEXR. GREVILLE,
Secretary.

The Medical Superintendent, Lunatic Asylum, Parramatta, to G. Onslow, Esq., M.P.

Sir,

Lunatic Asylum, Parramatta, November 22, 1877.

I have the honor to acknowledge the receipt of your letter of August, 25th, 1877, and by permission of the Colonial Secretary beg to supply you with the following answers to your inquiries concerning the patient named in the margin, now under my care. William Creswell

I can detect no evidence of tattooing about the hands in any part; indeed it may be safely asserted that *he has no tattoo mark upon any part of his body*.

The tops of his fingers, little and big, are all perfect and intact.

The front teeth are all perfect in each jaw. He is sound in every joint, has straight legs, and no signs suggestive of the condition recognised as "knock-kneed."

His ears have no marks or borings as for ear-rings, neither do they present any evidence of such having ever existed.

His hair, before changing for its present dirty white color, was probably of a light brown; his eyes are very remarkable, and should lead to his identity anywhere. They are of a peculiar light blue color, with a narrow margin of black pigment at the junction of the cornea with the seleratic. I should imagine that this man's eye has always been regarded as a remarkable feature, and ought to be now of great value as a distinctive mark of identity. His age is certainly under 50. He says he was born in 1828. His weight this day, stripped of all clothing, is 10 stone 6½ pounds. His height is 5 feet 8¼ inches (naked feet). He has no scar from the eye to the cheek downwards. He has no pock-marks on nose or forehead. I can detect no scar upon the chin, although I have examined it carefully through the divisions of his beard. No old scars on forehead to front. His hands and feet are fairly proportioned to his body, which is of large frame. They are well covered, and by no means presents the appearance of being unusually large or prominently bony.

He was admitted into Gladesville Asylum for the Insane upon the first occasion in 1870. He was discharged cured, but was returned in 1871, having been found I think in Sydney in a state of unsound mind. In April, 1872, he was transferred to this Asylum, where he has ever since remained in a condition of confirmed insanity—(recurrent mania). On each occasion the police authorities caused him to be brought under notice as a person of unsound mind. The result of my inquiries at Gladesville is that in 1870 Creswell *was* in possession of a leather coat, that he took it away with him when discharged from there, but did not have it when he was again admitted. It is not known what became of this leather coat. As to the recognition of Creswell's portrait, as being identical with Arthur Orton, I can only say that Mrs. Jury, when leaving this establishment, after her second interview with Creswell, most emphatically declared to me that he (Creswell) was certainly not her brother Arthur Orton. She appeared to leave here fully convinced in her own mind that such was the case.

For your further guidance and information in this important matter, and believing my patient to be no other than William Creswell, I append the following particulars:—Creswell has quite recently been visited by a lady well acquainted with the sisters. Some eight years ago Creswell called upon this lady in Sydney when he came from the country; on this occasion in my presence he at once knew her, and addressed her by her name. She produced a photograph, and asked him if he knew it; he at once said, "That should be my sister, Mrs. Gough." It was so, this lady knowing Mrs. Gough, and bringing the photograph to see if he would recognise it. So recently as July, 1875, a letter was addressed to me by a sister of Creswell's, stating that his mother, then 79 years old, was most anxious to obtain his photograph. As no remittance was sent to cover the expense, the photo. was not sent, but the letter was at once answered by myself. The address then given was—"Mrs. West, care of Mrs. Sinclair, 15, Blackmore-street, Drury Lane, London, W.C." Another address, given in 1874, was—"Mr. Thomas Creswell, East End Farm, Fulham, near Parson's Green, London." This brother, and the brother-in-law named Gough, was, I am informed, linen-drapers, in business in the neighbourhood of St. John's Wood, some years ago, but it is thought they are now in America. I do not doubt that proper inquiries will discover the present whereabouts of some member of Creswell's family who can materially assist in the identification of the photograph. Creswell has been a butcher no doubt. He says he does not know where Wapping is. Neither does he appear to know much of London. He says he once worked at a butcher's shop near Paddington, where he received a severe injury from a chopper at the back of the wrist, and was treated for it in St. Mary's Hospital. This would be prior to 1854, the year he says he came to this colony. I have received no communication from Creswell's friends since July, 1875. I have carefully persued the printed letters of J.S., enclosed by you; they merely confirm what is generally known, that Creswell, under the alias of Smith, worked as a butcher at Wagga Wagga, and was well known to the claimant. If the evidence concerning certain marks of identity, in themselves almost indestructible, known to have been upon the person of Arthur Orton, is to be relied upon, you may rest assured that he has not been found in the Parramatta Lunatic Asylum. Any further information you may desire I shall cheerfully afford.

I have, &c.,
CHARLES TAYLOR, M.D.,
Medical Superintendent.

Mr. G. Wickham to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir,

Piper-street, Woollahra, 22 November, 1877.

Mrs. Haigh, whom you will remember lately had an interview with the patient Creswell, asks me to request you will allow her to peruse a letter or letters you said had been received from Creswell's brother. She would like to see some news from the family, at the same time take the brother's present address, with a view to writing to him or other members of the family. If you will allow the letters out of your possession they shall be returned in course of post.

Yours, &c.,
GEO. WICKHAM.

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Mr. W. Fossey to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, 51, Brighton-street, East Richmond, 26 December, 1877.

Having been in conversation with Sir Roger Tichborne after he landed at Sandridge in July, 1854, and interesting myself lately in proving his landing, I kindly beg of you to simply let me know if the lunatic Creswell has light blue eyes or dark eyes? By so doing you will greatly oblige

Yours, &c.,
WALTER FOSSEY.

[*Memorandum.*]

The Medical Superintendent, Lunatic Asylum, Parramatta, to Mr. W. Fossey.

Lunatic Asylum, Parramatta, 31 December, 1877.

In reply to your letter of the 26th December respecting William Creswell, a patient in this Asylum, the Medical Superintendent has to inform you, in answer to your enquiry concerning the colour of his eyes, that they are of a light blue.

CHARLES TAYLOR, M.D.,
Medical Superintendent.

Eliza Howitt to Mrs. Haigh.

My dear Mrs. Haigh, 229, High Holborn, March 9, 1878.

You no doubt will feel very much surprised at receiving a letter from me. But I trust you will pardon the liberty I have taken in troubling you. The object of my writing is to ask if you know anything of Ann Creswell's eldest brother? Mr. Howitt received a letter about three years since, with one to forward to his brother, which we did. In the letter to us he speaks of having met you, and of your telling him of the death of his father. His letter is dated Parramatta Lunatic Asylum, care of the doctor, and was anything but like the production of an insane person. Ellen (Mrs. Birch) has a letter from the doctor, who says he will never be better, but no letter from him. His mother is still living—over 80 years of age. If you can give me any information of and what doing when you saw him, &c., I shall feel obliged. I trust you and your family are all well and prospering. With our united kind regards,

Believe me,
Yours, very sincerely,
ELIZA HOWITT.

P.S.—An answer will oblige. Excuse this scrawl, as my sight is not so good.
Was he insane when you saw him? Have you seen him in the Asylum? I have not seen Ann for many years.

Mr. G. Wickham to The Medical Superintendent, Lunatic Asylum, Parramatta.

Dear Sir, Piper-street, Woollahra, 15 May, 1878.

Mrs. Haigh desires me to send you the enclosed letter received by her last month. You will see it has reference to your patient Creswell; and if further proof of his identity is required, this letter will help to corroborate what has already been said of him.

Mrs. Haigh thinks that the patient may have lucid moments, when the contents of this letter, more particularly that part of it having reference to his mother, may interest him or catch his attention.

Yours truly,
GEORGE WICKHAM.

Mr. F. O'Brien to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, 198, Cumberland-street, Sydney, 11 July, 1878.

I have just received a letter from Cargo, advising me of the death of Mrs. Creswell, wife of the William Creswell now under your charge at Parramatta.

Mrs. Creswell died suddenly at 7 o'clock yesterday morning of apoplexy.

I send you the information, not knowing whether you would hear of it from other sources or not.

Faithfully yours,
FRANK O'BRIEN.

Mr. F. O'Brien to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, 413, Harris-street, Sydney, Sept. 30, 1878.

As the confidential friend of the late Mrs. Creswell, I know that she objected to the course taken by Messrs. Eckford and Lock for the removal of her husband, and that she wrote through me to Mr. Onslow to that effect, and while expressing her willingness to help the innocent man, strongly objected to her unfortunate husband being used by interested agents as a money speculation, and this was her opinion up to the time of her death.

Since that event I have received from Mr. Onslow a newspaper containing accounts of the wide-spread feeling of sympathy for the claimant that pervades the minds of Colonials, and their determination to gethim released, and also pointing out the disinterested and honorable conduct of M's. P. in New South Wales, &c., &c., and two letters, one for myself and the other (open), for Mrs. Creswell, in reply to hers sent through me, a copy of which I have by me.

Mr. Onslow mentions how the reward of £2,300 is to be divided, and says that while Messrs. Eckford and Lock are to get the greater part of it, Mrs. Creswell and myself should not be forgotten if we would help these gentlemen to get Creswell out.

Should the abovenamed letters and paper be of any use to you, or through you to the Government, you can see them if you will call. In fact, I don't know but you, as the husband's guardian, are not entitled to receive the letter sent to his dead wife.

All Mr. Eckford knew of Creswell's career when he last applied for his release was obtained directly or indirectly from me. Immediately after that failure I felt constrained to caution Mr. Eckford against using my name or the information again, and he promised he would not do so. I, however, find he has done so in a Petition which he fondly hopes will reach "The Throne." I have since receiving Mr. Onslow's letter written him again requesting him not to use my name, &c.

The impression in England is that only rogues and fools trouble themselves about the claimant and I have no desire to be classed with either.

I am, &c.,
FRANK O'BRIEN.

Dear Sir, 18, College-street, 14 October, 1878.

I have no objection whatever to the transmission and publication of my letter or letters to you respecting Creswell and the man Castro *alias* Orton, and I hope that you will not fail to make prominent in your report the all-conclusive fact of Creswell's having recognized the book of which you spoke to me.

I have, &c.,
ALFRED STEPHEN.

The

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The Medical Superintendent, Lunatic Asylum, Parramatta, to Mr. F. O'Brien.

Re Creswell.

Sir, Lunatic Asylum, Parramatta, 14 October, 1878.

Your last recent letter on the above subject I considered so important that I at once placed it in the hands of the Colonial Secretary.

I presume you have no objection to its being used, and that you are prepared to substantiate what you have written. Any further information you may have or give should I think be at once forwarded to the Colonial Secretary.

I have, &c.,
CHARLES TAYLOR.

Mr. F. O'Brien to The Medical Superintendent, Lunatic Asylum, Parramatta.

Sir, 413, Harris-street, 15/10/78.

Not hearing from you I sent the paper to Mr. Fitzpatrick, except the letter to Mrs. Creswell, in which it is stated that Eckford will be entitled to the reward of £2,300. I also sent a later paper containing E letter to Mr. Cross in which you are *strongly mentioned*. I will send them to you in a few days if you would like to see them. See my advt. in this day's *Herald*—public notice column.

I have, &c.,
FRANK O'BRIEN.

The only minutes in my hands relative to William Creswell, except such as are purely medical and relate to his insanity, are made by myself, and are as follows :—

31 *August*, 1871.—"He constantly asserts that he has considerable property rightfully belonging to him in England. He has evidently received a good education, and been in a much better position of life, but it is difficult to separate the wheat from the chaff of his conversation, or to ascertain exactly what is delusion."

30 *Sept.*, 1871.—"This man has during the last fortnight been the subject of enquiry and examination by a host of solicitors and others interested in the Tichborne case. It was deemed advisable by the Superintendent that all information concerning him should be furnished, and that the solicitors engaged both for the complainant and defendant in the Tichborne case should be permitted to examine him. This was done, and there appears little doubt that Creswell is not Orton, and is in no way connected with the Tichborne case."

Among the solicitors who examined him was Mr. Bowden (of Allen, Bowden, and Allen). I am quite unaware of the names of the others. Two barristers from England examined him separately. I am unaware of their names, but understood at the time that they were on opposite sides in the Tichborne case.

F. NORTON MANNING.

The Superintendent, Lunatic Reception House, Darlinghurst, to The Inspector of Insane, Gladesville.

Sir, Lunatic Reception House, Darlinghurst, 15 October, 1878.

I do myself the honor to submit the following information respecting the lunatic patient, William Creswell, as asked for in yours of 11th inst. :—

"He was received on the 12th of January, 1871, and again on the 8th August the same year.

He was constantly talking of writing to Lord Belmore and others concerning property in England. Gave little or no trouble, and conversed rationally, and said his name was Orton, and that he was a butcher."

I have, &c.,
F. FOWLER,
Superintendent.

Sydney: Thomas Richards, Government Printer.—1878.

[1*s.* 3*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM CRESWELL.

(CORRESPONDENCE, MINUTES, &c.)

Ordered by the Legislative Assembly to be printed, 26 *November*, 1878.

FURTHER RETURN to an *Address* adopted by the Honorable the Legislative Assembly of New South Wales on 8th October, 1878, That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House:—

"(1.) Copies of all Correspondence relating to the lunatic called William "Creswell, now in the hands of the Government; or that may reach them "up to the present time.

"(2.) Copies of all Correspondence in the hands of Dr. Taylor, Medical "Superintendent, Lunatic Asylum, Parramatta, relating to the afore- "mentioned lunatic, more especially a letter said to be forwarded by "Mr. Wickham, Chief Clerk of Darlinghurst Gaol, on or about 20th June "last, to Dr. Taylor, from the friends of the lunatic in England.

"(3.) Copies of all Minutes in the hands of Dr. Manning, or the Resident "Surgeon, Gladesville, relating to the aforementioned lunatic, together "with the names of barristers from England, and solicitors or agents from "Sydney, who interviewed him, and at whose instance, in 1871.

"(4.) That Mr. Fowler, Superintendent of Receiving House, Darlinghurst, "be requested to furnish copies of dates when the aforementioned lunatic "was received by him, how often, and what was his state of mind whilst "under his care, and whom did he represent himself to be.

"(5.) That Mr. Wickham, who was Chief Clerk at Darlinghurst Gaol on "or about 20th June last, be requested to state, is it a fact that he had "received a letter, in his official capacity or otherwise, from the friends of "the lunatic before alluded to, and that he had forwarded it to Dr. Taylor "some three or four days previously, he having made this statement to "Mr. Eckford in the presence of Mr. Eckford's two daughters and two "officials in Mr. Wickham's office."

(Mr. Eckford.)

WILLIAM CRESWELL.

No. 1.

The Medical Superintendent, Parramatta Lunatic Asylum, to The Inspector of the Insane, Gladesville.

Lunatic Asylum, Parramatta, 19 November, 1878.

Sir,

Herewith I have the honor to forward, for the information of the Colonial Secretary, a letter from Mrs. Haigh, of Woollahra, relating to her personal knowledge of the lunatic William Creswell, and also of his family in England.

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

B.C., 20/12/78.—F.N.M. The Principal Under Secretary, Sydney.

[*Enclosure.*]

Mrs. M. C. Haigh to The Medical Superintendent, Parramatta Lunatic Asylum.

Alton-street, Woollahra, 15 November, 1878.

Sir,

As I understand further information is desired of me as to what I know of the lunatic William Creswell and his family, I beg to say I first became acquainted with the Creswells at the house of a Mrs. Howitt, who last wrote me concerning your patient. This was in London in 1842. The family then consisted of Mr. and Mrs. Creswell, who at that time resided near Reading, in Berkshire, two sons, and three daughters. Thomas, the younger son, was in business—a grocer; the elder was William, your patient. The eldest daughter (Anne) married a Mr. Gough, who carried on business as a draper at St. John's Wood, and afterwards went to America. The second (Ellen) married a Mr. Birch; she is now a widow, living in London. The third (Emily) died unmarried. I was on intimate terms with the family, and saw them all more or less frequently about nine or ten years till my coming to this Colony. I cannot recollect when William Creswell came to the Colony, but I think it must have been during my passage or return to England about 1861. He brought letters addressed to me. As I had left the colony he handed them over to my brother, Mr. William Rush. In London I renewed my acquaintance with the Creswell family, and was told he was coming out to go to Mr. Kite's, at Bathurst.

The early part of 1866 I again came to Sydney, and sometime after, perhaps two years, William Creswell called on me, asked after members of his family, and told me he had been with Mr. Kite, of Bathurst. I do not remember seeing him again until a few days before he was locked up in the Darlinghurst Reception House. I then thought his manner peculiar and strange. I afterwards heard he was a decided lunatic, and I lost sight of him until I saw a newspaper paragraph respecting an application for his release on the ground that he was Arthur Orton. I then thought it a shame that the poor lunatic should be taken out of the Asylum, a place so suitable for his malady, and be worried and irritated by travelling from place to place, and by being made a show of. In the interest of himself, of his family, and of common humanity, I caused the Honorable the Attorney General to be made acquainted with what I knew of the patient, and suggested I should be allowed an interview with him, for the purpose of satisfying myself that Creswell the lunatic was the same Creswell I had known so many years. The Attorney General approved the course, and, as you are aware, I saw Creswell in the Asylum in your presence. You know how readily I recognised him, and how as readily he knew me, identified his sisters' portrait, spoke of her children, spoke rationally a few minutes, and relapsed into imbecile talk.

I have not the *slightest* doubt but that your patient is no other than the William Creswell I have been acquainted with since 1842, and any one present at our interview must have seen he had no doubt nor hesitation in his recognition of myself. I have written to Creswell's friends, and mentioned the attempt to prove him to be some one else.

Yours truly,
MARY C. HAIGH.

No. 2.

Telegram from Under Secretary, Colonial Secretary's Department, to Medical Superintendent, Parramatta Lunatic Asylum.

Sydney, 26 November, 1878.

PLEASE forward to-morrow copy of Mrs. West's letter, 20th May, 1876, replied to in Mr. Firth's letter of 22nd August, same year. See page 23 of Creswell—printed correspondence.

M. R. ALLAN.

No. 3.

The Medical Superintendent, Parramatta Lunatic Asylum, to The Under Secretary, Colonial Secretary's Department.

Lunatic Asylum, Parramatta, 25 November, 1878.

Sir,

In reply to your telegram, received this evening, requesting me to forward "copy of Mrs. West's letter of May 26th, 1876, replied to in Mr. Firth's letter of August 22nd, same year," and relating to the patient named in the margin, I have the honor to state, for the information of the Colonial Secretary, that Mrs. West's letter of that date cannot be found amongst the records of this office.

William Creswell.

When the correspondence was called for, Mr. Firth's reply was found in the letter book; but a diligent search amongst the records failed to discover the letter which had called it forth.

The letter in question was received and replied to by Mr. Firth during my absence in England, and was never at any time under my observation or in my care.

I have, &c.,
CHAS. TAYLOR,
Medical Superintendent.

[3*d.*]

Sydney: Thomas Richards, Government Printer.—1878

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(SEQUESTRATED ESTATES.)

Ordered by the Legislative Assembly to be printed, 6 November, 1878.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 13 February, 1878, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

"A Return of the registered numbers of all estates placed under sequestration since the 1st day of January, 1875, with the names of the Official Assignees appointed, the dates of sequestration, and the date or dates of the plan or plans of distribution filed in each estate, but omitting the names of the Insolvents."

(*Mr. Greville.*)

ADMINISTRATION OF JUSTICE.

RETURN ordered by the Legislative Assembly, on 13 February, 1878.

No.	Date of Sequestration.	Assignee.	Date when plan filed.
12,217	1 Jan., 1875	F. T. Humphery	Plan filed, 15 Mar., 1875
12,219	12 Jan., 1875	,, ...	,, 28 Mar., 1876
12,220	19 Jan., 1875	A. Sandeman ...	Account filed, 25 Mar., 1875
12,221	,, ,,	F. T. Humphery	.....
12,222	,, ,,	A. Sandeman ...	Account filed, 6 April, 1875
12,223	,, ,,	J. P. Mackenzie	Report filed, 19 April, 1875
12,224	,, ,,	,, ...	,, ,, ,,
12,225	20 Jan., 1875	A. Sandeman ...	Account filed, 13 April, 1875
12,226	,, ,,	F. T. Humphery	Report filed, 10 May, 1875
12,227	,, ,,	J. P. Mackenzie	Account filed, 19 April, 1875
12,228	,, ,,	A. Sandeman ...	,, 16 Mar., 1875
12,229	21 Jan., 1875	F. T. Humphery	Plan filed, 10 May, 1875
12,230	22 Jan., 1875	A. Sandeman ...	Account filed, 23 Mar., 1875
12,231	27 Jan., 1875	J. P. Mackenzie	Report filed, 21 May, 1875
12,232	,, ,,	F. T. Humphery	,, 10 May, 1875
12,233	28 Jan., 1875	J. P. Mackenzie	Plan filed, 26 April, 1875
12,234	,, ,,	A. Sandeman ...	,, 20 Oct., 1875
12,235	,, ,,	F. T. Humphery	Report filed, 29 Sept., 1875
12,236	,, ,,	J. P. Mackenzie	Plan filed, 2 Sept., 1875
12,237	29 Jan., 1875	F. T. Humphery	Report filed, 20 Aug., 1875
12,238	,, ,,	A. Sandeman ...	Account filed, 7 April, 1875
12,239	,, ,,	J. P. Mackenzie	,, 13 May, 1875
12,240	30 Jan., 1875	F. T. Humphery	Plan filed, 27 May, 1875
12,241	2 Feb., 1875	A. Sandeman ...	Account filed, 7 April, 1875
12,242	,, ,,	,,	,, 23 Mar., 1875 ,, 22 Aug., 1876
12,243	3 Feb., 1875	J. P. Mackenzie	Plan filed, 26 April, 1875
12,244	,, ,,	F. T. Humphery	Report filed, 10 May, 1875
12,245	5 Feb., 1875	J. P. Mackenzie	,, 26 April, 1875
12,246	,, ,,	F. T. Humphery	Account filed, 27 Aug., 1875
12,247	6 Feb., 1875	A. Sandeman ...	,, 9 Aug., 1875
12,248	8 Feb., 1875	,, ...	Report filed, 3 May, 1875
12,249	,, ,,	F. T. Humphery	,, 3 Feb., 1876
12,250	,, ,,	J. P. Mackenzie	,, 19 April, 1875
12,251	9 Feb., 1875	F. T. Humphery	Plan filed, 30 Aug., 1875
12,252	,, ,,	J. P. Mackenzie	Account filed, 21 May, 1875
12,253	10 Feb., 1875	A. Sandeman ...	,, 9 Aug., 1875
12,254	,, ,,	J. P. Mackenzie	Plan filed, 13 Oct., 1875
12,255	12 Feb., 1875	F. T. Humphery	Report filed, 29 Sept., 1875
12,256	,, ,,	A. Sandeman..	Account filed, 19 April, 1875 ,, 4 Aug., 1875 ,, 19 April, 1875
12,257	13 Feb., 1875	J. P. Mackenzie	Plan filed, 3 June, 1875
12,258	15 Feb., 1875	A. Sandeman ...	Report filed, 29 Sept., 1875
12,259	16 Feb., 1875	F. T. Humphery	,, 19 April, 1875
12,260	20 Feb., 1875	J. P. Mackenzie	Plan filed, 17 Aug., 1875
12,261	,, ,,	A. Sandeman ...	,, 27 May, 1875
12,262	22 Feb., 1875	F. T. Humphery	Account filed, 13 May, 1875
12,263	,, ,,	J. P. Mackenzie	Plan filed, 26 April, 1875
12,264	,, ,,	A. Sandeman ...	Report filed, 29 Sept., 1875
12,265	23 Feb., 1875	F. T. Humphery	Plan filed, 12 Aug., 1875
12,266	,, ,,	A. Sandeman ...	,, 22 Oct., 1875
12,267	,, ,,	F. T. Humphery	Account filed, 26 April, 1875
12,268	24 Feb., 1875	J. P. Mackenzie	Report filed, 29 Sept., 1875
12,269	26 Feb., 1875	F. T. Humphery	Plan filed, 9 June, 1875
12,270	27 Feb., 1875	A. Sandeman ...	,, 3 June, 1875
12,271	,, ,,	J. P. Mackenzie	,, 16 Feb., 1876
12,272	,, ,,	A. Sandeman ...	Report filed, 4 Dec., 1875
12,273	4 Mar., 1875	F. T. Humphery	Plan filed, 11 Oct., 1876
12,274	5 Mar., 1875	J. P. Mackenzie	Report filed, 26 April, 1875
12,275	,, ,,	,, ...	,, 22 Oct., 1875
12,276	,, ,,	F. T. Humphery	Account filed, 3 June, 1875
12,277	6 Mar., 1875	A. Sandeman ...	Report filed, 22 Oct., 1875
12,278	8 Mar., 1875	F. T. Humphery	,, 11 June, 1875
12,279	,, ,,	J. P. Mackenzie	Account filed, 3 June, 1875
12,280	9 Mar., 1875	A. Sandeman ...	,, 16 June, 1875
12,281	10 Mar., 1875	,, ...	Plan filed, 1 July, 1875
12,282	11 Mar., 1875	J. P. Mackenzie	Account filed, 29 Sept., 1875
12,283	12 Mar., 1875	F. T. Humphery	Report filed, 25 Aug., 1875
12,284	15 Mar., 1875	,, ...	Account filed, 13 May, 1875
12,285	,, ,,	J. P. Mackenzie	,, 27 Oct., 1875
12,286	17 Mar., 1875	A. Sandeman ...	,, 29 Sept., 1875
12,287	,, ,,	F. T. Humphery	Report filed, 10 May, 1875
12,288	,, ,,	,, ...	Account filed, 30 April, 1875
12,289	18 Mar., 1875	A. Sandeman ...	Report filed, 7 Aug., 1875
12,290	19 Mar., 1875	J. P. Mackenzie	,, 9 June, 1875
12,291	,, ,,	,, ...	Plan filed, 27 May, 1875
12,292	,, ,,	F. T. Humphery	Account filed, 23 Aug., 1875
12,293	20 Mar., 1875	A. Sandeman ...	Report filed, 13 May, 1875
12,294	22 Mar., 1875	J. P. Mackenzie	,, 22 Oct., 1875
12,295	23 Mar., 1875	F. T. Humphery	Plan filed, 7 Dec., 1875
12,296	,, ,,	A. Sandeman ...	Account filed, 9 June, 1875
12,297	24 Mar., 1875	J. P. Mackenzie	Account filed, 9 Aug., 1875
12,298	24 Mar., 1875	A. Sandeman ...	,, 10 Feb., 1876
12,299	25 Mar., 1875	F. T. Humphery	,, 4 Aug., 1875
12,300	,, ,,	A. Sandeman ...	Plan filed, 6 Oct., 1875
12,301	27 Mar., 1875	,, ...	,, 6 Dec., 1875
12,302	30 Mar., 1875	F. T. Humphery	2nd plan filed, 28 Feb., 1876
12,303	31 Mar., 1875	J. P. Mackenzie	Report filed, 9 June, 1875
12,304	,, ,,	F. T. Humphery	Plan filed, 21 Oct., 1875 2nd plan filed, 17 Oct., 1876
12,305	,, ,,	A. Sandeman..	Plan filed, 1 Oct., 1875 2nd plan filed, 15 Mar., 1876
12,306	2 April, 1875	J. P. Mackenzie	Account filed, 2 Nov., 1875
12,307	5 April, 1875	,, ...	Report filed, 9 June, 1875
12,308	,, ,,	F. T. Humphery	,, 1 June, 1876
12,309	6 April, 1875	A. Sandeman ...	Account filed, 10 June, 1875
12,310	,, ,,	,, ...	Plan filed, 16 June, 1875
12,311	8 April, 1875	J. P. Mackenzie	,, 13 Oct., 1875
12,312	9 April, 1875	F. T. Humphery	Report filed, 1 Dec., 1875
12,313	10 April, 1875	J. P. Mackenzie	Account filed, 6 Aug., 1875
12,314	,, ,,	A. Sandeman ...	Plan filed, 4 Aug., 1876
12,315	13 April, 1875	F. T. Humphery	Report filed, 24 Feb., 1876
12,316	14 April, 1875	J. P. Mackenzie	,, 19 Nov., 1875
12,317	,, ,,	F. T. Humphery	Plan filed, 23 Aug., 1875
12,318	19 April, 1875	A. Sandeman ...	Account filed, 10 Aug., 1875
12,319	20 April, 1875	J. P. Mackenzie	Report filed, 4 Aug., 1875
12,320	,, ,,	F. T. Humphery	Plan filed, 23 Aug., 1875
12,321	,, ,,	A. Sandeman ...	Account filed, 9 Aug., 1875
12,322	21 April, 1875	J. P. Mackenzie	Plan filed, 1 July, 1875
12,323	22 April, 1875	A. Sandeman ...	Account filed, 9 Aug., 1875
12,324	26 April, 1875	F. T. Humphery	Report filed, 6 Dec., 1875
12,325	,, ,,	A. Sandeman ...	,, 21 Mar., 1876
12,326	,, ,,	J. P. Mackenzie	Plan filed, 17 Sept., 1875
12,327	,, ,,	F. T. Humphery	Plan filed, 30 Aug., 1875 ,, 2 Sept., 1875
12,328	,, ,,	A. Sandeman..	2nd plan filed, 2 Dec., 1875
12,329	,, ,,	F. T. Humphery	Report filed, 20 Aug., 1875
12,330	27 April, 1875	J. P. Mackenzie	,, 1 July, 1875
12,331	28 April, 1875	,, ...	,, 19 Aug., 1875
12,332	29 April, 1875	A. Sandeman..	Plan filed, 1 April, 1876 2nd plan filed, 10 Oct., 1876
12,333	30 April, 1875	F. T. Humphery	Plan filed, 7 Dec., 1875
12,334	,, ,,	J. P. Mackenzie	Report filed, 6 Aug., 1875
12,335	,, ,,	F. T. Humphery	,, 4 Dec., 1875
12,336	,, ,,	A. Sandeman ...	Account filed, 9 Aug., 1875
12,337	1 May, 1875	,, ...	,, ,, ,,
12,338	,, ,,	F. T. Humphery	,, 27 Aug., 1875
12,339	,, ,,	J. P. Mackenzie	Report filed, 1 July, 1875
12,340	,, ,,	F. T. Humphery	Plan filed, 27 May, 1875 Report filed, 1 Dec., 1875
12,341	3 May, 1875	A. Sandeman ...	Plan filed, 14 Sept., 1875
12,342	4 May, 1875	J. P. Mackenzie	,, 17 Nov., 1875
12,343	,, ,,	,, ...	Report filed, 4 Aug., 1875
12,344	6 May, 1875	A. Sandeman ...	,, 16 Feb., 1876
12,345	10 May, 1875	F. T. Humphery	.....
12,346	,, ,,	J. P. Mackenzie	Account filed, 21 Oct., 1875
12,347	12 May, 1875	F. T. Humphery	Plan filed, 30 Aug., 1875
12,348	,, ,,	A. Sandeman ...	,, 23 Aug., 1875
12,349	13 May, 1875	J. P. Mackenzie	Report filed, 20 Sept., 1875
12,350	14 May, 1875	F. T. Humphery	Plan filed, 29 May, 1876
12,351	17 May, 1875	A. Sandeman ...	,, 20 March, 1876
12,352	,, ,,	F. T. Humphery	,, 30 Aug., 1875 2nd plan filed, 30 Nov., 1875
12,353	18 May, 1875	A. Sandeman ...	Plan filed, 14 Sept., 1875
12,354	,, ,,	J. P. Mackenzie	,, 19 Aug., 1875
12,355	19 May, 1875	A. Sandeman ...	Account filed, 23 Aug., 1875
12,356	20 May, 1875	J. P. Mackenzie	,, 23 Sept., 1875
12,357	,, ,,	F. T. Humphery	Report filed, 14 Feb., 1876
12,358	,, ,,	J. P. Mackenzie..	Plan filed, 20 Aug., 1875 2nd plan filed, 5 June, 1876 3rd ,, 11 Oct., 1876
12,359	25 May, 1875	F. T. Humphery	Report filed, 8 Feb., 1876
12,360	,, ,,	A. Sandeman ...	Account filed, 4 Aug., 1875
12,361	,, ,,	J. P. Mackenzie	Plan filed, 16 Sept., 1875
12,362	26 May, 1875	F. T. Humphery	,, 25 Sept., 1875
12,363	,, ,,	A. Sandeman..	,, ,, ,, Equalizing plan filed, 22 Nov., 1875 ,, ,, 7 Dec., 1875 2nd plan filed, 2 May, 1876
12,364	27 May, 1875	J. P. Mackenzie	Plan filed, 15 Oct., 1875
12,365	28 May, 1875	A. Sandeman..	,, 16 Feb., 1876 2nd plan filed, 10 Oct., 1876

No.	Date of Sequestration.	Assignee.	Date when plan filed.
12,366	28 May, 1875	F. T. Humphrey	Plan filed, 30 Sept., 1875 2nd plan filed, 17 Aug., 1877
12,367	,, ,,	J. P. Mackenzie	Plan filed, 19 Aug., 1875 ,, 18 April, 1876
12,368	,, ,,	A. Sandeman ...	
12,369	,, ,,	F. T. Humphrey	Report filed, 1 Dec., 1875
12,370	29 May, 1875	,, ...	Plan filed, 30 Nov., 1875 ,, 29 Sept., 1875 ,, 21 Dec., 1875
12,371	,, ,,	A. Sandeman ...	
12,372	1 June, 1875	J. P. Mackenzie	
12,373	,, ,,	,, ...	Report filed, 1 Oct., 1875
12,374	,, ,,	F. T. Humphrey	Plan filed, 18 April, 1876 2nd plan filed, 22 July, 1876
12,375	,, ,,	A. Sandeman ...	Account filed, 25 Aug., 1875
12,376	2 June, 1875	J. P. Mackenzie	Account filed, 6 Aug., 1875
12,377	,, ,,	F. T. Humphrey	Report filed, 29 Sept., 1875
12,378	,, ,,	A. Sandeman ...	Plan filed, 2 Dec., 1875 ,, 16 Oct., 1875
12,379	,, ,,	,, ...	
12,380	3 June, 1875	F. T. Humphrey	Report filed, 1 Dec., 1875
12,381	4 June, 1875	J. P. Mackenzie	Plan filed, 19 Aug., 1875
12,382	,, ,,	F. T. Humphrey	Report filed, 29 Sept., 1875
12,383	,, ,,	J. P. Mackenzie	Account filed, 21 Oct., 1875 ,, 17 June, 1876 Plan filed, 13 Dec., 1876 3rd plan filed, 13 Aug., 1877
12,384	,, ,,	A. Sandeman ...	Report filed, 22 Oct., 1875
12,385	5 June, 1875	F. T. Humphrey	,, 29 Sept., 1875
12,386	,, ,,	A. Sandeman ...	,, 3 Aug., 1876
12,387	7 June, 1875	J. P. Mackenzie	Account filed, 14 Feb., 1876 ,, 25 Nov., 1875
12,388	8 June, 1875	,, ...	Plan filed, 29 Sept., 1875
12,389	,, ,,	A. Sandeman ...	Report filed, 4 Dec., 1875
12,390	9 June, 1875	F. T. Humphrey	Plan filed, 10 Oct., 1876
12,391	11 June, 1875	A. Sandeman	2nd plan filed, 10 Mar., 1877 3rd ,, 6 Mar., 1878
12,392	,, ,,	J. P. Mackenzie	Report filed, 4 Aug., 1875
12,393	12 June, 1875	F. T. Humphrey	,, 20 Mar., 1876
12,394	,, ,,	,, ...	Account filed, 10 Mar., 1876
12,395	14 June, 1875	J. P. Mackenzie	Report filed, 14 June, 1876
12,396	,, ,,	A. Sandeman ...	Account filed
12,397	,, ,,	F. T. Humphrey	Report filed, 6 Dec., 1875
12,398	15 June, 1875	A. Sandeman ...	Plan filed, 1 Oct., 1875
12,399	,, ,,	J. P. Mackenzie	Account filed, 20 Aug., 1875
12,400	16 June, 1875	,, ...	Report filed, 29 Sept., 1875
12,401	,, ,,	F. T. Humphrey	Plan filed, 22 Nov., 1875 2nd plan filed, 23 Mar., 1877
12,402	,, ,,	A. Sandeman	Account filed, 17 Aug., 1875 ,, 23 Aug., 1875
12,403	,, ,,	J. P. Mackenzie	Report filed, 1 Oct., 1875
12,404	17 June, 1875	F. T. Humphrey	,, 6 Dec., 1875
12,405	,, ,,	A. Sandeman ...	Plan filed, 16 Feb., 1876
12,406	,, ,,	J. P. Mackenzie	Report filed, 21 Oct., 1875
12,407	18 June, 1875	F. T. Humphrey	Plan filed, 6 Dec., 1875 ,, 13 April, 1876 Equalizing plan filed, 3 April, 1876 3rd plan filed, 13 & 7 June, 1878
12,408	,, ,,	A. Sandeman ...	Account filed, 6 Sept., 1875
12,409	,, ,,	,, ...	,, 17 Aug., 1875
12,410	,, ,,	J. P. Mackenzie	,, 11 Nov., 1875
12,411	,, ,,	F. T. Humphrey	Report filed, 29 Sept., 1875
12,412	,, ,,	A Sandeman	Plan filed, 23 Oct., 1875 2nd plan filed, 7 Nov., 1876
12,413	,, ,,	F. T. Humphrey	Plan filed, 1 Nov., 1875 2nd plan filed, 7 June, 1876 3rd ,, 13 June, 1878
12,414	19 June, 1875	J. P. Mackenzie	Report filed, 2 Nov., 1875
12,415	22 June, 1875	,, ...	Account filed, 2 Aug., 1875
12,416	,, ,,	F. T. Humphrey	,, 1 Dec., 1875
12,417	,, ,,	A. Sandeman ...	,, 2 Sept., 1875
12,418	,, ,,	,, ...	,, 20 Sept., 1875
12,419	,, ,,	J. P. Mackenzie	Plan filed, 6 Dec., 1875 2nd plan filed, 13 Nov., 1876
12,420	23 June, 1875	,, ...	Report filed, 29 Sept., 1875
12,421	,, ,,	A. Sandeman ...	Plan filed, 26 Nov., 1875 ,, 7 Dec., 1875
12,422	,, ,,	F. T. Humphrey	2nd plan filed, 3 Aug., 1877 3rd ,, 7 June, 1878
12,423	,, ,,	J. P. Mackenzie	Plan filed, 1 Oct., 1875
12,424	26 June, 1875	F. T. Humphrey	,, 20 Mar., 1876
12,425	,, ,,	J. P. Mackenzie	,, 21 Sept., 1876 ,, 21 Oct., 1875
12,426	28 June, 1875	A. Sandeman	,, 6 Oct., 1875
12,427	29 June, 1875	F. T. Humphrey	2nd plan filed, 24 July, 1877
12,428	30 June, 1875	J. P. Mackenzie	.....
12,429	,, ,,	A. Sandeman ...	Report filed, 23 Sept., 1875
12,430	1 July, 1875	F. T. Humphrey	,, 7 Dec., 1875
12,431	2 July, 1875	J. P. Mackenzie	Plan filed, 22 Feb., 1876 ,, 10 Dec., 1875 ,, 14 Feb., 1876
12,432	3 July, 1875	F. T. Humphrey	Report filed, 1 Dec., 1875
12,433	,, ,,	A. Sandeman ...	Plan filed, 7 Dec., 1875
12,434	,, ,,	F. T. Humphrey	Report filed, 3 Feb., 1876
12,435	5 July, 1875	J. P. Mackenzie	Plan filed, 20 Sept., 1875
12,436	,, ,,	F. T. Humphrey	,, 6 May, 1876
12,437	,, ,,	A. Sandeman ...	,, 29 Sept., 1875
12,438	6 July, 1875	J. P. Mackenzie	Account filed, 21 Oct., 1875
12,439	6 July, 1875	J. P. Mackenzie	Plan filed, 4 April, 1876 2nd plan filed, 12 Oct., 1876
12,440	,, ,,	A. Sandeman ...	Account filed, 21 Sept., 1875
12,441	7 July, 1875	F. T. Humphrey	Report filed, 1 Dec., 1875
12,442	,, ,,	A. Sandeman ..	Account filed, 21 Sept., 1875
12,443	,, ,,	F. T. Humphrey	Report filed, 20 Mar., 1876
12,444	8 July, 1875	J. P. Mackenzie	,, 14 Dec., 1875
12,445	,, ,,	A. Sandeman	Plan filed, 5 Nov., 1875 2nd plan filed, 25 April, 1876
12,446	,, ,,	J. P. Mackenzie	Plan filed, 14 Dec., 1876
12,447	,, ,,	F. T. Humphrey	Report filed, 6 Dec., 1875
12,448	9 July, 1875	A. Sandeman ...	.....
12,449	,, ,,	J. P. Mackenzie	Plan filed, 13 Oct., 1875
12,450	13 July, 1875	,, ...	Report filed, 6 Dec., 1875
12,451	14 July, 1875	F. T. Humphrey	,, 4 Dec., 1875
12,452	,, ,,	A. Sandeman ..	,, 16 Feb., 1876
12,453	,, ,,	J. P. Mackenzie	Account filed, 19 Nov., 1875
12,454	15 July, 1875	F. T. Humphrey	,, 3 Feb., 1876
12,455	,, ,,	A. Sandeman ...	,, 24 Sept., 1875
12,456	20 July, 1875	J. P. Mackenzie	Plan filed, 15 Sept., 1876
12,457	,, ,,	F. T. Humphrey	Report filed, 6 Dec., 1875
12,458	21 July, 1875	A. Sandeman ...	,, 23 Nov., 1875
12,459	22 July, 1875	J. P. Mackenzie	,, 1 Oct., 1875
12,460	,, ,,	A. Sandeman	Plan filed, 8 April, 1876 2nd plan filed, 10 Oct., 1876
12,461	,, ,,	F. T. Humphrey	.....
12,462	,, ,,	J. P. Mackenzie	Report filed, 1 Oct., 1875
12,463	,, ,,	F. T. Humphrey	,, 1 Dec., 1875
12,464	26 July, 1875	A Sandeman ...	Plan filed, 2 Dec., 1875
12,465	,, ,,	J. P. Mackenzie	,, 11 Nov., 1875
12,466	27 July, 1875	F. T. Humphrey	Account filed, 14 Dec., 1875 2nd accnt. filed, 6 June, 1876
12,467	29 July, 1875	A. Sandeman	Plan filed, 25 Nov., 1875 2nd plan filed, 26 May, 1876
12,468	,, ,,	J. P. Mackenzie	Report filed, 4 Nov., 1875
12,469	,, ,,	A. Sandeman ...	Account filed, 10 Sept., 1875
12,470	,, ,,	F. T. Humphrey	,, 24 Feb., 1876
12,471	2 Aug., 1875	J. P. Mackenzie	Report filed, 21 Oct., 1875
12,472	,, ,,	F. T. Humphrey	,, 12 April, 1876
12,473	3 Aug., 1875	J. P. Mackenzie	Account filed, 24 Mar., 1876
12,474	,, ,,	A. Sandeman ...	Plan filed, 28 Feb., 1875
12,475	4 Aug., 1875	,, ...	Report filed, 25 Nov., 1875
12,476	,, ,,	F. T. Humphrey	,, 4 Dec., 1875
12,477	5 Aug., 1875	J. P. Mackenzie	,, 21 Oct., 1875
12,478	6 Aug., 1875	F. T. Humphrey	,, 1 Dec., 1875
12,479	,, ,,	A. Sandeman ...	Plan filed, 16 Feb., 1876
12,480	7 Aug., 1875	,, ...	Account filed, 25 Nov., 1875
12,481	,, ,,	J. P. Mackenzie	Plan filed, 21 Dec., 1875
12,482	9 Aug., 1875	A. Sandeman ...	Report filed, 23 Nov., 1875
12,483	,, ,,	F. T. Humphrey	Plan filed, 30 Nov., 1875
12,484	10 Aug., 1875	,, ...	Report filed, 6 May, 1876
12,485	,, ,,	J. P. Mackenzie	Account filed, 19 Nov., 1875
12,486	,, ,,	A. Sandeman ...	Plan filed, 16 Nov., 1877
12,487	11 Aug., 1875	J. P. Mackenzie	Report filed, 17 Dec., 1875
12,488	12 Aug., 1875	F. T. Humphrey	,, 11 April, 1876
12,489	13 Aug., 1875	A. Sandeman ...	Account filed, 25 Nov., 1875
12,490	,, ,,	,, ...	,, 17 Dec., 1875
12,491	14 Aug., 1875	F. T. Humphrey	Report filed, 6 Dec., 1875
12,492	,, ,,	J. P. Mackenzie	,, 18 Aug., 1876
12,493	,, ,,	F. T. Humphrey	,, 6 Dec., 1875
12,494	,, ,,	J. P. Mackenzie	,, 21 Oct., 1875
12,495	,, ,,	A. Sandeman ...	,, 16 Feb., 1876
12,496	,, ,,	J. P. Mackenzie	,, 21 Oct., 1875
12,497	16 Aug., 1875	F. T. Humphrey	Plan filed, 1 May, 1876
12,498	,, ,,	A. Sandeman ...	Report filed, 23 Nov., 1875
12,499	,, ,,	F. T. Humphrey	Account filed, 24 Feb., 1876
12,500	,, ,,	J. P. Mackenzie	Plan filed, 21 Dec., 1875
12,501	,, ,,	A. Sandeman ...	,, 16 Feb., 1876
12,502	17 Aug., 1875	J. P. Mackenzie	,, 11 Nov., 1875
12,503	,, ,,	F. T. Humphrey	Account filed, 6 Dec., 1875
12,504	,, ,,	A. Sandeman ...	,, 22 Oct., 1875
12,505	18 Aug., 1875	,, ...	,, 10 April, 1876
12,506	19 Aug., 1875	J. P. Mackenzie	Plan filed, 30 Nov., 1875 ,, 19 April, 1877
12,507	,, ,,	F. T. Humphrey	,, 25 Feb., 1876
12,508	20 Aug., 1875	,, ...	,, 28 Feb., 1876
12,509	,, ,,	J. P. Mackenzie	....
12,510	,, ,,	F. T. Humphrey	,, 25 Feb., 1876
12,511	21 Aug., 1875	J. P. Mackenzie	,, 14 Feb., 1876
12,512	,, ,,	A. Sandeman ...	Report filed, 7 Dec., 1875
12,513	,, ,,	,, ...	,, 23 Nov., 1875
12,514	,, ,,	F. T. Humphrey	,, 20 Mar., 1876
12,515	24 Aug., 1875	,, ...	,, 6 May, 1876
12,516	,, ,,	A. Sandeman ...	Plan filed, 16 Feb., 1876
12,517	,, ,,	J. P. Mackenzie	,, 21 Dec., 1875
12,518	25 Aug., 1875	,, ...	Report filed, 14 Dec., 1875
12,519	,, ,,	F. T. Humphrey	Plan filed, 30 Nov., 1875
12,520	26 Aug., 1875	A. Sandeman ...	,, 1 April, 1876
12,521	27 Aug., 1875	,, ...	Account filed, 24 Nov., 1875
12,522	,, ,,	F. T. Humphrey	Report filed, 4 Dec., 1875
12,523	,, ,,	J. P. Mackenzie	Plan filed, 21 Dec., 1875 2nd plan filed, 14 Feb., 1876

No.	Date of Sequestration.	Assignee.	Date when plan filed.
12,524	28 Aug., 1875	F. T. Humphery	Report filed, 9 May, 1876
12,525	30 Aug., 1875	J. P. Mackenzie	,, 2 Dec., 1875
12,526	31 Aug., 1875	A. Sandeman ...	Account filed, 25 Nov., 1875
12,527	3 Sep., 1875	,, ...	Report filed, 20 Mar., 1876
12,528	,, ,,	J. P. Mackenzie	,, 29 Oct., 1875
12,529	4 Sep., 1875	F. T. Humphery	Plan filed, 15 Aug., 1876
12,530	,, ,,	A. Sandeman ...	,, 16 Feb., 1876
12,531	,, ,,	J. P. Mackenzie	.....
12,532	6 Sep., 1875	F. T. Humphery	Account filed, 1 Dec., 1875
12,533	7 Sep., 1875	A. Sandeman ...	,, 22 Nov., 1875
12,534	,, ,,	,, ...	Report filed, 20 Mar., 1876
12,535	,, ,,	J. P. Mackenzie	Plan filed, 6 June, 1876
12,536	,, ,,	F. T. Humphery	Report filed, 7 April, 1876
12,537	,, ,,	J. P. Mackenzie	,, 14 Feb., 1876
12,538	8 Sep., 1875	F. T. Humphery	Account filed, 6 Dec., 1875
12,539	,, ,,	A. Sandeman ...	Report filed, 16 Feb., 1876
12,540	,, ,,	J. P. Mackenzie	Report filed, 4 Nov., 1875
12,541	9 Sep., 1875	F. T. Humphery	Account filed, 5 Dec., 1876
12,542	10 Sep., 1875	A. Sandeman ...	Report filed, 7 Dec., 1875
12,543	,, ,,	J. P. Mackenzie	,, 30 Nov., 1875
12,544	,, ,,	A. Sandeman ...	Account filed
12,545	,, ,,	F. T. Humphery	Plan filed, 23 Feb., 1876
12,546	,, ,,	J. P. Mackenzie	,, 2 Aug., 1876
12,547	,, ,,	A. Sandeman ...	Account filed, 26 April, 1878
12,548	11 Sep., 1875	F. T. Humphery	Report filed, 8 Feb., 1876
12,549	13 Sep., 1875	J. P. Mackenzie	,, 28 June, 1876
12,550	,, ,,	A. Sandeman ...	Account filed, 16 Feb., 1876
12,551	15 Sep., 1875	F. T. Humphery	Plan filed, 9 Aug., 1877
12,552	,, ,,	J. P. Mackenzie	Report filed, 24 Nov., 1875
12,553	,, ,,	A. Sandeman ...	Account filed, 25 Nov., 1875
12,554	16 Sep., 1875	F. T. Humphery	Report filed, 1 June, 1876
12,555	17 Sep., 1875	A. Sandeman ...	,, 16 Feb., 1876
12,556	18 Sep., 1875	J. P. Mackenzie	Account filed, 17 Dec., 1875
12,557	20 Sep., 1875	F. T. Humphery	Plan filed, 25 Feb., 1876
12,558	,, ,,	J. P. Mackenzie	Account filed, 17 Dec., 1875
12,559	,, ,,	F. T. Humphery	.....
12,560	,, ,,	A. Sandeman ...	Report filed, 17 Dec., 1875
12,561	,, ,,	J. P. Mackenzie	,, 24 Nov., 1875
12,562	21 Sep., 1875	F. T. Humphery	,, 8 Feb., 1875
12,563	,, ,,	A. Sandeman ...	,, 16 May, 1876
12,564	,, ,,	J. P. Mackenzie	,, 6 April, 1876
12,565	,, ,,	A. Sandeman ...	Account filed, 10 Mar., 1876
12,566	24 Sep., 1875	F. T. Humphery	Report filed, 7 April, 1876
12,567	27 Sep., 1875	J. P. Mackenzie	,, 14 Feb., 1876
12,568	,, ,,	A. Sandeman ...	Account filed, 10 Mar.,1866
12,569	,, ,,	F. T. Humphery	Plan filed, 10 Mar., 1866
12,570	28 Sep., 1875	J. P. Mackenzie	,, 17 Dec., 1875
12,571	,, ,,	A. Sandeman ...	Account filed, 16 Feb., 1876
12,572	29 Sep., 1875	F. T. Humphery	Plan filed, 21 April, 1876
12,573	,, ,,	A. Sandeman ...	Report filed, 24 Oct., 1876
12,574	,, ,,	F. T. Humphery	Plan filed, 18 April, 1876 Equalizing plan filed, 5 June, 1876 3rd plan filed, 5 Sept., 1876
12,575	30 Sep., 1875	J. P. Mackenzie	Report filed, 28 June, 1876
12,576	1 Oct., 1875	,, ...	Plan filed, 2 Dec., 1875
12,577	2 Oct., 1875	F. T. Humphery	Account filed, 8 Feb., 1876
12,578	,, ,,	A. Sandeman ...	Report filed, 17 Dec., 1875
12,579	4 Oct., 1875	,, ...	,, 25 Nov., 1875
12,580	,, ,,	J. P. Mackenzie	Plan filed, 16 May, 1876
12,581	,, ,,	F. T. Humphery	,, 1 May, 1876 2nd plan filed, 27 Oct., 1876
12,582	,, ,,	J. P. Mackenzie	Pan filed, 18 April, 1876
12,583	5 Oct., 1875	A. Sandeman ...	Report filed, 17 Dec., 1875
12,584	6 Oct., 1875	F. T. Humphery	.....
12,585	,, ,,	J. P. Mackenzie	Plan filed, 24 Feb., 1876
12,586	7 Oct., 1875	F. T. Humphery	Account filed, 7 April, 1876
12,587	,, ,,	A. Sandeman ...	,, 25 Nov., 1875
12,588	8 Oct., 1875	J. P. Mackenzie	Plan filed, 27 Nov., 1877
12,589	,, ,,	F. T. Humphery	,, 5 June, 1876
12,590	,, ,,	A. Sandeman ...	,, 16 Feb., 1876
12,591	,, ,,	,, ...	,, 8 May, 1876
12,592	9 Oct., 1875	F. T. Humphery	Report filed, 1 June, 1866
12,593	11 Oct., 1875	J. P. Mackenzie	Plan filed, 22 Dec., 1873
12,594	,, ,,	,, ...	Report filed, 15 May, 1876
12,595	12 Oct., 1875	A. Sandeman ...	Plan filed, 4 May, 1876
12,596	13 Oct., 1875	F. T. Humphery	Report filed, 30 May, 1876
12,597	,, ,,	J. P. Mackenzie	Account filed, 4 May, 1876
12,598	14 Oct., 1875	A. Sandeman ...	Plan filed, 6 Nov., 1876
12,599	,, ,,	F. T. Humphery	Report filed, 11 April, 1876
12,600	18 Oct., 1875	A. Sandeman ...	,, 18 Feb., 1876
12,601	,, ,,	J. P. Mackenzie	,, 6 Dec., 1875
12,602	20 Oct., 1875	F. T. Humphery	Plan filed, 25 Feb., 1876 2nd plan filed, 30 May, 1876
12,603	21 Oct., 1875	J. P. Mackenzie	Account filed, 14 Feb., 1876
12,604	,, ,,	F. T. Humphery	Plan filed, 30 May, 1876
12,605	,, ,,	A. Sandeman ...	,, 16 Feb., 1876
12,606	,, ,,	,, ...	,, 20 Mar., 1876
12,607	,, ,,	J. P. Mackenzie	,, 3 Mar., 1876
12,608	,, ,,	F. T. Humphery	,, 25 Feb., 1876
12,609	23 Oct., 1875	A. Sandeman ...	Report filed, 17 June, 1876
12,610	25 Oct., 1875	J. P. Mackenzie	,, 14 Feb., 1876
12,611	,, ,,	F. T. Humphery	Plan filed, 30 June, 1876
12,612	25 Oct., 1875	J. P. Mackenzie	Report filed, 18 Mar., 1876
12,613	26 Oct., 1875	F. T. Humphery	2nd account, filed 2 Aug., 1876
12,614	,, ,,	A. Sandeman ...	.....
12,615	28 Oct., 1875	J. P. Mackenzie	Plan filed, 17 Dec., 1875
12,616	,, ,,	F. T. Humphery	Report filed, 1 June, 1876
12,617	29 Oct., 1875	A. Sandeman ...	Plan filed, 28 Dec., 1876
12,618	,, ,,	J. P. Mackenzie	Report filed, 14 Dec., 1875
12,619	30 Oct., 1875	F. T. Humphery	Plan filed, 25 Feb., 1876
12,620	,, ,,	A. Sandeman ...	Account filed, 18 Feb., 1876
12,621	,, ,,	,, ...	Report filed, 24 Oct., 1876
12,622	,, ,,	F. T. Humphery	,, 29 Aug., 1876
12,623	1 Nov., 1875	,, ...	Plan filed, 10 Mar., 1876
12,624	,, ,,	J. P. Mackenzie	Report filed, 14 Feb., 1876
12,625	,, ,,	,, ...	,, ,, ,,
12,626	,, ,,	A. Sandeman ...	,, 18 Feb., 1876
12,627	2 Nov., 1875	,, ...	Plan filed, 18 April, 1876
12,628	,, ,,	F. T. Humphery	,, 6 June, 1876
12,629	,, ,,	,, ...	,, 7 June, 1876
12,630	3 Nov., 1875	A. Sandeman ...	Report filed, 18 Feb., 1876
12,631	,, ,,	F. T. Humphery	,, 1 June, 1876
12,632	,, ,,	A. Sandeman ...	,, 10 Mar., 1876
12,633	,, ,,	F. T. Humphery	Plan filed, 30 June, 1876
12,634	4 Nov., 1875	A. Sandeman	,, 19 Sept., 1876 2nd plan filed, 29 Dec., 1876 3rd ,, 19 Apl., 1877 4th ,, 3 Sept., 1877 5th ,, 15 Apl., 1878 6th ,, 27 Aug., 1878
12,635	5 Nov., 1875	,, ...	2nd account filed, 17 Oct., 1877
12,636	,, ,,	F. T. Humphery	Report filed, 7 April, 1876
12,637	8 Nov., 1875	A. Sandeman ...	,, 1 Mar., 1876
12,638	,, ,,	F. T. Humphery	,, 9 May, 1876
12,639	10 Nov., 1875	,, ...	,, 6 May, 1876
12,640	11 Nov., 1875	A. Sandeman ...	,, 18 Feb., 1876
12,641	,, ,,	,, ...	Account filed, 18 Feb., 1876
12,642	,, ,,	F. T. Humphery	Plan filed, 12 Sept., 1876
12,643	,, ,,	A. Sandeman ...	,, 1 April, 1876
12,644	12 Nov., 1875	F. T. Humphery	,, 22 May, 1876
12,645	,, ,,	,, ...	Account filed, 23 Aug., 1876
12,646	15 Nov., 1875	A. Sandeman ...	Report filed, 18 Feb., 1876
12,647	,, ,,	,, ...	Plan filed, 24 Nov., 1877
12,648	16 Nov., 1875	F. T. Humphery	,, 24 July, 1877
12,649	,, ,,	A. Sandeman ...	Report filed, 7 April, 1876
12,650	18 Nov., 1875	F. T. Humphery	,, 9 Mar., 1876
12,651	,, ,,	,, ...	Account filed, 9 Mar., 1876
12,652	,, ,,	A. Sandeman ...	Plan filed, 26 May, 1876
12,653	19 Nov., 1875	,, ...	Report filed, 28 Mar., 1876
12,654	,, ,,	F. T. Humphery	Plan filed, 18 Aug., 1876 2nd plan filed, 23 Oct., 1877
12,655	,, ,,	,, ...	Report filed, 6 May, 1876
12,656	,, ,,	A. Sandeman ...	,, 3 Aug., 1876
12,657	20 Nov., 1875	,, ...	Plan filed, 10 Aug., 1876
12,658	22 Nov., 1875	F. T. Humphery	,, 30 May, 1876
12,659	23 Nov., 1875	,, ...	,, 21 April, 1876
12,660	,, ,,	A. Sandeman ...	Account filed, 16 Aug., 1876
12,661	24 Nov., 1875	,, ...	,, 18 Feb., 1876
12,662	,, ,,	F. T. Humphery	Report filed, 7 June, 1876
12,663	,, ,,	A. Sandeman ...	,, 8 Aug., 1876
12,664	26 Nov., 1875	F. T. Humphery	Plan filed, 5 Sept., 1876
12,665	,, ,,	,, ...	Report filed, 7 June, 1876
12,666	27 Nov., 1875	A. Sandeman ...	Plan filed, 20 Mar., 1876
12,667	,, ,,	,, ...	Report filed, 28 Mar., 1876
12,668	29 Nov., 1875	F. T. Humphery	,, 9 May, 1876
12,669	30 Nov., 1875	,, ...	,, 7 June, 1876
12,670	,, ,,	A. Sandeman ...	Account filed, 18 Feb., 1876
12,671	,, ,,	,, ...	.....
12,672	,, ,,	F. T. Humphery	Plan filed, 10 Mar., 1876
16,673	,, ,,	A. Sandeman ...	Account filed, 26 April, 1876
12,674	1 Dec., 1875	F. T. Humphery	,, 19 June, 1876
12,675	,, ,,	A. Sandeman ...	Plan filed, 25 May, 1876
12,676	2 Dec., 1875	F. T. Humphery	Account filed, 19 June, 1876
12,677	4 Dec., 1875	,, ...	Plan filed, 21 April, 1876
12,678	,, ,,	A. Sandeman ...	Report filed, 28 Mar., 1876
12,679	,, ,,	F. T. Humphery	Account filed, 1 June, 1876
12,680	6 Dec., 1875	A. Sandeman ..	,, 18 Feb., 1876
12,681	,, ,,	F. T. Humphery	,, 13 June, 1877
12,682	7 Dec., 1875	A. Sandeman ...	,, 28 Mar., 1876
12,683	,, ,,	,, ...	Plan filed, 17 July, 1877
12,684	,, ,,	F. T. Humphery	Report filed, 9 Mar., 1876
12,685	,, ,,	,, ...	,, 1 June, 1876
12,686	,, ,,	A. Sandeman ...	Plan filed, 28 Mar., 1876
12,687	8 Dec., 1875	,, ...	Report filed, 28 Feb., 1876
12,688	,, ,,	F. T. Humphery	,, 19 June, 1876
12,689	,, ,,	,, ...	Account filed, 7 Nov., 1876
12,690	9 Dec., 1875	A. Sandeman ...	Report filed, 28 Mar., 1876
12,691	,, ,,	,, ...	Account filed, 10 Mar.,1876
12,692	14 Dec., 1875	F. T. Humphery	Plan filed, 29 May, 1876 2nd plan filed, 11 June, 1877
12,693	15 Dec., 1875	,, ...	Account filed, 30 June, 1876
12,694	16 Dec., 1875	A. Sandeman ...	Plan filed, 26 April, 1877
12,695	,, ,,	F. T. Humphery	.....
12,696	18 Dec., 1875	A. Sandeman ...	Report filed, 20 Mar., 1876

No.	Date of Sequestration.	Assignee.	Date when plan filed.
12,697	18 Dec., 1875	A. Sandeman ...	Report filed, 10 Mar., 1876
12,698	,, ,,	F. T. Humphery	,, 19 June, 1876
12,699	,, ,,	,, ...	,, 30 June, 1876
12,700	21 Dec., 1875	A. Sandeman ...	,, 17 Aug., 1876
12,701	,, ,,	,, ...	Plan filed, 25 May, 1876
12,702	,, ,,	F. T. Humphery	Report filed, 23 Aug., 1876
12,703	22 Dec., 1875	A. Sandeman ...	.....
12,704	,, ,,	F. T. Humphrey	Report filed, 25 Feb., 1876
12,705	,, ,,	A. Sandeman ...	.....
12,706	23 Dec., 1875	F. T. Humphery	Report filed, 19 June, 1876
12,707	,, ,,	,, ...	Plan filed, 16 Aug., 1876
12,708	,, ,,	A. Sandeman ...	,, 26 May, 1876
12,709	,, ,,	,, ...	Account filed, 22 Aug., 1876
12,710	28 Dec., 1875	F. T. Humphery	Report filed, 7 June, 1876
12,711	,, ,,	A. Sandeman ...	Account filed, 23 May, 1876
12,712	,, ,,	S. Lyons	Plan filed, 13 June, 1876
12,713	29 Dec., 1875	F. T. Humphery	Report filed, 19 June, 1876
12,714	,, ,,	S. Lyons	Account filed, 8 May, 1876
12,715	30 Dec., 1875	A. Sandeman ...	Report filed, 10 Mar., 1876
12,716	31 Dec., 1875	,, ...	Plan filed, 8 June, 1876
12,717	5 Jan., 1876	F. T. Humphery	Report filed, 20 Mar., 1876
12,718	,, ,,	S. Lyons	Plan filed, 3 Nov., 1876 ,, 6 Dec., 1877
12,719	7 Jan., 1876	A. Sandeman ...	Account filed, 20 Apl., 1876
12,720	6 Jan., 1876	R. H. Sempill ...	,, 18 Mar., 1876
12,721	12 Jan., 1876	S. Lyons	Plan filed, 15 May, 1876
12,722	,, ,,	F. T. Humphery	Report filed, 30 June, 1876
12,723	13 Jan., 1876	,, ...	Plan filed, 11 October, 1876
12,724	14 Jan., 1876	R. H. Sempill ...	.....
12,725	17 Jan., 1876	S. Lyons	Account filed, 6 April, 1876
12,726	18 Jan., 1876	R. H. Sempill ...	,, 18 Mar., 1876
12,727	,, ,,	A. Sandeman ...	Report filed, 22 May, 1876
12,728	,, ,,	,, ...	Plan filed, 8 May, 1876
12,729	19 Jan., 1876	S. Lyons	,, 3 May, 1876
12,730	20 Jan., 1876	F. T. Humphery	Report filed, 6 May, 1876
12,731	,, ,,	A. Sandeman ...	Account filed, 19 Sept., 1876
12,732	21 Jan., 1876	R. H. Sempill ...	Report filed, 6 June, 1876
12,733	,, ,,	F. T. Humphery	,, 6 May, 1876
12,734	24 Jan., 1876	S. Lyons	Plan filed, 2 August, 1876
12,735	,, ,,	,, ...	Report filed, 19 Apl., 1876
12,736	,, ,,	R. H. Sempill ...	,, 29 Aug., 1876
12,737	27 Jan., 1876	A. Sandeman ...	Account filed, 9 Aug., 1876
12,738	,, ,,	F. T. Humphery	.....
12,739	29 Jan., 1876	A. Sandeman ...	Plan filed, 25 May, 1876
12,740	31 Jan., 1876	S. Lyons	Account filed, 17 Nov., 1876
12,741	,, ,,	R. H. Sempill ...	Plan filed, 9 May, 1876
12,742	1 Feb., 1876	F. T. Humphery	Account filed, 19 June, 1876
12,743	,, ,,	A. Sandeman ...	Report filed, 2 May, 1876
12,744	2 Feb., 1876	S. Lyons	Account filed, 22 Apl., 1876
12,745	,, ,,	R. H. Sempill ...	.....
12,746	,, ,,	F. T. Humphery	Account filed, 1 June, 1876
12,747	,, ,,	A. Sandeman ...	,, 15 June, 1876
12,748	,, ,,	S. Lyons	Plan filed, 26 May, 1876
12,749	,, ,,	F. T. Humphery	,, 30 May, 1876
12,750	,, ,,	R. H. Sempill ...	Report filed, 27 March, 1876
12,751	3 Feb., 1876	F. T. Humphery	Plan filed, 3 August, 1876
12,752	4 Feb., 1876	A. Sandeman ...	,, ,, ,,
12,753	,, ,,	R. H. Sempill ...	Report filed, 27 April, 1876
12,754	,, ,,	S. Lyons	Plan filed, 21 April, 1876
12,755	,, ,,	F. T. Humphery	Report filed, 3 Aug., 1876
12,756	5 Feb., 1876	R. H. Sempill ...	Plan filed, 23 April, 1877
12,757	8 Feb., 1876	S. Lyons	Report filed, 22 April, 1876
12,758	,, ,,	A. Sandeman ...	Plan filed, 15 Aug., 1876
12,759	,, ,,	S. Lyons	Report filed, 8 April, 1876
12,760	9 Feb., 1876	F. T. Humphery	,, 6 May, 1876
12,761	,, ,,	A. Sandeman	Plan filed, 16 June, 1876 2nd plan filed, 5 Oct., 1876 3rd ,, 16 May, 1876
12,762	,, ,,	R. H. Sempill ...	Report filed, 18 April, 1876
12,763	,, ,,	,, ...	.....
12,764	11 Feb., 1876	S. Lyons	Report filed, 29 May, 1876
12,765	,, ,,	F. T. Humphrey	Plan filed, 1 Dec., 1876
12,766	,, ,,	A. Sandeman ...	,, 15 Nov., 1870
12,767	12 Feb., 1876	,, ...	,, 23 Nov., 1876
12,768	14 Feb., 1876	F. T. Humphrey	Account filed, 22 Aug., 1876
12,769	,, ,,	R. H. Sempill ...	,, 13 May, 1876
12,770	15 Feb., 1876	S. Lyons	Report filed, 8 April, 1876
12,771	16 Feb., 1876	R. H. Sempill ...	Plan filed, 11 March, 1878
12,772	,, ,,	F. T Humphrey	,, 7 Nov., 1876
12,773	,, ,,	A. Sandeman ...	,, 23 Aug., 1876
12,774	18 Feb., 1876	S. Lyons	Report filed, 10 May, 1876
12,775	22 Feb., 1876	,, ...	Account filed, 10 May, 1876
12,776	,, ,,	A. Sandeman	Plan filed, 30 Nov., 1876 2nd plan filed, 23 Mar., 1877
12,777	,, ,,	R. H. Sempill ...	Report filed, 18 April, 1876
12,778	23 Feb., 1876	,, ...	,, 13 May, 1876
12,779	,, ,,	S. Lyons	Plan filed, 30 Oct., 1876
12,780	24 Feb., 1876	A. Sandeman ...	,, 9 June, 1876
12,781	,, ,,	S. Lyons	Account filed, 13 June, 1876
12,782	25 Feb., 1876	A. Sandeman ...	Plan filed, 7 June, 1876
12,783	,, ,,	R. H. Sempill ...	,, 16 Feb., 1877
12,784	,, ,,	A. Sandeman ...	Report filed, 2 March, 1877
12,785	25 Feb., 1876	S. Lyons	Plan filed, 30 June, 1876
12,786	26 Feb., 1876	R. H. Sempill ...	Account filed, 16 Feb., 1877
12,787	28 Feb., 1876	,, ...	,, 18 Apl. 1876
12,788	,, ,,	A. Sandeman	1st plan filed, 13 Oct., 1876 2nd ,, 8 March, 1878
12,789	,, ,,	S. Lyons	Account filed, 19 Apl., 1876
12,790	29 Feb., 1876	,, ...	,, 29 Aug., 1876
12,791	,, ,,	R. H. Sempill ...	.....
12,792	,, ,,	A. Sandeman ...	Plan filed, 10 Aug., 1876
12,793	,, ,,	S. Lyons	Account filed, 7 Sept., 1876
12,794	1 Mar., 1876	R. H. Sempill ...	,, 5 May, 1876
12,795	,, ,,	A. Sandeman ...	Report filed, 15 June, 1876
12,796	2 Mar., 1876	R. H. Sempill ...	,, 5 May, 1876
12,797	6 Mar., 1876	S. Lyons	Plan filed, 10 May, 1876 2nd plan filed, 13 June, 1878
12,798	,, ,,	A. Sandeman	1st plan filed, 10 Aug., 1876 2nd ,, 8 March, 1878
12,799	,, ,,	,, ...	Amended plan filed, 13 Oct., 1876
12,800	7 Mar., 1876	S. Lyons	Account filed, 2 Aug., 1876
12,801	,, ,,	R. H. Sempill ...	Report filed, 5 May, 1876
12,802	,, ,,	,, ...	,, 5 June, 1876
12,803	8 Mar., 1876	A. Sandeman ...	,, 23 May, 1876
12,804	,, ,,	S. Lyons	Plan filed, 5 May, 1876
12,805	,, ,,	R. H. Sempill ...	,, 30 June, 1876
12,806	,, ,,	S. Lyons	Report filed, 15 May, 1876
12,807	10 Mar., 1876	A. Sandeman ...	,, 15 June, 1876
12,808	,, ,,	R. H. Sempill ...	,, 5 May, 1876
12,809	11 Mar., 1876	S. Lyons	Account filed, 10 May, 1876
12,810	13 Mar., 1876	A. Sandeman ...	,, 7 Aug., 1876
12,811	,, ,,	S. Lyons	Report filed, 19 Apl., 1876
12,812	,, ,,	R. H. Sempill ...	,, 5 May, 1876
12,813	14 Mar., 1876	S. Lyons	,, 30 Aug., 1876
12,814	,, ,,	R. H. Sempill ...	,, 13 May, 1876
12,815	,, ,,	A. Sandeman ...	Account filed, 23 May, 1876
82,816	16 Mar., 1876	,, ...	Report filed, 23 May, 1876
12,817	,, ,,	R. H. Sempill ...	.....
12,818	,, ,,	A. Sandeman	Plan filed, 30 Oct., 1876 2nd plan filed, 4 Aug., 1878
12,819	17 Mar., 1876	S. Lyons	Plan filed, 15 May, 1876
12,820	18 Mar., 1876	,, ...	,, 30 June, 1876
12,821	20 Mar., 1876	R. H. Sempill ...	.....
12,822	,, ,,	A. Sandeman ...	Account filed, 20 Sep., 1878
12,823	21 Mar., 1876	R. H. Sempill ...	Report filed, 6 June, 1876
12,824	,, ,,	S. Lyons	,, 16 May, 1876
12,825	22 Mar., 1876	A. Sandeman ...	Plan filed, 3 August, 1876
12,826	,, ,,	,, ...	Report filed, 23 May, 1876
12,827	23 Mar., 1876	R. H. Sempill ...	Account filed, 14 Dec., 1876
12,828	,, ,,	S. Lyons	Report filed, 2 Aug., 1876
12,829	,, ,,	R. H. Sempill ...	Plan filed, 11 Aug., 1876
12,830	,, ,,	S. Lyons	Report filed, 8 Aug., 1876
12,831	,, ,,	A. Sandeman	Plan filed, 11 Sept., 1876 ,, 26 April, 1877
12,832	24 Mar., 1876	,, ...	Report filed, 18 July, 1876
12,833	,, ,,	S. Lyons	Account filed
12,834	25 Mar., 1876	R. H. Sempill ...	Report filed, 28 June, 1876
12,835	27 Mar., 1876	,, ...	Account filed, 29 May, 1876
12,836	28 Mar., 1876	S. Lyons	Plan filed, 12 Oct., 1876 2nd plan filed, 31 May, 1877 3rd ,, 7 Dec., 1877
12,837	,, ,,	A. Sandeman ...	Report filed, 9 June, 1876
12,838	29 Mar., 1876	R. H. Sempill ...	,, 11 May, 1876
12,839	,, ,,	S. Lyons	Plan filed, 8 Aug., 1876
12,840	30 Mar., 1876	A. Sandeman ...	Account filed, 30 Nov., 1876
12,841	31 Mar., 1876	S. Lyons	Report filed, 26 May., 1876
12,842	,, ,,	A. Sandeman ...	Plan filed, 11 Sept., 1876
12,843	3 Apl., 1876	R. H. Sempill ...	Report filed, 5 June, 1876
12,844	,, ,,	,, ...	Account filed, 6 June, 1876
12,845	4 Apl., 1876	A. Sandeman ...	Report filed, 8 Aug., 1876
12,846	,, ,,	S. Lyons	Account filed, 22 Aug., 1876
12,847	,, ,,	,, ...	Report filed, 26 May, 1876
12,848	5 Apl., 1876	A. Sandeman ...	....
12,849	,, ,,	R. H. Sempill ...	Report filed, 6 June, 1876
12,850	,, ,,	,, ...	,, 14 Dec., 1876
12,851	6 Apl., 1876	A. Sandeman ...	Plan filed, 27 Oct., 1876
12,852	,, ,,	S. Lyons	Report filed, 21 June, 1876
12,853	7 April, 1876	R. H. Sempill ...	,, 6 June, 1876
12,854	8 April, 1876	A. Sandeman ...	,, 23 May, 1876
12,855	10 April, 1876	S. Lyons	Plan filed, 30 June, 1876
12,856	,, ,,	R. H. Sempill ...	Account filed, 30 Aug., 1876
12,857	11 April, 1876	S. Lyons	Report filed, 2 Aug., 1876
12,858	,, ,,	A. Sandeman ...	,, 5 Sept., 1876
12,859	12 April, 1876	,, ...	Account filed, 23 Nov., 1876
12,860	13 April, 1876	R. H. Sempill ...	Report filed, 14 Dec., 1876
12,861	,, ,,	S. Lyons	,, 30 June, 1876
12,862	,, ,,	R. H. Sempill ...	Plan filed, 12 October, 1876
12,863	18 Apl., 1876	S. Lyons	Account filed, 30 June, 1876
12,864	,, ,,	A. Sandeman ...	Report filed, 8 Sept., 1876
12,865	19 Apl., 1876	R. H. Sempill ...	Account filed, 30 June, 1876
12,866	,, ,,	A. Sandeman ...	Plan filed, 3 August, 1876
12,867	20 Apl., 1876	S. Lyons	.....
12,868	,, ,,	R. H. Sempill ...	Report filed, 14 Dec., 1876
12,869	,, ,,	S. Lyons	Plan filed, 22 August, 1876

No.	Date of Sequestration.	Assignee.	Date when plan filed.
12,870	24 Apl., 1876	A. Sandeman ...	Plan filed, 20 Oct., 1876
12,871	25 Apl., 1876	,, ...	Account filed, 3 Aug., 1876
12,872	26 Apl., 1876	S. Lyons	Report filed, 30 June, 1876
12,873	,, ,,	R. H. Sempill ...	,, 3 Aug., 1876
12,874	,, ,,	F. T. Humphery	.....
12,875	27 Apl., 1876	R. H. Sempill ...	Account filed, 28 June, 1876
12,876	,, ,,	F. T. Humphery	Report filed, 22 Aug., 1876
12,877	28 Apl., 1876	S. Lyons	Plan filed, 27 Nov., 1876
12,878	29 Apl., 1876	A. Sandeman ...	Account filed, 3 Aug., 1876
12,879	29 April, 1876	R. H. Sempill ...	Plan filed, 14 Dec., 1876
12,880	1 May, 1876	F. T. Humphery	Account filed, 30 June, 1876
12,881	2 May, 1876	A. Sandeman ...	Report filed, 3 Aug., 1876
12,882	,, ,,	S. Lyons	,, 19 Sept., 1876
12,883	3 May, 1876	R. H. Sempill ...	.....
12,884	4 May, 1876	F. T. Humphery	Report filed, 2 Nov., 1876
12,885	5 May, 1876	S. Lyons	Plan filed, 27 Sept., 1876
12,886	6 May, 1876	A. Sandeman ...	,, 19 Sept., 1876
12,887	,, ,,	R. H. Sempill ...	,, 2 April, 1878
12,888	8 May, 1876	A. Sandeman	3 plans filed, 29 Jan., 1878 ,, 16 Aug., 1878
12,889	,, ,,	S. Lyons	Plan filed, 9 Aug., 1876
12,890	9 May, 1876	F. T. Humphery	,, 27 Oct., 1876
12,891	10 May, 1876	S. Lyons	,, 4 Sept., 1876
12,892	,, ,,	R. H. Sempill ...	Account filed, 3 Aug., 1876
12,893	11 May, 1876	F. T. Humphery	Report filed, 26 Oct., 1876
12,894	12 May, 1876	A. Sandeman ...	Account filed, 24 Oct., 1876
12,895	,, ,,	R. H. Sempill ...	Plan filed, 20 Sept., 1877
12,896	,, ,,	F. T. Humphrey	,, 24 April, 1877
12,897	15 May, 1876	S. Lyons	,, 6 Oct., 1876
12,898	16 May, 1876	A. Sandeman ...	Report filed, 3 Aug., 1876
12,899	17 May, 1876	F. T. Humphery	,, 27 June, 1876
12,900	,, ,,	R. H. Sempill ...	Account filed, 29 Aug., 1876
12,901	,, ,,	S. Lyons	Plan filed, 17 Nov., 1876
12,902	18 May, 1876	A. Sandeman ...	Report filed, 9 Aug., 1876
12,903	19 May, 1876	S. Lyons	Plan filed, 7 Sept., 1876
12,904	,, ,,	R. H. Sempill ...	Account filed, 11 Dec., 1876
12,905	20 May, 1876	A. Sandeman ...	Plan filed, 15 Aug., 1876
12,906	,, ,,	F. T. Humphery	Report filed, 12 Oct., 1876
12,907	22 May, 1876	,,	,, ,, ,,
12,908	,, ,,	R. H. Sempill ...	Plan filed, 18 April, 1877
12,909	,, ,,	A. Sandeman ...	Account filed, 22 Nov., 1876
12,910	,, ,,	S. Lyons	,, 13 Nov., 1876
12,911	23 May, 1876	,, ...	Plan filed, 8 Sept., 1876
12,912	25 May, 1876	R. H. Sempill ...	Report filed, 3 Aug., 1876
12,913	26 May, 1876	A. Sandeman ...	Account filed, 17 Aug., 1876
12,914	27 May, 1876	S. Lyons	,, 20 Oct., 1876
12,915	,, ,,	F. T. Humphery	Plan filed, 19 April, 1877
12,916	29 May, 1876	,,	Account filed, 21 Sept., 1876
12,917	,, ,,	R. H. Sempill ...	.....
12,918	,, ,,	A. Sandeman ...	Plan filed, 27 March, 1877
12,919	31 May, 1876	F. T. Humphery	,, 27 Oct., 1876
12,920	1 June, 1876	S. Lyons	Account filed, 17 May, 1877
12,921	,, ,,	R. H. Sempill ...	Report filed, 11 April, 1877
12,922	,, ,,	A. Sandeman ...	Plan filed, 11 Sept., 1876
12,923	,, ,,	,,	Account filed, 17 Aug., 1876
12,924	3 June, 1876	F. T. Humphery	,, 21 Sept., 1876
12,925	,, ,,	R. H. Sempill ...	Report filed, 11 Dec., 1876
12,926	6 June, 1876	S. Lyons	Plan filed, 25 Aug., 1876
12,927	8 June, 1876	F. T. Humphery	Report filed, 22 Aug., 1876
12,928	,, ,,	R. H. Sempill ...	Plan filed, 11 Aug., 1876
12,929	9 June, 1876	S. Lyons	Account filed, 4 Sept., 1876
12,930	,, ,,	A. Sandeman ...	Report filed, 5 Sept., 1876
12,931	,, ,,	R. H. Sempill ...	.....
12,932	,, ,,	S. Lyons	Plan filed, 2 Oct., 1876 2nd plan filed, 3 Nov., 1876
12,933	10 June, 1876	F. T. Humphery	Account filed, 28 Feb., 1878
12,934	15 June, 1876	A. Sandeman ...	Plan filed, 21 Dec., 1876
12,935	16 June, 1876	F. T. Humphery	Report filed, 26 Oct., 1876
12,936	17 June, 1876	R. H. Sempill ...	,, 29 Aug., 1876
12,937	,, ,,	S. Lyons	Account filed, 4 Sept., 1876
12,938	19 June, 1876	A. Sandeman ...	,, ,, ,,
12,939	,, ,,	S. Lyons	,, 10 Nov., 1876
12,940	,, ,,	F. T. Humphery	Report filed, 27 Nov., 1876
12,941	,, ,,	R. H. Sempill ...	.....
12,942	21 June, 1876	S. Lyons	Report filed, 27 Oct., 1876
12,943	,, ,,	A. Sandeman ...	Account filed, 8 Sept., 1876
12,944	,, ,,	F. T. Humphery	Report filed, 14 March, 1877
12,945	,, ,,	A. Sandeman ...	.....
12,946	,, ,,	R. H. Sempill ...	Account filed, 14 Dec., 1876
12,947	,, ,,	,,	Report filed, 26 Sept., 1876
12,948	,, ,,	S. Lyons	Plan filed, 27 Nov., 1877
12,949	22 June, 1876	A. Sandeman ...	Report filed, 2 March, 1877
12,950	,, ,,	F. T. Humphery	Account filed, 27 Sept., 1877
12,951	,, ,,	R. H. Sempill ...	Report filed, 14 Dec., 1876
12,952	,, ,,	A. Sandeman ...	,, 30 Oct., 1876
12,953	,, ,,	S. Lyons	,, 29 Sept., 1876
12,954	,, ,,	F. T. Humphery	,, 21 Sept., 1876
12,955	,, ,,	,,	,, 11 Oct., 1876
12,956	23 June, 1876	,,	,, 21 Sept., 1876
12,957	24 June, 1876	R. H. Sempill ...	Account filed, 15 Mar., 1877
12,958	,, ,,	A. Sandeman ...	,, 25 Mar., 1877
12,959	24 June, 1876	S. Lyons	Report filed, 29 Sept., 1876
12,960	27 June, 1876	S. Lyons	Report filed, 29 Aug., 1876
12,961	28 June, 1876	R. H. Sempill ...	Plan filed, 25 March, 1878 ,, 12 Dec., 1876
12,962	29 June, 1876	A. Sandeman	2nd plan filed, 3 Aug., 1877
12,963	,, ,,	F. T. Humphery	Report filed, 13 Mar., 1877
12,964	,, ,,	R. H. Sempill ...	Account filed, 14 Dec., 1876
12,965	30 June, 1876	F. T. Humphery	Report filed, 21 Sept., 1876
12,966	,, ,,	A. Sandeman ...	Plan filed, 27 Dec., 1876
12,967	,, ,,	S. Lyons	,, 17 Nov., 1876
12,968	,, ,,	R. H. Sempill ...	Account filed, 11 Dec., 1876
12,969	1 July, 1876	F. T. Humphery	Report filed, 13 Mar., 1877
12,970	,, ,,	S. Lyons	Plan filed, 12 Oct., 1876
12,971	3 July, 1876	A. Sandeman ...	Account filed, 19 Sept., 1876
12,972	4 July, 1876	R. H. Sempill ...	,, 11 Dec., 1876
12,973	5 July, 1876	S. Lyons	Report filed, 27 Oct., 1876
12,974	7 July, 1876	A. Sandeman ...	Plan filed, 21 Dec., 1876
12,975	11 July, 1876	,, ...	Report filed, 6 Dec., 1876
12,976	,, ,,	S. Lyons	Plan filed, 10 Oct., 1876
12,977	,, ,,	R. H. Sempill ...	Report filed, 12 Mar., 1877
12,978	,, ,,	,, ...	,, 26 Sept., 1876
12,979	12 July, 1876	S. Lyons	Plan filed, 13 Dec., 1876
12,980	,, ,,	A. Sandeman ...	Report filed, 6 Oct., 1876
12,981	14 July, 1876	,, ...	Account filed, 19 Sept., 1876
12,982	18 July, 1876	S. Lyons	,, 13 Nov., 1876
12,983	,, ,,	R. H. Sempill ...	,, 15 Sept., 1876
12,984	,, ,,	,, ...	Report
12,985	26 July, 1876	A. Sandeman ...	Plan filed, 6 Nov., 1876
12,986	,, ,,	S. Lyons	,, 27 Oct., 1876
12,987	,, ,,	R. H. Sempill ...	Report filed, 4 April, 1877
12,988	,, ,,	S. Lyons	,, 29 Sept., 1876
12,989	27 July, 1876	A. Sandeman ...	Account filed, 21 Dec., 1876
12,990	,, ,,	S. Lyons	Report filed, 20 Oct., 1876
12,991	28 July, 1876	R. H. Sempill ...	Plan filed, 26 Sept., 1876
12,992	,, ,,	A. Sandeman ...	Report filed, 14 Oct., 1876
12,993	,, ,,	S. Lyons	,, 20 Oct., 1876
12,994	,, ,,	A. Sandeman ...	Account filed, 6 Oct., 1876
12,995	,, ,,	S. Lyons	,, 15 Dec., 1876
12,996	,, ,,	R. H. Sempill ...	,, 26 Sept., 1876
12,997	29 July, 1876	,, ...	.....
12,998	31 July, 1876	A. Sandeman ...	Report filed, 23 Mar., 1877
12,999	1 Aug., 1876	R. H. Sempill ...	Plan filed, 12 Oct., 1876
13,000	,, ,,	A. Sandeman ...	Account filed, 22 Nov., 1876
13,001	,, ,,	S. Lyons	Report filed, 29 Sept., 1876
13,002	3 Aug., 1876	,, ...	Account filed, 4 Nov., 1876
13,003	,, ,,	R. H. Sempill ...	Report filed, 19 Mar., 1877
13,004	,, ,,	A. Sandeman ...	Plan filed, 30 Nov., 1876
13,005	4 Aug., 1876	R. H. Sempill ...	Report filed, 27 Mar., 1877
13,006	,, ,,	S. Lyons	Account filed, 26 June, 1877
13,007	,, ,,	A. Sandeman ...	Plan filed, 19 Oct., 1877
13,008	,, ,,	,, ...	Report filed, 6 Oct., 1876
13,009	7 Aug., 1876	R. H. Sempill ...	,, 26 Sept., 1876
13,010	,, ,,	S. Lyons	Account filed, 11 Oct., 1876
13,011	,, ,,	R. H. Sempill ...	Report filed, 11 Dec., 1876
13,012	,, ,,	S. Lyons	Account filed, 13 Nov., 1876
13,013	,, ,,	A. Sandeman ...	Report filed, 6 Dec., 1876
13,014	,, ,,	,, ...	,, 27 Oct., 1876
13,015	,, ,,	S. Lyons	,, 28 Nov., 1876
13,016	8 Aug., 1876	R. H. Sempill ...	,, 11 Dec., 1876
13,017	10 Aug., 1876	S. Lyons	Account filed, 13 Nov., 1876
13,018	,, ,,	A. Sandeman	Plan filed, 13 Mar., 1877 2nd plan filed, 10 Dec., 1877
13,019	,, ,,	R. H. Sempill ...	Plan filed, 15 Feb., 1877 ,, 29 Mar., 1878
13,020	,, ,,	,,	,, 6 Sept., 1878
13,021	11 Aug., 1876	S. Lyons	Report filed, 29 Sept., 1876
13,022	12 Aug., 1876	A. Sandeman ...	Plan filed, 21 Dec., 1877
13,023	14 Aug., 1876	R. H. Sempill ...	Report filed, 11 Dec., 1876
13,024	,, ,,	A. Sandeman ...	,, 27 Oct., 1876
13,025	,, ,,	S. Lyons	Account filed, 20 Feb., 1877
13,026	,, ,,	,, ...	Report filed, 29 Sept., 1876
13,027	,, ,,	R. H. Sempill ...	Account filed, 11 Dec., 1876
13,028	15 Aug., 1876	A. Sandeman ...	,, 30 Oct., 1876
13,029	16 Aug., 1876	S. Lyons	,, 20 Oct., 1876
13,030	,, ,,	A. Sandeman ...	Plan filed, 21 Dec., 1876
13,031	,, ,,	R. H. Sempill ...	Report filed, 11 Dec., 1876
13,032	17 Aug., 1876	,, ...	Account filed, 15 Dec., 1876
13,033	18 Aug., 1876	S. Lyons	Report filed, 20 Oct., 1876
13,034	19 Aug., 1876	A. Sandeman ...	Plan filed, 28 Nov., 1876
13,035	21 Aug., 1876	R. H. Sempill ...	Report filed, 7 Nov., 1876
13,036	,, ,,	S. Lyons	Plan filed, 18 May, 1877
13,037	,, ,,	A. Sandeman ...	,, 11 Dec., 1876
13,038	22 Aug., 1876	R. H. Sempill ...	Report filed, 11 Dec., 1876
13,039	,, ,,	A. Sandeman ...	Plan filed, 17 April, 1877
13,040	23 Aug., 1876	S. Lyons	,, 17 Nov., 1876 2nd plan filed, 13 Feb., 1877
13,041	25 Aug., 1876	,, ...	Report filed, 28 Nov., 1876
13,042	26 Aug., 1876	R. H. Sempill ...	,, 14 Dec., 1876
13,043	,, ,,	A. Sandeman ...	Plan filed, 30 Oct., 1876
13,044	,, ,,	R. H. Sempill ...	,, 15 June, 1877
13,045	30 Aug., 1876	A. Sandeman ...	Report filed, 5 Dec., 1876
13,046	,, ,,	S. Lyons	Account filed, 13 Nov., 1876
13,047	,, ,,	R. H. Sempill ...	Report filed, 14 Dec., 1876

No.	Date of Sequestration.	Assignee.	Date when plan filed.
13,048	30 Aug., 1876	A. Sandeman ...	Account filed, 11 April, 1877
13,049	31 Aug., 1876	R. H. Sempill ...	Report filed, 16 Feb., 1877
13,050	,, ,,	S. Lyons	Account filed, 27 Oct., 1876
13,051	,, ,,	,, ...	Report filed, 29 Oct., 1876
13,052	,, ,,	R. H. Sempill ...	,, 25 May, 1877
13,053	,, ,,	A. Sandeman ...	,, 6 Dec., 1877
13,054	1 Sept., 1876	,, ...	,, 22 March, 1877
13,055	,, ,,	R. H. Sempill ...	,, 11 April, 1877
13,056	,, ,,	S. Lyons	Account filed, 20 Feb., 1877
13,057	2 Sept., 1876	A. Sandeman ...	Report filed, 5 Dec., 1876
13,058	4 Sept., 1876	S. Lyons	Account filed, 4 Nov., 1876
13,059	5 Sept., 1876	R. H. Sempill ...	Plan filed, 30 April, 1877
13,060	,, ,,	A. Sandeman ...	Account filed, 22 Nov., 1876
13,061	,, ,,	S. Lyons	,, 23 Nov., 1876
13,062	6 Sept., 1876	A. Sandeman ...	Plan filed, 23 Nov., 1876
13,063	,, ,,	R. H. Sempill ...	.....
13,064	,, ,,	S. Lyons	Account filed, 4 Nov., 1876
13,065	8 Sept., 1876	R. H. Sempill ...	,, 14 Dec., 1876
13,066	9 Sept., 1876	S. Lyons	,, 4 Nov., 1876
13,067	11 Sept., 1876	R. H. Sempill ...	Report filed, 14 Dec., 1876
13,068	,, ,,	A. Sandeman ...	Plan filed, 7 August, 1877
13,069	12 Sept., 1876	,, ...	Report filed, 5 Dec., 1876
13,070	,, ,,	S. Lyons	Account filed, 19 Dec., 1876
13,071	,, ,,	R. H. Sempill ...	Report filed, 14 Dec., 1876
13,072	13 Sept., 1876	A. Sandeman ...	Plan filed, 27 March, 1877
13,073	,, ,,	S. Lyons	,, 3 Dec., 1876
13,074	15 Sept., 1876	R. H. Sempill ..	Report filed, 14 Dec., 1876
13,075	20 Sept., 1876	A. Sandeman ...	.....
13,076	21 Sept., 1876	S. Lyons	Plan filed, 20 Dec., 1876
13,077	,, ,,	A. Sandeman ...	,, 14 Sept., 1877
13,078	,, ,,	S. Lyons	Account filed, 20 Dec., 1876
13,079	22 Sept., 1876	R. H. Sempill ...	Report filed, 14 Dec., 1876
13,080	25 Sept., 1876	,, ...	,, ,, ,,
13,081	,, ,,	A. Sandeman ...	Plan filed, 21 Dec., 1876
13,082	,, ,,	S. Lyons	Report filed, 28 Nov., 1876
13,083	,, ,,	R. H. Sempill ...	,, 14 Dec., 1876
13,084	26 Sept., 1876	A. Sandeman ...	,, 23 Mar., 1877
13,085	27 Sept., 1876	S. Lyons	Account filed, 5 Dec., 1876
13,086	,, ,,	A. Sandeman ...	,, 13 Dec., 1876
13,087	28 Sept., 1876	R. H. Sempill ...	,, 20 April, 1877
13,088	29 Sept., 1876	,, ...	Report filed, 14 Dec., 1876
13,089	,, ,,	S. Lyons	,, 12 Dec., 1876
13,090	,, ,,	A. Sandeman ...	,, 6 Dec., 1876
13,091	30 Sept., 1876	S. Lyons	Plan filed, 9 March, 1877
13,092	2 Oct., 1876	A. Sandeman ...	,, 13 June, 1877
13,093	,, ,,	R. H. Sempill ...	.....
13,094	,, ,,	S. Lyons	Report filed, 13 Feb., 1877
13,095	3 Oct., 1876	R. H. Sempill ...	Account filed, 16 Feb., 1877
13,096	,, ,,	A. Sandeman ...	Plan filed, 28 Dec., 1876
13,097	,, ,,	S. Lyons	,, 16 Aug., 1878
13,098	4 Oct., 1876	,, ...	Account filed, 20 Feb., 1877
13,099	4 Oct., 1877	R. H. Sempill ...	Plan filed, 17 May, 1877
13,100	5 Oct., 1876	A. Sandeman..	Plan filed, 14 June, 1877
13,101	,, ,,	S. Lyons	,, 13 May, 1878
13,102	6 Oct., 1876	R. H. Sempill ...	Report filed, 13 Dec., 1876
13,103	,, ,,	A. Sandeman ...	Account filed, 14 Dec., 1876
13,104	7 Oct., 1876	,, ...	,, 21 Dec., 1876
13,105	,, ,,	R. H. Sempill ...	Report filed, 21 Dec., 1876
13,106	,, ,,	S. Lyons	,, 14 Dec., 1876
13,107	,, ,,	A. Sandeman ...	,, 13 Dec., 1876
13,108	9 Oct., 1876	S. Lyons	Account filed, 2 Mar., 1877
13,109	,, ,,	R. H. Sempill ...	Plan filed, 10 May, 1877
13,110	11 Oct., 1876	,, ...	Account filed, 17 April, 1877
13,111	,, ,,	A. Sandeman ...	Plan filed, 27 Mar., 1877
13,112	12 Oct., 1876	S. Lyons	Account filed, 21 Dec., 1876
13,113	,, ,,	A. Sandeman ...	Plan filed, 20 Dec., 1876
13,114	,, ,,	S. Lyons	Report filed, 21 Dec., 1876
13,115	13 Oct., 1876	R. H. Sempill ...	Plan filed, 28 Nov., 1876
13,116	14 Oct., 1876	,, ...	Account filed, 14 Dec., 1876
13,117	16 Oct., 1876	A. Sandeman ...	,, 5 Mar., 1877
13,118	,, ,,	S. Lyons	Report filed, 13 Dec., 1876
13,119	,, ,,	R. H. Sempill ...	,, ,, ,,
13,120	17 Oct., 1876	S. Lyons	,, 14 Dec., 1876
13,121	18 Oct., 1876	R. H. Sempill ...	,, 13 Dec., 1876
13,122	19 Oct., 1876	A. Sandeman ...	,, 14 Dec., 1876
13,123	,, ,,	S. Lyons	Plan filed, 11 April, 1877
13,124	20 Oct., 1876	A. Sandeman ...	.....
13,125	,, ,,	R. H. Sempill ...	Plan filed, 15 March, 1877
13,126	,, ,,	A. Sandeman..	Account filed, 9 Aug., 1877
13,127	,, ,,	S. Lyons	Plan filed, 11 April, 1877
13,128	23 Oct., 1876	,, ...	2nd plan filed, 4 Aug., 1877
13,129	,, ,,	,, ...	Report filed, 13 Dec., 1876
13,130	25 Oct., 1876	R. H. Sempill ...	Plan filed, 20 Feb., 1877
13,131	,, ,,	A. Sandeman ...	,, 30 April, 1877
12,132	26 Oct., 1876	S. Lyons	.....
13,133	,, ,,	A. Sandeman ...	Plan filed, 9 October, 1877
13,134	27 Oct., 1876	R. H. Sempill ...	,, 9 March, 1877
13,135	,, ,,	,, ...	Report filed, 21 Dec., 1876
13,136	28 Oct., 1876	A. Sandeman ...	,, 11 April, 1877
13,137	30 Oct., 1876	S. Lyons	,, 5 March, 1877
			Account filed, 2 Mar., 1877
			,, 20 Dec., 1876

No.	Date of Sequestration.	Assignee.	Date when plan filed.
13,138	30 Oct., 1876	A. Sandeman ...	Plan filed, 21 Feb., 1877
13,139	4 Nov., ,,	R. H. Sempill ...	,, 4 April, 1877
13,140	2 Nov., 1876	S. Lyons	,, 9 March, 1877
13,141	,, ,,	R. H. Sempill ...	Report filed, 5 March, 1877
13,142	4 Nov., 1876	S. Lyons	,, 20 Feb., 1877
13,143	6 Nov., 1876	A. Sandeman ...	Account filed, 30 April, 1877
13,144	,, ,,	R. H. Sempill ...	Report filed, 25 May, 1877
13,145	7 Nov., 1876	S. Lyons	Account filed, 20 Feb., 1877
13,146	8 Nov., 1876	A. Sandeman ...	Report filed, 21 Feb., 1877
13,147	,, ,,	R. H. Sempill ...	,, 11 April, 1877
13,148	,, ,,	A. Sandeman..	Plan filed, 27 March, 1877
13,149	,, ,,	S. Lyons	2nd plan filed, 1 June, 1877
13,150	10 Nov., 1876	A. Sandeman ...	Report filed, 13 Dec., 1876
13,151	,, ,,	R. H. Sempill ...	,, 2 March, 1877
13,152	11 Nov., 1876	S. Lyons	.....
13,153	14 Nov., 1876	,, ...	Plan filed, 11 March, 1877
13,154	,, ,,	R. H. Sempill ...	,, 9 April, 1877
13,155	15 Nov., 1876	A. Sandeman ...	,, 20 Feb., 1877
13,156	16 Nov., 1876	R. H. Sempill ...	Report filed, 5 March, 1877
13,157	18 Nov., 1876	S. Lyons	,, 21 Feb., 1877
13,158	,, ,,	A. Sandeman ...	Account filed, 4 April, 1877
13,159	,, ,,	,, ...	Report filed, 20 Feb., 1877
13,160	20 Nov., 1876	R. H. Sempill ...	Plan filed, 29 March, 1877
13,161	21 Nov., 1876	S. Lyons	Account filed, 21 Feb., 1877
13,162	,, ,,	,, ...	Report filed, 11 April, 1877
13,163	22 Nov., 1876	A. Sandeman ...	Account filed, 14 Mar., 1877
13,164	,, ,,	R. H. Sempill ...	.....
13,165	23 Nov., 1876	,, ...	Plan filed, 12 March, 1878
13,166	,, ,,	S. Lyons	Account filed, 15 Aug., 1877
13,167	24 Nov., 1876	A. Sandeman ...	Report filed, 11 April, 1877
13,168	25 Nov., 1876	S. Lyons	,, 20 Feb., 1877
13,169	,, ,,	A. Sandeman ...	2nd acct. filed, 30 Nov., 1877
13,170	27 Nov., 1876	R. H. Sempill ...	Report filed, 29 Mar., 1877
13,171	,, ,,	,, ...	Plan filed, 4 Aug., 1877
13,172	,, ,,	S. Lyons	Account filed, 9 Aug., 1877
13,173	,, ,,	A. Sandeman ...	Report filed, 11 April, 1877
13,174	,, ,,	,, ...	Plan filed, 11 June, 1877
13,175	28 Nov., 1876	R. H. Sempill	Report filed, 30 April, 1877
13,176	30 Nov., 1876	A. Sandeman ...	Plan filed, 9 May, 1877
13,177	,, ,,	S. Lyons	,, 20 Nov., 1877
13,178	1 Dec., 1876	R. H. Sempill ...	2nd plan filed, 14 June, 1878
13,179	,, ,,	A. Sandeman ...	Plan filed, 14 June, 1877
13,180	,, ,,	S. Lyons	Report filed, 13 March, 1877
13,181	2 Dec., 1876	,, ...	Plan filed, 7 June, 1877
13,182	4 Dec., 1876	R. H. Sempill ...	Account filed, 9 Aug., 1877
13,183	,, ,,	A. Sandeman ...	Plan filed, 15 Oct., 1877
13,184	,, ,,	R. H. Sempill ...	,, 14 March, 1877
13,185	5 Dec., 1876	A. Sandeman ...	.....
13,186	,, ,,	S. Lyons	Plan filed, 13 Mar., 1877
13,187	,, ,,	A. Sandeman ...	.....
13,188	,, ,,	R. H. Sempill ...	Plan filed, 15 Mar., 1877
13,189	6 Dec., 1876	S. Lyons	Account filed, 15 May, 1877
13,190	,, ,,	,, ...	Plan filed, 11 April, 1877
13,191	,, ,,	R. H. Sempill ...	Account filed, 9 Aug., 1877
13,192	7 Dec., 1876	A. Sandeman ...	Report filed, 13 March, 1877
13,193	8 Dec., 1876	R. H. Sempill ...	,, 11 May, 1877
13,194	,, ,,	A. Sandeman ...	Plan filed, 19 July, 1877
13,195	,, ,,	S. Lyons	Account filed, 21 Feb., 1877
13,196	11 Dec., 1876	R. H. Sempill ...	Report filed, 11 April, 1877
13,197	,, ,,	S. Lyons	Plan filed, 17 April, 1877
13,198	,, ,,	A. Sandeman ...	,, 26 June, 1877
13,199	12 Dec., 1876	S. Lyons	Report filed, 20 April, 1877
13,200	13 Dec., 1876	R. H. Sempill ...	Account filed, 20 Sept., 1877
13,201	,, ,,	A. Sandeman ...	,, 26 April, 1877
13,202	,, ,,	R. H. Sempill ...	Plan filed, 23 April, 1877
13,203	14 Dec., 1876	S. Lyons	2nd plan filed, 1 Nov., 1877
13,204	,, ,,	A. Sandeman ..	Plan filed, 11 Mar., 1878
13,205	15 Dec., 1876	R. H. Sempill ...	,, 23 Oct., 1877
13,206	16 Dec., 1876	A. Sandeman ...	Report filed, 20 April, 1877
13,207	,, ,,	S. Lyons	,, ,, ,,
13,208	18 Dec., 1876	,, ...	Account filed, 13 June, 1877
13,209	19 Dec., 1876	,, ...	Report filed 25 May, 1877
13,210	,, ,,	R. H. Sempill ...	,, 13 March, 1877
13,211	20 Dec., 1876	,,	Account filed, 14 Mar., 1877
13,212	,, ,,	A. Sandeman ...	Report filed, 29 Mar., 1877
13,213	21 Dec., 1876	,, ...	Plan filed, 17 Aug., 1877
13,214	,, ,,	S. Lyons	,, 25 May, 1877
13,215	27 Dec., 1876	R. H. Sempill ...	,, 21 Dec., 1877
13,216	,, ,,	S. Lyons	,, 25 May, 1877
13,217	,, ,,	A. Sandeman ...	Account filed, 4 Oct., 1877
13,218	2 Jan., 1877	,, ...	.....
13,219	,, ,,	R. H. Sempill ...	Account filed, 9 May, 1877
13,220	,, ,,	S. Lyons	Reort filed, 11 April, 1877
13,221	,, ,,	R. H. Sempill ...	Plan filed, 19 April, 1877
13,222	3 Jan., 1877	A. Sandeman ...	Account filed, 29 Jan., 1878
13,223	,, ,,	S. Lyons	Report filed, 27 March, 1877
13,224	4 Jan., 1877	A. Sandeman ...	,, 20 April, 1877
			,, 29 Mar., 1877
			,, 11 April, 1877
			Plan filed, 28 June, 1877
			,, 18 Oct., 1877
			Report filed, 27 Mar., 1877

No.	Date of Sequestration.	Assignee.	Date when plan filed.
13,225	4 Jan., 1877	S. Lyons ...	Report filed, 30 April, 1877
13,226	,, ,,	R. H. Sempill ...	Plan filed, 3 August, 1877
13,227	5 Jan., 1877	,, ...	Report filed, 20 April, 1877
13,228	9 Jan., 1877	A. Sandeman ...	.....
13,229	,, ,,	S. Lyons ...	Report filed, 2 May, 1877
13,230	,, ,,	,, ...	,, 29 Mar., 1877
13,231	10 Jan., 1877	R. H. Sempill ...	Account filed, 9 Aug., 1877
13,232	11 Jan., 1877	A. Sandeman ...	Plan filed, 22 May, 1877
13,233	16 Jan., 1877	S. Lyons ...	Account filed, 26 June, 1877
13,234	,, ,,	R. H. Sempill ...	Report filed, 25 May, 1877
13,235	,, ,,	A. Sandeman ...	Plan filed, 10 Dec., 1877
13,236	,, ,,	S. Lyons ...	Report filed, 29 Mar., 1877
13,237	,, ,,	,, ...	,, 20 April, 1877
13,238	17 Jan., 1877	A. Sandeman ...	Account filed, 26 April, 1877
13,239	,, ,,	R. H. Sempill ...	,, 23 May, 1877
13,240	,, ,,	,, ...	.....
13,241	18 Jan., 1877	A. Sandeman ...	Plan filed, 28 June, 1877
13,242	19 Jan., 1877	S. Lyons ...	Account filed, 30 April, 1877
13,243	,, ,,	R. H. Sempill ...	Plan filed, 25 May, 1877
13,244	,, ,,	S. Lyons ...	Account filed, 6 Aug., 1877
13,245	,, ,,	A. Sandeman ...	Plan filed, 28 Mar., 1878
13,246	,, ,,	R. H. Sempill ...	,, 9 Aug., 1877
13,247	23 Jan., 1877	S. Lyons ...	Account filed, 7 June, 1878
13,248	24 Jan., 1877	A. Sandeman ...	,, 28 June
13,249	,, ,,	R. H. Sempill ...	.....
13,250	,, ,,	S. Lyons ...	Report filed, 29 Mar., 1877
13,251	,, ,,	A. Sandeman ...	Account filed, 14 Aug., 1877
13,252	,, ,,	,, ...	,, 25 May, 1877
13,253	25 Jan., 1877	S. Lyons ...	Report filed, 30 April, 1877
13,254	,, ,,	R. H. Sempill ...	Account filed, 24 July, 1877
13,255	,, ,,	,, ...	Report filed, 11 April, 1877
13,256	27 Jan., 1877	S. Lyons ...	,, 20 April, 1877
13,257	,, ,,	A. Sandeman ...	,, 14 April, 1877
13,258	29 Jan., 1877	S. Lyons ...	Account filed, 24 July, 1877
13,259	30 Jan., 1877	R. H. Sempill ...	,, ,, ,,
13,260	,, ,,	A. Sandeman ...	,, ,, ,,
13,261	31 Jan., 1877	S. Lyons ...	,, 12 Oct., 1877
13,262	,, ,,	A. Sandeman ...	Report filed, 27 Mar., 1877
13,263	,, ,,	R. H. Sempill ...	Account filed, 9 Aug., 1877
13,264	1 Feb., 1877	A. Sandeman ...	Plan filed, 17 April, 1877
13,265	,, ,,	R. H. Sempill ...	,, 25 May, 1877
13,266	,, ,,	S. Lyons ...	,, 3 Aug., 1877
13,267	2 Feb., 1877	A. Sandeman ...	,, 30 April, 1877
18,268	,, ,,	S. Lyons ...	Account filed, 15 Oct., 1877
13,269	,, ,,	R. H. Sempill ...	Report filed, 25 May, 1877
13,270	3 Feb., 1877	,, ...	Account filed, 20 April, 1877
13,271	,, ,,	A. Sandeman ...	,, 28 Sept., 1877
13,272	5 Feb., 1877	S. Lyons ...	Report filed, 20 April, 1877
13,273	,, ,,	A. Sandeman ...	Account filed, 25 April, 1877
13,274	6 Feb., 1877	S. Lyons ...	Report filed, 9 May, 1877
13,275	,, ,,	R. H. Sempill ...	Account filed, 9 Aug., 1877
13,276	7 Feb., 1877	,, ...	Report filed, 25 May, 1877
13,277	,, ,,	A. Sandeman ...	,, 8 May, 1877
13,278	,, ,,	S. Lyons ...	,, 20 April, 1877
13,279	,, ,,	R. H. Sempill ...	Plan filed, 14 June, 1877
13,280	9 Feb., 1877	S. Lyons ...	Report filed, 20 April, 1877
13,281	12 Feb., 1877	A. Sandeman ...	Account filed, 17 April, 1877
13,282	13 Feb., 1877	,, ...	Plan filed, 13 June, 1877
13,283	,, ,,	R. H. Sempill ...	Report filed, 25 May, 1877
13,284	,, ,,	S. Lyons ...	Account filed, 24 July, 1877
13,285	15 Feb., 1877	,, ...	,, 20 April, 1877
13,286	,, ,,	R. H. Sempill ...	.....
13,287	16 Feb., 1877	A. Sandeman ...	Plan filed, 28 Aug., 1877
13,288	,, ,,	R. H. Sempill ...	Report filed, 25 May, 1877
13,289	17 Feb., 1877	A. Sandeman ...	Account filed, 28 June, 1877
13,290	,, ,,	S. Lyons ...	Plan filed, 7 Aug., 1877
13,291	,, ,,	A. Sandeman ...	.....
13,292	,, ,,	S. Lyons ...	Account filed, 20 April, 1877
13,293	19 Feb., 1877	R. H. Sempill ...	Plan filed, 9 Aug., 1877
13,294	,, ,,	,, ...	Account filed, 28 June, 1877
13,295	,, ,,	S. Lyons ...	Plan filed, 19th May, 1877
13,296	20 Feb., 1877	A. Sandeman ...	Report filed, 9 May, 1877
13,297	,, ,,	R. H. Sempill ...	Plan filed, 2 Nov., 1877
13,298	,, ,,	A. Sandeman ...	Report filed, 11 April, 1877
13,299	21 Feb., 1877	S. Lyons ...	Plan filed, 9 Aug., 1877
13,300	,, ,,	R. H. Sempill ...	,, 24 July, 1877
13,301	22 Feb., 1877	S. Lyons ...	Account filed, 20 April, 1877
13,302	,, ,,	R. H. Sempill ...	,, 2 June, 1877
13,303	,, ,,	A. Sandeman ...	Plan filed, 15 Aug., 1877
13,304	23 Feb., 1877	A. Sandeman {	,, 13 June, 1877
		S. Lyons ...	,, 3 Aug., 1877
13,305	,, ,,		Account filed, 27 July, 1877
13,306	24 Feb., 1877	,, ...	Plan filed, 3 Aug., 1877
13,307	26 Feb., 1877	R. H. Sempill ...	,, 25 May, 1877
13,308	27 Feb., 1877	A. Sandeman ...	Account filed, 20 April, 1877
13,309	,, ,,	S. Lyons ...	Plan filed, 1 June, 1877
13,310	1 Mar., 1877	R. H. Sempill ...	Account filed, 8 Oct., 1877
13,311	2 Mar., 1877	A. Sandeman ...	Report filed, 9 May, 1877
13,312	,, ,,	R. H. Sempill ...	.....
13,313	5 Mar., 1877	F. T. Humphrey	.....
13,314	,, ,,	A. Sandeman ...	Plan filed, 29 June, 1877
13,315	6 Mar., 1877	S. Lyons ...	.....
13,316	6 Mar., 1877	F. T. Humphrey	Account filed, 26 Sept., 1877
13,317	,, ,,	A. Sandeman ...	Report filed, 9 May, 1877
13,318	,, ,,	R. H. Sempill ...	Account filed, 3 Aug., 1877
13,319	,, ,,	S. Lyons ...	,, 24 July, 1877
13,320	,, ,,	R. H. Sempill ...	Report filed, 25 May, 1877
13,321	7 Mar., 1877	F. T. Humphrey	Account filed, 5 Oct., 1877
13,322	8 Mar., 1877	S. Lyons ...	Plan filed, 7 May, 1877
13,323	,, ,,	A. Sandeman ...	,, 28 June, 1877
13,324	,, ,,	R. H. Sempill ...	,, 22 Nov., 1877
13,325	,, ,,	A. Sandeman ...	,, 23 July, 1877
13,326	9 Mar., 1877	R. H. Sempill ...	Report filed, 9 Aug., 1877
13,327	,, ,,	S. Lyons ...	Account filed, 27 June, 1877
13,328	,, ,,	F. T. Humphrey	,, 23 Oct., 1877
13,329	,, ,,	,, ...	Plan filed, 13 Aug., 1877
13,330	,, ,,	A. Sandeman ...	Account filed, 6 Aug., 1877
13,331	10 Mar., 1877	S. Lyons ...	,, 7 June, 1878
13,332	,, ,,	R. H. Sempill ...	,, 15 Aug., 1877
13,333	,, ,,	F. T. Humphrey	Plan filed, 7 Aug., 1877
13,334	,, ,,	A. Sandeman ...	Account filed, 25 May, 1877
13,335	,, ,,	S. Lyons ...	,, 13 Nov., 1877
13,336	,, ,,	R. H. Sempill ...	,, 15 Aug., 1877
13,337	12 Mar., 1877	F. T. Humphrey	Plan filed, 23 Aug., 1877
13,338	,, ,,	S. Lyons ...	,, 7 Aug., 1877
13,339	,, ,,	A. Sandeman ...	Account filed, 25 May, 1877
13,340	13 Mar., 1877	S. Lyons ...	Report filed, 9 May, 1877
13,341	,, ,,	F. T. Humphrey	.....
13,342	14 Mar., 1877	A. Sandeman ...	Account filed, 24 July, 1877
13,343	,, ,,	R. H. Sempill ...	Plan filed, 15 Aug., 1877
13,344	15 Mar., 1877	F. T. Humphrey	,, 14 June, 1877
13,345	16 Mar., 1877	R. H. Sempill ...	,, 21 Feb., 1878
13,346	,, ,,	S. Lyons ...	Account filed, 26 June, 1877
13,347	19 Mar., 1877	A. Sandeman ...	,, 9 Aug., 1877
13,348	,, ,,	,, ...	,, 22 Feb., 1878
13,349	,, ,,	R. H. Sempill ...	,, 15 Aug., 1877
13,350	20 Mar., 1877	F. T. Humphrey	Plan filed, 24 July, 1877
13,351	,, ,,	S. Lyons ...	.....
13,352	21 Mar., 1877	R. H. Sempill ...	Report filed, 25 May, 1877
13,353	22 Mar., 1877	A. Sandeman ...	Account filed, 6 Aug., 1877
13,354	,, ,,	S. Lyons ...	,, 20 July, 1877
13,355	28 Mar., 1877	,, ...	,, 24 July, 1877
13,356	29 Mar., 1877	F. T. Humphrey	Plan filed, 20 Aug., 1877
13,357	3 April, 1877	R. H. Sempill ...	Account filed, 8 Oct., 1877
13,358	,, ,,	F. T. Humphrey	,, ,, ,,
13,359	,, ,,	A. Sandeman ...	,, 24 July, 1877
13,360	,, ,,	S. Lyons ...	Report filed, 15 May, 1877
13,361	5 April, 1877	F. T. Humphrey	Plan filed, 23 Aug., 1877
13,362	,, ,,	S. Lyons ...	Account filed, 6 Aug., 1877
13,363	,, ,,	R. H. Sempill ...	,, 9 Aug., 1877
13,364	6 April, 1877	A. Sandeman ...	.....
13,365	7 April, 1877	R. H. Sempill ...	.....
13,366	9 April, 1877	A. Sandeman ...	Account filed, 31 July, 1877
13,367	,, ,,	F. T. Humphrey	,, 26 June, 1877
13,368	10 April, 1877	S. Lyons ...	Plan filed, 11 Aug., 1877
13,369	,, ,,	F. T. Humphrey	Account filed, 26 Sept., 1877
13,370	11 April, 1877	A. Sandeman ...	,, 23 Aug., 1877
13,371	,, ,,	R. H. Sempill ...	Plan filed, 26 Sept., 1877
13,372	,, ,,	F. T. Humphrey	Account filed, 27 Sept., 1877
13,373	13 April, 1877	S. Lyons ...	Plan filed, 3 Aug., 1877
13,374	,, ,,	A. Sandeman ...	,, 26 June, 1877
13,375	,, ,,	R. H. Sempill ...	Account filed, 8 Oct., 1877
13,376	14 April, 1877	,, ...	,, 15 Aug., 1877
13,377	,, ,,	A. Sandeman ...	,, 30 Nov., 1877
13,378	16 April, 1877	F. T. Humphrey	.....
13,379	,, ,,	S. Lyons ...	Plan filed, 3 Aug., 1877
13,380	,, ,,	A. Sandeman ...	Account filed, 28 June, 1877
13,381	,, ,,	R. H. Sempill ...	,, 19 Nov., 1877
13,382	17 April, 1877	S. Lyons ...	,, 24 July, 1877
13,383	18 April, 1877	F. T. Humphrey	Plan filed, 26 Sept., 1877
13,384	,, ,,	A. Sandeman {	,, 2 Nov., 1877
		...	2nd plan filed, 4 Aug., 1878
13,385	19 April, 1877	F. T. Humphrey	.....
13,386	20 April, 1877	R. H. Sempill ...	Plan filed, 9 Aug., 1877
13,387	,, ,,	,, ...	,, 19 Nov., 1877
13,388	,, ,,	S. Lyons ...	Account filed, 23 Aug., 1877
13,389	21 April, 1877	F. T. Humphrey	,, 16 Nov., 1877
13,390	23 April, 1877	S. Lyons ...	,, 9 Aug., 1877
13,391	,, ,,	A. Sandeman ...	Plan filed, 7 Aug., 1877
13,392	,, ,,	R. H. Sempill ...	Account filed, 8 Oct., 1877
13,393	24 April, 1877	F. T. Humphrey	,, 14 Nov., 1877
13,394	,, ,,	A. Sandeman ...	,, 7 Oct., 1878
13,395	25 April, 1877	S. Lyons ...	Report filed, 28 Dec., 1877
13,396	27 April, 1877	R. H. Sempill ...	Plan filed, 29 Aug., 1878
13,397	,, ,,	F. T. Humphrey	Account filed, 15 Feb., 1878
13,398	,, ,,	S. Lyons ...	Plan filed, 24 July, 1877
13,399	,, ,,	A. Sandeman ...	Account filed, 9 Aug., 1877
13,400	,, ,,	,, ...	Plan filed, 7 Aug., 1877
13,401	28 April, 1877	R. H. Sempill ...	Account filed, 26 Nov., 1877
13,402	,, ,,	F. T. Humphrey {	Plan filed, 26 Sept., 1877
		S. Lyons ...	,, 7 June, 1878
13,403	,, ,,	,, ...	Account filed, 3 Sept., 1877
13,404	,, ,,	R. H. Sempill ...	,, 27 Dec., 1877
13,405	30 April, 1877		,, 8 Oct., 1877

No.	Date of Sequestration.	Assignee.	Date when plan filed.
13,406	30 Apl., 1877	F. T. Humphery	Account filed, 26 Sep., 1877
13,407	,, ,,	R. H. Sempill ..	,, 15 Aug., 1877
13,408	1 May, 1877	A. Sandeman ...	,, 23 Aug., 1877
13,409	2 May, 1877	,, ...	,, 30 Nov., 1877
13,410	,, ,,	F. T. Humphery	,, 26 Sept., 1877
13,411	,, ,,	S. Lyons	,, 29 Oct., 1877
13,412	,, ,,	R. H. Sempill...	,, 8 Oct., 1877
13,413	,, ,,	S. Lyons	,, 6 Aug., 1877
13,414	,, ,,	A. Sandeman ...	,, 25 Feb, 1878
13,415	,, ,,	F. T. Humphery	....
13,416	3 May, 1877	,, ...	Account filed, 27 Sept., 1877
13,417	4 May, 1877	A. Sandeman ...	Plan filed, 9 Aug., 1877
13,418	5 May, 1877	R. H. Sempill...	Account filed, 1 April, 1878
13,419	,, ,,	S. Lyons	Plan filed, 7 June, 1878
13,420	,, ,,	R. H. Sempill...	.....
13,421	7 May, 1877	F. T. Humphery	Plan filed, 26 Nov., 1877
13,422	,, ,,	,, ...	.....
13,423	,, ,,	,, ...	Plan filed, 26 Nov., 1877
13,424	,, ,,	S. Lyons	.....
13,425	8 May, 1877	A. Sandeman ...	Account filed, 6 Aug., 1877
13,426	9 May, 1877	S. Lyons	Plan filed, 3 Sept., 1877
13,427	,, ,,	A. Sandeman ...	Account filed, 9 Aug., 1877
13,428	,, ,,	R. H. Sempill ..	,, 11 Oct., 1877
13,429	10 May, 1877	,, ...	Plan filed, 22 March, 1878
13,430	,, ,,	S. Lyons	Report filed, 24 July, 1877
13,431	11 May, 1877	A. Sandeman	Plan filed, 23 Oct., 1877 2nd plan filed, 12 June, 1878 3rd ,, 26 Aug., 1878
13,432	,, ,,	,, ...	Plan filed, 9 April, 1878
13,433	,, ,,	R. H. Sempill...	,, 18 Feb., 1878
13,434	,, ,,	F. T. Humphery	.....
13,435	14 May, 1877	,, ...	Account filed, 26 Sept., 1877
13,436	,, ,,	S. Lyons	Plan filed, 1 Nov., 1877
13,437	15 May, 1877	,, ...	Account filed, 23 Aug., 1877
13,438	16 May, 1877	R. H. Sempill...	Plan filed, 22 March, 1878
13,439	17 May, 1877	A. Sandeman ...	Account filed, 5 March, 1878
13,440	18 May, 1877	F. T. Humphery	,, 27 Sept., 1877
13,441	19 May, 1877	R. H. Sempill...	Plan filed, 9 March, 1878
13,442	,, ,,	S. Lyons	Account filed, 6 Aug., 1877
13,443	,, ,,	A. Sandeman ...	,, 17 Sept., 1877
13,444	,, ,,	F. T. Humphery	,, 23 Oct., 1877
13,445	22 May, 1877	S. Lyons	Plan filed, 28 Dec., 1877
13,446	,, ,,	A. Sandeman ...	,, 7 June, 1878
13,447	,, ,,	R. H. Sempill...	,, 26 Nov., 1877
13,448	23 May, 1877	,, ...	Account filed, 22 Mar., 1878
13,449	,, ,,	F. T. Humphery	,, 4 Dec., 1877
13,450	,, ,,	A. Sandeman ...	,, 2 April, 1878
13,451	25 May, 1877	S. Lyons	,, 7 June, 1878
13,452	,, ,,	A. Sandeman ...	,, 9 Aug, 1877
13,453	26 May, 1877	F. T. Humphery	.....
13,454	,, ,,	R. H. Sempill...	Account filed, 15 Aug., 1877
13,455	,, ,,	S. Lyons	,, 7 Dec., 1877
13,456	28 May, 1877	A. Sandeman ...	Plan filed, 22 Dec., 1877
13,457	,, ,,	S. Lyons	Account filed, 23 Aug., 1877
13,458	29 May, 1877	R. H. Sempill...	.....
13,459	30 May, 1877	F. T. Humphery	.....
13,460	,, ,,	S. Lyons	Account filed, 23 Aug., 1877
13,461	,, ,,	A. Sandeman ...	,, 6 March, 1878
13,462	31 May, 1877	R. H. Sempill...	,, 22 Dec., 1877
13,463	,, ,,	F. T. Humphery	.....
13,464	,, ,,	R. H. Sempill...	.....
13,465	1 June, 1877	F. T. Humphery	Account filed, 27 Sept., 1877
13,466	,, ,,	A. Sandeman ...	,, 20 Aug., 1877
13,467	,, ,,	S. Lyons	,, ,, ,,
13,468	,, ,,	,, ...	,, ,, ,,
13,469	,, ,,	F. T. Humphery	Plan filed, 5 March, 1878
13,470	,, ,,	A. Sandeman ...	.....
13,471	,, ,,	R. H. Sempill...	Account filed, 3 Sept., 1877
13,472	2 June, 1877	S. Lyons	,, 18 Oct., 1877
13,473	,, ,,	R. H. Sempill...	,, 3 Sept., 1877
13,474	,, ,,	F. T. Humphery	,, 4 March, 1878
13,475	4 June, 1877	A. Sandeman ...	,, 23 Aug., 1877
13,476	,, ,,	,, ...	Plan filed, 15 Feb., 1878
13,477	,, ,,	R. H. Sempill...	Account filed, 20 Aug., 1878
13,478	5 June, 1877	F. T. Humphery	,, 27 Sept., 1877
13,479	,, ,,	S. Lyons	,, 23 Aug., 1877
13,480	6 June, 1877	,, ...	Plan filed, 30 Nov., 1877
13,481	,, ,,	R. H. Sempill...	Account filed, 3 Sept., 1877
13,482	,, ,,	F. T. Humphery	,, 27 Sept., 1877
13,483	,, ,,	A. Sandeman ...	Plan filed, 28 Sept., 1877
13,484	7 June, 1877	,, ...	,, 6 Feb., 1878
13,485	,, ,,	R. H. Sempill...	Account filed, 4 March, 1878
13,486	,, ,,	F. T. Humphery	,, 26 Sept., 1877
13,487	,, ,,	S. Lyons	.....
13,488	,, ,,	R. H. Sempill...	Account filed, 22 March, 1878
13,489	,, ,,	A. Sandeman ...	Plan filed, 10 Dec., 1877
13,490	11 June, 1877	F. T. Humphery	Account filed, 26 Sept., 1877
13,491	12 June, 1877	S. Lyons	,, 17 Sept., 1877
13,492	,, ,,	,, ...	,, 23 Aug., 1877
13,493	13 June, 1877	R. H. Sempill...	.....
13,494	,, ,,	A. Sandeman ...	Plan filed, 13 June, 1878
13,495	,, ,,	F. T. Humphery	Account filed, 26 Sept., 1877
13,496	14 June, 1877	R. H. Sempill...	.....
13,497	15 June, 1877	S. Lyons	Account filed, 23 Aug., 1877
13,498	,, ,,	A. Sandeman ...	Account filed, 2 Nov., 1877
13,499	,, ,,	F. T. Humphery	Plan filed, 4 March, 1878
13,500	,, ,,	R. H. Sempill...	.....
13,501	,, ,,	S. Lyons	Account filed, 17 Sept., 1877
13,502	,, ,,	R. H. Sempill...	,, 8 Oct., 1877
13,503	,, ,,	F. T. Humphery	.....
13,504	,, ,,	A. Sandeman ..	Account filed, 22 Feb., 1878
13,505	16 June, 1877	,,	Plan filed, 18 Dec., 1877 2nd plan filed, 4 Aug., 1878
13,506	18 June, 1877	F. T. Humphery	Account filed, 14 Nov., 1877
13,507	,, ,,	S. Lyons	,, 20 Sept., 1877
13,508	19 June, 1877	A. Sandeman ...	,, 17 Sept., 1877
13,509	21 June, 1877	F. T. Humphery	Plan filed, 7 March, 1878
13,510	,, ,,	R. H. Sempill...	,, 26 Nov., 1877
13,511	22 June, 1877	S. Lyons	Account filed, 23 Aug., 1877
13,512	,, ,,	R. H. Sempill...	Plan filed, 11 March, 1878
13,513	25 June, 1877	A. Sandeman ...	Account filed, 17 Sept., 1877
13,514	27 June, 1877	F. T. Humphery	,, 14 Nov., 1877
13,515	28 June, 1877	S. Lyons	,, 17 Sept., 1877
13,516	,, ,,	R. H. Sempill...	.....
13,517	30 June, 1877	A. Sandeman ...	Account filed, 19 Oct., 1877
13,518	,, ,,	S. Lyons	,, 2 Oct., 1877
13,519	2 July, 1877	F. T. Humphery	Plan filed, 26 Nov., 1877
13,520	,, ,,	A. Sandeman ...	Account filed, 17 Dec., 1877
13,521	,, ,,	S. Lyons	,, 24 June, 1877
14,522	,, ,,	R. H. Sempill...	Plan filed, 7 March, 1878
13,523	6 July, 1877	F. T. Humphery	,, 13 Nov., 1877 2nd plan filed, 30 Jan., 1878
13,524	10 July, 1877	,, ...	Account filed, 27 Sept., 1877
13,525	,, ,,	A. Sandeman ...	,, 28 Sept., 1877
13,526	,, ,,	S. Lyons	,, 27 Sept., 1877
13,527	,, ,,	R. H. Sempill...	.....
13,528	,, ,,	A. Sandeman ...	Plan filed, 8 March, 1878
13,529	,, ,,	F. T. Humphery	,, 13 June, 1878
13,530	,, ,,	R. H. Sempill...	.....
13,531	11 July, 1877	S. Lyons	Plan filed, 27 Nov., 1877
13,532	,, ,,	,, ...	Account filed, 4 March, 1878
13,533	,, ,,	A. Sandeman ...	,, 19 Oct., 1877
13,534	,, ,,	F. T. Humphery	,, 23 Oct., 1877
13,535	,, ,,	R. H. Sempill...	,, 21 Feb., 1878
13,536	,, ,,	S. Lyons	,, 17 Sept., 1877
13,537	13 July, 1877	A. Sandeman ...	.....
13,538	,, ,,	R. H. Sempill...	Account filed, 8 Oct., 1877
13,539	,, ,,	F. T. Humphery	Plan filed, 26 Sept., 1877
13,540	,, ,,	S. Lyons	,, 4 March, 1878
13,541	,, ,,	F. T. Humphery	Account filed, 27 Sept., 1877
13,542	17 July, 1877	,, ...	Plan filed, 23 Oct., 1877
13,543	,, ,,	A. Sandeman ...	Account filed, 5 March, 1878
13,544	,, ,,	R. H. Sempill...	,, 21 Feb., 1878
13,545	,, ,,	F. T. Humphery	,, 31 Oct., 1877
13,546	,, ,,	A. Sandeman ...	Plan filed, 23 Oct., 1877
13,547	,, ,,	S. Lyons	Account filed, 18 Oct., 1877
13,548	18 July, 1877	F. T. Humphery	Plan filed, 14 Nov., 1877
13,549	,, ,,	R. H. Sempill...	Account filed, 4 March, 1878
13,550	,, ,,	A. Sandeman ...	,, 20 May, 1878
13,551	19 July, 1877	S. Lyons	,, 7 June, 1878
13,552	,, ,,	,, ...	,, 29 Nov., 1877
13,553	21 July, 1877	R. H. Sempill...	.....
13,554	23 July, 1877	F. T. Humphery	Account filed, 23 Oct., 1877
13,555	,, ,,	A. Sandeman ...	,, 10 Oct., 1877
13,556	,, ,,	R. H. Sempill...	,, 21 Feb., 1878
13,557	24 July, 1877	F. T. Humphery	Plan filed, 26 Nov., 1877
13,558	,, ,,	A. Sandeman ...	,, 12 March, 1878
13,559	,, ,,	S. Lyons	Account filed, 4 March, 1878
13,560	25 July, 1877	,, ...	,, 8 Aug., 1878
13,561	,, ,,	R. H. Sempill...	,, 4 March, 1878
13,562	,, ,,	A. Sandeman ...	,, 1 Nov., 1877
13,563	,, ,,	,, ...	.....
13,564	,, ,,	F. T. Humphery	.....
13,565	,, ,,	S. Lyons	Account filed, 19 Dec., 1877
13,566	,, ,,	R. H. Sempill...	,, 21 Feb., 1878
13,567	26 July, 1877	F. T. Humphery	Plan filed, 4 March, 1878
13,568	27 July, 1877	R. H. Sempill...	,, 8 Oct., 1877
13,569	,, ,,	F. T. Humphery	Account filed, 23 Oct., 1877
13,570	,, ,,	A. Sandeman ...	.....
13,571	28 July, 1877	S. Lyons	Account filed, 18 Oct., 1877
13,572	30 July, 1877	,, ...	,, 24 June, 1878
13,573	,, ,,	A. Sandeman ..	,, 17 Dec., 1877
13,574	,, ,,	F. T. Humphery	,, 4 Dec., 1877
13,575	31 July, 1877	R. H. Sempill...	,, 22 Feb., 1878
13,576	2 Aug., 1877	R H. Sempill ...	Account filed, 22 Feb., 1878
13,577	3 Aug., 1877	S. Lyons	,, 18 Oct., 1877
13,578	,, ,,	F. T. Humphrey	Plan filed, 4 March, 1878
13,579	,, ,,	A. Sandeman ...	.....
13,580	4 Aug., 1877	R. H. Sempill ...	Account filed, 22 Feb., 1878
13,581	,, ,,	F. T. Humphery	Plan filed, 19 Dec., 1877
13,582	6 Aug., 1877	A. Sandeman ...	,, 29 Jan., 1878
13,583	,, ,,	S. Lyons	Account filed, 7 June, 1878
13,584	,, ,,	R. H. Sempill ...	,, 4 March, 1874
13,585	,, ,,	F. T. Humphery	.....

No.	Date of Sequestration.	Assignee.	Date when plan filed.
13,586	7 Aug., 1877	A. Sandeman ...	Account filed, 17 Dec., 1877
13,587	,, ,,	S. Lyons	Plan filed, 27 Nov., 1877
13,588	8 Aug., 1877	A. Sandeman ...	Account filed, 10 Oct., 1877
13,589	,, ,,	S. Lyons	Plan filed, 15 Oct., 1877
13,590	9 Aug., 1877	F. T. Humphery	Account filed, 23 Oct., 1877
13,591	10 Aug., 1877	R. H. Sempill ...	,, 22 Feb., 1878
13,592	,, ,,	,,	,, 21 Feb., 1878
13,593	,, ,,	F. T. Humphery	,, 23 Oct., 1877
13,594	,, ,,	S. Lyons	Plan filed, 23 April, 1878
13,595	11 Aug., 1877	A. Sandeman ...	,, 24 Nov., 1877
13,596	,, ,,	S. Lyons	,, 19 Dec., 1877
13,597	,, ,,	F. T. Humphery	Account filed, 6 Dec., 1877
13,598	13 Aug., 1877	A. Sandeman ...	Plan filed, 28 March, 1878
13,599	,, ,,	R. H. Sempill ...	Account filed, 4 March, 1878
13,600	,, ,,	F. T. Humphery	Plan filed, 19 Nov., 1877
13,601	14 Aug., 1877	A. Sandeman ...	Account filed, 10 Oct., 1877
13,602	,, ,,	R. H. Sempill ...	,, 4 March, 1878
13,603	15 Aug., 1877	S. Lyons	,, 18 Oct., 1877
13,604	,, ,,	,,	Plan filed, 7 Dec., 1877
13,605	,, ,,	R. H. Sempill ...	Account filed, 21 Feb., 1878
13,606	,, ,,	F. T. Humphery	,, 6 Dec., 1877
13,607	,, ,,	A. Sandeman ...	,, 24 Nov., 1877
13,608	,, ,,	S. Lyons	,, 16 Aug., 1878
13,609	17 Aug., 1877	F. T. Humphery	,, 27 Feb., 1878
13,610	,, ,,	A. Sandeman ...	,, 24 Nov., 1877
13,611	,, ,,	R. H. Sempill ...	,, 21 Feb., 1878
13,612	,, ,,	S. Lyons	,, 18 Oct., 1877
13,613	20 Aug., 1877	R. H. Sempill ...	,, 21 Feb., 1878
13,614	,, ,,	A. Sandeman ...	,, 5 March, 1878
13,615	,, ,,	F. T. Humphery	.....
13,616	,, ,,	A. Sandeman ...	.....
13,617	21 Aug., 1877	F. T. Humphery	Account filed, 4 Dec., 1877
13,618	,, ,,	S. Lyons	,, 13 Nov., 1877
13,619	,, ,,	,,	Plan filed, 15 Oct., 1877
13,620	,, ,,	R. H. Sempill ...	,, 22 March, 1878
13,621	22 Aug., 1877	A. Sandeman ...	Account filed, 24 Nov., 1877
13,622	,, ,,	F. T. Humphery	.....
13,623	23 Aug., 1877	R. H. Sempill ...	Account filed, 21 Feb., 1878
13,624	,, ,,	A. Sandeman ...	,, 1 Nov., 1877
13,625	,, ,,	R. H. Sempill ...	Plan filed, 11 March, 1878
13,626	24 Aug., 1877	S. Lyons	Account filed, 24 June, 1878
13,627	25 Aug., 1877	F. T. Humphery	,, 22 Dec., 1877
13,628	27 Aug., 1877	A. Sandeman ...	Plan filed, 10 Dec., 1877
13,629	,, ,,	F. T. Humphery	,, 4 March, 1878
13,630	28 Aug., 1877	R. H. Sempill ...	,, 24 July, 1878
13,631	,, ,,	S. Lyons	Account filed, 1 Nov., 1877
13,632	29 Aug., 1877	R. H. Sempill ...	Plan filed, 22 March, 1878
13,633	30 Aug., 1877	S. Lyons	Account filed, 14 Mar., 1878
13,634	1 Sep., 1877	F. T. Humphery	,, 14 Nov., 1877
13,635	3 Sep., 1877	A. Sandeman ...	,, 1 Nov., 1877
13,636	,, ,,	S. Lyons	,, 4 March, 1878
13,637	4 Sep., 1877	A. Sandeman ...	,, 17 Dec., 1877
13,638	,, ,,	R. H. Sempill	Plan filed, 22 March, 1878 2nd plan filed, 22 July, 1878
13,639	,, ,,	F. T. Humphery	Plan filed, 4 March, 1878
13,640	5 Sept., 1877	S. Lyons	Account filed, 5 Dec., 1877
13,641	,, ,,	R. H. Sempill ...	Plan filed, 27 March, 1878
13,642	,, ,,	A. Sandeman ...	Account filed, 17 Dec., 1877
13,643	,, ,,	F. T. Humphery	,, 14 Nov., 1877
13,644	,, ,,	R. H. Sempill ...	,, 22 Feb., 1878
13,645	,, ,,	F. T. Humphery	,, 6 Dec., 1877
13,646	6 Sept., 1877	A. Sandeman ...	,, 17 Dec., 1877
13,647	,, ,,	S. Lyons	,, 4 March, 1878
13,648	,, ,,	,,	,, 20 Feb., 1878
13,649	,, ,,	F. T. Humphery	Plan filed, 11 March, 1878
13,650	,, ,,	A. Sandeman ...	,, ,, ,,
13,651	,, ,,	R. H. Sempill ...	,, 6 Sept., 1878
13,652	7 Sept., 1877	S. Lyons	Account filed, 13 Nov., 1877
13,653	,, ,,	R. H. Sempill ...	,, 22 Feb., 1878
13,654	8 Sept., 1877	F. T. Humphery	,, 14 Nov., 1877
13,655	,, ,,	A. Sandeman ...	,, 5 March, 1878
13,656	,, ,,	,,	,, 21 May, 1878
13,657	10 Sept., 1877	F. T. Humphery	Plan filed, 17 May, 1878
13,658	,, ,,	S. Lyons	Account filed, 27 Nov., 1877
13,659	11 Sept., 1877	R. H. Sempill ...	,, 22 Feb., 1878
13,660	,, ,,	A. Sandeman ...	.....
13,661	,, ,,	S. Lyons	Account filed, 7 June, 1878
13,662	,, ,,	R. H. Sempill ...	,, 22 Feb., 1878
13,663	,, ,,	F. T. Humphery	,, 20 May, 1878
13,664	,, ,,	S. Lyons	Plan filed, 7 May, 1878
13,665	,, ,,	F. T. Humphery	,, 4 March, 1878
13,666	12 Sept., 1877	R. H. Sempill ...	,, 28 May, 1878
13,667	,, ,,	A. Sandeman ...	Account filed, 24 Nov., 1877
13,668	,, ,,	R. H. Sempill ...	....
13,669	,, ,,	S. Lyons	Account filed, 7 May, 1878
13,670	13 Sept., 1877	A. Sandeman ...	Plan filed, 6 Feb., 1878
13,671	,, ,,	F. T. Humphery	,, 12 June, 1878
13,672	,, ,,	R. H. Sempill ...	Report filed, 17 April, 1878
13,673	17 Sept., 1877	S. Lyons	Account filed, 28 Nov., 1877
13,674	,, ,,	F. T. Humphery	,, 4 March, 1878
13,675	,, ,,	A. Sandeman ...	Plan filed, 24 Nov., 1877
13,676	18 Sept., 1877	,,	,, 8 March, 1878
13,677	19 Sept., 1877	F. T. Humphery	.....
13,678	,, ,,	R. H. Sempill ...	Account filed, 17 April, 1878
13,679	20 Sept., 1877	S. Lyons	,, 5 Dec., 1877
13,680	,, ,,	R. H. Sempill ...	,, 21 Feb., 1878
13,681	,, ,,	F. T. Humphery	,, 28 Feb., 1878
13,682	21 Sept., 1877	S. Lyons	,, 19 Dec., 1877
13,683	,, ,,	A. Sandeman ...	,, 26 Feb., 1878
13,684	22 Sept., 1877	R. H. Sempill ...	,, 22 Feb., 1878
13,685	24 Sept., 1877	F. T. Humphery	Plan filed, 7 Dec., 1877
13,686	,, ,,	A. Sandeman ...	Account filed, 25 Mar., 1878
13,687	25 Sept., 1877	S. Lyons	,, 28 Nov., 1877
13,688	,, ,,	R. H. Sempill ...	,, 30 April, 1878
13,689	27 Sept., 1877	F. T. Humphery	,, 4 March, 1878
13,690	28 Sept., 1877	A. Sandeman ...	,, 17 Dec., 1877
13,691	,, ,,	S. Lyons	,, 7 Dec., 1877
13,692	29 Sept., 1877	A. Sandeman ...	.....
13,693	,, ,,	R. H. Sempill ...	Plan filed, 17 May, 1878
13,694	,, ,,	F. T. Humphery	,, 19 Dec., 1877
13,695	2 Oct., 1877	S. Lyons	Account filed, 7 June, 1878
13,696	,, ,,	,,	,, 4 March, 1878
13,697	3 Oct., 1877	F. T. Humphery	,, 22 Dec., 1877
13,698	,, ,,	A. Sandeman ...	,, 17 Dec., 1877
13,699	4 Oct., 1877	R. H. Sempill ...	....
13,700	,, ,,	A. Sandeman ...	Account filed, 17 Dec., 1877
13,701	,, ,,	S. Lyons	,, 19 Dec., 1877
13,702	5 Oct., 1877	F. T. Humphery	,, 22 Dec., 1877
13,703	,, ,,	A. Sandeman ...	,, 7 June, 1878
13,704	6 Oct., 1877	R. H. Sempill ...	,, 8 Dec., 1877
13,705	9 Oct., 1877	S. Lyons	Plan filed, 16 August, 1878
13,706	10 Oct., 1877	F. T. Humphery	Account filed, 7 June, 1878
13,707	,, ,,	R. H. Sempill ...	.....
13,708	,, ,,	F. T. Humphery	Plan filed, 19 Dec., 1877
13,709	12 Oct., 1877	S. Lyons	Account filed, 28 Dec., 1877
13,710	,, ,,	A. Sandeman ...	Plan filed, 13 May, 1878
13,711	,, ,,	F. T. Humphery	Account filed, 22 Dec., 1877
13,712	,, ,,	R. H. Sempill ...	,, 21 Feb., 1878
13,713	,, ,,	A. Sandeman	Plan filed, 11 March, 1878 2nd plan filed, 15 April, 1878
13,714	,, ,,	S. Lyons	Account filed, 7 June, 1878
13,715	13 Oct., 1877	,,	,, 4 March, 1878
13,716	,, ,,	F. T. Humphery	.....
13,717	,, ,,	R. H. Sempill ...	Account filed, 22 Feb., 1878
13,718	15 Oct., 1877	A. Sandeman ...	Plan filed, 22 May, 1878
13,719	16 Oct., 1877	R. H. Sempill ..	....
13,720	,, ,,	F. T. Humphery	Account filed, 17 May, 1878
13,721	17 Oct., 1877	S. Lyons	,, 7 June, 1878
13,722	18 Oct., 1877	A. Sandeman ...	,, 5 March, 1878
13,723	,, ,,	R. H. Sempill ...	,, 21 Feb., 1878
13,724	19 Oct., 1877	A. Sandeman	Plan filed, 13 May, 1878 ,, 23 August, 1878
13,725	20 Oct., 1877	F. T. Humphery	.....
13,726	23 Oct., 1877	S. Lyons	Account filed, 23 Aug., 1878
13,727	24 Oct., 1877	F. T. Humphery	.....
13,728	,, ,,	R. H. Sempill ...	Account filed, 21 Feb., 1878
13,729	,, ,,	A. Sandeman ...	,, 25 Feb., 1878
13,730	,, ,,	S. Lyons	Plan filed, 13 June, 1878
13,731	25 Oct., 1877	,,	Account filed, 7 June, 1878
13,732	,, ,,	A. Sandeman ...	Plan filed, 25 March, 1878
13,733	,, ,,	R. H. Sempill ...	Account filed, 21 Feb., 1878
13,734	29 Oct., 1877	F. T. Humphery	,, 22 Dec., 1877
13,735	,, ,,	A. Sandeman ...	Plan filed, 7 June, 1878
13,736	,, ,,	S. Lyons	Account filed, 7 June, 1878
13,737	30 Oct., 1877	F. T. Humphery	,, 4 March, 1878
13,738	31 Oct., 1877	R. H. Sempill ...	,, 21 Feb., 1878
13,739	2 Nov., 1877	,,	,, ,, ,,
13,740	5 Nov., 1877	F. T. Humphery	Plan filed, 7 June, 1878
13,741	,, ,,	A. Sandeman ...	,, 23 August, 1878
13,742	6 Nov., 1877	S. Lyons	,, 23 April, 1878
13,743	,, ,,	A. Sandeman ...	Account filed, 22 Aug., 1878
13,744	7 Nov., 1877	R. H. Sempill ...	,, 4 Aug., 1878
13,745	7 Nov., 1877	S. Lyons	,, 7 June, 1878
13,746	10 Nov., 1877	F. T. Humphery	,, 4 Mar., 1878
13,747	,, ,,	R. H. Sempill ...	,, 7 June, 1878
13,748	,, ,,	S. Lyons	Plan filed, 11 June, 1878
13,749	12 Nov., 1877	F. T. Humphery	,, 11 March, 1878
13,750	,, ,,	A. Sandeman ...	Account filed, 13 Aug., 1878
13,751	13 Nov., 1877	R. H. Sempill ...	.....
13,752	,, ,,	A. Sandeman ...	Account filed, 7 Oct., 1878
13,753	15 Nov., 1877	F. T. Humphery	Plan filed, 17 May, 1878
13,754	,, ,,	S. Lyons	,, 17 April, 1878 ,, 7 Aug., 1878
13,755	16 Nov., 1877	F. T. Humphery	Account filed, 21 Oct., 1878
13,756	20 Nov., 1877	R. H. Sempill ...	,, 21 Feb., 1878
13,757	,, ,,	A. Sandeman ...	Plan filed, 15 April, 1878
13,758	21 Nov., 1877	S. Lyons	,, 7 June, 1878
13,759	,, ,,	,,	Account filed, 4 Mar., 1878
13,760	23 Nov., 1877	F. T. Humphery	,, 7 Aug., 1878
13,761	24 Nov., 1877	A. Sandeman ...	Plan filed, 4 April, 1878
13,762	,, ,,	R. H. Sempill ...	Account filed, 7 June, 1878
13,763	26 Nov., 1877	F. T. Humphery	.....
13,764	,, ,,	A. Sandeman ...	Account filed, 5 Mar., 1878
13,765	,, ,,	S. Lyons	,, 9 Aug., 1878

No.	Date of Sequestration.	Assignee.	Date when plan filed.
13,766	29 Nov., 1877	R. H. Sempill ...	.....
13,767	30 Nov., 1877	F. T. Humphery	Account filed, 16 Aug., 1878
13,768	,, ,,	R. H. Sempill ...	Plan filed, 14 June, 1878
13,769	,, ,,	A. Sandeman ...	Account filed, 7 June, 1878
13,770	1 Dec., 1877	S. Lyons	,, ,, ,,
13,771	3 Dec., 1877	R. H. Sempill ...	.....
13,772	,, ,,	F. T. Humphery	Account filed, 20 May, 1878
13,773	,, ,,	A. Sandeman ...	.....
13,774	4 Dec., 1877	S. Lyons	Plan filed, 24 June, 1878
13,775	,, ,,	,,	Account filed, 7 June, 1878
13,776	,, ,,	R. H. Sempill ...	Plan filed, 14 June, 1878
13,777	,, ,,	A. Sandeman ...	Account filed, 13 May, 1878
13,778	5 Dec., 1877	F. T. Humphery	,, 4 Mar., 1878
13,779	,, ,,	R. H. Sempill ...	,, 21 Feb., 1878
13,780	,, ,,	A. Sandeman ...	,, 17 June, 1878
13,781	,, ,,	F. T. Humphery	Plan filed, 22 Mar., 1878
13,782	6 Dec., 1877	S. Lyons	,, 1 Oct., 1878
13,783	,, ,,	,,	Account filed, 23 Aug., 1878
13,784	,, ,,	R. H. Sempill ...	,, 9 June, 1878
13,785	,, ,,	F. T. Humphery	,, 7 June, 1878
13,786	7 Dec., 1877	A. Sandeman ...	,, 4 Mar., 1878
13,787	10 Dec., 1877	F. T. Humphery	,, 18 Sept., 1878
13,788	,, ,,	R. H. Sempill ...	,, 14 Aug., 1878
13,789	11 Dec., 1877	S. Lyons	,, 7 June, 1878
13,790	12 Dec., 1877	A. Sandeman ...	,, 18 Oct., 1878
13,791	,, ,,	,,	.....
13,792	15 Dec., 1877	R. H. Sempill ...	Account filed, 7 June, 1878
13,793	17 Dec., 1877	F. T. Humphery	,, 20 May, 1878
13,794	,, ,,	S. Lyons	,, 7 June, 1878
13,795	18 Dec., 1877	R. H. Sempill ...	,, 3 July, 1878
13,796	,, ,,	S. Lyons	,, 7 June, 1878
13,797	21 Dec., 1877	F. T. Humphery	Plan filed, 17 May, 1878
13,798	22 Dec., 1877	A. Sandeman	,, 22 May, 1878
			,, 10 Aug., 1878
18,799	,, ,,	R. H. Sempill ...	,, 20 Aug., 1878
13,800	,, ,,	F. T. Humphery	Account filed, 17 May, 1878
13,801	27 Dec., 1877	S. Lyons	,, 24 June, 1878
13,802	28 Dec., 1877	A. Sandeman ...	.....
13,803	31 Dec., 1877	R. H. Sempill ...	Plan filed, 20 Aug., 1878
13,804	,, ,,	F. T. Humphery	Account filed, 20 May, 1878
13,805	,, ,,	A. Sandeman ...	,, 8 Oct., 1878
13,806	2 Jan., 1878	S. Lyons	,, 26 Aug., 1878
13,807	3 Jan., 1878	,,	,, 26 Aug., 1878
13,808	8 Jan., 1878	A. Sandeman ...	.....
13,809	,, ,,	F. T. Humphery	Plan filed, 26 Sept., 1878
13,810	9 Jan., 1878	R. H. Sempill ...	Account filed, 24 July, 1878
13,811	,, ,,	F. T. Humphery	,, 17 May, 1878
13,812	11 Jan., 1878	R. H. Sempill ...	,, 24 July, 1878
13,813	,, ,,	S. Lyons	,, 23 Aug., 1878
13,814	,, ,,	A. Sandeman ...	Plan filed, 7 June, 1878
13,815	15 Jan., 1878	R. H. Sempill ...	,, 20 Aug., 1878
13,816	,, ,,	F. T. Humphery	Account filed, 7 Aug., 1878
13,817	,, ,,	A. Sandeman ...	,, 8 May, 1878
13,818	,, ,,	S. Lyons	,, 8 Aug., 1878
13,819	,, ,,	,,	,, 26 Aug., 1878
13,820	,, ,,	R. H. Sempill ...	,, 24 July, 1878
13,821	16 Jan., 1878	F. T. Humphery	Plan filed, 17 May, 1878
13,822	,, ,,	A. Sandeman ...	,, 7 Oct., 1878
13,823	,, ,,	,,	.....
13,824	16 Jan., 1878	S. Lyons	Account filed, 23 Aug., 1878
13,824	16 Jan., 1878	F. T. Humphery	Account filed, 18 Sept., 1878
13,826	17 Jan., 1878	R. H. Sempill ...	,, 24 July, 1878
13,827	18 Jan., 1878	S. Lyons	,, 12 Sept., 1878
13,828	,, ,,	F. T. Humphery	,, 18 Sept., 1878
13,829	22 Jan., 1878	R. H. Sempill ...	,, 8 Aug., 1878
13,830	,, ,,	A. Sandeman ...	,, 1 April, 1878
13,831	,, ,,	R. H. Sempill ...	.....
13,832	,, ,,	S. Lyons	Account filed, 12 Sept., 1878
13,833	23 Jan., 1878	F. T. Humphery	.....
13,834	,, ,,	A. Sandeman ...	Account filed, 22 Aug., 1878
13,835	,, ,,	S. Lyons	,, 21 Oct., 1878
13,836	,, ,,	R. H. Sempill ...	,, 21 Aug., 1878
13,837	24 Jan., 1878	F. T. Humphery	.....
13,838	25 Jan., 1878	A. Sandeman ...	Account filed, 1 April, 1878
13,839	28 Jan., 1878	F. T. Humphery	Plan filed, 26 Sept., 1878
13,840	,, ,,	R. H. Sempill ...	,, 2 Sept., 1878
13,841	,, ,,	A. Sandeman ...	Account filed, 1 April, 1878
13,842	,, ,,	S. Lyons	.....
13,843	,, ,,	R. H. Sempill ...	Account filed, 24 July, 1878
13,844	,, ,,	F. T. Humphery	,, 7 Aug., 1878
13,845	,, ,,	S. Lyons	,, 12 Sept., 1878
13,846	29 Jan., 1878	A. Sandeman ...	,, 27 Mar., 1878
13,847	,, ,,	,,	Plan filed, 17 May, 1878
13,848	,, ,,	S. Lyons	Account filed, 12 Sept., 1878
13,849	31 Jan., 1878	R. H. Sempill ...	,, 24 July, 1878
13,850	1 Feb., 1878	,,	,, 24 July, 1878
13,851	,, ,,	F. T. Humphery	,, 20 May, 1878
13,852	,, ,,	,,	,, 7 Aug., 1878
13,853	,, ,,	A. Sandeman ...	,, 22 Aug., 1878
13,854	,, ,,	S. Lyons	Plan filed, 12 Aug., 1878
13,855	4 Feb., 1878	A. Sandeman ...	Account filed, 13 Aug., 1878
13,856	,, ,,	R. H. Sempill ...	,, 19 Aug., 1878
13,857	,, ,,	F. T. Humphery	,, 16 Aug., 1878
13,858	,, ,,	S. Lyons	.....
13,859	5 Feb., 1878	,,	Account filed, 12 Sept., 1878
13,860	,, ,,	R. H. Sempill ...	,, 4 Aug., 1878
13,861	6 Feb., 1878	F. T. Humphery	,, 26 Sept., 1878
13,862	,, ,,	A. Sandeman ...	.....
13,863	,, ,,	R. H. Sempill ...	Plan filed, 19 Aug., 1878
13,864	7 Feb., 1878	S. Lyons	Account filed, 12 Sept., 1878
13,865	,, ,,	F. T. Humphery	Plan filed, 16 Aug., 1878
13,866	8 Feb., 1878	A. Sandeman ...	Account filed, 30 April, 1878
13,867	9 Feb., 1878	R. H. Sempill ...	.....
13,868	,, ,,	F. T. Humphery	Report filed, 12 June, 1878
13,869	,, ,,	A. Sandeman ...	Plan filed, 12 Aug., 1878
13,870	11 Feb., 1878	S. Lyons	Account filed, 18 Sept., 1878
13,871	,, ,,	R. H. Sempill ...	,, 24 July, 1878
13,872	,, ,,	S. Lyons	.....
13,873	,, ,,	A. Sandeman ...	Plan filed, 4 Aug., 1878
13,874	,, ,,	F. T. Humphery	,, 15 May, 1878
13,875	12 Feb., 1878	A. Sandeman ...	Account filed, 1 April, 1878
13,876	,, ,,	S. Lyons	Plan filed, 19 Aug., 1878
13,877	,, ,,	R. H. Sempill ...	Account filed, 24 July, 1878
13,878	13 Feb., 1878	F. T. Humphery	Plan filed, 12 June, 1878
13,879	,, ,,	A. Sandeman ...	.....
13,880	,, ,,	R. H. Sempill ...	Account filed, 24 July, 1878
13,881	,, ,,	F. T. Humphery	,, 4 Oct., 1878
13,882	,, ,,	S. Lyons	.....
13,883	,, ,,	A. Sandeman ...	Plan filed, 13 Sept., 1878

[9d.]

Sydney: Thomas Richards, Government Printer.—1878.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PATRICK AND MICHAEL GRIFFIN—CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 22 October, 1878.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10th April, 1878, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

"Copies of all correspondence in reference to the case of Patrick and "Michael Griffin in the years 1867–68–69."

(*Mr. Greville.*)

SCHEDULE.

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2.	Inspector General of Police to Principal Under Secretary, forwarding Superintendent Orridge's report on No. 1, with minute thereon. 6 November, 1867	2
3.	Crown Solicitor to Under Secretary, Colonial Secretary's Office, forwarding letter from Michael Griffin, dated 25 September, 1867, with minute of Attorney General thereon. 7 November, 1867	3
4.	Same to same, forwarding letter from Michael Griffin, dated 18 October, 1867. 7 November, 1867	3
5.	Same to same, forwarding letter from Michael Griffin, dated 22 November, 1867. 25 November, 1867	3
6.	Michael Griffin to the Colonial Secretary, with minutes thereon. 7 December, 1867	4
7.	Principal Under Secretary to Michael Griffin, in reply to No. 6. 24 December, 1867	4
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9.	James Rodd, M.P., to Colonial Secretary, with enclosures—minutes thereon. 19 December, 1867	4
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11.	Under Secretary, Crown Law Department, forwarding communication from Judge Faucett to the Attorney General of 12 December, 1867, with enclosure. 14 July, 1868	5
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13.	Principal Under Secretary to Michael Griffin, in reply to No. 12. 11 January, 1870	6

ADMINISTRATION OF JUSTICE.

No. 1.

Mr. M. Griffin to The Attorney General.

Sir, Oranmeir, Braidwood, 17 October, 1867.

I have the honor to draw your attention to the following facts, in reference to the capture of the outlaw Thomas Clarke and his brother John:—

1st. That in the beginning of March of last year I was employed by Mr. Superintendent Orridge as a detective in reference to the abovenamed outlaw and his brother; and that I from time to time gave both him and also Sub-Inspector Wright valuable information in reference to their whereabouts, who swore in evidence upon my trial in Sydney that the information I gave from time to time was of such a nature that he could always act upon it. That he found the Clarkes ultimately in the precise locality indicated by me. He swore also that he captured the Clarkes on the very spot to which I directed him. And I respectfully suggest that for the efficient manner in which I performed the abovenamed duty, and also, for the valuable information which I from time to time offered, I am entitled to a reward. I wish also to state that I had rendered myself so obnoxious to the Clarkes and their friends that I was obliged to carry arms to protect my life; these were furnished me by Government officers.

Sergeant Stafford, of Araluen, also swore that he was waiting for material information from me in this matter, when I and my brother, who was also in the confidence of the police authorities, were arrested by Mr. Carroll, ostensibly for harbouring the bushrangers, but in reality because we did not give information at Ballalaba, a place in which it was then dangerous in the extreme for either of us to be seen, as it would be impossible for us to go there without the family of the Clarkes being cognizant of our presence.

I have reason to believe that I should have progressed in a far more expeditious and satisfactory manner if I had not been pointed out by Mr. Edward Smith, late of Jinden, as an enemy of these outlaws and others; this can be proved by myself and others.

In conclusion, I have further to state that I volunteered a horse to Mr. Welsh on the day of the capture of the Clarkes, and that I followed him as speedily as possible to the scene of their capture, and that I was there as soon as some of the police from Ballalaba, all of whom shared in the reward given for the arrest of the outlaw and his brother, while I have received nothing up till the present date.

I have, &c.,

MICHAEL GRIFFIN.

Colonial Secretary,—J.M., A.G., 22 Oct., 1867. Under Secretary, Colonial Secretary's Department.—W.E.P., B.C., 23/10/67. Inspector General of Police, for report.—H.P., 25/10/67.

No. 2.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Police Department, Inspector General's Office, Sydney, 6 November, 1867.

Superintendent Orridge's report upon Michael Griffin's application to participate in the reward for Clarkes' capture, herewith submitted for the information of the Honorable the Colonial Secretary.

As this report explains the circumstances, I do not transmit the statements made by the members of the Force who were in communication with Michael Griffin; I have, however, read them, and they confirm Superintendent Orridge's opinion.

I do not consider that M. Griffin has any claim whatever.

JNO. McLERIE,
Inspector General of Police.

Application of Michael Griffin to participate in the reward offered for the capture of the Clarkes, reported on adversely by the Inspector General of Police. Submitted for decision.—H.H., 21 Nov., /67.

[*Enclosure.*]

Sir, Police Department, Superintendent's Office, Braidwood, 4 November, 1867.

I have the honor, in reply to your minute of the 25th ultimo, 67/3/10, to forward reports from various members of the Force who have had good opportunities of judging of Michael Griffin's conduct whilst for a short time employed not as a detective but a spy by the police.

I thought it worth while giving him a trial, but never trusted, and was always very cautious in dealing with him. I believe now he was playing a double game throughout.

Some short time ago a resident of Jingera, whose name I prefer not mentioning, came to sound me on Griffin's chance of obtaining a share of the reward, but being the worse for liquor at the time, admitted to me that he knew Griffin had only been humbugging.

A day or two previous to the capture, Griffin came and told me he could do no more about the Clarkes, as he must go to Sydney to see about the defence of himself and his brothers. On that occasion he had no information to give, and he never attempted to claim any reward until after his discharge in Sydney. I consider he has not the slightest claim; if he had, I should have made it known when the question of the distribution of the reward was under consideration, and also have recommended him for consideration with reference to the charge then pending against him.

I have, &c.,
J. W. ORRIDGE,
Supt., S.D.

No. 3.

No. 3.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Sir,

Crown Solicitor's Office, Sydney, 7 November, 1867.

I have the honor to forward herewith, by the direction of the Attorney General, an application made by Michael Griffin for reward in assisting the apprehension of the outlaw Clarke, and to state, with reference to that portion of the Attorney General's memo. which directs me to inform the Honorable the Colonial Secretary of any facts in relation to this matter which have not been communicated, that I am not aware of any circumstances in this case which are not I believe known to the Colonial Secretary.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

[*Enclosure.*]

Mr. M. Griffin to The Crown Solicitor.

Sir,

Ballalaba, Braidwood, 25 September, 1867.

I respectfully request to draw your attention to the fact that I gave the first information to the police under the charge of Mr. Sub-inspector Wright with reference to Thomas and John Clarke, the bushrangers, being at Berry's house, which led to their capture, which fact was sworn to by Wright himself; and I have the honor therefore to submit to you my claim for reward for so doing; and I would remind you that upon my trial for harbouring, when I was acquitted, His Honor Mr. Justice Faucett distinctly stated that the Crown ought to show me some consideration.

2. It may be perhaps as well to inform you that I was for nearly six weeks before the capture of the Clarkes employed by Mr. Superintendent Orridge in obtaining information about the bushrangers, which I always immediately conveyed to the police, and that it was through my instrumentality that the Clarkes were eventually brought to justice. Under these circumstances I humbly hope that you will lay my claim before the Honorable the Attorney General, as I feel sure that when all the facts of my case are investigated, the Government will not hesitate to give me that reward which the important services I have rendered demand from their hand.

I have, &c.,
MICHAEL GRIFFIN.

Submitted to the Honorable the Attorney General, 1 October, 1867.

It is impossible for me to give an opinion upon this matter. The Honorable the Colonial Secretary is acquainted with the facts from the report of the police, and to him application must be made. If the Crown Solicitor is aware of any facts which have not yet been communicated to the Colonial Secretary, he had better send such information to him, together with this communication.—J.M., A.G., 1 October, '67.

No. 4.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Sir,

Crown Solicitor's Office, Sydney, 7 November, 1867.

I have the honor to forward herewith a letter which was addressed to me by Michael Griffin, dated 18th October last, and which should have been sent to you in my letter of to day, respecting his claim for reward for assisting in the apprehension of the outlaw Clarke.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

[*Enclosure.*]

Mr. M. Griffin to The Crown Solicitor.

Sir,

Oranmeir, Braidwood, October 18, 1867.

Having the honor to draw your attention to my application in reference to the manner in which I aided and assisted Wright's party of police in effecting the capture of the Clarkes. I think if I only assisted Walsh on the day of their capture, and not to mention that reliable information that I furnished Wright with, I believe I was entitled to a reward. On the day they were taken I led Walsh to the very spot where Sergeant Ford was, 4 miles nearer than Ballalaba, and I showed him the best crossing-place on the river on a former occasion, or he never could cross it on that day only for me. I believe the Braidwood authorities laid none of this information before you or the Attorney General, for if they had I think the Crown would have allowed me some consideration, in place of taking me to Sydney twice and putting me to great expense. Some of Wright's party were surprised when I got no reward. Clarke the outlaw told Berry that he would shoot me dead if he ever came across me again. Everyone in the Braidwood District makes sure I got a reward, so I hope you will now refer to Mr. Wright's evidence in court, and I will leave it to your own judgment whether I was dealt fairly with or not. I was the man that offered to bet the Ballalaba police £5 that Wright's party would capture the Clarkes before three weeks. They were taken before that time. The way the Braidwood authorities treated me requires an explanation—they gave me plenty of law but no justice.

I could lay important facts before you with reference to Edward Smith. I believe I have found out how the Clarkes came to make that confession to Mr. Leary if it would be of any use to you. I also offered to capture the Clarkes before two months if Mr. Orridge gave me a party of police under my command, but he would not, but employed me secretly; but the Clarkes had a suspicion on me ever since I was released on bail. I would be very thankful to you if you would answer this letter.

Excuse the writing; I do not like to depend on others.

I remain, &c.,
MICHAEL GRIFFIN.

No. 5.

The Crown Solicitor to The Under Secretary, Colonial Secretary's Department.

Sir,

Crown Solicitor's Office, Sydney, 25 November, 1867.

Referring to my letters of 7th and 8th instant, respecting an application made by Michael Griffin for a reward for assisting to apprehend the outlaw Clarke, I do myself the honor to forward herewith another letter which I have received from Griffin upon the same subject, bearing date 22nd November instant.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

[*Enclosure.*]

[*Enclosure.*]

Mr. M. Griffin to The Crown Solicitor.

Braidwood, 22 November, 1867.

Sir,

Having the honor to draw your attention to my former application in reference to the manner in which I assisted the Government in pursuing and capturing the outlaw Clarke, it was after I was committed for trial that the Government employed me as a special detective concerning the said outlaw, and in reference to the Jinden murder I made greater progress in pursuit of Clarke the outlaw than Carroll's, Flynn's, or Mearse's parties, and furnished Wright with that reliable information which led to their capture. It was distinctly sworn to by him at my trial in Sydney. I can show reasons that the Clarkes would not be captured to this day only for me. I planned and conducted the skill for him not to take his horses near Berry's place, and why the Government dealt so harshly with me is a mystery to me that I cannot make out.

William Berriman was committed for trial, and a case of a serious nature was filed against him. He was in pursuit of Clarke the outlaw, and I believe did no good to the Government at all. The Colonial Secretary I believe gave him his liberty. The Government dismissed me from their service two days after the Clarkes were captured. The ill-feeling against me in this district is very great; some parties are sending me disgraceful letters, posted at Ballalaba, and I consider my life is in danger.

Sic. So now, if the Government do not take my case into consideration you can plainly see that I done myself more harm than good by going in their service, and exposing myself to Wright's evidence in Court; and His Honor Judge Faucett directed the jury to take no notice of Wright's evidence, that it had nothing to do with the case. I can still lay important explanations before you in reference to matters unknown to the Government, and before many months, as far as I can learn, there will be more bushranging in this district, on as grand a scale as ever; and if there is I will render the police as great assistance as ever. So you can plainly see that I almost live against the Ballalaba Police Station, was always afraid to give information. There you can see this by referring to Wright and Mr. Orridge; that was a distance of twenty miles away from me. Also Araluen, and at one of those far out stations, I lodged the information that led to their capture. If you do not believe those statements you can refer to me to get characters from high police officials.

Excuse this writing. I do not like to depend on others.

I am now respectfully waiting your reply.

MICHAEL GRIFFIN.

No. 6.

Mr. M. Griffin to The Colonial Secretary.

Oranmeir, Braidwood, December 7, 1867.

Sir,

I have the honor to inform you that I have made application to the Honorable the Attorney General for reward for having given the first information which led to the apprehension of the outlaw Clarke and his brother, and have been informed by him that such applications have been forwarded to you, and I wish to inform you that I was employed by Mr. Superintendent Orridge as a detective concerning the said outlaw when I carried Government revolvers supplied to me by Government officers.

2. Upon the day that Clarke and his brother were captured, I lent to Constable Welsh a fresh horse of my own, and as I have been put to much expense, and rendered myself obnoxious to certain parties in this district for my assistance of the police, I humbly request that you will give the matter your favourable consideration and send me an early reply.

I have, &c.,

MICHAEL GRIFFIN.

Submitted. The Inspector General of Police reports, "I do not consider that Mr. Griffin has any claim whatever."—17 December, 1867. Inform.—H.P., 21/12/67. Mr. Griffin.—24/12/67.

No. 7.

The Under Secretary, Colonial Secretary's Department, to Mr. M. Griffin.

Colonial Secretary's Office, Sydney, 24 December, 1867.

Sir,

In reply to your letter of 7th instant, respecting your application to be remunerated for services alleged to have been rendered by you in the apprehension of the bushrangers named in the margin, I am directed by the Colonial Secretary to inform you that the necessary inquiries have been made, and that it is not considered that you have any claim in the above case.

Thomas and John Clarke.

I have, &c.,

HENRY HALLORAN.

No. 8.

Mr. M. Griffin to The Colonial Secretary.

Braidwood, 23 December, 1867.

Sir,

With reference to the correspondence which has taken place respecting my claim for payment for having been the first to give the information to Senior-sergeant Wright, whereby he was enabled to capture the outlaw Clarke and his brother, I have the honor to inform you that I have been apprised by Mr. Justice Faucett to the effect that Wright swore that I gave the first information, and I do not think that Mr. Superintendent Orridge, who is now in Sydney, will deny that such is the case, as I am informed by Senior-sergeant Smith that he has stated that if he is called upon he will confirm the statement of Sergeant Wright. Under these circumstances, and considering the fact that I have rendered such essential assistance in capturing the bushrangers, I hope that you will see me properly rewarded for my trouble. With regard to Wright's evidence I wrote to you some time ago, about, I think, the 13th of May, when I requested you to call upon Sergeant Wright and party.

I think therefore that you will have no difficulty in seeing that my claim is a just one, and I would further add that I can lay many more important matters before the Government.

I have, &c.,

MICHAEL GRIFFIN.

No. 9.

J. Rodd, Esq., M.P., to The Colonial Secretary.

Sydney, 19 December, 1867.

Sir,

I have the honor herewith of forwarding a letter of Michael Griffin's, wherein he states he was instrumental in the capture of the Clarkes, by giving such information to Mr. Senior-sergeant (now Inspector) Wright. Also

Also a letter from Mr. Justice Faucett, through Mr. T. M. Callaghan, stating that Mr. Inspector Wright gave evidence at Michael Griffin's trial that he (Griffin) gave certain information which led to the capture of the Clarkes.

I have, &c.,
JAMES RODD.

Has not an application of Griffin's been reported on? If so, re-submit the papers with these.—H.P., 26/12/67. Inform Mr. Rodd result of former inquiry.—H.P., 1/1/68. Mr. Rodd, 7 Jan., /68.

[*Enclosure* 1 *to No.* 9.]

Mr. M. Griffin to J. Rodd, Esq.

Sir,

Braidwood, 23 November, 1867.

Some time since I was employed by the Government to aid in the capture of Thomas Clarke, the outlaw. I gave Sub-Inspector Wright the information that led to the capture of Clarke and his brother John. It was sworn to by Wright in Sydney, when I was being tried for aiding the bushrangers, and Wright is now willing to confirm my statement. When I was in Sydney the Attorney General told me to write to him and he would attend to my claim. I did so, but have heard nothing more of the matter. I wish you will please do anything you can for me in the matter, as up to this time I have received nothing for my services, although I am of course entitled to a portion of the reward. All of Wright's party are quite willing to come forward and substantiate my claim.

You will perceive that during the time I was in the Government employ I made a good deal of progress towards capturing the Clarkes, as it was through my information that they were ultimately captured.

Judge Faucett stated, at the time of my trial, that I certainly ought to be allowed good compensation for my trouble.

I have, &c.,
MICHAEL GRIFFIN.

[*Enclosure* 2 *to No.* 9.]

Mr. T. Callaghan to Mr. M. Griffin.

Sir,

Supreme Court, December 12, 1867.

I am directed by Mr. Justice Faucett to acknowledge the receipt of your letter, dated November 26, and to inform you that he has forwarded your letter to the Attorney General, with a memo. to the effect that Mr. Wright gave evidence at your trial that you gave him information which led to the apprehension of the Clarkes.

I am, &c.,
T. M. CALLAGHAN.

No. 10.

The Under Secretary, Colonial Secretary's Department, to J. Rodd, Esq., M.P.

Sir,

Colonial Secretary's Office, Sydney, 7 January, 1868.

In acknowledging the receipt of your letter of the 19th ultimo, submitting a communication from Michael Griffin respecting the services alleged to have been rendered by him to the police in regard to the capture of the bushrangers named in the margin, I am directed by the Colonial Secretary to inform you that the case of Griffin has been duly inquired into, and that he is not considered to have any claim for reward.

Thomas and John Clarke.

I have, &c.,
HENRY HALLORAN.

No. 11.

Judge Faucett to The Attorney General.

Sir,

Supreme Court, 12 December, 1867.

I have the honor to forward the accompanying letter which I have received from Michael Griffin, and to ask your attention to the memo. which I have appended to it.

I have, &c.,
P. FAUCETT.

[*Enclosure.*]

Mr. M. Griffin to Mr. Justice Faucett.

Sir,

Oranmeir, 25 November, 1867.

I have the honor to draw your attention to an application which I recently made to the Attorney General, and also to the Crown Solicitor, in reference to the manner in which I assisted Wright and party in the pursuit and the capture of Thomas Clarke, the outlaw, and his brother John. I was employed by the Government as a detective in this matter, and also in reference to the murder at Jinden of the four special constables. In accordance with the duty I undertook to perform I gave every help I possibly could, even at considerable personal risk; and Mr. Wright distinctly swore that I had at various times given him valuable information. In reference to your Honor's notes in reference to my trial at Sydney, this will be found correct. I was sent twice to Sydney, and put to very great expense in the matter of my defence, previous to which I had been dismissed from the service in which the Government engaged me, without any justifiable cause whatever, and I consider that I have an equitable claim upon the Government for the services which I rendered, and for the information which I gave. Your Honor will remember stating at my trial that the Crown had not shown me the consideration which ought to have been shown. Messrs. Wright and the constables with him are willing to give evidence even now in my favour, and will testify to the assistance I rendered, while they express a belief that the Government has dealt harshly with me. In accordance with instructions received by me from the Attorney General, I laid the whole case in writing before him, but have, as yet received no reply. The Crown Solicitor (who seemed astonished that I should be sent to Sydney at all) also told me to write to him. May I ask your Honor to see into my case and have it taken into consideration. The feeling against me in this district is a very bitter one, and I have done myself a serious injury in thus compromising myself for the good of society, without obtaining any recompense. The real reason for the prosecution of myself was that the evidence which I gave was given at the wrong station, instead of at Ballalaba—a place to which I always objected to show myself, as it was always surrounded by spies of the Clarkes. In fact my life would not have been safe. Instead of going there I, at a great deal of trouble, went a long way round to give information to another body of police, which was of quite as much importance as if given at Ballalaba, as your Honor may see on reference to your notes of Wright's evidence on my trial.

I have, &c.,
MICHAEL GRIFFIN.

It appeared at the trial, from the evidence of Mr. Wright, Inspector of Police, that Michael Griffin gave him information which led to the apprehension of the Clarkes in two days after the information was given, and at the place which Griffin mentioned.—P. FAUCETT, December 12, 1867.

Send these papers to the Honorable the Colonial Secretary.—J.M., A.G., 12 Dec., 1867. Received from the Honorable Sir James Martin on 5th July, 1868. The Under Secretary, Colonial Secretary's Department, B.C., 14 July, 1868.—W.E.P.

No. 12.

Mr. M. Griffin to The Colonial Secretary.

Sir, Oranmeir, Braidwood, 12 November, 1869.

Having the honor to inform you of my claims against the late Government taken up by John Williams, Crown Solicitor, for investigation, and declined by the late Colonial Secretary, H. Parkes, I was committed for trial for giving sustenance to the late outlaw, Thomas Clarke. While I was out on bail I was employed by Superintendent Orridge, in receipt of Government pay, concerning the said outlaw, and in reference to the four special constables shot near Jinden.

I was carrying Government revolvers supplied to me by Superintendent Orridge and Sub-inspector Wright. I was in communication with Sub-inspector Wright both day and night, and gave the first information that the Clarkes were at Berry's.

On the day the Clarkes were captured I was called on by one of Wright's party; I lent him a fresh horse, and took an active part in rendering assistance.

Two days after the Clarkes were captured I was dismissed from the Government Service, and at the same time receiving notice from Superintendent Orridge that my services would be laid before the Government. I then had to proceed to Sydney to be tried; the Government remanded my case, and I had to go to Sydney a second time to be tried, when I was acquitted by the jury, His Honor Justice Faucett intimating that the Crown ought to have shown me some consideration.

Since my claims were declined I am informed that Superintendent Orridge never laid my services before the Crown, and the fault lay at his side and on the part of the late Colonial Secretary, H. Parkes. You will remember William Berriman was in pursuit of Clarke; he made no progress, and the Colonial Secretary, H. Parkes, gave him his liberty and never put him on his trial. Nearly all my letters to the late Government went through the hands of the Crown Solicitor, John Williams; if you call upon him he will be able to furnish you with all particulars concerning the above case. I now require you to compel Sir James Martin, and the late Colonial Secretary, and Superintendent Orridge, to forward to you all my letters, and then you will be in full possession of the harsh manner in which they treated me; and if I am entitled to any claims you can let the benefit of it go to some institution. I only want to prove to the Colony the way I was treated by the late Colonial Secretary and Superintendent Orridge.

I now forward you a copy of Justice Faucett's letter:—

"Sir,

"I am directed by Mr. Justice Faucett to acknowledge receipt of your letter, and to inform you that he has forwarded your letter to the Attorney General with a memorandum to the effect that Mr. Wright gave evidence at your trial that you gave him information that led to the apprehension of the Clarkes.

"T. M. Callaghan,
"Judge's Associate."

I have, &c.,
MICHAEL GRIFFIN.

Former papers enclosed, 19. The Inspector General of Police reported, "I do not consider that M. Griffin had any claim whatever," 19 Nov., '69. So inform.—John R., 5 Jany., '70. Mr. Michael Griffin, 11 Jany., '70.

No. 13.

The Under Secretary, Colonial Secretary's Department, to Mr. M. Griffin.

Sir, Colonial Secretary's Office, Sydney, 11 January, 1870.

In acknowledging the receipt of your further letter of the 12th November last, on the subject of claim preferred by you for services alleged to have been rendered in connection with the apprehension of the outlaws, Thomas and John Clarke, I am directed by the Colonial Secretary to inform you that it is not considered that you have any claim whatever on the above account.

I have, &c.,
HENRY HALLORAN.

Sydney: Thomas Richards, Government Printer.—1878.

[6*d*.]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE CASE OF PATRICK AND MICHAEL GRIFFIN.

(COPY OF JUDGE'S NOTES.)

Ordered by the Legislative Assembly to be printed, 13 *November*, 1878.

[*In answer to Question of E. Greville, Esq., M.P., without notice;* 13 *November*, 1878.]

Monday, August 19, 1867.

In the Supreme Court of New South Wales.

The Queen *v.* Patrick Griffin and Michael Griffin.—Harbouring Clarke, an outlaw: Felon's Apprehension Act, 1865, 28 Vic., No. 2, s. 4.

Mr. Butler for Crown; Mr. Dalley for prisoners.

Proclamations in Gazette tendered.

Mr. Dalley objects that they should not be received until everything which is required by this Act to be done should be proved.

Gazettes allowed—May 15th, 1866, and June 5th, 1866.

Frederick Henry Stephen, examined by Mr. Butler, Chief Clerk in the Supreme Court: I produce documents; information against Thomas Clarke and Patrick Connell, filed 19th April, 1866, signed by James Martin, Attorney General; summons, 12th May, 1866, signed by Chief Justice; adjudication by Chief Justice filed on 31st May, 1866; dated same day.

Tendered.

By Mr. Dalley: This is the only summons I have in my possession; I believe I had another; I don't know where that other summons is.

John Williams (*Crown Solicitor*), *examined by Mr. Dalley:* Produce a Judge's summons of 19th April, 1866; issued on this information of 19th April, 1866; it was my duty to take all necessary proceedings; I took proceedings to have gazetted the fact of the summons having been issued; it was published on two occasions in the Government Gazette; no adjudication of outlawry upon summons of 19th April, 1866; return day of that summons was 4th May, 1866; on 12th May second summons was issued upon original information of Attorney General; I feel sure there is no affidavit of publication of summons of 19th April; there were several affidavits made but not filed; adjudication of outlawry was made on summons of 12th May.

By Mr. Butler: One affidavit wrong; a fresh summons issued, and everything done over again; summons of 19th April had expired before summons of 12th May was issued.

Mr. Dalley objects, that two summonses being issued, the adjudication being on the second, the first being regular, the adjudication is bad.

Point reserved.

Daniel Byrne, examined by Mr. Butler: Senior-sergeant of Police stationed at Ballalaba, in district of Braidwood; came there in November, 1865; I know Thomas Clarke; made several efforts to arrest him; know of the proclamation of outlawry; I saw him in the dock upon his trial, sentenced to death; the same man; I did not know of any other man of that name in the Southern district who was said to be outlawed; I know also Patrick Connell; I saw him in company with Clarke.

Cross-examined by Mr. Dalley: Superintendent Orridge is not here; he is in his district, near Braidwood; Constable Stafford is here; Inspector Wright is here; James M'Hurley is here.

Thomas Kelly, examined by Mr. Butler: I live at Jerrybit Gully; I live with my mother; the prisoners live at Obanmare with their father and mother; I knew Thomas Clarke by sight; I saw him in the dock; I knew Patrick Connell; I saw Thomas Clarke near where the prisoners lived, last year—1866; I think it was in October; Mrs. Bradley was with me when I saw them; I saw Thomas Clarke, Johnny Clarke, and Thomas Connell; the prisoners were there in a garden behind the house at Obanmare, where the prisoners lived; trees used to hang over the verandah; it was about 100 yards from the house where I saw them; I did not hear them talk; one of the prisoners, I can't say which, brought them out some victuals from their house about 8 or 9 o'clock at night—bread and meat and tea; Thomas Clarke and the others were eating; they were talking, but I can't tell what they said; Mrs. Bradley is my sister; one of my sisters was in trouble in Braidwood; Mrs. Bradley went in to see her and she met the Clarkes; some conversation took place, and after that I saw them in the garden; Mrs. Bradley came to our place and asked me to go with her; Thomas Connell gave Patrick Griffin a horse; he said, "He's your horse, and I'm very thankful to you;" Patrick Griffin said, "All right, Tom."

Cross-examined by Mr. Dalley: Lucy Hurley is the sister who was in trouble—aiding Thomas Connell; Mrs. Bradley's husband is now in Darlinghurst Gaol; he was at home then; James Carroll summoned me in to Braidwood; Mrs. Bradley did speak to me about the evidence I was to give; she said as long as I told the truth I'd be all right; she told me so this morning, not before; Mrs. Bradley said nothing to me; she did speak to me last Wednesday, at Braidwood; don't remember saying so; I was sitting along with them in the garden talking to the Connells when they got the bread; I can't say which of the prisoners went in to get the bread; I never saw them at any other time with the prisoners, nor saw them about the house before; I lived 2 miles from their place; was often there; that is the only time I saw Mrs. Bradley speaking to them; Carroll asked me several questions; Sergeant Byrne never spoke to me nor anyone but Carroll; Carroll spoke to me only once in my sister's place; she was living at Jerriby Gully then; Lucy Hurley was then in gaol, and Bradley; about a week after that Lucy Hurley was let out of gaol; it was moonlight.

By Mr. Butler: Alick Bradley was with me that night; Tommy Clarke had a revolver and a revolving rifle; the rifle was hung over his back, the revolver in his belt; Johnny Clarke and Connell had a breech-loader and a revolver each; John Carroll was examined at the police office; he is a stout, fattish man.

Cross-examined by Mr. Dalley: I never heard of a reward in this case, not before I gave information for the Clarkes; I did not tell Cornelius Connell I would get £100.

Emma Bradley, examined by Mr. Butler: I know prisoners and where they live, and Thomas Clarke, John Clarke, and Thomas Connell; I saw them and prisoners together some time in October in prisoner's orchard; they came there and the Griffins fetched them out some supper—bread and tea; I can't remember whether anything was said about getting something to eat; I can't say whether both prisoners went, or one only, or which one; they were there about half an hour; Patrick Griffin and Tommy Clarke were talking together for about half an hour and then some bread and meat were fetched; I was one side and did not hear what was said; Tom Connell handed a horse to Patrick Griffin; he told him there was his horse and he was much obliged to him; I had met Tommy Clarke and John Clarke and Tom Connell, and we went on to Griffin's; I told prisoners that I had seen the Clarkes and they had told me to tell them they would be there at 8 o'clock; they said it would be all right; it was about 10 in the morning I saw the Clarkes; I stopt there about two hours and left them there; I went to my mother's first; I came to the Griffins about 7 o'clock; I had been before to Mick Connell's; I was coming in the morning from Braidwood, where I had been seeing my sister; I did not tell them anything else; in the orchard were me and my brother Thomas Kelly, the two bushrangers, a man named Doran, and the two prisoners; my husband was not there; that is the only time I saw the Clarkes at the prisoner's place; my husband was not then in gaol; it was after that; the bushrangers had guns on their backs and revolvers in their belts; they had horses saddled; I knew John Carroll; he was examined on the occasion I was examined; I did not see him dead.

Cross-examined by Mr. Dalley: I can't say how soon after my husband was in gaol; I had known the Clarkes for fifteen years; had never seen them before at prisoner's place; on the Thursday before I had seen the Clarkes at their mother's; my sister was remanded on Friday; I don't know when I had seen them before; I saw them at the orchard on Friday; the Thursday week before I had seen the Clarkes at their mother's; my husband was tried at Braidwood, charged with highway robbery—six years; my sister, Lucy Hurley, was charged with assisting Tom Connell; I did not go straight from where I saw the bushrangers; I went to my mother's and got my brother; I gave information to John Carroll, not to the police; I saw my husband alone; no warder present; I think I was not more than half an hour there; Mr. Carroll was in the room some time before I had given information to Carroll; I gave my evidence at the Police Office before I saw my husband in gaol; I did not say, in giving evidence, that I had been alone for a quarter of an hour with my husband—Carroll being present; I did see my husband before I gave evidence against the present prisoners; I thought you meant any of the cases; no conversation between Carroll and my husband; my husband was then convicted; my brother, Thomas Kelly, was then at my mother's—Doran; I don't know where he is; I heard them saying he was a bushranger—that he was dead; it might have been six weeks after I saw the Clarkes that I spoke to Carroll; it was after my husband was convicted; I never spoke to any of the police; Carroll and other detectives stopped at my house; Lucy Hurley had then been apprehended, but she was at my house the night the four detectives stopped there.

By Mr. Butler: My husband did not go to the Griffins with me that night, but I believe he was there; Connell's case has not yet been tried.

Alexander Bradley, examined by Mr. Butler: Prisoner undergoing sentence; I knew Tom Clarke and Johnny Clarke, and Connell; I saw Michael Griffin with the two Clarkes and Tom Connell, some time in October, in prisoner's paddock, about half a mile from their house; it was lateish in the night—about 10 o'clock; they were all sleeping together under a honey-suckle tree; I came down to see Thomas Connell that night; I stopped with them all the night; Thomas Clarke, and John Clarke, and Michael Griffin were lying under the tree, and Connell beside them; towards morning Griffin went home with a blanket; I saw Thomas Connell at their place another night the same month—no other bushranger but Thomas Connell and me; I was with Thomas Connell that night; Thomas Clarke had a revolving rifle and two revolvers; John Clarke had a breech-loader and a revolver; Connell had a revolver and a breech-loader; Tom Connell was armed the night I saw the Griffins with him; I did not see prisoners on any other occasion in company with Thomas Clarke; Thomas Kelly was with me when I saw them in the paddock.

Cross-examined by Mr. Dalley: I paid no attention to what was said between the prisoners and the Clarkes—nor Thos. Clarke, Thomas Clarke and John Clarke, and Thos. Connell; I was not in company with the Clarkes and Connell; I came from my own place; I knew the Clarkes were to be there that night; I was convicted for highway robbery; my wife came to see me; we were not left alone for any portion of the time; Carroll was there, and Mr. Wallace was in and out; I was asking my wife how she got on and about her friends; I did not say a word about the case; came about 10 o'clock in the forenoon; Carroll came back in the afternoon, and I told him; Thomas Connell sent for me that afternoon; my wife was at home—she had come from Braidwood; I did not know she had been to Griffins that night; I did not see anything done that night; no victuals—no watch kept that night; I speak of the only time I saw Thomas Clarke, John Clarke, and Thomas Connell at Griffin's place, and Michael Griffin, and of the night I saw Thomas Kelly there.

Thomas Kelly, cross-examined by Mr. Dalley: I was only there one night in the orchard, and after that I went home, and I returned to the same place the same night and saw them in the paddock; I did not sleep there.

Bradley

Bradley recalled: When I came first they were in Griffin's bush paddock; I saw Thomas Clarke, John Clarke, Thomas Connell, and Michael Griffin; Thomas Kelly was with me; he slept at a little fire a few yards from me; it was the same day I had the interview with my wife, and after it that I made a statement to Carroll—not to ordinary police, about these prisoners—about eight or nine days between my committal and trial; about a month after my trial I made this statement to Carroll; I was brought up from Berrima to Braidwood when I made this statement.

Thomas Kelly: I was examined the same day that Carroll was examined; Mr. Bunn was one of the Magistrates; I know Mr. Larner.

James M'Hurley, examined by Mr. Butler: Am not and was not a constable; was in court when Carroll was examined; don't remember who were the Magistrates—not either.

William Stafford, examined by Mr. Butler: Sergeant of police; was present when prisoners were committed; Mr. Stewart and Mr. Brown; the whole of the depositions were read over; signatures of Mr. Bunn and Mr. Larner; I know the signatures; they are Justices in that district.

Cross-examined by Mr. Dalley: I heard the whole of the depositions read over before the committal; I know the prisoners; I know Patrick Griffin; he had come to me several times before his committal for the purpose of giving me information about the bushrangers; he told me about three months before his committal that the bushrangers had been at his place; 20 miles away from my station there was a station within 5 miles of where they lived in his paddock; that would be about October he told me they had been in his paddock; he did not tell me the direction they had taken; I did not act upon the information he gave, because it was too long after the fact; I have acted on information given by the prisoner; he was in communication with me for purpose of giving information—this was going on for three or four months; previous to 29th September, 1866—the day of his arrest; I did not catch anybody; about the ; the Sunday previous to Patrick Griffin's arrest I was talking to him, and I believed that that information would have been successful if they had not been arrested—not the Clarkes, but an associate of theirs; I know and believe the information to be true.

Thomas Kelly: I was not in Court when Carroll was examined.

Anthony Vider, examined by Mr. Butler: Innkeeper at Braidwood; was present when John Carroll was examined; prisoners were present; Mr. Scarvell was there acting as their attorney; Mr. Bennison, Mr. Larner, and Mr. Stuart were on the Bench; to best of my recollection Carroll was examined several times, and there were several magistrates; Mr. Brown was present; I saw Job Carroll, the special constable, dead on 10th January.

Carroll's depositions read—Case for Crown—Defence.

William Wright, examined by Mr. Dalley: Inspector of Police; I went to Braidwood on 7th February, 1867; I know prisoners; I saw them about a week after I went; I was with Superintendent Orridge; I saw them several times; I received information from Michael Griffin, from 28th March to 24th or 25th April, two days before the apprehension of the Clarkes; the information caused me to go back to the station with our horses, and I then received information that they were where Michael Griffin previously had told me, and there I got them two days after; I captured them on 27th April this year; he lent a horse to one of the police, constable Welsh, to procure assistance; I was in constant communication with Michael Griffin, from 24th March to 25th April; he said, "I have heard that the bushrangers have gone to Ginginn; if you watch Barry's and Guinness'; " he caused others also to give me information; he used to mention his brother Patrick in giving information.

Mr. Dalley, to Jury: That there existed a sympathy with them, and were trying to assist them.

Mr. Butler: How scant the information of witnesses.

Sergeant Byrne: I am in charge of Five-mile station since November, 1855; ten constables there; constables Woodland, Callen, and Lachlan were there; I heard, through Superintendent Orridge, that they had communicated with Superintendent Orridge, head officer of the district; Sergeant Stafford told me so since they were apprehended; he said, "before they were apprehended by Carroll I never heard they were receiving pay as policemen;" Stafford told me he had communicated with Orridge. That is a mistake.

Verdict—"Not Guilty."

Sydney: Thomas Richards, Government Printer.—1878.

[3*d*.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PETITION OF PATRICK AND MICHAEL GRIFFIN;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
7 *March*, 1879.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1879.

[3d.] 522—

1878-9.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 21. TUESDAY, 22 OCTOBER, 1878.

16. PETITION OF PATRICK AND MICHAEL GRIFFIN:—Mr. Greville moved, pursuant to Notice,—
(1.) That the Petition presented by him on the 26th February, 1878, from Patrick and Michael Griffin, be referred to a Select Committee for consideration and report, with power to send for persons and papers.
(2.) That such Committee consist of Sir Henry Parkes, Mr. Fitzpatrick, Mr. Baker, Mr. Barbour, Mr. Coonan, Mr. Copeland, Mr. Dillon, Mr. Driver, Mr. O'Connor, and the Mover.
(3.) That the Report and Evidence taken before the Committee on the same subject last Session be referred to the Committee.
Question put and passed.

VOTES No. 34. WEDNESDAY, 13 NOVEMBER, 1878.

3. THE CASE OF PATRICK AND MICHAEL GRIFFIN:—
(1.) Mr. Greville (*by consent*) moved, without Notice, That the copy of the Judge's Notes on the trial of Patrick and Michael Griffin, laid upon the Table of the House this day, be referred to the Select Committee now sitting on the "Petition of Patrick and Michael Griffin."
Question put and passed.
(2.) Mr. Greville (*by consent*) moved, without Notice, That the Return to Address, laid upon the Table of this House on 22nd October last, in reference to the case of Patrick and Michael Griffin, be referred to the Select Committee now sitting on that case.
Question put and passed.

VOTES No. 82. FRIDAY, 7 MARCH, 1879.

3. PETITION OF PATRICK AND MICHAEL GRIFFIN:—Mr. Greville, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, the Select Committee for whose consideration and report the Petition of Patrick and Michael Griffin was referred on 22nd October, 1878.
Ordered to be printed.

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1878-9.

PETITION OF PATRICK AND MICHAEL GRIFFIN.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 22nd October, 1878,—"*with power to send for persons and papers, to consider and report upon the Petition of Patrick and Michael Griffin,*" and to whom were referred, on the same date, "*the Progress Report and Evidence of the last Session,*" and on the 13th November, 1878, "*a copy of the Judge's Notes on the trial of Patrick and Michael Griffin,*" and "*the Return to Address laid on the Table of the House on the 22nd October, 1878, relative to this case,*"—have agreed to the following Report :—

Your Committee having considered the evidence and documents referred to them, are of opinion that the Petitioners have not disclosed a case calling for special consideration.

EDWD. GREVILLE,
Chairman.

No. 2 *Committee Room,*
Sydney, 4th March, 1879.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 14 *FEBRUARY*, 1879.

In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY, 20 *FEBRUARY*, 1879.

In the absence of a Quorum, the meeting called for this day lapsed.

FRIDAY, 28 *FEBRUARY*, 1879.

MEMBERS PRESENT:—

Mr. Greville, | Mr. Driver,
Mr. Barbour.

Mr. Greville called to the Chair.
Entries from Votes and Proceedings, appointing the Committee, and referring papers thereto, *read* by the Clerk.
Printed copies of Papers before the Committee.
Committee deliberated.
[Adjourned to Tuesday next, at *Three* o'clock.]

TUESDAY, 4 *MARCH*, 1879.

MEMBERS PRESENT:—

Mr. Greville, in the Chair.
Mr. Fitzpatrick, | Mr. Barbour,
Mr. O'Connor.

Chairman submitted Draft Report;
Same read and agreed to.

Sydney: Thomas Richards, Government Printer.—1879.

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(CONVICTIONS FOR VAGRANCY.)

Ordered by the Legislative Assembly to be printed, 13 *March*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 18 February, 1879, That there be laid upon the Table of this House,—

"A Return showing the number of Convictions for Vagrancy at the "Central and Water Police Courts, which have taken place from June, "1877, to the present date, with the names and ages of the prisoners, and "the names of the Magistrates in each case."

(*Mr. Cameron.*)

ADMINISTRATION OF JUSTICE.

The Police Magistrate, Central Police Office, Sydney, to The Under Secretary, Department of Justice, &c.

Sir, Central Police Office, Sydney, 6 March, 1879.

Vagrancy Return.

I have the honor to forward herewith the Return asked for in your letter of the 21st February last, numbered 79–1,659.

I have, &c.,
WM. CRANE,
Police Magistrate.

RETURN showing the number of convictions for vagrancy at the Central Police Court, Sydney, which have taken place from June, 1877, to the 18th February, 1879, with the names and ages of the prisoners, and the names of the Magistrates in each case.

No.	Age.	Names of Magistrates.	No.	Age.	Names of Magistrates.
1877		Messrs.—	1877		Messrs.—
1	23	A. Thompson and D. L. Waugh	58	40	R. G. Reading and C. Parnell
2	28	R. A. Hunt and J. Harris	59	70	Jno. Davies
3	45	Do. do.	60	19	W. T. Pinhey
4	30	J. Alexander	61	19	Do.
5	70	S. H. Hyam	62	31	A. Thompson
6	25	R. Guy	63	30	J. Alexander
7	27	J. Alexander and J. Davies	64	30	Do.
8	21	D. Helsham	65	50	D. Helsham
9	66	C. Parnell	66	34	W. Bailey
10	53	J. W. Smart	67	30	Jno. T. Gorus and R. Guy
11	23	Do.	1878		
12	54	J. T. Gorus	68	50	Wm. Crane, P.M.
13	60	Wm. Bailey	69	69	John Harris
14	34	D. M'Beath	70	45	R. Guy and J. T. Gorus
15	32	R. A. Hunt	71	30	F. Cunninghame
16	70	J. W. Smart and F. Cunninghame	72	60	Jno. Davies
17	40	D. L. Waugh	73	68	J. Hughes and Gorus
18	46	Robert Murray	74	32	G. Renwick
19	31	D. Helsham	75	30	Jno. Harris
20	37	H. Connell	76	29	W. Crane and W. Jolly
21	26	H. Dixson	77	26	Jno. Davies and Jno. Harris
22	65	R. G. Reading	78	52	E. T. Penfold
23	48	D. L. Waugh	79	60	D. Helsham
24	50	R. Guy and H. Dixson	80	40	H. Connell
25	40	Smart and Moore	81	54	R. Guy
26	30	J. T. Gorus	82	52	A. G. Neale
27	40	R. A. Hunt	83	70	R. Guy and J. T. Gorus
28	50	W. Bailey	84	44	J. W. Smart and F. Cunninghame
29	64	F. Cunninghame	85	36	Jno. Davies
30	57	J. W. Smart	86	36	Do.
31	21	J. Alexander	87	48	Smart and F. Cunninghame
32	34	H. Dixson	88	21	Wm. Crane and W. Fowler
33	21	W. Bailey	89	40	J. W. Smart
34	53	R. G. Reading	90	40	R. G. Reading
35	39	W. Bailey	91	40	E. T. Penfold
36	34	H. Connell	92	60	D. L. Waugh
37	30	J. W. Smart and F. Cunninghame	93	34	Smart and F. Cunninghame
38	24	D. Helsham and J. Mills	94	22	Wm. Crane and W. Fowler
39	42	R. Guy and J. T. Gorus	95	45	John Harris
40	36	R. Murray and H. Connell	96	45	J. Alexander
41	24	J. Alexander	97	26	D. Helsham
42	28	A. Thompson and D. L. Waugh	98	34	Do.
43	70	J. W. Smart	99	70	J. Alexander
44	44	John Harris	100	67	John Davies
45	40	R. Guy and J. J. Curran	101	60	Wm. Crane
46	60	Wm. Jolly	102	55	F. Cunninghame
47	79	R. Guy and J. T. Gorus	103	70	John Harris
48	50	T. Spence	104	50	John Hughes
49	25	John Davies	105	87	R. G. Reading
50	56	R. Guy, D. M'Beath, and M. Chapman	106	76	Wm. Jolly
51	28	R. Murray	107	70	Jno. Davies
52	30	J. T. Gorus	108	30	Wm. Crane
53	74	Jno. Mills and D. Helsham	109	54	W. Bailey and Perdriau
54	70	R. Guy and J. T. Gorus	110	24	W. Crane and W. Fowler
55	42	W. T. Pinhey	111	65	John Harris
56	29	Jno. Hughes and J. J. Curran	112	32	G. Renwick and W. Fowler
57	36	J. T. Gorus and C. B. Bond	113	70	John Davies

No.	Age.	Names of Magistrates.
1878		Messrs.—
114	60	C. Parnell
115	40	R. A. Hunt
116	31	Wm. Crane, P.M.
117	48	John Davies
118	30	F. Cunninghame
119	40	J. Davies and Jno. Harris
120	60	D. Helsham
121	60	W. Crane and W. Fowler
122	50	Robt. Murray
123	30	R. G. Reading
124	45	W. Fowler and N. G. Arguimbau
125	35	R. Murray
126	32	G. Renwick and Fowler
127	60	Jno. Davies
128	60	W. C. Browne
129	35	G. Renwick and W. Fowler
130	36	C. Parnell
131	70	Jno. Watkins
132	34	J. Davies and J. Graham
133	38	Wm. Jolly and R. G. Reading
134	40	J. W. Smart
135	42	Wm. Crane
136	50	R. Guy and J. T. Gorus
137	73	C. Parnell
138	34	R. Guy and J. T. Gorus
139	46	J. Harris
140	60	S. H. Hyam
141	44	Robt. Murray
142	27	C. Parnell
143	27	G. Renwick and W. Fowler
144	32	H. Connell and R. Murray
145	43	Wm. Jolly
146	33	G. Renwick and Jno. Booth
147	64	R. A. Hunt and J. Davies
148	57	Wm. Thomas
149	40	Jno. Harris
150	30	W. Crane
151	26	R. Guy and J. T. Gorus
152	56	Wm. Crane
1878		Messrs.—
153	29	Jolly and Reading
154	50	J. W. Smart and F. Cunninghame
155	70	S. H. Hyam
156	36	W. H. Paling
157	70	W. Crane and G. Renwick
158	45	G. Renwick and R. Guy
159	50	R. G. Reading
160	60	J. T. Gorus and R. Guy
161	35	R. Murray
162	39	John Harris
163	34	Robt. Murray
164	26	Do.
165	39	J. W. Smart and Cunninghame
166	39	W. Fowler and N. G. Arguimbau
167	70	J. W. Smart
168	43	W. Crane and J. Davies
169	28	John Davies
170	31	Do.
171	73	D. Helsham
172	34	J. Hughes and J. Booth
173	40	Jno. Harris
174	25	Jno. Booth
175	28	Jno. Davies
176	50	Do.
177	30	W. Jolly
178	28	J. Davies
1879		
179	46	R. C. Murray
180	25	Do.
181	46	W. Fowler and N. G. Arguimbau
182	40	S. Callaghan
183	45	S. H. Pearce
184	65	W. Crane and W. Fowler
185	33	R. Murray
186	26	R. C. Murray
187	65	R. G. Reading and A. Barden
188	45	R. C. Murray.

Central Police Office, 6 March, 1879.

WM. CRANE, P.M.

The Clerk of Petty Sessions, Water Police Office, Sydney, to The Under Secretary, Department of Justice, &c.

Sir,

Water Police Office, Sydney, 4 March, 1879.

I have the honor, in compliance with the request contained in your communication (No. 79/1,659), to forward herewith a return showing the number of convictions for vagrancy at this Court from June, 1877, to the 18th February, 1879, with the names and ages of the prisoners, and the names of the Magistrates in each case.

I have, &c.,

P. C. LUCAS, C.P.S.,

(For the Water Police Magistrate.)

RETURN showing the number of convictions for vagrancy at the Water Police Court, from June, 1877, to the 18th February, 1879, with the names and ages of the prisoners, and the names of the Magistrates in each case.

No.	Date.	Age.	Names of Magistrates.	Sentences.
	1877.	Years.		
1	7 July	21	Mr. D. McBeath	1 month hard labour.
2	" "	40	Do.	1 " "
3	" "	12	Mr. R. G. Reading	Imprisoned till rising of Court.
4	27 "	46	Messrs. Lester and Camden-Goodridge	3 months hard labour.
5	8 August	24	Mr. C. E. Edwards	3 " "
6	11 "	45	Do.	3 " "
7	14 "	37	Messrs. Reading and Paxton	3 " "
8	18 "	40	Mr. R. A. Hunt	6 " "
9	" "	34	Mr. C. Edwards	3 " "
10	" "	24	Do.	1 month "
11	27 "	37	Do.	3 months "
12	" "	45	Mr. A. G. Neale	3 " "
13	3 September	40	Mr. A. W. Manning	3 " "
14	" "	50	Messrs. Lester and Edwards	3 " "
15	5 "	62	Mr. B. Palmer	14 days "
16	20 "	21	Messrs. Marsh and Solomon	6 months "

No.	Date.	Age.	Names of Magistrates.	Sentences.
	1877.	Years.		
17	20 September	55	Messrs. Solomon and Murray	6 months hard labour.
18	11 October	21	Mr. R. C. Murray	14 days "
19	15 "	16	Messrs. Lester and Camden-Goodridge	14 " "
20	18 "	26	Messrs. Marsh and Camden-Goodridge	3 months "
21	24 "	44	Messrs. Marsh and E. O. Smith	6 " "
22	1 November	18	Mr. J. Solomon	3 " "
23	" "	19	Do.	3 " "
24	27 "	40	Mr. R. A. Hunt	1 month "
25	30 "	17	Mr. A. W. Manning	1 " "
26	10 December	45	Mr. J. M. Marsh	3 months "
27	12 "	31	Messrs. Edwards and Palmer	1 month "
28	14 "	41	Mr. J. M. Marsh	1 " "
29	15 "	58	Mr. E. Greville	3 months "
30	21 "	40	Messrs. Smithers and Hunt	1 month "
31	29 "	70	Mr. C. Edwards	3 months "
	1878.			
32	2 January	35	Mr. J. Taylor	6 months "
33	3 "	28	Mr. J. M. Marsh	14 days "
34	9 "	60	Mr. C. Edwards	Imprisoned till rising of Court.
35	14 "	34	Messrs. Holborow and Gray	14 days hard labour.
36	15 "	26	Mr. R. G. Reading	1 month hard labour.
37	" "	22	Do.	14 days "
38	21 "	42	Mr. J. M. Marsh	1 month "
39	23 "	70	Mr. Palmer	3 months "
40	2 February	32	Mr. J. Taylor	3 " "
41	4 "	58	Mr. J. M. Marsh	1 month "
42	6 "	44	Messrs. J. M. Marsh and MacMahon	3 months "
43	7 "	35	Mr. John Solomon	1 month "
44	9 "	40	Mr. J. Taylor	3 months "
45	11 "	17	Mr. Lester	3 " "
46	15 "	62	Mr. Smithers	6 " "
47	18 "	34	Mr. Holborow	3 " "
48	" "	32	Do.	1 month "
49	" "	40	Do.	14 days "
50	19 "	24	Mr. R. G. Reading	1 month "
51	20 "	81	Mr. J. Walter Smart	7 days "
52	" "	65	Do.	3 months "
53	25 "	56	Mr. Camden-Goodridge	1 month "
54	27 "	34	Messrs. Palmer and Edwards	3 months "
55	2 March	73	Mr. E. Greville	3 " "
56	4 "	30	Mr. C. Lester	1 month "
57	6 "	38	Messrs. B. Palmer and V. Brown	6 months "
58	8 "	78	Mr. Camden-Goodridge	3 " "
59	" "	70	Mr. J. Solomon	7 days "
60	11 "	20	Messrs. Edwards and Holborow	14 " "
61	" "	35	Messrs. Edwards and Marks	14 " "
62	12 "	41	Mr. R. G. Reading	6 months "
63	13 "	22	Mr. V. Brown	3 " "
64	16 "	78	Mr. J. Taylor	1 " "
65	" "	31	Mr. C. Edwards	3 " "
66	20 "	37	Mr. J. M. Marsh	3 " "
67	" "	20	Do.	3 " "
68	" "	38	Messrs. R. A. Hunt and V. Brown	3 " "
69	26 "	52	Messrs. R. A. Hunt and E. O. Smith	6 " "
70	2 April	45	Messrs. Hunt and Paxton	6 " "
71	5 "	26	Mr. C. Lester	2 " "
72	" "	26	Do.	3 " "
73	6 "	38	Messrs. Edwards and Hunt	3 " "
74	" "	22	Messrs. Greville, V. Brown, and Hunt	6 " "
75	" "	24	Messrs. Hunt and V. Brown	3 " "
76	10 "	60	Mr. C. Edwards	6 " "
77	11 "	55	Messrs. Oatley and Solomon	1 " "
78	12 "	80	Mr. Camden-Goodridge	Imprisoned till rising of Court.
79	17 "	78	Messrs. Hunt and Palmer	7 days hard labour.
80	20 "	75	Mr. Hunt	Imprisoned till 6 p.m.
81	25 "	50	Messrs. Bird and Solomon	Imprisoned till rising of Court.
82	15 May	46	Messrs. Palmer and V. Brown	3 months hard labour.
83	17 "	35	Messrs. Marsh and Camden-Goodridge	2 " "
84	18 "	40	Mr. Hunt	3 " "
85	20 "	54	Mr. R. Gray	14 days hard labour.
86	25 "	41	Messrs. J. M. Marsh and R. A. Hunt	3 months hard labour.
87	" "	22	Mr. Greville	Imprisoned till rising of Court.
88	1 June	53	Mr. J. Taylor	1 month hard labour.
89				
90				
91	3 June	23	Mr. R. Gray	1 month hard labour.
92	" "	20	Messrs. Gray and Camden-Goodridge	1 " "
93	6 "	25	Mr. J. M. Marsh	3 months "
94	" "	32	Mr. R. Gray	3 " "
95	" "	35	Do.	1 month "
96	" "	37	Do.	2 months "
97	" "	34	Do.	1 month "
98	8 "	50	Messrs. Greville and Hunt	6 months "
99	10 "	30	Mr. Camden-Goodridge	1 month "
100	" "	48	Do.	1 " "
101	" "	19	Do.	1 " "
102	15 "	54	Messrs. Hunt and Taylor	3 months "
103	21 "	30	Messrs. Lester and Fowler	6 " "

No.	Date.	Age.	Names of Magistrates.	Sentences.
	1878.	Years.		
104	24 June	34	Messrs. Gray and Camden-Goodridge	3 months hard labour.
105	1 July	60	Mr. V. Brown	1 month „
106	„ „	21	Do.	3 months „
107	2 „	50	Messrs. E. O. Smith and Reading	3 „ „
108	3 „	50	Mr. V. Brown	1 month „
109	12 „	28	Mr. Fowler	3 months „
110	13 „	48	Mr. J. Taylor	3 „ „
111	16 „	20	Mr. R. G. Reading	3 „ „
112	19 „	74	Mr. Fowler	2 „ „
113	23 „	32	Messrs. Purves and Reading	6 „ „
114	„ „	27	Do. Do.	6 „ „
115	24 „	26	Mr. B. Palmer	3 „ „
116	26 „	40	Mr. G. Renwick	3 „ „
117	29 „	60	Messrs. Marsh and W. C. Browne	3 „ „
118	„ „	37	Mr. Marks	1 month „
119	12 August	33	Mr. Browne	3 months „
120	14 „	26	Mr. V. Brown	14 days „
121	„ „	22	Do.	3 months „
122	„ „	37	Do.	3 „ „
123	„ „	55	Do.	3 „ „
124	„ „	74	Do.	7 days „
125	19 „	50	Messrs. Hungerford and Lester	6 months „
126	21 „	20	Messrs. Palmer, Greville, and V. Brown	6 „ „
127	„ „	21	Do.	6 „ „
128	„ „	23	Do.	3 „ „
129	24 „	46	Messrs. Hunt and Taylor	3 „ „
130	26 „	21	Messrs. Lester and Hungerford	6 „ „
131	„ „	22	Mr. R. Gray	6 „ „
132	22 „	35	Mr. Shaw	1 month „
133	29 „	39	Mr. Solomon	6 weeks „
134	30 „	34	Mr. William Fowler	3 months „
135	2 September	34	Messrs. Dean, Lester, and Camden-Goodridge	6 months „
136	„ „	29	Messrs. Gray and Camden-Goodridge	6 „ „
137	4 „	16	Messrs. Brown and Edwards	1 hour.
138	7 „	36	Mr. Hunt	6 months hard labour.
139	9 „	45	Messrs. Lester and Camden-Goodridge	6 „ „
140	„ „	53	Mr. Holborow	3 months „
141	10 „	38	Mr. Geo. Renwick	1 month „
142	11 „	35	Mr. V. Brown	3 months „
143	„ „	45	Do.	1 month „
144	„ „	59	Messrs. V. Brown and Palmer	7 days „
145	16 „	34	Mr. Jeanneret	3 months „
146	17 „	56	Mr. R. G. Reading	14 days „
147	„ „	42	Do.	14 „ „
148	„ „	38	Do.	14 „ „
149	8 October	29	Messrs. Reading and Paxton	3 months „
150	12 „	43	Mr. Hunt	7 days „
151	19 „	18	Messrs. Hunt and Brown	6 months „
152	28 „	37	Messrs. Dean, Fowler, and Camden-Goodridge	6 „ „
153	„ „	45	Do.	6 „ „
154	5 November	27	Messrs. Marsh and W. C. Browne	3 months „
155	„ „	30	Messrs. Reading and E. O. Smith	6 months „
156	11 „	60	Mr. Camden-Goodridge	1 month „
157	12 „	..	Messrs. Reading and Jenkins	6 months „
158	18 „	27	Messrs. Lester and Gray	6 „ „
159	20 „	42	Mr. V. Brown	1 month „
160	23 „	27	Mr. Greville	1 „ „
161	27 „	21	Mr. V. Brown	3 months „
162	„ „	20	Do.	3 „ „
163	29 „	30	Messrs. Lester and Goodridge	3 „ „
164	30 „	70	Mr. Hunt	3 „ „
165	2 December	23	Messrs. Fowler and Camden-Goodridge	3 „ „
166	5 „	28	Mr. Gray	1 month „
167	12 „	42	Messrs. Carpenter and Gray	3 months „
168	16 „	35	Mr. Dean	14 days „
169	24 „	60	Messrs. Marsh and Reading	3 months „
170	31 „	25	Messrs. Renwick and Jenkins	6 „ „
	1879.			
171	6 January	45	Messrs. Edwards and Dean	3 months „
172	10 „	52	Mr. V. Brown	Imprisoned till rising of Court.
173	18 „	42	Messrs. Hunt and Taylor	3 months hard labour
174	21 „	35	Messrs. Reading and Jenkins	3 „ „
175	22 „	49	Messrs. V. Brown and Fowler	6 „ „
176	23 „	29	Mr. Shaw	1 month „
177	28 „	21	Messrs. Reading and Renwick	6 months „
178	4 February	37	Mr. Hunt	1 month „
179	8 „	29	Messrs. Greville and Taylor	3 months „
180	„ „	36	Do.	3 „ „
181	„ „	37	Do.	3 „ „
182	10 „	40	Mr. Blair	3 „ „

Water Police Office, Sydney,
1st March, 1879.

J. MILBOURNE MARSH,
W.P.M.

Sydney : Thomas Richards, Government Printer.—1879

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. JOHN GARSED.

(LETTERS ADDRESSED TO MINISTER FOR LANDS.)

Ordered by the Legislative Assembly to be printed, 8 *April*, 1879.

[*Laid upon the Table in accordance with a promise made in Answer to Question No. 10, Votes No. 98, 4th April, 1879.*]

No. 1.

Mr. John Garsed to The Secretary for Lands.

Sir, 324, Liverpool-street, Darlinghurst, 25 October, 1878.

I call your most serious attention to my sad and pitiable case of injustice: That those account books in evidence in the civil case "Dean and Ashdown *v.* Garsed" are now before Parliament, and were examined by that skilful accountant Mr. Joseph Carroll, before my committee, on the 20th and 26th February, 1878; and his report and his examination handed in by the Chairman, John Hurley, Esq., 13th March, 1878, clearly prove that Appendix A. 6, an account in black ink, endorsed "Pritchard's Red Ink account or memorandum," is a fictitious account, and that the agreement dated 30th September, 1857, Appendix A 5, signed A. Ashdown, witness R. J. Want, and a copy of which agreement is annexed to Ashdown and Pritchard's joint affidavit, filed in this action 2nd March, 1858, is, in every sense of the word, strictly true.

It was Mr. Pritchard's journal, and not the evidence given at the Police Court, that sent me to prison—then called Garsed's book. That on the 1st of August, 1859, the Honorable L. B. Bayley, Esq., Her Majesty's Attorney General, filed in this action an information for perjury against me, contrary to common law, no doubt owing to the fact that on the 1st of August, 1859, Ashdown and Pritchard's said joint affidavit was lost.

That the whole of my exhibits in the civil case were kept out of evidence in the criminal case, which will be seen on reading the endorsements on those before my committee, and others still in my possession, in the handwriting of Ashdown and Pritchard; that on the 19th May, 1862, I had to thank Her Majesty's Honorable Attorney General, now Mr. Justice Hargrave, for my release from confinement, on the ground that I was not guilty of perjury in making this affidavit, filed 26th February, 1858, mentioned in the information for perjury (see B 9, page 42, Progress Report).

That at this date not one exhibit put in evidence against me by A. Ashdown at the Police Court, and subsequently on the 5th of October, 1859, put in evidence on behalf of the Crown, can be found in Crown Solicitor's office, or any receipt for same.

If you refer to *Sydney Morning Herald*, April 9th, 1858, under heading "Central Police Court," you will then learn that Mr. A. Ashdown lodged a monstrous charge of perjury against me after the case had been set down for trial, and before trial.

If you refer to *Sydney Morning Herald*, Friday, May 21st, 1858, under heading "Banco Court, before Mr. Justice Dickinson and a Jury of four, 'Dean and Ashdown *v.* Garsed,'" you will then learn Sir John N. Dickinson's opinion of this unprecedented case.

Appendix A 2 is a copy of notice of motion for a new trial.

In speaking of this equitable plea mentioned in Attorney General's information for perjury, one of the ablest barristers in the Colony, the late Mr. Justice Wise, prepared the same from those documents of mine, exhibits in the civil case, and Mr. Pritchard's journal, now before Parliament.

That, in the civil case, the Judge ruled W. Dean & Co. are bound by Pritchard's account books; and a certain indenture produced from Mr. R. J. Want's office was put in evidence in the civil case to prove I held in trust for A. Ashdown and his heirs one-half undivided share in seven houses erected in Chippendale, and the other half for myself and my heirs. See entries made by Pritchard in his journal, kept by him in Ashdown's office, and now before Parliament.

This joint affidavit made by Ashdown and Pritchard states, "The only joint transaction Ashdown had with me was the purchase of a place called Rosterville, and the erection of certain buildings thereon." Votes and Proceedings of the Legislative Assembly, 16th and 17th August, 1870, will explain the cause of Mr. A. Ashdown's absence from the Colony.

The matter at issue from and after the 1st August, 1859, was not between myself and A. Ashdown, but between myself and the Crown; on my part, I obeyed the law in making this affidavit mentioned in Attorney General's information for perjury, but the Attorney General did not obey the law when he filed this information in said action, contrary to common law, and thus caused in this action, in the name of the Queen, a deadlock in law, which deadlock prevents the Judge in the criminal case having jurisdiction in the matter. You will read my demurrer in correspondence between myself and Crown Solicitor, ordered by the Legislative Assembly to be printed 18th January, 1877.

I trust I may be permitted to bring the law part of my case under the notice of Her Majesty's Crown Law Officers, with a view of having the whole of the criminal proceedings instituted against me in the name of the Queen expunged from the records of the Supreme Court, and thus restore peace of mind in my old age.

If you refer to *Sydney Morning Herald*, Tuesday, December 23rd, 1862, *in re* John Garsed, you will then learn their Honors had no jurisdiction.

I have, &c.,
JOHN GARSED.

No. 2.

Mr. John Garsed to The Secretary for Lands.

Sir, 324, Liverpool-street, Darlinghurst, 7 November, 1878.

I respectfully call your serious attention to Progress Report relating to my sad case of injustice, ordered by the Legislative Assembly to be printed, 16 May, 1878.

A Select Committee was appointed 4 May, 1877, with power to send for persons and papers, to inquire into and report upon a case instituted against John Garsed, in October, 1859.

Copied from Minutes of Evidence—Wednesday, 16 May, 1877. Present: Mr. Farnell, Mr. Day, Mr. Hurley (*Hartley*). John Hurley, Esq., in the chair. Mr. John Garsed examined.

On my examination I produced a large amount of documentary evidence (silent witnesses of the truth), as you will observe on reading list of Appendices to the evidence of John Garsed, 16 May, 1877.

Appendix A 6. Account "in black ink," endorsed "Pritchard's red ink account," memorandum marked N.—*Reg. v.* John Garsed, 5/10/59, E.L. This Appendix A 6 is a copy of black ink fictitious account received by me from Crown Solicitor's office.

Note.—In October, 1859, I was tried and convicted of perjury, on the evidence of the fictitious account marked N.

Appendix A 18. Depositions taken in the criminal case, at the Police Court, in December, 1858.

Appendix A 14. Information for perjury, "Queen *v.* John Garsed, filed in the Supreme Court, 1st August, 1859, in a case Dean and another *v.* Garsed."

Appendix B 1. Joint affidavit of Archibald Ashdown and Charles Pearson Pritchard, and agreement A (annexed agreement), dated 2nd March, 1858, filed 2nd March, 1858, in a case "Dean and another *v.* Garsed." This Appendix B 1 was not deposited with the proceedings on the 1st of August, 1859, and the result is a deadlock in law in this action, Dean and another *v.* Garsed, in the name of the Queen, and the law provides no remedy. Examine Appendix B 1 in connection with Appendix A 14.

Appendix A 14 reads (Attorney General),—Whereas in truth and in fact the sum of £680 15s. 3d., the amount of the bill of exchange, was the balance of an account due from John Garsed to the firm of Dean & Co., of which firm the said William Dean and Archibald Ashdown were the partners, and was not a debt due to the said Archibald Ashdown alone; and so the said Attorney General, who prosecutes for Her Majesty in this behalf, saith that the said John Garsed did thereby then and there commit wilful and corrupt perjury.

Appendix B 1 reads,—The settlement of the transactions mentioned in the affidavit of John Garsed, sworn herein on the 26th February, 1858, was made by an agreement, of which a copy is hereunder annexed and marked with the letter A. The bill of exchange for the sum of £680 15s. 3d. was the balance found to be due on the accounts between Archibald Ashdown and John Garsed.

The Prothonotary produced before my committee the proceedings in a case, Dean and another *v.* Garsed; also the Judge's note-book containing His Honor's notes of evidence in the civil case. And those account books in evidence in the civil case were examined by that skilled accountant Mr. Joseph Carroll, before my committee, in connection with said black ink fictitious account marked N, and the books proved that this black ink account marked N is a fictitious account, and so does agreement annexed to Ashdown and Pritchard's joint affidavit, filed 2nd March, 1858.

The whole of my exhibits in the civil case were kept out of evidence in the criminal case. The Attorney General received notice to produce my exhibits, but did not do so.

Copy of my demurrer read in Court, 5th October, 1859. (Objection made to same.)

"And the said John Garsed, in his own proper person, cometh into Court here, and having heard the said information read, saith, that the said information and the matters therein contained in manner and form as the same are above stated and set forth are not sufficient in law; and that he, the said John Garsed, is not bound by the law of the land to answer the same, and this he is ready to verify; wherefore for want of sufficient information in this behalf, this said Mr. Garsed prays judgment, and that by the Court here he may be dismissed and discharged from the said premises in the said information specified."

My unconstitutional trial occupied seven days, but it was merely a struggle on the part of the Crown Prosecutor to keep out of evidence those account books now before Parliament.

Before my trial closed, the Judge refused the said account books, which his notes of evidence will prove.

The following will clearly explain how the Jury in the criminal case arrived at their verdict:—

"*Sydney Morning Herald*, Wednesday, October 12th, 1859. Central Criminal Court, Tuesday, October 10. PERJURY.—The case John Garsed, charged with perjury, was resumed this morning.

"Mr.

"Mr. Joseph Carroll, who had been previously examined by the prisoner, was cross-examined by Mr. Holroyd. He explained various entries which were somewhat obscure yesterday (read his evidence taken down by the Judge), and showed that the accounts of 16th July and 30th September, 1857 (meaning two agreements signed by A. Ashdown), corresponded, and were identical, and it was impossible the bill of exchange for £680 15s. 3d. could be part of £2,000 due to Mr. Ashdown, but that it was a part of the large amount of £7,830 15s. 3d., as shown by Garsed's books (meaning Pritchard's journal and ledger).

"Mr. Justice Dickinson was called to read from his notes of Pritchard's evidence in the civil case Dean and another *v.* Garsed (note-book before Parliament), but His Honor ruled that, even on the assumption that the evidence was material, he could not permit the evidence taken in a civil case to be read during a criminal proceeding. Mr. Justice Dickinson then withdrew."

Appendix A 20. Agreement dated 15th July, 1857. Appendix A 5. Agreement dated 30th September, 1857. Appendix B 10. Mr. Joseph Carroll's report on W. Dean and Co.'s ledger in evidence, October, 1859.

I am prepared to prove before Her Majesty's Crown Law Officers, from documentary evidence and account books in evidence before my committee, that I was neither legally nor morally guilty of perjury in making this affidavit mentioned in Appendix A 14, (Information for perjury, "Queen *v.* Garsed," filed 1st August, 1859); also prepared to prove that the information is filed contrary to law.

Will you please deliver this letter to Her Majesty's Crown Law Officers, and please inform me if you laid my letter, addressed to you, dated 25th October, 1878, before Crown Law Officers.

Any person is liable to suffer what I have suffered in defending an action in the Supreme Court; and Sir Alfred Stephen, in his letter to me, states, "It is never too late to inquire into facts while the means of inquiry exist; that inquiry, however, must be instituted by the Government, as in England is invariably done."

I have, &c.,
JOHN GARSED.

Enclosed, a printed paper relating to Mr. Constable's claim proved against my estate. Copy of same before my Committee, 12th April, 1878.—J.G.

[*Enclosure.*]

Mr. J. Garsed to J. Hurley, Esq., M.L.A.

Dear Sir, 324, Liverpool-street, 8 April, 1878.

In consequence of the following letter, addressed to you, I have, for your information, published Mr. Constable's last letter, addressed to myself:—

"Dear Sir, 179, Pitt-street, 14 March, 1878.

"There are two gentlemen, Messrs. Constable and Wilson, I have been informed, could give very important evidence to the Garsed Committee; indeed, I have been given to understand that Mr. Constable told you he was quite willing to be examined. I hope you will excuse my remarking, that if you wish to have a full and searching inquiry into the truthfulness of certain allegations which relate to him, which took place at such a remote period, every witness who could give information pertinent to the inquiry ought to be examined. The address of these gentlemen: Mr. Constable, care of Mr. Saywell, 4, Park-street; Mr. G. S. Wilson, Prince's Buildings, 179, Pitt-street.

"Yours truly,
"JAMES HOSKINS."

The inquiry is a charge of perjury, instituted by Archibald Ashdown against me on the 31st March, 1858, arising out of the pleadings in a civil case—Dean and Ashdown *v.* Garsed. This action commenced in the Supreme Court, 9th February, 1858.

The Honorable the Attorney General's information for perjury against me is filed in this action, 1st August, 1859; the perjury is assigned by the Crown on my equitable plea, verified by affidavit, filed in this action, 26th February, 1858.

I cannot be a debtor and creditor in the estate of Richard Walton & Co. at date this firm declared themselves insolvent. Previous to said date Mr. Constable had left the firm.

Mr. M. Constable to Mr. J. Garsed.

My dear Sir, Wynyard-street, 23 May, 1855.

With reference to Mr. Walton's book-keeper's remark touching your account with my late firm of C., B., & Co., I have no hesitation in assuring you that all transactions between us of payment of cash were always settled to a point at the time, and in no way can you be in debt to the firm for any such charges alluded to; but the question now arising must be caused by some irregularity in the entries in our books.

Yours, &c.,
MAR. CONSTABLE.

Mr. J. Young to Mr. J. Garsed.

Dear Sir, E.S. and A.C. Bank, Sydney, 22 May, 1855.

I have to return to you, enclosed herewith, Richard Walton & Co.'s cheque on Oriental Bank Corporation of this date, for £670 2s. 8d., which has been dishonored on the presentation (answer refers to drawer).

Yours, &c.,
JOHN YOUNG.

June 14, 1855.—Richard Walton & Co., merchants, London and Sydney, made an assignment for the benefit of their creditors, and I was a creditor for £670 2s., 8d. and £800 lent on mortgage.

Richard Walton & Co., in London, were declared bankrupts, and my claim for £670 2s. 8d. was proved in London, and a dividend declared after my persecutors had sent me to prison, and this dividend, over £60, remains unclaimed.

In Insolvency.—Estate of John Garsed.

Thomas Benjamin Walker, being duly sworn, was examined by the Chief Commissioner, and states: I am clerk to Mr. A. Wilson; I examined the books of Messrs. Walton & Co., of Sydney, by direction of Mr. Wilson, who is the Official Assignee of the estate of John Garsed; I find that the sum of £700 5s. 6d., now claimed by Mr. Constable, appears in the books of Walton & Co., to the debit of Mr. Garsed.

Facts are stubborn things to deal with. The evidence before my committee is not given on oath; but I believe in documentary evidence in preference to any other.

Mr.

4

Mr. A. Wilson to Mr. J. Garsed.

In the Insolvent Estate of John Garsed.

Sir, Sydney, 5 November, 1858.

In reply to your letter of the 4th instant, No. 9. If you will reduce the information therein contained into affidavit, and give me sufficient security to pay all costs (on both sides) of such proceedings as may be taken, I will appeal against the Chief Commissioner's decision in admitting Mr. Constable's proof against your estate.

I am, &c.
ADAM WILSON.

I addressed a letter in reply, stating, "I am of course perfectly ready to state all matters on affidavit. I should prefer employing my own solicitor, which will probably be less expensive to me. Will you permit me to use your name, on his undertaking not to call on you for any expenses?"

To this my Official Assignee objected, and on the 21st December, 1858, Pritchard's Journal, and not the evidence, sent me to prison, to take my trial at the next Criminal Court, on a charge of perjury, instituted against me a second time by Archibald Ashdown, and from delay, to which I was no party, the Attorney General did not file an information for perjury against me until 1st August, 1859.

I received many letters, now in my possession, from Mr. Constable. The last I received from him, after my estate was released from sequestration, is the following :—

"Dear Sir, Manly Beach, 18 December, 1875.

"I have found the document (meaning Rd. Walton & Co's. dishonored cheque for £670 2s. 8d.) which the late Mr. Adam Wilson, as your Official Assignee, instructed you to hand over to me, and the production of which is necessary to obtain payment of the dividend in the estate of Rd. Wilson & Co.

"This amount I shall be quite willing to divide with you, although by your letter of the 14th January you are willing to resign your interest in the proof. I can forward the document to London by the mail going on Monday, if you will let me have the Official Assignee's letter (meaning letter I received from London) to guide me in transmitting through the proper channel.

"I will call at Mr. Saywell's on Monday afternoon or Tuesday morning. Yours, &c.,
"M. CONSTABLE."

Mr. Constable received 1,200 (paid up to 20s.) shares, Vale of Clwydd Coal Company, and £50 cash—part of the arrangement. Constable was to return to me Rd. Walton & Co.'s dishonoured cheque, £670 2s. 8d.

The Crown Solicitor to Mr. J. Garsed.

Sir, Crown Solicitor's Office, Sydney, 29 November, 1876.

In reply to yours of this day's date, I have to state that the paper which you refer to as the "red ink account" was never in my possession. I find on referring to the depositions taken at the Police Office that Mr. Ashdown, in his evidence, states, "I saw an account similar in substance and effect to the account produced, marked (N), handed to defendant; it was in red ink"; and as it was necessary to give you notice to produce the account, and, in fact, such notice was given you, I have no doubt that the account in red ink was not produced at the Police Office, or at the trial, and that you must be mistaken in saying that the paper you produced to me was a copy of that account made in this office.

That paper is marked (N), as the paper produced at the Police Office was marked, and appears also to have been marked, as I have before stated to you, as one of the papers produced at the trial. I have no doubt but that it is an original exhibit, and I cannot understand how it happens to be in your possession; it should be in the Supreme Court Office with the papers in the criminal case.

There is nothing further in your letter, to which this is a reply, which I think calls for any answer from me.

Yours, &c.,
JOHN WILLIAMS,
Crown Solicitor.

If Appendix 6, marked (N), *Reg. v.* John Garsed, 5/10/59, is the original, it will be marked "Exhibit," in the civil case, and in the handwriting of either Archibald Ashdown or Charles Pearson Pritchard.

Having this morning, 8th of April, 1878, read the questions and answers on Friday, 5th of April, 1878, published in No. 54, Votes and Proceeding of the Legislative Assembly, I trust Honorable Members will read description of Crown Land, set forth in an information of intrusion, filed by the Honorable Attorney General in the Supreme Court, on the 23rd December, 1862, against those persons then in occupation of the Commercial Chambers, corner of Bridge and Pitt Streets, Sydney, and my letters, dated 30th March and 2nd April, 1878, addressed, "O.H.M.S. To Thomas Lewis, Esquire, Surveyor General's Department."

I remain, &c.,
JOHN GARSED.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MESSRS. H. T. EDWARDS AND HYAM JOSEPH.)

Ordered by the Legislative Assembly to be printed, 2 May, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 1st April, 1879, That there be laid upon the Table of this House,—

"Copies of a Return from the Clerk of Petty Sessions of Bombala showing "the number of cases which Messrs. H. T. Edwards and Hyam Joseph, "Justices of the Peace for the District of Bombala, have sat on during the "years 1876, 1877, and 1878, and names and dates of cases, and particulars "of the offences."

(*Mr. J. Davies.*)

ADMINISTRATION OF JUSTICE.

RETURN showing the number of cases, &c., in which H. T. Edwards, Esq., J.P., has adjudicated during the years 1876, 1877, and 1878.

Number.	Date.	Applicant, Plaintiff, or Complainant.	Applicant or Defendant.	Business, Offence, or Cause of Action.
	1876.			
1	22 March	Dunn	Dunn	Detention of property.
2	22 ,,	Shaw	Hatton	,,
3	22 ,,	White	Tasker	Trespass.
4	5 April	Shaw	Hatton	Detention of property.
5	5 ,,	Gleeson	M'Guiggan	Dishonored promissory note.
6	5 ,,	Kennedy	Rankin	Detention of property.
7	3 May	,,	,,	Goods sold.
8	4 October	Kielly	Hatton	Work and labour.
9	4 ,,	Copp	Badgery	Detention of property.
10	4 ,,	Jones	Beiluter	Dishonored order.
11	4 ,,	Police	Don	Indecent language.
12	4 ,,	W. W. Love	Hammond	Assault.
13	1 November	Hyde	Delaney	Goods sold.
14	1 ,,	,,	Tasker	,,
15	1 ,,	M'Grade	Campbell	,,
16	1 ,,	,,	Ivill	,,
17	1 ,,	Smith	,,	,,
18	1 ,,	M'Grade	,,	,,
19	1 ,,	Evans	Bennett	Money due on an account stated.
20	1 ,,	John Langhorn	T. Hyland	Transfer of a publican's license.
	1877.			
21	3 October	Cootes	Madden	Detention of property.
22	3 ,,	,,	Rogers	,,
	1878.			
23	28 March	Police	Reilley	Horse-stealing.
24	26 June	Special Petty Sessions for Appointment of Poundkeeper.		
25	26 ,,	Revision of Scale of Poundage Fees.		
26	9 October	Hatton	Seanes	Work and labour.
27	9 ,,	Police	Callaghan	Furiously riding.
28	9 ,,	Elliott	Topping	Damages for illegally impounding.
29	9 ,,	Moore	M'Leod	Goods sold.
30	9 ,,	Hatton	Wroe	,,
31	9 ,,	Emanuel Jonas		District Auctioneer's License.
32	26 November	Annual Meeeting for granting Auctioneers' Licenses.		
33	18 December	Police	Chas. T. Love	Arson.
34	18 ,,	Elliott	Topping	Illegally impounding.
35	18 ,,	Palmer	Ivill	Non-payment of wages.
36	18 ,,	Extrs. of R. M'Donald	Benjamin	Goods sold.
37	18 ,,	,,	Morriss	,,
38	18 ,,	,,	Cousins	,,
39	18 ,,	,,	Clarke	,,
40	18 ,,	Sullivan	Griffiths	,,
41	18 ,,	,,	Gilmore	,,
42	18 ,,	,,	M'Coy	Rent.
43	18 ,,	,,	,,	Money paid to his use.
44	18 ,,	,,	Daviss	,,
45	18 ,,	,,	Gaunson	Rent.
46	18 ,,	,,	,,	Money paid to his use.
47	20 ,,	Police	Chas. T. Love	Arson.
48	23 ,,	,,	,,	,,
49	24 ,,	,,	,,	,,
50	27 ,,	,,	,,	,,
51	28 ,,	,,	,,	,,

Court-house, Bombala, 24 April, 1879.

RETURN showing the number of cases in which H. M. Joseph, Esq., J.P., has adjudicated at Bombala, during the years 1876, 1877, and 1878.

Number.	Date.	Applicant, Plaintiff, or Complainant.	Applicant or Defendant.	Business, Offence, or Cause of Action.
	1876.			
1	16 August	Langhorn	Horsey	Money lent.
2	16 ,,	,,	Darke	Money lent—goods supplied.
3	16 ,,	,,	Greer	Money lent.
4	16 ,,	Extrs. R. M'Donald	Ah Sin	Goods sold.
5	16 ,,	,,	Cleary	,,
6	16 ,,	,,	Roberts	,,
7	16 ,,	Lightbody	,,	,,
8	16 ,,	Hegarty	Murdock	Agistment of horses.
9	16 ,,	Extrs. R. M'Donald	Woods	Goods sold.
10	16 ,,	Dunn	Reid	Work and labour.
11	29 November	Tweedie	Hayes	Goods sold.
12	29 ,,	Burke	Parkinson	Rent of paddock.
13	29 ,,	Ivill	Callaghan	Money lent, &c.
14	29 ,,	Ressler	Walker	Work and labour.
15	29 ,,	Hopkins	Eagar	Unlawfully entering into enclosed lands.

RETURN of cases in which H. M. Joseph, Esq., J.P., has adjudicated—*continued*.

Number.	Date.	Applicant, Plaintiff, or Complainant.	Applicant or Defendant.	Business, Offence, or Cause of Action.
	1877.			
16	3 January	Moore	M'Donald	Goods sold.
17	11 April	Driscoll	Ivill	Value of horse sold.
18	11 ,,	Myers	Greer	Pro. note.
19	11 ,,	Barkas	Hayes	Money paid on a cabinet.
20	11 ,,	Grant	Lawless	Work and labour.
21	11 ,,	Hatton	Smith	Board and lodging.
22	11 ,,	,,	Copp	,,
23	11 ,,	Lightbody	Tresillian	Dishonored cheque.
24	24 ,,	Special Court Petty Sessions, Revision Electoral Roll for 1877 and 8.		
25	6 June	Deacon	Kellond	Timber supplied.
26	6 ,,	Rogers	Allen	Meat supplied.
27	6 ,,	Fitznoggin	Greer	Goods sold.
28	6 ,,	Hyde	Murdock	Work and labour.
29	6 ,,	Gleeson	,,	Money lent.
30	6 ,,	Shannon	,,	Goods sold.
31	6 ,,	Foley	Rogers	Rent.
32	6 ,,	Myers	Hogan	Work and labour.
33	6 ,,	Rootsey	Kesterton	Timber supplied to his order.
	1878.			
34	2 January	Morgan	M'Coy	Goods sold.
35	2 ,,	,,	Warburton	,,
36	2 ,,	,,	Bulgary	Goods sold—board and lodging.
37	2 ,,	,,	Leary	,, ,,
38	2 ,,	,,	Griffiths	Goods sold, &c.
39	2 ,,	,,	Rankin	,,
40	2 ,,	,,	Bayley	Money lent.
41	2 ,,	,,	Walker	Goods sold.
42	2 ,,	,,	Barber	,,
43	2 ,,	,,	Deacon	,,
44	2 ,,	,,	Rankin	,,
45	2 ,,	,,	Woods	,,
46	2 ,,	,,	Horsey	Money lent.
47	2 ,,	,,	Ressler	Goods sold.
48	2 ,,	,,	Webb	Goods sold—money lent.
49	2 ,,	,,	Talbott	Goods sold.
50	2 ,,	,,	Valantine	,,
51	2 ,,	Plowright	Daviss	,,
52	2 ,,	Parkinson	Roberts	,,
53	13 February	Lightbody	Gray	Assault.
54	13 ,,	Gleeson	Jamieson	Rescuing of property levied upon.
55	13 ,,	,,	Hogarth	Aiding and abetting of the rescue of property levied upon.
56	15 May	Darke	Harpur	Non-payment of wages.
57	15 ,,	Parkinson	Thomas	Goods sold.
58	15 ,,	Whyte	Long	,,
59	15 ,,	Love	Summerill	,,
60	15 ,,	,,	Elmwood	,,
61	15 ,,	Sullivan	,,	Goods sold and rent.
62	26 June	Special Court of Petty Sessions, appointment of Poundkeeper.		
63	26 ,,	Special Court of Petty Sessions, revision of scale of Pound Fees.		
64	18 December	Palmer	Ivill	Non-payment of wages.
65	18 ,,	Elliott	Topping	Illegally impounding.
66	18 ,,	Helmers	Kesterton	Work and labour.
67	18 ,,	Extrs. R. M'Donald	Morriss	Goods sold.
68	18 ,,	,,	Benjamin	,,
69	18 ,,	,,	Consine	,,
70	18 ,,	,,	Clarke	,,
71	18 ,,	Sullivan	Griffiths	,,
72	18 ,,	,,	Gilmore	,,
73	18 ,,	,,	M'Coy	Rent.
74	18 ,,	,,	,,	Money paid to his use.
75	18 ,,	,,	Daviss	,,
76	18 ,,	,,	Gaunson	Rent.
77	18 ,,	,,	,,	Money paid to his use.
78	18 ,,	Police	C. T. Love	Arson.
79	20 ,,	,,	,,	,,
80	23 ,,	,,	,,	,,
81	24 ,,	,,	,,	,,
82	27 ,,	,,	,,	,,
83	28 ,,	,,	,,	,,

Court-house, Bombala, 21st April, 1879.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MR. ALEXANDER ROGERS, OF ATTUNGA.)

Ordered by the Legislative Assembly to be printed, 9 *May*, 1879.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 16 April, 1879, praying that His Excellency the Lieutenant-Governor will be pleased to cause to be laid upon the Table of this House,—

" (1.) A Return showing the number of actions in which Mr. Alexander " Rogers, of Attunga, near Tamworth, has been either plaintiff or defendant " in the District Courts holden at Tamworth during the past six years.

" (2.) The names of the parties to such actions, the amounts sought to be " recovered, and the verdicts given therein, together with the name of the " Judge who presided when such verdicts were given.

" (3.) A like Return in respect of the District Court held at Glen Innes, " during the same period.

" (4.) The number of cases tried at Quarter Sessions at Tamworth and at " Glen Innes, during the same period, in which Mr. Alexander Rogers " was the prosecutor.

" (5.) The names of the prisoners prosecuted by Mr. Rogers, and of the " Judge who tried them, with the result of the trial in each case."

(*Mr. Jacob.*)

ADMINISTRATION OF JUSTICE.

RETURN showing the number of actions in which Mr. Alexander Rodgers, of Attunga, near Tamworth, has been either plaintiff or defendant, in the District Court holden at Tamworth during the past six years, the names of the parties to such actions, the amounts sought to be recovered, and the verdicts given therein, together with the name of the Judge who presided when such verdicts were given.

Number of Actions.	Name of Plaintiff.	Name of Defendant.	Amount sought to be recovered.	Verdicts given therein.	The name of the Judge who presided when such verdicts were given.
			£ s. d.		
1	Alexander Rodgers...	Robert Haydon	54 10 0	Verdict for plaintiff by confession, £54 10s.	Frederick William Meymott, Esq.
2	John Power.....	Alexander Rodgers...	190 0 0	Verdict for defendant	Frederick William Meymott, Esq.
3	James Cantwell	Alexander Rodgers...	63 0 0	Verdict for plaintiff, £63	Edward Bennett, Esq.
				NEW TRIAL MOTION.	
	James Cantwell	Alexander Rodgers...	63 0 0	New Trial granted on the application of the defendant, who is to pay cost of Motion.	Frederick William Meymott, Esq.

N.B.—The New Trial Motion refers to action No. 3.

District Court Office, Tamworth,
30 April, 1879.

JNO. M'DONALD,
Registrar, District Court, Tamworth.

RETURN showing the number of actions in which Mr. Alexander Rodgers, of Attunga, near Tamworth, has been either plaintiff or defendant, in the District Courts holden at Glen Innes, during the past six years, the names of the parties to such actions, the amounts sought to be recovered, and the verdicts given therein, together with the name of the Judge who presided when such verdicts were given.

Date.	Plaintiff.	Defendant.	Cause of Action.	Amount claimed.	Judgment for whom.	Amount of Jugdment.	Order.	Presiding Judge.
1874.				£ s. d.		£ s. d.		
9 Feb.	Alexander Dolphin ..	Alexander Rodgers ..	Wages	76 0 0	Nonsuit	.....	One witness and Attorney's costs	P. J. Healey.
18 Aug.	Alexander Rodgers ..	William S. M'Donald..	Promissory note and interest.	100 7 6	Postponed....	.....	.....	W. F. Meymott.
18 Aug.	Alexander Dolphin ..	Alexander Rodgers ..	Wages	48 5 10	Postponed to next Sittings.	.....	.....	W. F. Meymott.
1875.								
9 Feb.	Alexander Dolphin ..	Alexander Rodgers ..	Wages	39 0 0	Plaintiff.....	39 5 10 (Costs, £3)	To be paid to Registrar, and to remain in his hands until next Court; costs to follow the same rule.	W. F. Meymott.
9 Feb.	Alexander Rodgers ..	John Rea	Dishonored promissory note and interest.	52 10 0	Plaintiff.....	52 10 0	With interest at 8 per cent.....	W. F. Meymott.
24 Aug.	Alexander Rodgers ..	Alexander Dolphin ..	Damages for breach of agreement.	60 0 0	Plaintiff.....	40 0 0	Three witnesses allowed, Counsel six guineas.	W. F. Meymott.
1876.								
23 Feb.	Alexander Rodgers ..	Thomas H. Kennedy ..	Dishonored promissory note and interest.	100 0 0	Plaintiff.....	100 0 0	With interest at 8 per cent. from 13th February last, and plaintiff's travelling expenses.	W. F. Meymott.
23 Feb.	Alexander Rodgers ..	John Fox	Dishonored promissory note and interest.	174 15 0	Plaintiff.....	149 15 0	With interest at 8 per cent.....	W. F. Meymott.
23 Feb.	Alexander Rodgers ..	William S. M'Donald..	Dishonored promissory note and interest.	80 12 6	Plaintiff.....	80 12 6	With interest at 8 per cent.....	W. F. Meymott.
1877.								
16 Aug.	Louis Schwenke	Alexander Rodgers ..	Goods sold and delivered.	20 15 0	Defendant....	.....	Two witnesses allowed	W. F. Meymott.

30 April, 1879.

G. MARTIN,
Registrar, District Court.

RETURN showing the particulars of cases tried at Quarter Sessions at Tamworth and Glen Innes, from January, 1873, to the present date, in which Mr. Alexander Rodgers, of Attunga, near Tamworth, was the prosecutor.

	Date.	Offence.	Verdict.	Chairman.
At Tamworth.				
One case, viz. :— The Queen against Thomas Crotty and William M'Farlane	1878. 8 February	Cattle-stealing	Jury panel exhausted. Trial postponed to next ensuing Quarter Sessions. Prisoners admitted to bail	F. W. Meymott, Esq.
The same case	2 August	do.	Jury could not agree. Trial postponed until 6th August	Edward Bennett, Esq. (Acting Chairman.)
The same case	6 August	do.	Prisoners found guilty	Edward Bennett, Esq. (Acting Chairman.)
At Glen Innes. Nil.				

Office of the Clerk of the Peace, Sydney,
3 May, 1879.

ARCH. C. FRASER,
Clerk of the Peace.

Sydney: Thomas Richards, Government Printer.—1879.

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(INQUESTS IN THE MAITLAND DISTRICT.)

Ordered by the Legislative Assembly to be printed, 10 *June*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 20 May, 1879, That there be laid upon the Table of this House,—

"Copies of all Correspondence between the Government and Dr. Morson, "with reference to holding Inquests unnecessarily in the Maitland "District."

(*Mr. Eckford.*)

SCHEDULE.

NO.		PAGE.
1.	Dr. Morson to the Colonial Secretary, respecting the holding of unnecessary inquests in the Maitland District, with minutes thereon. 23 April, 1879	2
2.	Inquest proceedings in case of Margaret Lowe. 22 April, 1879	2
3.	Coroner, West Maitland, to Under Secretary of Justice, &c., with enclosures, reporting on No. 1. 12 May, 1879.	3
4.	Minute of Minister of Justice, &c., thereon. 20 May, 1879	5
5.	Under Secretary of Justice, &c., to Coroner, West Maitland. 30 May, 1879	5

ADMINISTRATION OF JUSTICE.

No. 1.

Dr. Morson to The Colonial Secretary.

Sir, West Maitland, 23 April, 1879.

I understand a circular was lately sent by the Government to all Coroners urging them to dispense with unnecessary inquests. I now beg to draw your attention to a case of flagrant disregard of such instructions. Mr. T. W. Pearse, the Coroner of this District, held an inquest here yesterday on the body of Mrs. Lowe, an aged widow lady (age 70), who died the previous day, very suddenly, of apoplexy, in the presence of a sister and various neighbours. As there was not the remotest suspicion of foul play or neglect, an inquest was surely unnecessary.

Mrs. Lowe was seen a few minutes after death by myself and also by my partner, Dr. Blackwell. The Coroner sent a policeman the following morning to me, when I told him the deceased had died of apoplexy, and informed him of the whole particulars I knew of the case, and Dr. Blackwell gave a written memorandum as to the cause of death, to the undertaker (Mr. Sloan), who handed the same to the Coroner. This was disregarded, an inquest was ordered; the Jury were marched into the residence of the deceased to gaze at the corpse, much to the distress of the friends; then the sister, a widow lady, had to repair to the nearest public-house to give her evidence.

It appears monstrous that in such a case an inquest should have been held. Jurors are taken away from their business; medical men have to neglect more important work in order to give evidence, which in an inquiry such as this is purely formal, the feelings of relatives are outraged, and the Country is put to needless expense.

In all doubtful or suspicious cases let inquests by all means be held; but I maintain the foregoing inquest was quite needless, and that Mr. Pearse went directly in the teeth of recent instructions.

We have had too many unnecessary inquests in this district, and I submit that some check should at once be put on the Coroner's excessive desire for holding inquests which in this, and in similar cases, have been useless and quite uncalled for.

It appears to me that many of the inquests held in this district for the last eight or nine years have been a perfect farce, and were held for the purpose of obtaining fees for the Coroner and medical man, and on public grounds I protest against such an expenditure of public money. I have to request that in future you will give most stringent orders to the Coroner here, to hold no inquest unless such is absolutely necessary for the protection of the public against foul play and neglect, which are the primary and essential objects of Coroners' Courts, both in Great Britain and her Colonies.

I have, &c.,
ALEX. R. MORSON, M.D., J.P.

The Minister of Justice and Public Instruction.—H.P., 26/4/79. The Under Secretary of Justice and Public Instruction.—B.C., C.W., 5 May,/79. T. W. Pearse, Esq., Coroner, Maitland, favour of report.—F.B.S. B.C. 7th May, 1879.—W. E. PLUNKETT. To be returned.

No. 2.

Inquest proceedings in case of Margaret Lowe.

New South Wales, } to wit. }

INQUISITION held at the dwelling-house of Mr. H. Fitness, known as the sign of the "Governor Gipps Hotel," at Maitland, in the county Northumberland, in the Colony of New South Wales, this 22nd day of April, one thousand eight hundred and seventy-nine, before me, Thomas W. Pearse, one of the Coroners of our Sovereign Lady the Queen, for the Colony aforesaid, on view of the body of Margaret Lowe, then and there lying dead. Upon the oaths of Henry Fitness, John Mantle, Henry A. Reid, Michael Kennedy, Fredk Crew, good and lawful men of Maitland aforesaid; who, having been sworn and charged to inquire (on the part of our said Lady the Queen), when, where, how, and by what means the said Margaret Lowe came to her death, do, upon their oaths, say that on the 21st day of the year aforesaid, the said Margaret Lowe, of apoplexy, and from the visitation of God, in a natural way, and not from any violent means whatsoever, did die.

In witness whereof, as well the said Coroner as the Jurors aforesaid, have to this Inquisition set their hands and seals, this day and year aforesaid.

THOMAS W. PEARSE, Coroner.
HENRY FITNESS, Foreman.
MICHAEL KENNEDY,
JOHN MANTLE,
FREDK. CREW,
HENRY ALBERT REID, } Jurors.

New

New South Wales, }

INFORMATION and Depositions of Witnesses, taken on oath, before me, Thomas W. Pearse, one of the Coroners of our Sovereign Lady the Queen, for the Colony of New South Wales, this twenty-second day of April, one thousand eight hundred and seventy-nine, at the dwelling-house of Mr. H. Fitness, known as the sign of the "Governor Gipps," at Maitland, in the said Colony, on view of the body of Margaret Lowe, then and there lying dead.

Elizabeth Graves Verge, having been sworn, states :—I am a widow, and have for the past twenty-six years been residing with the deceased, Margaret Lowe, she also was the widow of a naval officer; she has been living in the Colony for the past thirty-six years, and was seventy years of age, and was a native of Ireland; the deceased has had generally speaking good health; yesterday morning she was up and about the house as usual, about 6 a.m., and was to all appearances as usual during the morning; we had dinner about half-past 1 p.m.; she ate a hearty dinner, and after she had attended to the calf she lay down as she usually did, and I was sitting in the dining-room, she was lying down in her own bed-room, when I heard her call to me; I went in at once, and she was to my idea in great pain, and I thought she was suffering from bronchitis; I gave her two tablespoonfuls of castor oil, and a little colonial wine. She tried two or three times to get out of bed, but was not able. I then went to ask Mr. Kennedy to go for Mrs. Starke, she wishing me to stay with her. I saw Mrs. Davey passing, and asked her to come in and stay with me, as I thought Mrs. Lowe was dying. Mr. Kennedy came in and he went for Dr. Morson, but before the doctor came I think she was dead.

During the time she was lying on the bed, she was breathing very heavily, and a white froth was coming from her mouth; I also gave her some brandy, but she did not seem to swallow it, I also put some mustard over the chest.

E. G. VERGE.

Sworn before me at Maitland, this }
22nd day of April, 1879,— }
T. W. PEARSE, Coroner.

Susan Davey, sworn, states :—I am a widow, and reside at the back of Mrs. Lowe's, the deceased; I was passing Mrs. Lowe's place about ten minutes to 5 yesterday evening, when Mrs. Verge called me, saying that Mrs. Lowe was in a fit, or otherwise that she was dying; I went in and found Mrs. Lowe lying on the bed; I then thought she was dying, she was quite unconscious, and was frothing at the mouth; after I came into the house she lived for about five minutes; there was no one in the house but Mrs. Verge and myself when she died.

T. W. P.

her
SUSAN × DAVEY.
mark.

Sworn before me at Maitland, this }
22nd day of April, 1879. }
T. W. PEARSE, Coroner.

Richard Fortune Blackwell, having been sworn, states :—I am a duly qualified medical practitioner, residing in West Maitland; yesterday evening shortly after five o'clock I examined the dead body of Mrs. Lowe, at her residence, Louth Park Road; death had evidently taken place not more than an hour previously; the body was warm, and the limbs were quite flexible; a little froth was oozing from the lips, but no marks of violence were present; from my previous knowledge of the deceased, and from the history of her last illness, I am of opinion that her death was due to apoplexy.

RICHARD FORTUNE BLACKWELL.

Sworn before me, at Maitland, this }
22nd day of April, 1879,— }
T. W. PEARSE, Coroner.

I certify that, in my opinion, the death of Margaret Lowe was not caused either directly or indirectly by intemperance.—THOMAS W. PEARSE, Coroner.
Maitland, April 23, 1879.

No. 3.

The Coroner, West Maitland, to The Under Secretary of Justice, &c.

Sir,

West Maitland, 12 May, 1879.

I have the honor to acknowledge receipt of your communication of the 8th instant, containing proceedings in an inquest held by me on the body of the late Mrs. Margaret Lowe, and also enclosing a letter from Alex. R. Morson, M.D. and J.P., of this town, with a minute attached to the same, requesting me to report on its contents and return.

On Tuesday morning at 8 o'clock, on the 22nd ult., Constable Lloyd waited on me, and stated that he had been requested by the Senior-sergeant to report the death of Mrs. Lowe, of the Louth Park Road, which took place on the previous evening; that Mrs. Lowe had always had good health, and had never been under any medical man in Maitland, and that up to 4 o'clock yesterday was to all appearances well, and went to lie down, as was her usual custom after dinner, and was shortly afterwards found seemingly very ill. Dr. Morson was immediately sent for, but before Dr. Morson came Mrs. Lowe was dead.

I told Constable Lloyd that I should wish Dr. Morson to report on the case, and I gave him a letter for Dr. Morson, asking him to report on the case, and directing the constable to wait for an answer (which memo. I unfortunately did not keep a copy of—however, it was on one of my official memorandum forms), and stated that the police had reported the death of Mrs. Lowe, of the Louth Park Road, as being very sudden, and asking him kindly to oblige me with a report on the case.

Instead

Instead of sending a report, as I had in a most courteous manner asked him to do, he sent me back a message by Constable Lloyd that he thought the woman died from apoplexy, and that if I wanted an inquest I had better send for Dr. Blackwell. If Dr. Morson had sent me, as requested, a report in writing, I should have attached to it that weight which I might have considered necessary, as being the opinion of a duly qualified medical practitioner; but his declining to do so left no other course open to me, owing to the very sudden nature of the death—not more than an hour, and not having any return to make to the report but to issue a precept, which I did accordingly.

The statement in Dr. Morson's letter that "Dr. Blackwell gave a written memorandum to the undertaker (Mr. Sloan), who handed the same to the Coroner," is not in accordance with facts.

I have never received any written memorandum from either Drs. Morson or Blackwell, although I had written to Dr. Morson asking for one.

At about 10 o'clock on the morning of the inquest, and just as I was leaving my house to go to the inquest, Mr. W. J. Sloan did call on me, and said, "I have a letter from Dr. Blackwell for you, but" (feeling his pockets) "I have left it at home." I explained to Mr. Sloan that I could not withdraw from holding an inquest, having issued proceedings, and in all probability the Jury were already summoned.

In showing the position I was placed in, even if Dr. Blackwell had satisfactorily accounted for the death by certificate or otherwise, I would quote from Lord Chief Justice Jervis's work, on the office and duty of Coroner, third edition, page 37 :—

> "If a precept be issued, and a Jury summoned to attend an inquest, the Coroner is bound to proceed with the inquiry, and his refusal to do so is misbehaviour, for which he may be removed from his office."

I would also draw attention to Constable Coughlan's statement that at the time of the death Dr. Morson's words and actions plainly indicate that an inquest was necessary, from his saying "that he did not wish to give evidence before the inquest, and that he would send Dr. Blackwell down to examine the body."

Dr. Blackwell, as a matter of fact, did come down soon afterwards and examined the body, for the express purpose of giving evidence at the inquest, and that without any authority whatsoever from me to do so, and in fact the evening prior to my having any knowledge (official or otherwise) of the death.

I would also draw attention to Constable Lloyd's statement, "if the Coroner should consider it necessary to hold an inquest, he will have to summon Dr. Blackwell."

With reference to the other portions of Dr. Morson's letter, I only can treat them with the silence they deserve, but would draw attention to the statement of the medical practitioners of the district.

Dr. Morson's aversion to any kind of inquest is not of recent date, but for many years past he has caused every obstacle to be thrown in the way of my conducting my office with a fair and impartial spirit, and if I have erred in any way in carrying out the duties of my important office, I may to a certain extent have been guilty of an amount of laxity towards Dr. Morson, in giving way to his peculiar idiosyncracy of temperament with regard to Coroners' inquests.

On referring to my abstract-book I find the last time Dr. Morson gave evidence at an inquest was on the 8th December, 1875, so that I am quite at a loss to see how he can complain of having "to neglect more important work."

I can only say that the wholesale and sweeping denunciations contained in Dr. Morson's letter appear to me to emanate from a spirit which most persons do not care to nurse.

I have, &c.,
THOMAS W. PEARSE,
Coroner.

[*Enclosure* 1.]

The Coroner for West Maitland to Superintendent Morisset.

West Maitland, 9 May 1879.

Sir,

By this morning's post I have received instructions from the Government to report on the reasons I had for holding an inquest on the late Mrs. Margaret Lowe, of Louth Park Road, on the 22nd ultimo.

I would respectfully ask that you request Constables Lloyd and Coughlan, who were connected with this inquest (the one making the primary report, the other in procuring a Jury, and present at the proceedings), to report on this case, that I may forward them with the other papers.

I have, &c.,
THOMAS W. PEARSE,
Coroner.

[*Enclosure* 2.]

Sergeant Goff to S. S. Smith.

Police Department, Superintendent's Office, North-eastern District,
Maitland, 9 May, 1879.

MEMO.—Referred to S. S. Smith for the reports required by the Coroner.

JNO. GOFF, Sergt. and Clk.
For Supt.

[*Enclosure* 3.]

Constable T. A. Lloyd to The Superintendent of Police.

West Maitland, 9 May, 1879.

Constable Thomas Lloyd, No. 3,292, reports for the information of his Superintendent respecting the death of Mrs. Margaret Lowe, of Louth Park Road, West Maitland, the constable was directed to make all inquiries respecting her death, which he did, and reported the matter to Mr. Coroner Pearse, and the constable was directed by Mr. Pearse to deliver a letter to Dr. Morson, and receive a reply to deliver to Mr. Pearse, which he, Mr. Pearse, said was both discourteous and unsatisfactory, and no other course was left for him but to hold an inquest, as Dr. Morson failed to give a proper report touching her death. Dr. Morson's reply was as follows :—

"When I arrived the woman was dead, and had every appearance of having died from apoplexy, and if the Coroner should consider it necessary to hold an inquest, he will have to summon Dr. Blackwell."

THOMAS A. LLOYD,
Constable.

[*Enclosure*

[*Enclosure* 4.]

Police Station, West Maitland, 9 May, 1879.

Constable Coughlin reports that on 22nd ult. he summoned a Jury to hold an inquest on the body of Mrs. Lowe, who died suddenly at Louth Park.

When the Coroner arrived, he heard Mrs. Verge, sister of the deceased, telling him that Dr. Morson was sent for, but when he came Mrs. Lowe was dead, and that, as he did not wish to give evidence before the inquest, he said he would send Dr. Blackwell to examine the body.

JOHN COUGHLIN,
Constable.

Superintendent Morisset to T. W. Pearse, Esq.

Reports from members of the Maitland police, with reference to the inquest held on the late Mrs. Lowe, are forwarded to Mr. Pearse as requested, though I cannot see how they bear on the points at issue, viz., the necessity of holding an inquest.

9 May, 1879.

E. V. MORISSET,
Supt.

[*Enclosure* 5.]

Medical Practitioners of the District to The Coroner.

Dear Sir,

West Maitland, 9 May, 1879.

Referring to your letter, asking my opinion as to the fact of unnecessary inquests having been held in the district under your jurisdiction as Coroner, I beg to state, so far as I am personally concerned, I can safely state that I have never been called on to give medical testimony in any case where an inquest was not perfectly justifiable.

Wm. Wilton, M.R.C.S.E.
William Spink, Reg. M. Practitioners, Eng.
John Stride, M.R.C.S., Eng.
Thos. C. Howe, M.B. and M.D.
Robt. J. Pierce, L.R.C.S.I., L. Med. R.C.S.I.
Robert Geo. Alcorn, L.R.C.S.J., and L.R.C.P., Edn.

The above include all the medical practitioners in the district, except Drs. Morson and Blackwell.—T.W.P., 5 May, 1879.

No. 4.

Minute of Minister of Justice, &c.

Although I cannot say that the Coroner was not justified in holding an inquest in this case, still I think that if he had referred to Dr. Blackwell, as suggested by Dr. Morson, he would have been satisfied that there was no necessity for any inquiry as to the cause of death.

It is in all cases desirable that Coroners should, whenever practicable, ascertain whether any grounds exist for suspecting that death has been caused by foul means, before putting the Crown to expense, and perhaps inflicting pain upon the relatives and friends of the deceased, by holding unnecessary inquests.

F. B. S.
20/5/79.

Inform Coroner.—29/5/79. The Coroner.—30/5/79.

No. 5.

The Under Secretary of Justice, &c., to The Coroner, West Maitland.

Sir,

Department of Justice and Public Instruction,
Sydney, 30 May, 1879.

Referring to your letter of 12th instant, explaining why you considered it necessary to hold an inquest on the body of Mrs. M. Lowe,—I am directed by the Minister of Justice and Public Instruction to inform you that although he cannot say you were not justified in holding an inquest in the above case, still he thinks that if you had referred to Dr. Blackwell, as suggested by Dr. Morson, you would have been satisfied that there was no necessity for any inquiry as to the cause of death.

I am to add, that it is desirable in all cases that Coroners should, whenever practicable, ascertain whether any ground exists for suspecting that death has been caused by foul means, before putting the Crown to expense, and perhaps inflicting pain upon the relatives and friends of the deceased, by holding unnecessary inquests.

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

Sydney: Thomas Richards, Government Printer.—1879.

[6*d*.]

746—B

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(INQUESTS IN THE MAITLAND DISTRICT.)

Ordered by the Legislative Assembly to be printed, 24 *July*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 4 July, 1879, That there be laid upon the Table of this House,—

"Copies of any Correspondence not already published in the matter of "holding unnecessary Inquests in the Maitland District."

(*Mr. McElhone, for Mr. Badgery.*)

SCHEDULE.

NO.		PAGE.
1.	Drs. Morson and Blackwell to Coroner, West Maitland, refusing to sign voucher for expenses in connection with inquest on Mrs. Margaret Lowe, with enclosures. 8 May, 1879	2
2.	Coroner, West Maitland, to Under Secretary of Justice, &c., respecting inquest on Mrs. Margaret Lowe; minutes thereon. 3 June, 1879	3
3.	Dr. Morson to Minister of Justice, &c., respecting inquest on Mrs. Margaret Lowe, with enclosure. 9 June, 1879	3
4.	Under Secretary of Justice, &c., to Coroner, West Maitland, respecting inquest on Mrs. Margaret Lowe, with enclosure. 11 June, 1879	3
5.	Dr. Morson to Minister of Justice, &c., respecting inquest on Mrs. Margaret Lowe, with enclosure; minutes thereon. 18 June, 1879	4
6.	Dr. Morson to Minister of Justice, &c., respecting inquest on Mrs. Margaret Lowe. 23 June, 1879	4
7.	Same to same; minutes thereon. 27 June, 1879	5
8.	Under Secretary of Justice, &c., to Dr. Morson, acknowledging receipt of No. 7. 30 June, 1879	5
9.	Coroner, West Maitland, to Under Secretary of Justice, &c., reporting on Nos. 3, 5, and 6, with enclosures. 2 July, 1879	5
10.	Dr. Morson to Under Secretary of Justice, &c., further respecting inquest on Mrs. Margaret Lowe. 3 July, 1879	7

ADMINISTRATION OF JUSTICE.

No. 1.

Drs. Morson and Blackwell to The Coroner, West Maitland.

West Maitland, 8 May, 1879.

Sir,

We duly received your memo. of 7th instant, enclosing abstract and acquittance for £2 2s. for inquests held on Mrs. Margaret Lowe and Charles Barwick, and requesting our Dr. Blackwell to sign and return the same to you.

We now beg to return said voucher, signed for Charles Barwick, but refuse to sign that for Mrs. Margaret Lowe, as we consider the inquest on that lady quite unnecessary and uncalled for.

Your obedient servants,
MORSON & BLACKWELL,
M.D.

[*Enclosures.*]

MEDICAL OFFICERS, &c.

[Series B.—Contingency Form No. 8.]

New South Wales.

ABSTRACT and Acquittances of Fees paid to Surgeons or Medical Officers, attending by Summons on Coroners' Inquests, or Inquiries held by Justices of the Peace, touching sudden deaths, held before T. W. Pearse, for the District of Maitland, from the to the 187 , inclusively, pursuant to Act of Council, No. 3, of 13th June, 1838.

Date of payment.	Name of Surgeon or Medical Officer.	Date of Inquest or Inquiry.	On whom held and where.	By whom required to be made.	Attendance to give evidence, at 21s. each Inquest.	Total amount of Fees and Travelling Expenses.	I, the undersigned, do acknowledge to have received the sum opposite my name, being in full of my fees and travelling expenses respectively, as herein specified.	
1879.						£ s. d.		Witness.
~~April 22~~	~~R. F. Blackwell~~	~~April 22~~	~~Margaret Lowe, Louth Park~~	~~Police~~	~~1~~	~~1 1 0~~	Fee declined.	
~~April 29~~	R. F. Blackwell ...	„ 29	Charles Barwick... 387					
June 12...			Hinton Police.....	.....	1	1 1 0 J.S.S. G. Palmer, jr.	Richd. F. Blackwell.	J.M. Dethich.
					Total, £	~~2 2 0~~	1/1/-	

I certify that the amount charged in this voucher as to computations, castings, and rates is correct, and that the expenditure is duly authorized in terms of the Audit Act. I further certify that the surgeons abovenamed were necessarily called upon, and attended to give their professional evidence; that they were required to make, as above specified, and did actually perform the number of *post mortem* examinations stated; and that the distances for which travelling expenses are charged exceeded 10 miles from the usual residence of each surgeon respectively. I further certify that none of the surgeons or medical officers named in the above return is a salaried officer to any hospital, gaol, or other public building wherein any of the deaths occurred.

T. W. PEARSE.

Please pay A. J. S. Bank, Maitland, to credit of Dr. Blackwell.

[Series B.—Contingency Form No. 7.] New South Wales. Pay Voucher No. 13,370.

DEPARTMENT of Coroners,

Dr. to T. W. Pearse, Maitland, for the undermentioned Inquests or Magisterial Inquiries.

Date of Inquest or Inquiry.	On whom held.	Where held.	Distance from Residence in miles.	Amount of Fees at 20s. each, and of Travelling Expenses at 9d. per mile.
1879.				£ s. d.
April 12	Henry Mills 334	Bonthim	9	1 6 9
„ 15	A certain infant, offspring of Emily Jones..... 346	Branxton	17	1 12 9
„ ~~22~~.....	~~Margaret Lowe~~.....	~~Louth Park~~ ..... Disallowed. F.B.S., 4/6/79.	~~1~~	~~1 0 9~~
„ 29	Charles Barwick..... 387	Hinton	8	1 6 0 J.S.S.
				4 5 6
			Total £	~~5 6 3~~

I certify that the amount charged in this voucher as to computations, castings, and rates is correct, and that the expenditure is duly authorized in terms of the Audit Act. I further certify that each of the inquests or inquiries was actually held *super visum corporis*, as stated in the above Return, and that the above specification of distances is true and correct.

T. W. PEARSE.

I certify that I have received the proceedings of the inquests in the cases specified in the foregoing Return, and that the holding of the same was necessary, with the exception of those on the parties hereinafter named, viz. :—

F.B.S.,
Minister of Justice.

I hereby authorize the amount of the above account to be paid on my behalf to Bank Australasia, West Maitland.

T. W. PEARSE.

Received, on the 11th day of June, 1879, the sum of four pounds five shillings and sixpence, in full payment of the above account for my fees and travelling expenses.

T. W. PEARSE.

Witnesses { C. LASCELLES, Traveller. FRED. AYRES.

No. 2.

No. 2.

The Coroner, West Maitland, to The Under Secretary of Justice, &c.

Sir, West Maitland, 3 June, 1879.

I have the honor to acknowledge the receipt of your communication of the 30th ultimo, *re* inquest on the late Mrs. Margaret Lowe.

I would respectfully point out that at the time of issuing the summons to Dr. Blackwell I was not aware that he was in any way connected with the case, but that I issued my summons to him in giving way, as I have invariably done, to Dr. Morson's peculiarity; Dr. Morson's message at the same time suggesting that an inquest was necessary, and Dr. Morson at the same time requesting that Dr. Blackwell might be summoned at the inquest. Dr. Morson himself indicated such inquest as requisite in the message he sent me by Constable Lloyd.

I would also desire some further instructions, for my future guidance, as to whether or not I am to understand that I am to carry out the instructions contained in your letter, and am not to issue process unless it be shown by the primary report that death has been caused by foul means.

I have, &c.,
T. W. PEARSE,
Coroner.

The instructions contained in the circular letter of 3rd July, 1871, should be observed.—F.B.S., 7 June, /79. The Coroner, 11/6/79. See enclosure No. 4.

No. 3.

Dr. Morson to The Minister of Justice, &c.

Sir, West Maitland, 9 June, 1879.

In reference to my letter to the Colonial Secretary of date 23rd April, 1879, relative to the inquest on the late Mrs. Lowe, I beg to enclose copy of the Coroner's memorandum to me of date 22nd April, in which he requests me to furnish particulars of the death of that lady, which I gave verbally to the policeman who brought it; and in that note you will observe he did not ask whether an inquest was necessary. The original memorandum can be sent if you require it. I may also mention, my firm (Morson and Blackwell) wrote to the Coroner on 8th May, declining to receive the medical fee in the above case, as we considered the inquest "quite unnecessary and uncalled for."

I have, &c.,
ALEX. K. MORSON,
M.D., J.P.

Memorandum from the Coroner to Dr. Morson.

22 April, 1879.

WILL you kindly furnish me with an account of the death of the late Mrs. Lowe, of Louth Park Road.

Yours faithfully,
T. W. PEARSE.

No. 4.

The Under Secretary of Justice, &c., to The Coroner, West Maitland.

Sir, Department of Justice and Public Instruction, Sydney, 11 June, 1879.

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of your letter of the 3rd instant, further respecting inquest held by you on Mrs. Margaret Lowe, and asking certain information for your future guidance, and to state that the instructions contained in the circular letter of 3rd July, 1871, should be observed by you. Copy attached.

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

(Circular.) [*Enclosure.*]

Sir, Attorney General's Department, Sydney, 3 July, 1871.

As it is important to keep down the expenses of "*Coroners' Inquests*" and "*Magisterial Inquiries*" to the limit provided by Parliament, and to confine such inquiries, as far as may be reasonably practicable, to cases of suspicious death, or of deaths so sudden as to create a reasonable ground for investigating the cause,—I am directed by the Honorable the Attorney General to forward for your information the accompanying extract from the late Lord Chief Justice Jervis' work on the office and duties of Coroners, in reference to the particular cases and circumstances in which Coroners are relieved from the duty of instituting inquiries. Extract from "Jervis," page 34, 3rd edition.

2. I am to remark that it would be very harassing to families as well as costly to the Government if Inquests and Magisterial Inquiries were holden in cases where no reasonable doubt existed that death was the result of "*Natural Causes*," even though it may have been unexpected and somewhat sudden.

3. Whilst however urging upon you the necessity for restricting the number of Inquiries, the Attorney General does not desire to be understood as controlling the exercise of your discretion as to cases in which an inquiry may appear to you to be essential.

4. In cases of "*Natural Causes*" I am to invite you to forward with the proceedings in each case, a letter explanatory of any special features of the case, beyond those which may appear in the proceedings, which induced you to incur the expense of an inquiry, in order to facilitate the passing of accounts of fees which will in a measure depend on such explanation.

5. It would perhaps be desirable *whenever practicable* to communicate with the Chief or nearest officer of Police in the District, with a view of ascertaining whether any clear ground existed for suspecting that death might have been caused by some foul means, before the Crown is put to the expense of such inquiries.

6. I am also to remind you that the expense of *Medical* testimony should not be incurred except in cases in which you shall have been satisfied that a skilled and scientific examination is ABSOLUTELY necessary or that it is important to ascertain the history of deceased's case and treatment.

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

To
Coroner.

No. 5.

No. 5.

Dr. Morson to The Minister of Justice, &c.

Sir, West Maitland, 18 June, 1879.

In reference to my letter to the Colonial Secretary of date 23rd April, 1879, I beg to enclose list of some cases of inquests which occurred in my practice, and on referring to the inquest papers in the Colonial Office, I think you will come to the conclusion that most, if not all of these were unnecessary and uncalled for.

You will observe a large proportion of these cases were attended by myself and by my partner, Dr. Blackwell, before death.

On public grounds it is to be hoped the Government will put a stop to inquests on similar cases for the future.

I have, &c.,
ALEX. K. MORSON,
M.D., J.P.

[*Enclosure.*]

Brief details of some Inquests held in Maitland District.

Hornby, child, died from burns; attended from 1st May, 1870, to 7th May, by Dr. Morson and Dr. Wright, his Assistant.

Cant, W. R., young man, thrown from his horse while riding in the bush on 24th February, 1871, and taken by his companion into a house close at hand, where he was attended by Dr. Morson from 24th February, 1871, to 3rd March, 1871. Death from concussion of brain. Dr. Morson was compelled to go to Hillsboro, a distance of 10 to 12 miles, to give formal evidence in this case, and that too after attending him most carefully after accident.

Rogers, Mrs., confinement, 15 October, 1870; attended by, and received every attention from, Dr. Morson and Dr. Wright. Inquest held on 19th October, 1870. A nurse was also in attendance on this case.

Byrnes, John, thrown out of his butcher's cart in presence of a number of people, and attended by Dr. Morson before his death, 21st September, 1871.

Halcomb; inquest held 28th August, 1872. A very old man, seen by Dr. Morson before his death.

Ferris, T., 11th December, 1872, fell off his dray, which went over him. Accident seen by several parties and by Dr. Morson, who was close to the spot at the time.

Newsham, Charles, boy, got his leg accidentally broken by another boy riding against him. Dr. Morson attended him from 11th August, 1873, to 20th August, 1873, when tetanus (commonly called lock-jaw) set in, and carried patient off.

Brisden, a very old convict living at Gold Diggers' Arms, West Maitland, one day complained of feeling very ill, sat down on step, and died from old age.

Knite, W., 9th February, 1874, elderly man, accident from chain getting round his leg, and dragged by his horse through a field in presence of some neighbours and relatives. Attended from 8th April, 1876, to 15th April, 1876, by Dr. Blackwell and Dr. Wright.

Lee, Albert, 21st August, 1877, child, died from burns; seen by Dr. Blackwell before death.

Passfield, Joseph, while going home with his wife, their cart ran against a stump in the bush, and he was thrown out; constantly attended by Drs. Morson, Blackwell, and Wright from 26th March, 1878, to 1st April, 1878.

Lowe, Mrs., died of apoplexy on 22nd April, 1879; seen by Drs. Morson and Blackwell a few minutes after death; memorandum of death given by Dr. Blackwell, Government Medical Officer of the district, that death had taken place from apoplexy; Dr. Morson gave also particulars of death to policeman sent by Coroner.

The following case was mentioned to Dr. Morson some years since by the police (probably about six to eight years ago):—

A man wished to cross the Hunter River near Branxton when swollen by rain, was advised not to do so by several of his friends and neighbours; he disregarded their advice, and himself and dray were swept into deep water, and he was drowned in presence of spectators, who recovered his body. An inquest was held, and a medical man was taken up from Maitland to Branxton to certify that the deceased had met his death from drowning.

Neither Dr. Morson or any of his firm were connected with this inquest, but if required the deceased's name and the date can be obtained. The inquest papers in the Colonial Office will readily give particulars. Dr. Morson remembers seeing an account of this inquest in the newspaper at the time.

I shall be glad to be favoured with such observations as the Coroner may desire to offer hereon.—F.B.S., 25 June, 1879.
The Coroner, Maitland.—B.C., 27 June, 1879., W. E. PLUNKETT.

No. 6.

Dr. Morson to The Minister of Justice, &c.

Sir, West Maitland, 23 June, 1879.

My object in writing you at present is to point out a slight inaccuracy in my letter to the Colonial Secretary, of date 23 April, 1879. I therein state that Mr. Sloan, the undertaker, had given Dr. Blackwell's memorandum, regarding the death of Mrs. Lowe, to the Coroner. I was under the impression at the time that such was the case, but have since ascertained that the Coroner refused to accept that memorandum.

Mr. Sloan came to our surgery about 9 a.m., received said memorandum from Dr. Blackwell, and stated he would deliver the same to the Coroner at once. He went immediately to the Coroner's house, calling in at his own house to change his coat, and found on his arrival at the Coroner's that he had left the memorandum behind. He over and over again pressed the Coroner to wait a few minutes until he returned for it; but the Coroner stated it was quite useless for him to do so, as he would not accept twenty certificates if he brought them from Dr. Blackwell.

Mr. Sloan states he remained fully a quarter of an hour expostulating with the Coroner, trying to dissuade him from holding an inquest, on the ground of Dr. Blackwell having certified apoplexy as the cause of death, but to no purpose. The Coroner stated he held the inquest on account of my having sent a verbal instead of a written answer to the note sent to me by the policeman. But this is no valid reason for holding an inquest—in fact a most frivolous and absurd one. I may mention, before coming to this Colony I was in practice in London, and the late Dr. Lancaster, the Coroner for Middlesex, several times sent policemen to my surgery to make inquiry as to sudden deaths in my practice, and in every instance I gave full verbal explanations and information to the policeman, which was always accepted without giving the slightest offence to Dr. Lancaster. Moreover, a written reply was not asked for by the Coroner here, and was unnecessary when my partner had given a written memo. of the deceased having died from apoplexy to the undertaker, with instructions to hand the same to the Coroner.

One of the jurymen, Mr. Henry Fitness, was so surprised at an inquest being held on this case that he pointedly at the inquest asked if any foul play was suspected, to which the Coroner replied, "there

"there was no suspicion of foul play;" consequently I ask where was the necessity for the inquest? Probably these facts have been withheld by the Coroner. As to the opinion of the six medical men forwarded to you by the Coroner, I would ask you to take at random any six inquests that any one of them has attended, and to allow these inquest papers to be read over by an unbiassed mind, and the value that can be attached to their opinions will soon become apparent.

It is "passing strange" that such a number of unnecessary inquests as detailed in my letter to you of 18th instant should be held in my practice and none in theirs. The reason is too apparent,—they are desirous to keep up the present state of matters, while I am anxious on public grounds and for the benefit of the public to have unnecessary inquests done away with for the future; and in my attempt to do so, I am only trying to aid the Government in carrying out their own previous instructions to Coroners.

I have, &c.,
ALEX. K. MORSON,
M.D., J.P.

No. 7.

Dr. Morson to The Minister of Justice, &c.

Sir, West Maitland, 27 June, 1879.

On reading over the papers laid before Parliament relative to the inquest on the late Mrs. Lowe, I observe the Coroner charges me with having thrown every obstacle in his way in conductingh is office with a fair and impartial spirit, although he contradicts himself only a few lines further on, by stating I had not attended any inquest for nearly four years.

I utterly deny I have ever thrown the slightest obstacle in his way. His letter of date 12th May, 1879, to the Under Secretary of Justice, is a mass of contradictions and illogical reasoning. His attempt to shift the blame from his own shoulders on to mine is ludicrous. He would not put himself in communication with Dr. Blackwell, as recommended by me, although it would have taken only a few minutes to do so, because he knew Dr. Blackwell would give such a satisfactory certificate as would prevent him holding an inquest.

Mr. Fitness, one of the jurymen at the inquest, pointedly put the question, "Is there any suspicion of foul play?" to which the Coroner replied, "there was no suspicion of foul play." On reading over the papers laid before Parliament I find this question and answer omitted.

I submit the Coroner is open to grave blame in omitting in the inquest depositions such a very important question and answer, doubtless because they were so detrimental to his own cause.

I have, &c.,
ALEX. K. MORSON,
M.D., J.P.

Acknowledge.—F.B.S., 28 June, 1879. Dr. Morson, 30/6/79.

No. 8.

The Under Secretary of Justice, &c., to Dr. Morson.

Sir, Department of Justice and Public Instruction, Sydney, 30 June, 1879.

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of your letter of the 27th instant, further respecting the case of the late Mrs. Lowe.

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

No. 9.

The Coroner, West Maitland, to The Under Secretary of Justice, &c.

Sir, West Maitland, 2 July, 1879.

I beg to acknowledge the receipt of three letters written by Dr. Morson, dated the 9th, 18th, and 23rd of June last, also the list of inquests referred to therein, with his comments thereon; and in obedience to your memo. endorsed I have the honor to make the following observations:—

In the letter of the 9th ultimo Dr. Morson refers to my memorandum of the 22nd April, asking him "for an account of the death of the late Mrs. Lowe," and which he states he gave verbally to the policeman who brought it. The following report from the policeman entirely refutes that statement:— Vide Nos. 3, 5; and 6.

Police Station, West Maitland, 30 June, 1879.

Constable Thomas Lloyd reports, with reference to Mr. Coroner Pearse's memorandum of this date, when the constable called on Dr. Morson, that gentleman said, "I cannot give a certificate, as the woman was dead when I arrived there, and should Mr. Pearse require a witness he will have to summon Dr. Blackwell."

The Superintendent of Police, Maitland. THOMAS A. LLOYD,
Constable.

Constable Lloyd's report herewith.—P. Smith, S.-S., 30/6/79. The Superintendent of Police, Maitland.

Dr. Morson further states that "I did not ask whether an inquest was necessary." I certainly did not, and I have yet to learn that inquests are to be held or waived according to the inclination of the medical man who attended the deceased. I trust the practice will never prevail to enable a docter to cloke mismanagement or want of skill and frustrate public investigation, which Dr. Morson appears to desire; for his letter of the 18th ult. states that the various inquests referred to were unnecessary and uncalled for, because he or his partner attended the cases before death, thereby drawing no distinction between a person dying slowly and gradually under his treatment, and cases where he is called in at the eleventh hour, and is in ignorance of the circumstances under which the fatal injuries were inflicted.

Dr. Morson, in his letter of the 23rd ult., has perverted the truth. I never said "I would not accept twenty certificates from Dr. Blackwell." What I stated to the undertaker was, that as the precept for a Jury had already been sent out, twenty certificates could not stop it, which I believe is the law laid down by Lord Jervis.

Dr.

Dr. Morson refers to the Coroner's conduct in England when he was practising there, but I do not think he had much opportunity of obtaining knowledge, for his diploma only bears date three years before he came to reside in this town, although I have heard him say he had an extensive practice in India.

Dr. Morson's wholesale slander of all the other medical gentlemen in this district I leave alone, as it does not affect me, except where he states that "it is 'passing strange' that such a number of unnecessary inquests should be held in his practice and none in theirs," and hinting at a sinister motive on their part, which could only emanate from a disordered mind. In the discharge of my duty as Coroner I pay no respect to persons, and, no matter who the medical man may be, if a mysterious death occurs, I direct an inquest to be held, and if there are more sudden and unusual deaths occurring in those cases with which Dr. Morson is connected, it is a fact I cannot account for and was not previously aware of.

Dr. Morson furnishes the following inquests as being in his opinion unnecessary and uncalled for :—

1. Mary Ann Hornby.
2. W. R. Cant.
3. Mrs. Rogers.
4. John Byrnes.
5. Wm. Holcomb.
6. J. Ferris.
7. Chas. Newsham.
8. Wm. Brinsden.
9. W. Knife.
10. Albert Lee.
11. Joseph Passfield.
12. Margt. Lowe.

upon which I beg to make the following report :—

No. 1. M. A. Hornby (May, 1870.) The police reported that a child had been burnt to death. I ascertained that Mr. Wright—Dr. Morson's assistant—had attended the case, but when it was found the child would die, Dr. Morson paid one or two visits to enable him to give scientific evidence. I considered an inquest requisite, to ascertain *how* the injuries were received.

No. 2. W. R. Cant (February, 1871). Thrown from his horse and never regained consciousness. Dr. Morson himself reported this case to me for an inquest.

No. 3. Ann Rogers (October, 1870). A midwife had attended deceased in her confinement. Dr. Morson came, administered chloroform, and delivered a still-born child, and the mother died two days after. The public mind was alarmed over this case, and I thought an inquest requisite to ascertain if there had been any neglect.

No. 4. John Burns (September, 1871). Thrown from his cart, and died a few hours after. Dr. Day attended to this case, but Dr. Morson was present at death, and sent his groom to report the case to me for an inquest, and received the usual fee.

No. 5. Wm. Holcomb (August, 1872). Died suddenly while at work, only one other person being present, Dr. Morson—he saw deceased before death ; the newspaper states quite the contrary.

No. 6. John Ferris (December, 1872). Run over by a dray ; case reported by Captain Dye to the police. Dr. Morson states he was an eye-witness to the accident ; whereas Dr. Morson was sent for after the accident occurred, thus showing how little Dr. Morson has regard for facts.

No. 7. Charles Newsham (August, 1873). Thrown from his horse by another boy riding violently against him ; deceased died from lock-jaw. I may state that during this inquest Dr. Morson behaved in such an ungentlemanly manner towards me in open Court that I reported him to the Attorney General, and herewith annex a copy of my letter of the 22nd August, 1873, and the Attorney General's reply thereto, dated 1st September, 1873, in which the Attorney General states I exercised proper discretion in holding this inquest.

No. 8. Wm. Brisden (February, 1874). The deceased died suddenly, and before any medical man saw him. Dr. Morson states that the deceased died from old age ; his sworn evidence was, that death resulted from apoplexy.

No. 9. Wm. Knife, dragged by his horse and killed. Dr. Morson states that it was in the presence of some neighbours and relatives. Another instance of Dr. Morson's perversion will be seen by the proceedings. The deceased's son was the only person present.

No. 10. Albert Lee (August, 1877), died from burns. Dr. Morson states that Dr. Blackwell saw the deceased before death ; but that did not account for how the injuries were received.

No. 11. Joseph Passfield (April, 1878). Cart overturned, and deceased killed while under the influence of drink. Dr. Morson attended the case, but was not present when the accident occurred.

In conclusion, I would refer to the return moved for by Mr. Scholey on 17th February, 1876, of the number of inquests held by each Coroner in Sydney, Maitland, Newcastle, Goulburn, and Bathurst, by which it will be seen that the fees paid for medical men in my district are lower, and *post mortem* examinations less in number than any other district.

The three letters and list of inquests are returned herewith.

I have, &c.,
T. W. PEARSE.

[*Enclosures.*]

The Coroner, West Maitland, to The Under Secretary of Justice, &c.

Sir, Maitland, 23 August, 1873.

Charles Newsham. John Johnston

By this post I have the honor to forward proceedings in two inquests on the bodies of the within-named in the margin and enclosed. I forward vouchers in connection with the inquest held on the body of John Johnston, at Musclebrook, on the 19th instant, as well as undertaker's vouchers for the interment of Richard Whitehurst.

In the inquest on the body of Charles Newsham I forward police report on the case, as well as Dr. Morson's certificate. My reason for this step is, that at the inquest Dr. Morson was most insolent and abusive, throwing every contempt imaginable on the Court ; and although his depositions were read over for him four times, and alterations made, as the proceedings will show, not affecting their meaning, but only verbal, when just the actual words as spoken were taken down, yet Dr. Morson deemed it advisable to state, in the way of threat, that "I will make you write it over five hundred times if you do not let me write my own evidence ;" and again, "I will report you for holding this inquest."

I am rather at a loss how to deal with Dr. Morson ; his only object in attending inquests appears to be to throw contempt and disorder in any inquest he is in any way connected with. Were it an ordinary witness my way would be plain enough, by ordering his expulsion from the Court ; but in the case of a medical witness, who is alone able to give medical evidence in cases with which he may be connected, I cannot see so clear. Would you kindly advise as to what course it would in future be advisable to adopt, so as to prevent scenes of contempt and disorder caused by Dr. Morson in Court.

I have, &c.,
T. W. PEARSE,
Coroner.

The

The Under Secretary of Justice, &c., to The Coroner, West Maitland.

Sir, Attorney General's Department, Sydney, 1 September, 1873.

Referring to your letter of 22nd ultimo, complaining of Dr. Morson's conduct at inquest on Charles Newsham, I am directed by the Attorney General to inform you that if Dr. Morson preferred to write his own evidence, which might be read over in the usual manner, the difficulty complained of might be obviated. Inquest, No. 633, 21 Aug., 1873.

The Coroner is in the position of a Judge in his own Court, and is clothed with authority to preserve order, and persons may be punished for contempt. The law in such cases is pointed out in "Jervis on the Office and Duties of Coroners." I am to add that you appear to have exercised proper discretion in holding this inquest.

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

The Coroner, West Maitland, to Dr. Morson.

Dear Sir, West Maitland, 3 July, 1879.

Referring to a conversation this morning between yourself and a mutual friend on the subject "*re* inquests in the Maitland District," and lately brought under the notice of the Government, and in which I was under the impression that motives of greed had been imputed to me in holding certain inquests, I am very pleased to be made acquainted with the fact that you did not intend to imply the matter in the way in which I had looked upon it, but as a general matter, and as one relating to the Colony generally. If such be the case I shall be most happy to learn so from you.

Yours faithfully,
T. W. PEARSE.

Dr. Morson to The Coroner, West Maitland.

Dear Sir, West Maitland, 4 July, 1879.

I am in receipt of your note of yesterday's date, and in reply beg to say, that with reference to the words in my letter to which you refer, and which, you assume, were intended to apply to you, I think that if you had read my letter carefully, and especially that portion immediately preceding the words quoted by you, you would at once have seen that what I wrote was applicable to Coroners generally, and not to you individually. The vindication of a principle has been my sole object throughout this controversy.

Yours faithfully,
ALEX. K. MORSON, M.D.

The above is a true copy of the original.—A. VINDIN, J.P.

No. 10.
Dr. Morson to The Under Secretary of Justice, &c.

Sir, West Maitland 3 July, 1879.

On looking over the papers laid before Parliament, relative to the inquest on the late Mrs. Lowe, I observe the Coroner of this district, in his letter to the Under Secretary of Justice of 12th May, 1879, states he could "not withdraw from holding an inquest, having issued proceedings," and in support of his view he gives a quotation from Lord Chief Justice Jervis' work on Coroners. I submit, however, that this view is completely contrary to modern procedure; and in support of my view I beg to enclose copy of an extract from the *Lancet* of 15 January, 1876, page 105, from which you will observe Mr. Cross, the Home Secretary, severely rebukes Dr. Hardwicke, the Coroner for Middlesex, for not abandoning an inquest he had commenced, after a satisfactory certificate of death had been produced. In this case the inquest had progressed so far that a *post mortem* had been made, and yet Mr. Cross states the inquest should have been abandoned. I can, if required, send the editorial article in the *Lancet*, strongly condemning Dr. Hardwicke's action on this inquest.

This extract clearly proves that Coroners have the power (and it is the usual custom) to withdraw from inquests already begun if satisfactory certificates of death are produced. It also proves that if a man is found dead (as Mr. Acton was) under no suspicious circumstances, an inquest is unnecessary if sufficient medical evidence as to cause of death is given.

In my letter to you of 18th June, handing a list of inquests, I omitted in the case of Mrs. Rogers, who died after her confinement (and who at her confinement and up to the date of her death received every possible attention that could be paid by medical men to a patient), to state that at the time of the inquest I asked the Coroner why he held this inquest, and he informed me Mr. Morisset, the Superintendent of Police here, had authorized it, but this Mr. Morisset most strenously denies.

I have, &c.,
ALEX. K. MORSON,
M.D., J.P.

[*Enclosure.*]

Extract from the *Lancet* of 15th January, 1876, page 105.

Dr. Hardwicke and the late Mr. Acton.

THE following communication has been received by Mr. William Acton from the Home Office, in answer to the statement which he felt it incumbent upon him to make in reference to the unnecessary inquest held on his late father by the Coroner for Central Middlesex.

Sir, Whitehall, 7 January, 1876.

I am directed to acquaint you, in reference to your letter of the 10th ultimo, that after receiving a statement from the Coroner respecting the circumstances under which he held an inquest in the case of your late father, Mr. W. J. Acton, Mr. Secretary Cross has caused a letter to be addressed to Dr. Hardwicke, of which a copy is enclosed for your information.

William Acton, Esq., 17, Harley-street.

I am, &c.,
A. F. O. LIDDELL.

[*Sub-enclosure.*]

Mr. A. F. O. Liddell to Dr. Hardwicke.

Sir, Whitehall, 7 January, 1876.

After careful consideration of your letter of the 29th ultimo., I am directed to state that, while admitting that you were probably right in ordering an inquest in the case of the late Mr. Acton in the first instance, Mr. Secretary Cross cannot think that your discretion was wisely exercised in going on with it after seeing Dr. Murchison's certificate, who, it appeared, had attended the deceased for weak heart as late as October, and who stated in his certificate that "William John Acton, aged sixty-two last birthday, repeatedly consulted me during his lifetime for symptoms of weak heart, and that I last saw him in October, and that he died on December 7th, at 17, Harley-street, and that the cause of his death was fatty degeneration of the heart, confirmed by *post mortem* examination." Mr. Cross agrees entirely that no distinction between rich and poor should be made in these cases, but he considers that a Coroner, in the exercise of his discretion as to whether an inquest is necessary or not, should weigh each case with most careful discrimination; and he cannot refrain from expressing his regret that you felt it to be your duty to proceed with the inquest in this case, although he has no reason—any more than the Jury had—to doubt your *bonâ fides* in so doing.

I am, &c.,
A. F. O. LIDDELL.

Sydney: Thomas Richards, Government Printer.—1879.

[6*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(CIRCULAR LETTER TO CORONERS, *RE* ATTENDANCE OF MEDICAL PRACTITIONERS AT INQUESTS.)

Ordered by the Legislative Assembly to be printed, 4 February, 1879.

[*Laid upon Table in accordance with promise made in answer to Question* 8, *Votes No.* 64, *4th February*, 1879.]

(Circular.)

Sir,

Crown Law Offices, Sydney, 10 August, 1869.

Referring to cases in which it may be necessary to hold Inquests or Magisterial Inquiries upon the remains of deceased persons, and to procure the attendance of Medical Practitioners, I am directed by the Attorney General to state that it is the wish of the Government that in all such cases preference should be given by Coroners and Justices to the employment of the Government Medical Officers or gratuitous Medical Attendants of Hospitals and Benevolent Asylums if at hand and willing to attend, provided no special grounds shall exist for calling in some other practitioner. I am at the same time to observe that the expense of medical testimony should not be incurred except in cases in which you shall have been satisfied that a skilled and scientific examination of the body is necessary, or that it is important to ascertain the history of deceased's case and treatment.

I have, &c.,

The Coroner,

W. E. PLUNKETT.

[3*d*.] 438—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MR. A. T. DARBY.)

Ordered by the Legislative Assembly to be printed, 10 *June*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 2 April, 1879, That there be laid upon the Table of this House,—

"A copy of the information laid by John Flannigan, Senior Constable at "Barraba, against Mr. A. T. Darby for a breach of the Vagrant Act; also, "of all proceedings taken thereon, and of the order of the Justices before "whom the same was heard; also, all letters written by Mr. Darby in "reference to the same, and complaining of the conduct of the said John "Flannigan; and all letters and reports written or sent by Mr. Superin-"tendent Garland in reference to the same; and all letters and reports sent "by the said John Flannigan in reference to the same."

(*Mr. W. C. Browne.*)

SCHEDULE.

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ADMINISTRATION OF JUSTICE.

No. 1.

The Bench of Magistrates, Barraba, to The Minister for Justice, &c.

Sir, Court House, Barraba, 19 April, 1879.

In compliance with your request in letter of 8th instant (No. 79–2,960), the Bench begs to enclose the information, summons, and depositions asked for, which are all the Bench are in possession of.

I have, &c.,
E. NEWTON, J.P.,
(For Barraba Bench).

[*Enclosure.*]

Barraba, New South Wales, } to wit. }

INFORMATION UNDER 15TH VIC., No. 4.

BE it remembered, that on this 22nd day of October, in the year of our Lord one thousand eight hundred and seventy-three, at Barraba, in the Colony of New South Wales, John Flanagan, of Barraba, in said Colony, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen in and for the Colony of New South Wales, and informs me, that on the twenty-first day of October, in the year of our Lord one thousand eight hundred and seventy-three, that one Arthur Swift Darby, of Burindi, in said Colony, did, in a certain public place situate and being in the said Barraba, in the Colony of New South Wales, called Police Station, and within the hearing of persons then and there being, make use of threatening and provoking language towards this informant, whereby a breach of the peace might have been occasioned, contrary to the form of a certain Act of the Governor and Legislative Council of New South Wales, made and passed in the fifteenth year of the reign of Her present Majesty. And thereupon the said John Flanagan, constable, prays that I, the said Justice, will proceed in the premises according to law.

Exhibited at Barraba, in the said Colony, on the day first above written, before me,—

E. NEWTON, J.P.

SUMMONS.

To Arthur Swift Darby, of Burindi, in the Colony of New South Wales,—

WHEREAS an information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that you did, on the 21st day of October instant, in a certain public place situate and being in the town of Barraba, in the said Colony, called the Police Station, and within the hearing of persons there and being, make use of threatening and provoking language calculated to cause a breach of the peace: These are therefore to command you, in Her Majesty's name, to be and appear, on Tuesday, the fourth day of November instant, at 10 of the clock in the forenoon, at the Barraba Police Office, Barraba, in the said Colony, before such Justice or Justices of the Peace for the said Colony as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this 22nd day of October, in the year of our Lord one thousand eight hundred and seventy-three, at Barraba, in the said Colony.

E. NEWTON, J.P.

Police Court, Barraba, 4 November, 1873.

Before F. T. Rusden, Esq., J.P., and Theodore Harden, Esq., J.P.

POLICE *v.* DARBY.

Constable Edward Drew, stationed at Barraba, being duly sworn, stated:—On the 21st October last the defendant, Arthur Swift Darby, came to the Police Barracks with a summons: it was not a Court day; I told him it was not a Court day; he then commenced to abuse Mr. Flanagan; said he ought to know his duties better—for he did not know them—and he should be taught them, and he would teach him; he left then and came about an hour afterwards back again with Mr. Newton; the defendant came to the door of the Police Court, and rapped, and demanded admittance; in a short time Mrs. Flanagan opened the door, and defendant and Mr. Newton came in; he said to Mr. Newton that Mr. Flanagan had got out of the way so that his case should not be brought on; he said, "I will teach him his duty"; I said, "Mr. Flanagan knows his duty better than you can tell him"; Constable Flanagan was away on prisoner's escort; defendant said, "I will have none of your impertinence you constable"; Mrs. Flanagan had to go to her bedroom, and leave the room where we were; the court room is part of the private dwelling of Constable Flanagan's, except on Court days; in general the court day is on the first Tuesday in every month; the defendant's language and manner was overbearing and provoking.

EDWARD DREW.

Constable Drew, cross-examined by defendant:—The threatening language was that you would report Mr. Flanagan, and teach him his duty; I do not recollect that you said this with the proviso that you said it; if the statement was true you had received from your messenger, you used provoking language against the police generally, that if the constables were allowed to act as they did you would see into it; Mr. Newton was with you the first time you came to the Police Office as well as the second time; I did not know that the summons that you had was returnable on the 21st day of October; I have ascertained since that it was; there was no bench that day; Mr. Newton sat down on a chair in the room; I believe you addressed Mr. Newton as His Worship"; there was some conversation about a summons being returnable that day; I do not recollect that you complained about the non-attendance of the defendant in the case of the summons you held; I was standing near the table when you were speaking to Mr. Newton; you were looking sometimes at me when you were speaking to Mr. Newton; I distinctly state my evidence is correct as to the words taken down; I do not recollect any other provoking and threatening words used by you, except what I have stated.

EDWARD DREW.

Sworn before us,—
F. T. RUSDEN, J.P.
THEODORE HARDEN, J.P.

For the defence:—

Edward Newton, J.P., being duly sworn, stated:—I recollect the 21st of October last; I recollect your asking me whether the Magistrates would be in the Court that day; I said I did not know—there were none in yet; I did not know that a summons was returnable for that day; I had heard however something about a summons; I believe now it was returnable on that date; I came over to the Court with you to see whether there would be a Bench; you were addressing me and others—Constable Drew was one, as also Mr. Halloran; you told Constable Drew you were disappointed, there being no Court day, and that you believed it was done on purpose; you spoke in warm language, and implied the constables were not doing their duty.

By

By the Bench :—Defendant used very warm language, and Constable Flanagan was above his duty, and he (defendant) would teach him ; I here state that the reason I granted this summons was that Constable Flanagan said that had he been at home a breach of the peace would have occurred.

By defendant :—There was no "if" in regard to the statement of your messenger.

E. NEWTON.

Case dismissed, with caution to defendant.

Sworn before us, this 4th day of Nov., 1873,—
F. T. Rusden, J.P.
Theodore Harden, J.P.

No. 2.

The Inspector General of Police to the Under Secretary, Colonial Secretary's Department.

Police Department, Inspector General's Office, Sydney, 18 December, 1873.

The papers respecting the complaint referred to herein, transmitted from the Colonial Secretary's Office to the Bench of Magistrates at Barraba, are returned herewith, with the Magistrates' reports thereon.

JNO. McLERIE, I.G.P.

[*Enclosure* 1 *in No. 2.*]

A. S. Darby, Esq., to The Colonial Secretary.

Sir, Exchange, Sydney, 26 November, 1873.

I have the honor to address you with respect to the conduct of Constable John Flanagan in his capacity of Acting Clerk of Petty Sessions for the township of Barraba, in the police district of Tamworth.

Early last month I applied to a local magistrate, Mr. Cheeseborough, for a summons under the Masters and Servants' Act against one of my servants Mrs. Mary Sruhan, the summons and copy as well as the information being prepared by myself and Mr. Cheeseborough, without assistance from the Acting Clerk of Petty Sessions. The day fixed for the return thereof, namely, Tuesday, 21st October, was approved of by Mr. Cheeseborough, who promised to attend on that day; as another magistrate resides in Barraba there accordingly appeared no difficulty in getting a Court of Petty Sessions for that day.

The copy summons was served by myself, and as I reside on my station of Burrindi, at a distance of 12 miles from Barraba, Mr. Sinclair, the postmaster, took the necessary papers to the Acting Clerk of Petty Sessions, Constable Flanagan, in order to have the case entered in the charge sheet, with a polite request from me that arrangements should be made to have a second magistrate present on the day named.

Constable Flanagan however refused to take the papers at all on the alleged ground that the day named was not a usual court day (although the law as well as the local custom is that a court can be held on any day when two magistrates are present), and also upon the alleged ground that the fees were not paid.

Mr. Sinclair asked him if he would take the papers if the fees were paid, but he said he would have nothing to do with them. I may state that it is not the usual practice in country districts to demand fees until the case comes on to be heard, and as in this case the Clerk of Petty Sessions had neither prepared, sworn, nor served any of the papers, no fee was payable at all as I have now ascertained.

It appears that Constable Flanagan, acting as Clerk of Petty Sessions, told defendant she need not attend upon the summons, because as he stated it was irregularly served, inasmuch as the original summons had not been served upon her; it also appears that he rode to Mr. Cheeseborough's station to ascertain whether the copy of his signature to the copy summons served upon the defendant was not a forgery.

On the return day of the summons I attended in Barraba for the purpose of having the case heard, and then found that Constable Flanagan had gone to Tamworth without making any arrangements for having the court opened on that day, and that he had refused to receive the papers as before stated.

After much difficulty I succeeded in getting the court opened by Mrs. Flanagan, and the case was postponed by Mr. Newton, J.P. (in the absence of the defendant and of a second magistrate), until the 4th of November.

I made a complaint to the magistrate respecting the foregoing conduct of Constable Flanagan, in the presence of Constable Drew, stating, that if the facts were as represented to me, Constable Flanagan, acting as clerk of the court, could not know his duty, and if so, the sooner he was taught the better. Constable Flanagan was not present, but on his return he took out a summons against me, returnable on the 4th instant, upon a charge under the Vagrant Act for using threatening and provoking language calculated to induce a breach of the peace—the language complained of being in fact the statement already referred to as made by myself to the magistrate and which was made in the absence of Constable Flanagan. The summons was signed by Mr. Newton.

I attended the Barraba Police Court on the 4th instant, on which occasion I had three cases to be heard, viz. :—

1. *Myself v. Mrs. Sruhan—neglect of duty.*
2. *Mrs. Shruhan v. myself—wages.*
3. *Flanagan v. myself—threatening language.*

As to the first of these cases, I found that Constable Flanagan had not entered it in the charge sheet, his alleged reason then being non-payment of fees.

The fees demanded were 6s. 6d., which I paid and applied to the Magistrates that the case might be entered on the list and taken first. During my application Constable Flanagan opposed my application, and in doing so interrupted me with great impertinence several times.

He also seized me and gave me a violent push, saying, "Get out of the light Darby," and otherwise treated me in a most insolent and impertinent manner; after a violent oppositionon the part of this officer, the Magistrates, Messrs. F. T. Rusden and T. Harden, decided to hear the case in question last instead of first.

During the progress of the wages case, Mrs. Sruhan against myself (which was decided against me), Constable Flanagan frequently threatened to lock me up and to turn me out of court whilst I was conducting my case and cross-examining the complainant, addressing me as "*Darby*" and "*Arthur Swift Darby, of Burrindi, shepherd,*" and otherwise conducting himself in a most offensive and indecorous manner, amounting to a denial and contempt of justice, and attempting to exercise a terrorism not permitted in a British Court of Justice. The order in this case was drawn up charging me 6s. 6d. for costs of Court, and I had also to pay 1s. upon the order in addition.

During the hearing of Constable Flanagan's prosecution against me, which was subsequently dismissed, he also professed to act as constable and clerk of the court, or presumed upon his official dignity by frequently threatening to lock me up, and to turn me out of court, and otherwise continuing his indecorous conduct. During the examination of Mr. Newton, J.P., whom I called as a witness, Mr. Newton having stated on oath that he would not have issued the summons against me only that Flanagan had told him that if he had been present on the former occasion of my making my complaint against him on the 21st October, he would have knocked me down. At this stage Constable Flanagan said, "I would too," which statement he repeated in several different forms to the Bench. After the termination of this case I applied for a copy of the depositions which Constable Flanagan refused to give me although ordered by the Bench.

Feeling much aggrieved at the conduct of Constable Flanagan in his capacity of Acting Clerk of Petty Sessions, I have taken the opinion of Mr. Rogers, the Crown Prosecutor for the Tamworth District, of which I have the honor to enclose a copy. I have also in pursuance of Mr. Rogers' opinion this day addressed a letter to the Inspector General of Police with respect to so much of the conduct of the officer in question as properly falls within his immediate department.

I have therefore the honor to submit :—

Firstly—That under the foregoing circumstances Constable Flanagan is quite unfit to discharge the duties of Clerk of Petty Sessions at Barraba.

Secondly—That the fee of 6s. 6d. in my case against Mrs. Sruhan was illegally and improperly demanded, and that at any rate it was excessive, as under no circumstances should more than 5s. 6d. have been demanded.

Thirdly—That the fee of 7s. 6d. charged in the case, Sruhan against myself, was excessive and illegal ; that at most it should not have exceeded 4s. 10d., with 1s. added for the order if drawn up.

Fourthly—That in the future the Clerk of Petty Sessions at Barraba may be cautioned against permitting the demand of excessive fees in such cases, and if necessary be furnished with the opinion of the Crown Law Officers on the subject.

I have the honor to request that all communications in connection with this matter may be sent to the care of my solicitors, Messrs. Roxburgh, Slade, and Spain, at the above address.

I have, &c.,
A. S. DARBY.

The Bench of Magistrates will kindly report upon this complaint.—W.G., (for the U.S.), B.C., 29 Nov., /73. To be returned. Urgent.

[*Enclosure referred to in above.*]

Ex parte DARBY *in re* FLANAGAN.

121, Elizabeth-street, Sydney, 24 November, 1873.

I HAVE read the summons and statement of facts in this matter, and have also heard Mr. Darby's account of the proceedings in the Barraba Police Court which seems to have been very irregular and disgraceful, and I cannot understand how they could have been permitted by the presiding Justices. I am of opinion that Mr. Darby has a good cause of action against Constable Flanagan for malicious prosecution in causing the issuing of the summons, but under all the circumstances of the case I think it would be advisable to report the conduct of this constable to the Inspector General of Police, and especially his behaviour at the hearing of the case in the Police Court, and I advise this course in preference to the commencing of an action because Mr. Darby's object is not to obtain damages from this constable, but simply to have him restrained within the proper bounds of his duty, and that end I think will be gained by having all the circumstances laid before the Inspector General.

F. E. ROGERS.

I may add that should the Inspector General decline to interfere, Mr. Darby's right of action will of course be in no way prejudiced.—F.E.R.

[*Enclosure 2 in No. 2.*]

The Inspector General of Police to Police Superintendent Garland.

27 November, 1873.

As no doubt the original of the within complaint will be referred to me by the Colonial Secretary, I transmit the papers to Mr. Garland for inquiry and report.

Had Mr. Darby any grounds for complaint he should have represented the same to the Bench of Magistrates at the time as the proper tribunal to deal with the same.

It will be now necessary for Mr. Garland to place himself in communication with all the Justices named, showing them the complaint, and requesting them to favour me with their observations in writing for the information of the Colonial Secretary.

S.-C. Flanagan to afford an explanation in writing.

JNO. M'LERIE, I.G.P.

[*Enclosure 3 in No. 2.*]

A. S. Darby, Esq., to The Inspector General of Police.

Sir, Exchange, Sydney, 26 November, 1873.

I have the honor to bring under your notice the conduct of Constable Flanagan, stationed at Barraba, in the Police District of Tamworth, as detailed in the enclosed copy of a document which I intend sending to the Colonial Secretary with respect to so much of Constable Flanagan's duties as relate to the office of Acting Clerk of Petty Sessions at Barraba.

I submit that an inquiry should be made into the constable's conduct as such, and if the charges be well founded that immediate steps should be taken to prevent their recurrence.

I have, &c.,
A. S. DARBY.

[*For sub-enclosure referred to see original letter—Enclosure No. 1.*]

[*Enclosure 4 in No. 2.*]

Police Superintendent Garland to Constable Flanagan.

Police Department, Superintendent's Office, North-western District, Tamworth, 1 December, 1873.

MEMO.

I forward these complaints for Constable Flanagan's report, which it is necessary should be as explicit as possible on each separate paragraph.

I have addressed letters to Messrs. Cheesbrough, Rusden, and Newton, three of the magistrates named (Mr. Harden having gone to Queensland), stating that Constable Flanagan will afford them an opportunity of perusing the complaints, and requesting that each will be good enough to furnish his observations of what came within his knowledge. Constable Flanagan will therefore without delay take the papers to these gentlemen severally, for this purpose, and return them with the reports.

JAS. GARLAND,
Superintendent of Police.

[*Enclosure 5 in No. 2.*]

Police Superintendent Garland to The Inspector General of Police.

Police Department, Superintendent's Office, North-western District, Tamworth, 16 December, 1873.

MEMO.

See Enclosure No. 1.

I return this complaint with the annexed reports to the Inspector General, and also the original forwarded from the Chief Secretary to the Bench of Magistrates, which they have directed Flanagan to send with the other papers, no doubt intending their report to reply to it.

The complaints appear to me to contain a great deal of exaggeration and misrepresentation. It does not appear to have been the case that the 21st October was an authorised Court day, as stated, or that Mr. Cheesbrough promised to attend. He says he distinctly told Mr. Darby he would not. I hardly think Flanagan would be justified in entertaining the case without some urgency being shown, or the fees paid, especially when he knew he would be absent on police duty. I have always instructed the police acting as C.P.S. to receive the fees before the hearing of the cases, otherwise they would probably have to pay them themselves. It does not appear to be true that Mr. J. Sinclair tendered the fees or that those claimed and adjudged by the Bench were excessive. It was certainly an unusual proceeding to summon any one for using threatening language calculated to provoke a breach of the peace, when the person so supposed to be provoked was not

not present, but when all the circumstances were stated I think the magistrate was equally to blame. If Mr. Darby had the assurance to stand up and smoke in the only opening giving light to the Court, I think a constable was hardly exceeding his duty in removing him. It does not appear that any violence was used.

Constable Flanagan is an exceedingly honest, active, and generally well-conducted member of the Force, but he is of an excitable temper and was not justified in bandying words as he appears to have been doing with Mr. Darby, when he must know that in his responsible position he lays himself open to be reported for any incautious proceeding whatever the provocation may be.

The magistrates seem to have the utmost confidence in him.

JAS. GARLAND,
Superintendent of Police.

[*Enclosure* 6 *in No.* 2.]

Constable Flanagan to Police Superintendent Garland.

Police Station, Barraba, 13 December, 1873.

Constable John Flanagan (No. 914) reports with reference to Mr. Darby's charges:

That a summons was brought to him by a Mr. Sinclair, without the fee, returnable on a date when no Court was to be held; he therefore in duty bound declined to accept it.

He was necessarily absent on a prisoner's escort, on the 21st October, and on his return he was informed by Constable Drew that Mr. Darby had been at the station and made use of insulting and threatening language, and also expelled the wife of Constable Flanagan from her room.

It is not true that Mr. Darby was seized by him and violently pushed.

Mr. Darby was ordered by the Bench to keep quiet; he then left the room, and soon after returned smoking; Constable Flanagan said "Will you stand out of the light (or doorway), and take that pipe out of your mouth"? Mr. Darby replied "You common constable, how dare you speak to me"?

6s. 6d. is the usual fee for all summonses, and was allowed by the Bench in the case, Sruhan *v.* Darby, with 1s. added for copy of order of justice.

It is not true that a copy of the depositions was ordered by the Bench in the case Flanagan *v.* Darby; no such order was made.

Mr. Darby's statement in general is most grievously false, and therefore the constable begs to leave the matter entirely in the hands of the magistrates.

He must, however, state that he feels aggrieved at Mr. Darby's conduct in his absence on the 21st October, as also on another occasion that he came to the station in a drunken state, and wanted to know if his wife was a sworn-in constable, and other insulting expressions.

JOHN FLANAGAN,
Constable.

Barraba, 9 December, 1873.

I brought a summons to Mr. Flanagan from Mr. Darby; Mr. Flanagan asked me if I had the fee; I said "no." I did not offer to pay the fee.

JAMES SINCLAIR.

[*Enclosure* 7 *in No.* 2.]

Police Superintendent Garland to Messrs. Cheesbrough, Newton, and Rusden, J.P's.

Sir, Police Department, N. W. District, Tamworth Station, 1 December, 1873.

Mr. A. S. Darby has made complaint to the Honorable the Colonial Secretary, respecting the conduct of Constable Flanagan with regard to the way in which he has been discharging his official duties, and I am required to place myself in communication with the several magistrates concerned, and to request the favour of their observations in writing on the matters referred to, for the information of the Inspector General, in order that he may be enabled to report fully upon them. I have directed Constable Flanagan to furnish you with a perusal of the complaints, from which you will perceive how far you are alluded to, and what it will be necessary for you to state in justice to both parties.

Begging your early attention to this matter,

I have, &c.,
JAS. GARLAND,
Supt. of Police.

A similar letter was addressed to Messrs. Cheesbrough, Newton, and Rusden, J.P's. Mr. Harden is absent in Queensland, and his address is at present not known.

[*Enclosure* 8 *in No.* 2.]

F. T. Rusden, Esq., J.P., to Police Superintendent Garland.

Sir, December 5, 1873.

In reporting on the complaint of Mr. A. S. Darby against the Acting Clerk of Petty Sessions of Barraba, as requested by your communication to the Barraba Bench, dated the 29th November, I beg to state that Mr. Harden and myself were the sitting magistrates on the 4th of November. I have taken the liberty to number in pencil the paragraphs of the complaint as a reference to my answers.

3. When the Court was opened, the Bench ruled that a clerk of petty sessions was justified in not receiving a return summons without the fees being paid.

4. Mr. Sinclair did not offer to pay the fees, as his memorandum shows.

6. The usual Court day is the first Tuesday in the month, unless in criminal cases, to avoid the detention of prisoners.

10. The printed charge for fees furnished by the Government to the Barraba Bench states 6s. 6d., and Mr. Darby only paid what others do.

11. This statement is not correct; the Court-house is badly lighted, the light coming chiefly from the door, and it is necessary not to have a person standing in that light. The Clerk of Petty Sessions did put his hand on Mr. Darby to stand on one side, but no violence whatever was used. There was no altercation about which case was to be heard first. Mr. Darby's case against Shruhan, when the fees were paid, was placed on the charge sheet under those already there, and the Bench decided to hear the cases as entered.

12. The expression "Shift Darby, shepherd," was, I have been told, used by the Clerk of Petty Sessions to Mr. Darby when smoking in the verandah near the door of the Court. I did not hear these words spoken in Court. It was not in Shruhan's case that Constable Flanagan in his excitement once used the expression "I will lock you up," but in the case of Flanagan *v.* Darby, for threatening language, and he was checked by Mr. Harden and myself for using it. I spoke to the Clerk of Petty Sessions about it after the Court.

13. The Bench during the case said it would be better at once to hear Mr. Newton, but Mr. Darby said he wished to go on with Constable Drew's examination as soon as Mr. Newton was heard; the Bench at once dismissed the case.

With regard to the expression used by the Clerk of Petty Sessions, had I been there a breach of the peace would have been committed (as Mr. Newton's evidence shows). This no doubt was highly improper, and he was checked for it, but it was used by the Clerk of Petty Sessions to Mr. Newton under great excitement and provocation, he having just heard that Mr. Darby had threatened to get him broke, and that he (Flanagan) had been accused of *intentionally absenting himself*, so that his (Darby's) case might not be heard.

As it has come to a serious matter between these two parties, I think it is only just to state that Flanagan, as constable, has used great forbearance in not taking steps against Mr. Darby when drunk and disorderly in Barraba, and though hasty (for which I have spoken to him seriously) I think him a painstaking and deserving officer.

On the opening of the Court there was some conversation about the fees, and Mr. Darby's summons against Shruhan not being received, and it was then the Bench found it almost impossible to stop either party from rapping out strong expressions before they could stop them,—the Court virtually not sitting then, but hearing what each party had to say.

Constable Flanagan is a terror to the evil doers in the district, and it would be a great pity that he should be removed.

I have, &c.,
F. T. RUSDEN, J.P.

[*Enclosure* 9 *in No.* 2.]

J. S. Cheesbrough, Esq., J.P., to Police Superintendent Garland.

Tareela, Barraba, 6 December, 1873.

Sir,

In answer to your letter of 1st instant (No. 73/365) relative to Mr. A. S. Darby's complaint to the Colonial Secretary of the conduct of Constable Flanagan, and requesting my observations thereon, I have the honor to say that having seen the letter of complaint, I notice in the second paragraph it is said that Mr. Cheesebrough promised to attend at the Court House, Barraba, on a day named. *This is not true.* I distinctly told Mr. Darby *that I would not attend.* I know nothing of the other proceedings. Since Constable Flanagan has been stationed at Barraba I have not known him to be negligent in his duty or offensive in its performance.

I have, &c.,
JSH. W. CHEESBROUGH, J.P.

[*Enclosure* 10 *in No.* 2.]

E. Newton, Esq., J.P., to Police Superintendent Garland.

Barraba, 8 December, 1873.

Sir,

I am in receipt of your letter of 1st instant (No. 73 365). I have also had a perusal of Mr. Darby's complaint—a report made against Constable Flanagan's conduct. As a constable and acting Clerk of Petty Sessions I, as a magistrate, have no fault to find with Constable Flanagan in regard to the way he has performed his official duties, nor have I heard any of our Bench complain; he has always shown himself anxious and energetical. In referring to the Court held at Barraba on the 4th November last, I beg to state that I did not sit on the Bench that day as I was a witness; consequently, was not in the Court during the whole of the proceedings. During the time I was in Court there was some little altercation between Constable Flanagan and Mr. Darby—something about Court fees, and something which, I think, would have been much better if silenced by the Bench. I may add, that sometime after a Court was established here we had some difficulty in forming a Bench at indefinite periods; consequently, we made a rule to hold a Court on the first Tuesday in every month, unless in very urgent cases. The day (21st October) named in Mr. Darby's report was not our usual Court day, and there were no magistrates present but myself.

I am, &c.,
E. NEWTON, J.P.

[*Enclosure* 11 *in No.* 2.]

The Inspector General of Police to A. S. Darby, Esq.

Police Department, Inspector General's Office, Sydney, 29 December, 1873.

Sir,

With reference to your letter, dated the 26th instant, complaining of the conduct of Constable Flanagan as Acting Clerk of Petty Sessions at Barraba, I have the honor to state that, as you referred the matter to the Honorable the Colonial Secretary, who has obtained the report of the Magistrates at Barraba regarding the circumstances, it is unnecessary for me to reply generally on the subject. I may, however, state that Constable Flanagan has been exonerated from blame.

I have, &c.,
JOHN McLERIE,
Inspector General of Police.

No. 3.

Minute of The Colonial Secretary.

Mr. Darby's complaint against Constable Flanagan, acting Clerk of Petty Sessions at Barraba. The Minister of Justice. H.P., 12/1/74.

The Under Secretary, Law Department.—W.G. (for the U.S.), B.C., 12 Jan., /74.

No. 4.

Minute of the Minister for Justice, &c.

In the main the Magistrates' reports are contradictory of the charges made by Mr. Darby against Constable Flanagan, although the latter appears in a moment of excitement to have used unbecoming language. I see no necessity for any further interference.

G.W.A.

The Minister has inquired into this matter, and sees no necessity for further interference.—W.E.P., 27/5/74. Mr. Darby informed, 27/5/74.

No. 5.

The Under Secretary, Department of Justice, &c., to A. S. Darby, Esq., J.P.

Department of Justice and Public Instruction, Sydney, 27 May, 1874.

Sir,

With reference to your letter of 26th November last, complaining of conduct of Constable Flanagan, Acting Clerk of Petty Sessions at Barraba, I am directed to inform you that the Minister of Justice and Public Instruction having inquired into the matter, sees no necessity for further interference.

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

Sydney: Thomas Richards, Government Printer.—1879.

[6*d*.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(CASES OF GORMAN, KAYE, HOBBS, AND JONES,—MEDCALF AND WILKINSON,—AND THE ABORIGINAL ALFRED.)

Ordered by the Legislative Assembly to be printed, 3 *July*, 1879.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 18 June, 1879, praying that His Excellency the Lieutenant-Governor will be pleased to cause to be laid upon the Table of this House,—

"All Petitions, Letters, Papers, Judge's Reports, and Minutes of the "Executive Council, in the case of the Hatfield Bushrangers, condemned "to death and reprieved, Medcalf and Wilkinson, condemned to death and "reprieved, and Alfred, an aboriginal, condemned to death and executed."

(*Mr. Buchanan.*)

ADMINISTRATION OF JUSTICE.

Case of Gorman, Kaye, Hobbs, and Jones.

Minute of the Executive Council.

At Government House, Sydney, 6 May, 1879.

PRESENT:—

His Excellency the Lieutenant-Governor.
The Honorable the Vice-President.
The Honorable the Colonial Secretary.
The Honorable the Colonial Treasurer.
The Honorable the Secretary for Works.
The Honorable the Secretary for Mines.
The Honorable the Minister of Justice and Public Instruction.
The Honorable the Postmaster General.

HIS Excellency the Lieutenant-Governor lays before the Council the report of His Honor Sir William Manning of the capital convictions of Thomas Gorman, William Kaye, William Hobbs, and Charles Jones, at the recent assizes at Deniliquin, of having wounded Thomas Power (a constable) with intent to murder.

His Honor being in attendance, and the said report and petitions having been read, he affords the Council such further information as they deem to be necessary.

The Council, having maturely deliberated, are of opinion that the capital sentence should not be carried out, in any of the said cases, and accordingly advise that the capital sentence be commuted in each case, as follows:—

1. *Thomas Gorman:* To hard labour for twenty-one (21) years on the roads or other public works of the Colony—the first three years in irons.
2. *William Kaye:* To ten (10) years hard labour on the roads or other public works of the Colony.
3. *William Hobbs and Charles Jones:* To fourteen (14) years hard labour on the roads or other public works of the Colony—the first three years in irons.

ALEX. C. BUDGE,
Clerk of the Council.

Judge's Report.

REPORT of His Honor Sir W. Manning on the cases of the Queen *v.* Thomas Gorman, William Kaye, William Hobbs, and Charles Jones.

THESE four men were tried and convicted before me at Deniliquin, on the 18th instant, upon an information charging them with having wounded one Thomas Power, constable, with intent to murder.

Sentence of death was pronounced by me upon them all, on the following day.

The general circumstances of the case are probably well known to His Excellency the Governor and the Members of the Executive Council; but it will nevertheless be desired that I should furnish a short narrative of the facts as they appeared in evidence before me, for the more exact understanding of the case and of the degrees of guilt attaching to the several convicts.

They were of the following ages:—Gorman (the leader), 21; Kaye, 18; Hobbs, 32; and Jones, 21. The first-named came from Victoria, of which he is stated to be a native. It did not appear where the others came from, but all had been for some weeks in the neighbourhood of Hatfield; the three younger ones having been engaged partly in collecting wild horses; and the other man (Hobbs), who is said to have a crippled hip, having been cook at a public-house at or near Hatfield. There were five committals against these men, but they were tried upon the single charge of wounding with intent to murder one of the constables engaged in their apprehension. In that case however the offences included in the other charges were proved for the purpose of proving the right to arrest them, and to show that the final offence committed in resisting apprehension was the result of a combination, so as to make them all responsible for the act of one of their party in wounding the constable.

The first actual offence (which was not however the subject of either of the five committals) was nothing beyond a violent and apparently a mere drunken assault, committed by Gorman and Jones on Mr. Granger, a storekeeper at Hatfield, and his assistant, Mr. Day, on Friday, 21st February last.

The second was as follows:—In the afternoon of this Friday, Mr. Day was about to start to Balranald for the purpose of lodging a complaint of the assault, when all four prisoners came from the neighbouring public-house to Mr. Granger's premises, each of them bearing fire-arms. Gorman accompanied by one of the others then came up to Mr. Granger and Mr. Day, in Mr. Granger's yard; and then Gorman presented a revolver and called upon him—or Mr. Day—to "bail up," and he snapped the revolver in their direction. Mr. Day at once rode off; upon which Gorman took a revolving rifle from one of the others at the front of the store and deliberately fired two charges at Mr. Day whilst within easy distance; Day effected his escape without injury, though he heard as he thought a bullet whizzing near him, and he rode at once, through the night, to Balranald (65 miles), to give information. At this time, however, he did not understand that the prisoners had come to rob, as afterwards appeared.

After Day had got away, Gorman and the others proceeded to rob Mr. Granger's store—some of them keeping guard over Mr. Granger and other persons who were on the spot, whilst the robbery was being effected. Various articles were taken, including a watch for each of the party, and clothing as they severally desired. Gorman acted throughout as leader or captain of the band. Having satisfied themselves, these men took Mr. Granger and others down to the public-house, and compelled them to provide drinks for them; after which they stole some saddled horses that were at hand and left Hatfield, declaring

declaring that they would catch Day and shoot him. These threats were sworn to have been uttered by Gorman and Jones in particular. On the following morning, at a distance of 16 miles, the party robbed the dray of a hawker, and also made him give up £40 in money and cheques. In this matter Gorman and Jones were the principal actors, whilst Kaye and Hobbs were driving some other men before them. The man Jones declared to the hawker whilst on guard over him that Gorman was "Ned Kelly," Hobbs "Dan Kelly," himself "Byrne," and Kaye "Stephen Hart"—all well known members of the Kelly gang of bushrangers and murderers.

After this last-named robbery, the four prisoners proceeded to Till Till Station where they "stuck up" all the people, and whence they forcibly took four horses.

They next (as I gathered) proceeded to another station and thence to Kilfera Station, from which two of them obtained some stores at night by means of a false pretence, and in the neighbourhood of which they concealed themselves in a large and dense lignum scrub.

Meanwhile information had reached Balranald of the robberies at Hatfield, and on the Sunday morning, the 23rd of February, at 8 a.m., Constables Beresford and Power, and Mr. Day as a special constable, started in pursuit of the offenders, and rode day and night, with the help of fresh horses at different places, till they reached Kilfera, a distance of about 160 miles, on the following afternoon. From this place tracks were followed by the help of Mr. Casey the station superintendent, and a black tracker, into the lignum scrub. The men were there found dismounted in a small open space. They were at once called upon to surrender to the police, which they refused to do; and before the police could take a position to cover them with their rifles, two shots were fired at the police from this open space, but without effect. The two policemen returned the fire; Mr. Day also fired on the party from their flank, all without any one being hit. The four men then ran into the scrub, and were pursued by the constables and Mr. Day. In the course of this pursuit several shots were fired, one of which was aimed at Hobbs by Constable Power, who himself received a flesh wound through the top of his shoulder—this being the wound which formed the subject of the trial. Presently afterwards the four men surrendered, and were secured. Two gentlemen as well as Mr. Casey had ridden with the police near to the place of arrest, and it is not improbable that their presence contributed to the surrender. When the men were being secured, Gorman asserted that it was he that shot at and wounded Power, using the expression, "I made for you, you b——r," and he expressed his regret that he had not hit him in a lower part and finished him. Jones about the same time asked Mr. Casey (who had been the first to discover and point out the men) whether he was a "special," and on being answered in the negative, said, "I'll come out of gaol time enough to have a shot at you." Hobbs was stated to have been very quiet at this time; and nothing particular was attributed to Kaye beyond apparently joining in a good deal of bravado by singing, &c., after the capture.

At the time when the first two shots were fired at the police, two only of the four men, namely Gorman and Hobbs, were seen to have arms in their hands. One of the shots was certainly fired by Gorman, and it was doubtful whether he did not also fire the other.

After the men were secured, a fowling-piece undischarged and a revolver with three barrels discharged were found in that part of the scrub where they surrendered (150 yards from the open space before-mentioned), and a ten-chambered revolver and an eight or nine chambered revolving rifle were found in the open space from which the men had run. Two barrels of this revolver had been discharged, but the rifle had not been fired.

The prisoners were defended on their trial by Mr. M'Dermott, a Victorian barrister, for Gorman, and by Mr. O'Ryan, of the Sydney Bar, at my request, for the others.

In my address to the Jury, I left it to them to say whether the wound on Power had been inflicted by Gorman, and whether in firing the shot he was acting in pursuance of a concert with the other men and for the common purpose of defeating the attempt to arrest them; and I directed them that all the prisoners were legally guilty, if both these questions should be decided in the affirmative. This they must now be taken to have done by their verdict.

The Jury accompanied their verdict by a recommendation to mercy, on account of the youth of three of the men and of the fourth being a cripple.

On calling the prisoners up for sentence, Gorman, Kaye, and Jones said nothing, but Hobbs declared that he had not fired a shot, although a weapon was close at his hand, and that he had held up his hands by way of surrender before he was himself shot at by Power in the scrub.

In passing sentence I informed the prisoners that I had no alternative but that of passing it, and that even if a discretionary power had been vested in me I should not have exercised it, but should have left them entirely in the hands of the Executive; and I warned them, and especially Gorman, that His Excellency and the Executive Council might judge it to be necessary to deal with crimes such as theirs with a strong hand, and to show a wider mercy to society by denying it to themselves, and I therefore advised them to prepare for the worst.

Should the Governor and Council be disposed to discriminate between the degrees of these men's guilt, and to direct the execution of one only or more of them and to extend mercy to the others, there will be no room for doubt but that Gorman showed himself the worst of the gang, both by reason of his very manifest leadership and of his greater disregard of life. It was also he that fired and inflicted the wound. Jones appears to me to come next, then Hobbs, and Kaye last. In reference to Kaye, I should state that he is a youth of 18 only, and that he appeared so little acquainted with the use of arms, that when the gang were at Till Till Station, he was sent by Gorman with a stockman to get in horses, whilst the other men kept the people of the station under cover, and that he was first instructed by Gorman as to the use of the revolver, with which he was directed to compel the stockman to get the horses in. It would be difficult for me to give a distinct reason for the impression I am about to mention, but it may be right to state that the impression was in fact left upon my mind that the surrender of the gang was in fact occasioned by the indisposition of some of the men to go to the length of Gorman's violence. Had all four been men of his stamp the capture would probably have been far less easy if effected at all, and might have cost a life or lives.

W. M. MANNING,
J.

The Under Secretary, Colonial Secretary's Department, to The Sheriff.

In the case of Thomas Gorman, to twenty-one years hard labour on the roads or other public works of the Colony, the first three years in irons.

In the case of William Kaye, to ten years hard labour on the roads or other public works of the Colony.

In the cases of William Hobbs and Charles Jones, to fourteen years hard labour on the roads or other public works of the Colony, the first three years in irons.

Sir, Colonial Secretary's Office, Sydney 6 May, 1879.

I am directed by the Colonial Secretary to inform you that in the cases of Thomas Gorman, William Kaye, William Hobbs, and Charles Jones, who were convicted before His Honor Sir William Manning at the recent Deniliquin Assizes, of wounding with intent to murder one Thomas Power, a constable, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentences in the manner stated in the margin, and that His Honor has been requested to give the prisoners (who are to be worked in Berrima Gaol for the present) the benefit of conditional pardons accordingly.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to Sir William Manning.

In the case of Thomas Gorman, to twenty-one years hard labour on the roads or other public works of the Colony, the first three years in irons.

In the case of William Kaye, to ten years hard labour on the roads or other public works of Colony.

In the cases of William Hobbs and Charles Jones, to fourteen years hard labour on the roads or other public works of the Colony, the first three years in irons.

Sir, Colonial Secretary's Office, Sydney, 6 May, 1879.

I am directed by the Colonial Secretary to inform you that in the cases of Thomas Gorman, William Kaye, William Hobbs, and Charles Jones, who were convicted before your Honor at the recent Deniliquin Assizes of wounding with intent to murder one Thomas Power, a constable, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentences in the manner stated in the margin.

2. I am desired to request that your Honor will give the prisoners the benefit of conditional pardons accordingly.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

In the case of Thomas Gorman, to twenty-one years hard labour on the roads or other public works of the Colony, the first three years in irons.

In the case of William Kaye, to ten years hard labour on the roads or other public works of the Colony.

In the cases of William Hobbs and Charles Jones, to fourteen years hard labour on the roads or other public works of the Colony, the first three years in irons.

Sir, Colonial Secretary's Office, Sydney, 6 May, 1879.

I am directed by the Colonial Secretary to inform you that in the cases of Thomas Gorman, William Kaye, William Hobbs, and Charles Jones, who were convicted before His Honor Sir William Manning, at the recent Deniliquin Assizes, of wounding with intent to murder one Thomas Power, a constable, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentences in the manner stated in the margin; and that His Honor has been requested to give the prisoners the benefit of conditional pardons accordingly.

2. These prisoners are to be worked in Berrima Gaol until further notice, and I am to request that you will acknowledge the receipt of this letter.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary of Justice, &c.

In the case of Thomas Gorman, to twenty-one years hard labour on the roads or other public works of the Colony, the first three years in irons.

In the case of William Kaye, to ten years hard labour on the roads or other public works of the Colony.

In the cases of William Hobbs and Charles Jones, to fourteen years hard labour on the roads or other public works of the Colony, the first three years in irons.

Sir, Colonial Secretary's Office, Sydney, 6 May, 1879.

I am directed by the Colonial Secretary to state, for the information of the Minister of Justice and Public Instruction, and in order that the fact may be duly communicated to the Sheriff, that in the cases of Thomas Gorman, William Kaye, William Hobbs, and Charles Jones, who were convicted before His Honor Sir William Manning, at the recent Deniliquin Assizes, of wounding with intent to murder one Thomas Power, a constable, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentences in the manner stated in the margin; and that His Honor has been requested to give the prisoners, who are to be worked in Berrima Gaol for the present, the benefit of conditional pardons accordingly.

I have, &c.,
CRITCHETT WALKER.

Petition of John Gorman and others.

To His Honor Sir William Montagu Manning, Knight, one of the Judges of the Supreme Court of the Colony of New South Wales.

Honored Sir, Kerang, Victoria, 31 March, 1879.

The humble Petition of John Gorman and inhabitants residing within the Shire of Swan Hill and other places in the Colony of Victoria,—

MOST RESPECTFULLY SHOWETH:—

That the young man now incarcerated in the Deniliquin Gaol, charged with the crime of bush-ranging, is the son of the abovenamed John Gorman, who has been resident here and in the district for the past eighteen years, and has brought up a family of seven children, including the unfortunate prisoner, all of whom have been educated through the exertion of their parents and now following industrious pursuits.

From

From what your Petitioners know of the antecedents and present position of the family, we are led to believe that they have been not only well disposed of in respectable business situations, but each earning their own livelihood, being also well thought of by their respective employers. Your Petitioners view with regret that the prisoner Thos. Gorman, who left his home four years ago to follow the occupation of a drover, and during that period regularly corresponded with his parents, should have been led, during a drunken freak at the "Hatfield Hotel," was so far induced by companions much older than himself to attempt at the first onset the idea of bushranging, being actually at that time on his road to visit his parents in Victoria. Your Petitioners further beg to impress upon your Honor, to the best of their belief, the prisoner was of quiet and peaceable habits, and to their knowledge was never guilty of any breach of the laws. Your Petitioners, without encroaching upon your Honor's prerogative as to the passing of your sentence, trust that your wise judgment may not be gainsayed by the prayer of your Petitioners, but as dutiful suppliants to your Honor as Her Majesty's Judicial Representative, respectfully pray that your wise decision may be tempered with mercy on behalf of the prisoner, his family, and your humble servants.

[*Here follow* 53 *signatures.*]

From Residents of the district in which the crime was committed to Colin Simson, Esq., M.P.

Dear Sir, 1 May, 1879.

We, the undersigned, residents in the district lately infested by the criminals known as the Hatfield bushrangers, beg to ask your attention to what we cannot but consider the very inadequate amount of the reward paid by the Government to the police officers Beresford and Power and Special Constable Day, for their exertions in the capture of said bushrangers.

We think we express the general feeling of all classes in the district on this matter, and shall feel obliged if you will take this matter into your consideration, and if you so think fit, move for a reconsideration of the matter by the Government.

We have, &c.,

[*Here follow* 41 *signatures.*]

Petition of the Jurymen who tried the prisoners, and others.

To His Excellency the Lieutenant-Governor and the Executive Council.

The humble Petition of the undersigned

Respectfully Showeth:—

That Thomas Gorman, one of the Hatfield bushrangers, who was (at the Circuit Court holden at Deniliquin on the 18th and 19th days of April instant) convicted of wounding with intent to murder one Thomas Power, a constable in the Police Force of the said Colony of New South Wales, and who was by the Jury strongly recommended to mercy on account of his youth, now lies in the gaol at Deniliquin under sentence of death.

That your Petitioners include the jurymen who tried the case against the said Thomas Gorman and the others of the bushrangers, and also some of the witnesses for the prosecution in the said case.

That your Petitioners view with horror the carrying out of the sentence of death in the case of a man so young as the said Thomas Gorman, who had, prior to his starting on the career in which he was so opportunely stopped, evinced no desire to fly in the face of law and order, although the evidence taken at the trial showed that he was the leader of the gang.

That the said Thomas Power, who was wounded by the said bushrangers, has since recovered from the wound inflicted upon him, and is now thoroughly out of danger.

That, in the opinion of your Petitioners, Thomas Gorman and the other bushrangers were not in reality bushrangers properly so called, but their case might better be termed a case of aggravated larrikinism.

Your Petitioners, therefore humbly pray that your Excellency, with the advice of the Executive Council, will be pleased to carry out the recommendation to mercy of the Jury who tried the said bushrangers, and remit the sentence of death to a sentence of imprisonment for such term as shall meet the requirements of the case in the case of the said Thomas Gorman, as well as in the case of the rest of the gang.

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

[*Here follow* 55 *signatures, including those of Mr. Grainger (the storekeeper who was robbed) and Special-constable Day.*]

Minister for Justice.—A.S., 6/5/79.

Case of Medcalf and Wilkinson and case of Alfred.

Petition of George Henry Smith and Elizabeth Smith.

Sodwalls, 9 May, 1879.

To His Excellency the Lieutenant-Governor and the Members of the Executive Council, Sydney,—

Gentlemen,

We the undersigned, the parents of Amelia Elizabeth Clarke Smith, on whom an offence was committed for which the two young men, Alexander Medcalf and Charles E. Wilkinson were sentenced to death at the last Assizes held at Bathurst, earnestly beg and pray that it may be your pleasure to order the sentence to be commuted.

We remain, &c.,

GEORGE HENRY SMITH.
ELIZABETH SMITH.

AMELIA E. C. SMITH,

Daughter of the above-named persons, on whom the offence was committed.

Per Rev. R. J. Read,

Church of England Clergyman, O'Connell.

Minute of the Executive Council.

At Government House, Sydney, 13 May, 1879.

Present:—

His Excellency the Lieutenant-Governor.
The Honorable the Vice-President.
The Honorable the Colonial Secretary.
The Honorable the Colonial Treasurer.
The Honorable the Secretary for Mines.
The Honorable the Minister of Justice, &c.
The Honorable the Postmaster General.

The Council having met, pursuant to summons, His Excellency the Lieutenant-Governor lays before them two reports by Acting Judge Davis, of the capital conviction of Alfred, an aboriginal, at Mudgee Assizes, for rape; and Alexander Medcalf and Charles Henry Wilkinson, at Bathurst Assizes, for rape.

His Honor, being in attendance, is introduced, and affords the Council such further information as they consider to be necessary.

The Council, having deliberated, advise that the further consideration of the said cases be postponed until the next meeting.

ALEX. C. BUDGE,
Clerk of the Council.

Judge's Report.

Regina *v.* Alexander Medcalf and Charles Henry Wilkinson.

Report on this case, for His Excellency the Lieutenant-Governor and the Executive Council.

These prisoners were tried before me at the Bathurst Circuit Court, on the 25th of April, 1879, on an information chargiag them with having committed a rape on one Amelia Elizabeth Clarke Smith. Mr. Buchanan appeared for the prisoners. The two prisoners and Amelia Smith were in the employment of Mr. Andrew M'Loughlin, a grazier, residing at Sodwalls. Amelia Smith was general servant; she was known by the name of Dolly Smith. George Young gave evidence that the prisoner Medcalf, in the presence and hearing of the other prisoner, told him they were going to have a go at Dolly, meaning Amelia Smith, and invited him to join them. Young indignantly told them to go away. Amelia Smith went out in the evening between 6 and 7 to bring the cows home to milk. On her way back, at a place about a quarter of a mile from the house, she was set on by the prisoners, and thrown down. She struggled and got away, but was again caught and thrown down. She tried to call out, but prisoner Medcalf put a handkerchief in her mouth to stop the screaming. The prisoner Wilkinson held her legs, while Medcalf had connection with her, refusing her request for assistance against Medcalf. After the prisoner Medcalf had had connection with her, and she had risen, she was again knocked down, and Wilkinson then had connection with her, Medcalf holding her arms. Amelia Smith swore that all that was done was without her consent, and she endeavoured to resist as much as possible. Amelia Smith made no complaint to Mrs. M'Loughlin that night. On the next day Mrs. M'Loughlin having heard something of what had happened, spoke to Amelia Smith. The girl's mother was sent for, and came, and the girl made a statement to her mother; the mother took her to Dr. Grant, who examined her, and found traces of recent connection, the hymen ruptured, the vagina lacerated, and bruises on the skin. The defence set up was consent. The Jury however convicted both prisoners.

The prisoner Medcalf is young—I was given to understand he is between fifteen and sixteen. The prisoner Wilkinson also appears to be young—he would appear to be about twenty or twenty-one. Herewith is copy of my notes of the evidence given on the trial.

G. C. DAVIS,
Acting Judge of Supreme Court for Bathurst Circuit of April, 1879.

Notes of Evidence.

Thomas Samuel Slack, senior-constable, at Rydal: Know prisoner Medcalf; on the 10th January last he came to the lock-up at Rydal, and said, "I believe you want to see me"; I then arrested the prisoner on a warrant; I read it to prisoner, and cautioned him; he made no reply; I did not arrest Wilkinson.

James Tracy, senior-constable, stationed at Taralga, within 20 miles of Goulburn: I see prisoner Wilkinson; I arrested him on 18th January last at Taralga; I charged him with committing a rape on Amelia Smith, residing at Sodwalls, near Rydal; I mentioned that the girl was under fourteen years of age;

age; he said in reply "I'll go with you"; I gave him the usual caution that he need not say anything to criminate himself, but anything he said I would use against him on his trial; he remarked, "Fourteen years—she's as tall as you are." The following day while under escort to Goulburn, he said he had nothing to do with her, but he supposed he would get fourteen days for standing quiet; I brought him over to Goulburn and had him remanded to Rydal.

Thomas Samuel Slack, recalled: After I took Medcalf into custody I examined him at the lock-up; I found marks as if from the bite of a person on his right arm; he said, "That is where Dolly Smith bit me."

Amelia Elizabeth Clarke Smith: I live near Sodwalls with my mother; I am servant employed by Andrew M'Laughlin, at Sodwalls; I was so in February last; I know prisoner Medcalf and prisoner Wilkinson; in February last they were both in the employ of M'Laughlin; they were in the employment in January last, and I was too; on the 8th of January last something happened to me, about a quarter of a mile from Mr. M'Laughlin's; I was on my way out for some cows; Mrs. M'Laughlin sent me; I went a quarter of a mile from the house into a bush paddock where the cows run; on my way back from the cows Medcalf and the other man were planted behind two bushes, and they sprung upon me and caught me by the two arms; Medcalf caught me by the two arms and threw me down, and tried to pull my clothes up; I struggled, and bit him on the arm; I got away; Medcalf caught me again; he called out "Charlie," that was to Wilkinson; there were no other persons near; Wilkinson came up and held me by the legs; Medcalf pulled my clothes up, and took down his trowsers, and he then lay on me, and put his person into mine—I felt it there; I got away from him after that; I told him I would go home and tell my mother; when Medcalf had me down I attempted to scream, and I struggled with him; I called out to Charlie Wilkinson to take him away; Wilkinson said he would not take him away, that Medcalf was not hurting me, and I was only screaming for nothing; Medcalf did not do anything else to me while calling out; he tried to prevent my calling out—he put a handkerchief in my mouth; this was while he was on me; I pulled it out, and he clapped his hand on my mouth; after he was on top of me and I got away, I said I would go home and tell my mother; Wilkinson said, "Go home and tell your bloody mother"; I went on home to Mrs. M'Laughlin's; that day Wilkinson did something to me immediately after Medcalf; I was on ground on the broad of my back; Medcalf knocked me down again; Wilkinson undid his trousers, and lay on me; he pulled my clothes up; he put his person in my person; by "person" I mean his private parts; I have no doubt his private parts were in mine; while this was going on Medcalf held me by the arms; I struggled, and after that I got away; after I got up I said nothing to the prisoners; it was after this Wilkinson said "Go home and tell your bloody mother"; I went away at once to Mrs. M'Laughlin; this was half-past 6 in the evening; I did not make a statement to Mrs. M'Laughlin when I went home, not until the next day about 1 o'clock; I then said something to Mrs. M'Laughlin; after this Mrs. M'Laughlin sent for my mother; my mother came that day; she lives about a mile from Mrs. M'Laughlin's; when she came I told her something; after this, on 10th January last, my mother took me to Dr. Grant, who lives at Lithgow—you have to go in the train to get to Lithgow; the doctor examined me; I noticed my clothes; there were no stains after; in the morning there were some stains; there were blood stains on my chemise; these were on before either prisoner had connection with me; I saw no stains on my chemise—no new stains; I was not a consenting party in any way to the prisoners having connection with me; I was ten weeks in the employ of M'Laughlin, and I was called Dolly Smith.

Cross-examiued by Buchanan: I was coming back with the cows; there are three men working in Mr. M'Laughlin's employ—two besides prisoners; the other is a shepherd; Miss Wilde lives a quarter of a mile from Mr. M'Laughlin's; the cows were in the bush paddock; the prisoners were in the corn paddock; I did not go into the corn paddock; it is a good way on my way home; I was not in the corn paddock—I was near it; the corn paddock is just on other side of bush paddock; the corn paddock is in sight of M'Laughlin's; prisoners were in it; I did not go in; I saw them as I was going for the cows; they were cutting some corn; I saw them as I was going, and not as I was coming, until they came on me; I was not very intimate with Medcalf or the other; I was in same employ; I met them mostly every night; I did not have a chat with them—I did not use to speak to them; they took their meals in the bush paddock; their dinners they took in the house with Mr. and Mrs. M'Laughlin and me; they had their tea that night; I did not sit down that night with them; I had my tea, but they did not; Medcalf had his breakfast next morning with George; I was inside with Mrs. M'Laughlin; Medcalf was in the house; I said nothing that night, and until next day; I got home at 7 o'clock and had tea with Mrs. M'Laughlin and the children; I went to bed at half-past 9; I was not sitting with Mrs. M'Laughlin all the evening; I was in kitchen, Mrs. M'Laughlin would sometimes come into kitchen; I went sometimes into house; I breakfasted with Mrs. M'Laughlin; I said nothing during beakfast; Mrs. M'Laughlin asked me something—she began it; if Mrs. M'Laughlin had not asked me I would have told my mother; I could not have gone out that night and told my mother, as it was too much rain; I had my monthly illness at that time; I don't produce my clothes—they were not produced at the Police Court—they were not produced after they were shown to Dr. Grant; I looked to see if any stains after this affair and I saw none; I could not exactly say how long I and prisoners were together; they were at M'Laughlin's as long as I was; Medcalf was in the habit of going home of a night to his mother's for his meals; Wilkinson was on the premises all night and had breakfast at home.

Re-examined: Night of affair Mr. M'Laughlin was away; I had to pass corn paddock to get the cows.

To Mr. Buchanan: The corn paddock is other side of bush paddock.

To Mr. Bennett: The corn paddock is nearer than the bush paddock.

John Morris, constable, stationed at Bathurst: I received Wilkinson into my custody from Constable Stevenson of Orange Police.

Ellen M'Laughlin: Reside with my husband at Sodwalls; I see prisoners; they were in my husband's employ in January last; Smith was in my employ in January last; she was general servant; sometimes she used to bring the cows in; I recollect sending her for cows on 6th January last; that was about 6 o'clock in the evening; I don't know what time she came back; I saw her that evening after; after that she did not tell me anything; my husband told me something; he came home the following morning; he was away on the evening before; there was a George Young at home; he lives in the house; my husband came home about 3 o'clock the following morning; Young was in the house; Ellen Smith told me something; I was not present when her mother came.

Cross-examined: When she came home I did not notice anything unusual in her manner; she went to work that night and next day in usual manner.

Andrew

Andrew M'Laughlin, grazier, residing at Sodwalls: I know prisoners—they were in my employ in the month of January last; I have a man in my employ called Charlie; his name is Gillespie; he said something to me on 9th of January last; before that I had been in Sydney, and I came home that morning; Amelia Smith was in my employ in January last, when prisoners were in my employ; after I saw Gillespie, I spoke to Medcalf; he made no reply; after that, after I came home, I spoke to Medcalf; Mrs. Smith, the mother of Amelia Smith, came that evening; after Gillespie spoke to me, I said something to my wife; and after that Mrs. Smith came; Amelia Smith went away the following day with her mother; only Gillespie made a statement to me; by Gillespie I mean prisoner Wilkinson; he spoke to me about Amelia Smith after I came home; he said it was not his fault at all; at that time I did not know anything had happened; he said it was all Alick's fault; he said "That lass of yours," meaning Amelia Smith, "I will make her hop for it, I'll summons her to Rydal"; I asked what it was for; he said she told me yesterday to go to hell, and said that I put Alick Medcalf on top of her; I asked him what they were doing the day before; he said that the girl when she went for the cows, Alick Medcalf followed her, and I heard the girl scream, and I went after her too, and when I came up Alick was on top of her, and I got on the top of her afterwards; he said, "I did not do her any harm, but Alick did"; I said he was a nice man to leave about the place to go on like that in my absence; he said nothing else; next time I saw him was at Rydal Police Office.

Cross-examined by Buchanan: If it had not been for Wilkinson saying something to me I don't suppose I should have known anything about the matter; I told my wife, and she spoke to Amelia Smith; I have known Medcalf about eight years; he has always borne a good character.

Elizabeth Smith: Reside with my husband at Sodwalls; Amelia Smith is my daughter; I know one of the prisoners, Medcalf, the other I have seen once before; Medcalf was in McLaughlin's employ, and so was my daughter; Mr. M'Laughlin went to my house on 9th January last, and told me something; I went down to his house to see my daughter; I saw her there; she told me something; after her telling me this I took her down to Lithgow to Dr. Grant; I was with my daughter when Dr. Grant examined her; it was on 10th January last I took her down and Dr. Grant examined her; Dr. Grant lives at Lithgow, that is 16 or 18 miles from where I live.; I was present at examination, and I took some underclothing which my daughter wore at the time; they were washed after Dr. Grant saw them.

George Young: I am a shepherd in employ of Mr. M'Laughlin, at Sodwalls; I know prisoners and Amelia Smith; they and I were in employ of M'Laughlin in January last; in January last I had a conversation with the prisoners, both present; it was in the grass paddock; they had come from the corn paddock to that; one of them called me, and I went over, and Medcalf said they were going to have a go at Dolly; Dolly is Amelia Smith; he asked if I would join; I said "Get out, you young scoundrel," and went on with my work; when I went home in the evening, at just about sundown, I saw the girl crying; she said something; she was just outside the house; she said to Medcalf "I'll tell your father of you"; I did not hear any answer to that; the same evening Wilkinson spoke to me; I cannot recollect exact words; substance was he wanted to know what the girl had been saying; he said he had not committed the offence, but if I understood rightly he had held the girl's legs—those were the words he used; he said no more to me on the subject; I said something to Mr. M'Laughlin afterwards.

Charles James Grant, duly qualified medical practitioner, residing at Lithgow: I recollect month of January last; I see Amelia Smith; I recollect her coming to me, Friday, 10th January last, at 1 in the afternoon, with her mother; I examined her; I found bruises on right side of neck, and on the inner and upper side of right arm, on right hip, outer side of left thigh, towards the knee; the external organs of generation were reddened more than natural, the hymen ruptured recently, and the vagina lacerated; she had a small vagina, and injuries were a day or two old; all the injuries of which I have spoken were a day or two old; I did not take much notice of the chemise produced, as she appeared to be unwell; from what I saw I should say there had been violence of some kind; I examined that lad (Medcalf) on the 17th of January last in Rydal lock-up; on his arm I found recent teeth marks, nothing else.

Cross-examined by Buchanan: I knew they were teeth marks from general and surgical knowledge from conformation of mark; I hand you sketch of the injury; I do not say only from that appearance that they were teeth marks, but I will swear they were teeth marks; they were not straight, but semicircular; I never saw a rat-trap which would make an impression like that; that would be regular, they are irregular; I did not look at the boy's teeth, I looked at the girl's teeth; I came to the conclusion the injury had been done by her teeth; the boy could not bite in that direction; I could swear it was done by nothing else but teeth, that I am aware of; the bruises were on right side of neck (repeats his account); I never knew a woman bite a man from enjoyment—my experience does not enable me to say that; the injuries on girl were only just discolourations—not very severe; those could be made very simply, very easily made, and more easily on a woman's skin than on a man's; there was very little inflammation about the vagina—nothing except what is necessary in healing; the rupture of hymen was within a day or two; if girl a consenting party the hymen would have been ruptured and all injuries, except perhaps the laceration of the vagina; in abnormally small vaginas laceration would take place perhaps, even if consent, if instrument inserted large; she had not abnormally small vagina, but a small vagina; I looked at chemise—the stains I thought were those of illness; if the hymen were ruptured there would be a flow of blood, but not much, but there would be more from the laceration of the vagina; I think there would be flow of blood from laceration of vagina; I could not distinguish from cursory look whether stains were from illness or flow of blood; I have never seen so much laceration of vagina when woman a consenting party, but I have heard of it—it does not necessarily speak of violence.

Case for the Crown.

No evidence was called for the prisoners.

Judge's Report.

REGINA *v.* ALFRED.

REPORT on this case, for His Excellency the Lieutenant-Governor and the Executive Council.

The prisoner in this case was tried before me at the last Mudgee Circuit, on the 16th April, 1879, on a charge of having committed a rape on one Jane Dowd.

The prisoner is an aboriginal, and was defended by Mr. Smythe, retained for that purpose by the Crown. The

The evidence of Jane Dowd, a widow of 64 years of age, proved conclusively that the prisoner attacked her when in the bush at a distance from her house, and by blows and violence overpowered her, and whilst she was so overpowered committed the complete offence of rape. After he had committed the offence the prisoner beat Mrs. Dowd very violently, evidently in order to intimidate her and prevent her from giving information.

Herewith I send a copy of my notes of the evidence at the trial.

G. C. DAVIS,
Acting Judge of Supreme Court for Mudgee Circuit of April, 1879.

Notes of Evidence.

John Chiplin, senior-constable of police at Wellington:—I arrested prisoner on Monday night, 17th February last, a little after 8 in the evening, on the Macquarie River, 3½ miles from Wellington, about midway between Wellington and Mary Vale, and near Dowd's residence; I had known him some time about Wellington District—about seven weeks before I arrested, and before that for about twelve months; I charged him with having that afternoon broken in the house of Jane Dowd, and stolen one coat, one pair of trousers, two vests, and a pair of braces, the property of Thomas Dowd, also with assaulting and wounding Jane Dowd; I cautioned him; he replied "You have got to prove that"; I handcuffed him to myself, and shortly after, on going along the road, he asked what I had been looking for before we started; I said for the clothing I had charged him with stealing; he said "I have been a tracker, and, if I save you trouble, will you do what you can for me?" I said "Yes, anything in fairness, but remember anything you say to me I shall give it in evidence against you"; he said, "You go to-morrow morning very early to Dowd's bush paddock, at the back of O'Shea's paddock—you find the things; I threw the coat and things away in the Big Hollow; you look in the Big Hollow and you will find them there"; he said he was at Jack Dowd's place—she gave him some tea and some meat; he said "The old woman told me I had Tom's things, and I suppose I will get into it for hitting her"; the next morning at daylight I went to where the prisoner directed me, and found the things produced, vest on ground, then the coat, some nearly 100 yards distant, and subsequently other vest and trousers in another place; I then saw Jane Dowd; she accompanied me to the paddock and pointed out a certain spot: this was the 18th; it was very early, 7 or 8 o'clock, when I got there; at that spot pointed out I found hood and boot now produced; this was 30 yards from where I found coat, and the other articles were 100 yards from it; for a moment or two on evening of 17th I saw Mrs. Dowd; just as I began to speak I heard something relative to prisoner, and I galloped off; I saw her following morning and she made a statement to me; later on that day I charged prisoner in Wellington Gaol with having committed a rape on Mrs. Dowd the previous day; he made no reply; when I saw Mrs. Dowd on evening of 17th February she was bleeding from a wound on the head; on morning of 18th she showed me her arm—it was very much bruised and discoloured; I also saw that she had a cut over forehead and cut on the back of the head; on night of 17th, when I saw her, she was wearing cap produced, which was all bloody.

Cross-examined by Mr. Smythe: All the information I received on evening of 17th was from Mrs. Dowd's son John; he came into Wellington; from what he said I went out; I did not charge prisoner on 17th with rape—I had not heard anything at all about it then; on morning of 18th February, about 7 or 8, she told me the rape was committed about 2 o'clock the previous day; there is a blackfellow's camp where I arrested prisoner; prisoner has never been convicted except for some few days here; it was about half-past 7 in evening of 17th February I was at Mrs. Dowd's, Constable Lynch was with me; he is a young man; she did not then make a complaint to me of rape; the next morning one reason she gave for not complaining was that a young man was present.

To Dr. Sly: I was only with Mrs. Dowd a few moments.

To Mr. Smythe: A man galloped up and told me where the blackfellow was, and I put my spurs to my horse and galloped away; so far as I know she said nothing to her son about being raped.

Jane Dowd (*examined by Dr. Sly*), widow; resides at Maryvale: I am 64 years of age; I have several children; one resided near me; one of my children lives with me; he is 22 years of age; his name is Thomas; my son John lives 100 yards off; I remember Monday, 17 February last; I remember leaving house; I shut the door—just a common latch; I did not lock it; there was no one in the house when I left it; when I left it there was some of my son's things there—coat, vest, and trowsers; those (things produced by constable) are they; I identify them; I have some few sheep; when I went out I went down round and brought the sheep up from the river, and was on the way bringing them up and I met prisoner; that is the blackfellow who insulted me in my paddock; this was a small half-mile from my house; he came up and hit me on both sides; when first I saw him I saw him among sheep; I looked at him and when I saw him I ran, and he ran after me; he caught me up; he said "I want a scratch"; he hit me on both sides of the head with his shut fist; and he then took me by the ancle and threw me down; I called out murder! murder! I was paralysed for a little bit; I got better again; he had connection with me the same as my husband had had connection with me; I tried to get away when I got over that fit; I did not resist much at first—I was not able at the commencement; he kept me there for about an hour; he did not say anything except he would kill me if I said anything—if I made a noise; I cried out several times; I thought I heard my son John in paddock; and I cried out John! John! he then put his hand over my mouth and would not let me speak; he had a stone in his hand and said "Look at that; look at that; I'll kill you; I'll kill you when I am done with you"; I said I did not know my son was coming to look for me; he then got up and drew up his trowsers and then got a stick and beat me with it until he broke it in pieces; and then got another and beat me until that broke to pieces; he said then he would kill me; he then went as I thought to look for another stick; I then got up and went another way as well as I could; I did not see any more of him; I was lying on the ground when he left me; that is the cap I wore (cap with blood produced by police); that boot was what I had on; it came off; that other is my old boot; that was knocked off in the commencement; when blackfellow went away I made straight towards home; I saw my daughter-in-law, no one else; I saw Sergeant Chiplin that night only just for a moment, and I had no time to speak to him; it was against my consent prisoner had connexion with me—I should say so.

Cross-examined: I told my son John I had been assaulted; I told all I had been very nigh murdered by a blackfellow; John went out to the policeman to take the blackfellow for ill-using me in every respect; I did not say anything about rape to my son John; I did not get to him; I did not tell my daughter-in-law on that day of the rape; it was not until next morning I told of rape; one neighbour's

house

house very close, 200 or 300 yards off; I live within four and five miles from Wellington; I did not send for a doctor; I don't know why I did not think I required a doctor; I did not know what to do that night; I never said anything about rape until next morning; a young man was with Chiplin; I had not time; I scarce spoke to him; I did not take my sheep home, I went home without them; I was not able to take nothing home; I was quite paralyzed when he had connection—I was not able to resist—I hardly knew what was taking place; it might not have been his finger he put in my parts instead of his person; I screamed out before prisoner attacked me and after.

Re-examined: On evening of 17th I was very ill and hardly able to speak.

To juryman: I never saw the prisoner before; I have no doubt he is the man.

To Dr. Sly: I noticed he had a dark pair of trousers and my son's coat and waistcoat, which are here.

Catherine Dowd (daughter-in-law of Mrs. Jane Dowd): I live near her; I know the prisoner; I remember the 17th February of this year; I saw him that day at my house between 1 and 2; he came to my place and asked for some tea, and I gave it to him; he stayed about five minutes; he went down to my mother-in-law's; I saw him go to the back of the house; I followed him down and saw him at the back of the place of my mother-in-law, and told him to go away; he said I ought to be ashamed of myself following him; I went away and left him; I had seen him twice or three times before; I am perfectly sure prisoner is the man; after that I saw my mother-in-law late in the day; I thought I heard a cooey three or four times; I afterwards saw my mother-in-law coming up the paddock; her face was all covered with blood, and all down her dress; she made a complaint to me; she had bruises on her arms and over her eye; she was cut over the eye; there was a bruise, blood on the back of her head; she was crying.

Cross-examined by Mr. Smythe: I am nearest neighbour to my mother; my next nearest neighbour is Mr. Nicholson; his place is not a quarter of a mile from my mother's; Mr. Bush is next nearest, he is between a quarter of a mile and half a mile off; it was my husband who went for police; I did not hear what he went for the police for; he told me he went for the police, that my mother-in-law was assaulted; she did not say she had had a rape committed on her.

George Brown: I am a railway labourer, living near Mary Vale; Monday, 17th February last, I was going down river in search of my mate between 1 and 2 o'clock, as near as I can guess; I heard a noise on top of hill like voices; I went on top of hill and observed an object before my eyes about two hundred yards from me; it was a man on top of a woman; I stood about a minute or two and thought I would not interfere with that case, and I walked away; I could not say if he was a blackfellow; about ten minutes after I heard a shout like that of a woman, and I thought there was something not right; I went back, but I did not see any one; I went to same place as nigh as I could guess; when I heard noise I was about three hundred yards off.

Cross-examined by Mr. Smythe: I could not swear what the man was doing; I can't swear it was prisoner and Mrs. Dowd who were there; I can swear one was on top of the other, as I saw the woman's knees up under the man's arms. I can swear there was a man there, but I could not swear if there was a woman underneath.

Re-examined: The person under had on woman's clothes, I can swear to the petticoats; I think the place which has been shown to me as Mrs. Dowd's is about a mile or a mile and a half from the place where I saw the people together.

To jurymen: When I heard noise after I left and went back to the spot where I had seen the man and the woman where I left.

To Mr. Smythe: It was in consequence of the screams I heard I went back.

Case for the Crown.

No evidence was called for the prisoner.

Minute of the Executive Council.

At Government House, Sydney, 15 May, 1879.

PRESENT:

His Excellency the Lieutenant-Governor.
The Honorable the Vice-President.
The Honorable the Colonial Secretary.
The Honorable the Colonial Treasurer.
The Honorable the Attorney General.
The Honorable the Secretary for Lands.
The Honorable the Secretary for Works.
The Honorable the Secretary for Mines.
The Honorable the Postmaster General.

THE COUNCIL having met pursuant to summons, His Excellency the Lieutenant-Governor invites their attention to the capital convictions of Alfred (an aboriginal) and Alexander Medcalf and Charles Henry Wilkinson for the crime of rape, which cases were before the Council on the 13th instant and the further consideration of them postponed.

2. The Council having maturely deliberated, advise that the sentence of death passed upon the prisoners should be carried into effect.

ALEX. C. BUDGE,
Clerk of the Council.

Minute of the Colonial Secretary.

Day of execution, Tuesday, 10th June, 1879. Inform authorities.—H.P., 16/5/79.

The Under Secretary, Colonial Secretary's Department, to The Sheriff.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to inform you that in the case of Alfred, an aboriginal who was convicted before His Honor Mr. Acting Judge Davis, at the late Assizes at Mudgee, of rape on one Jane Dowd, and was sentenced to death, the sentence of the law is to be carried into effect on Tuesday,

Tuesday, the 10th of June next, in the manner prescribed by the Act of Council 17 Vic. No. 40, and I am to request that you will apprise the unhappy man accordingly.

2. I am desired to request that you will acknowledge the receipt of this letter.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to Acting Judge Davis.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to inform you that in the case of Alfred, an aboriginal, who was convicted before your Honor at the late Assizes at Mudgee, of rape on one Jane Dowd, and was sentenced to death, the sentence of the law is to be carried into effect on Tuesday, the 10th of June next, in the manner prescribed by the Act of Council, 17 Vic. No. 40, and that the Sheriff has been instructed to apprise the unhappy man accordingly.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary of Justice, &c.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to state that in the case of Alfred, an aboriginal who was convicted before His Honor Mr. Acting Judge Davis, at the late Assizes at Mudgee, of a rape on one Jane Dowd, and was sentenced to death, the sentence of the law is to be carried into effect on Tuesday, the 10th of June next, in the manner prescribed by the Act of Council, 17 Vic. No. 40, and I am to request that you will apprise the Minister of Justice and Public Instruction that the necessary instructions have been given to the Sheriff.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to inform you that in the case of Alfred, an aboriginal who was convicted before His Honor Mr. Acting Judge Davis, at the late Assizes at Mudgee, of a rape on one Jane Dowd, and was sentenced to death, the sentence of the law is to be carried into effect on Tuesday, the 10th of June next, of which the Sheriff has been advised.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Sheriff.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to inform you that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before His Honor Mr. Acting Judge Davis, at the late Bathurst Assizes, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, the sentence of the law is to be carried into effect on Tuesday, the 10th of June next, in the manner prescribed by the Act of Council, 17 Vict. No. 40, and I am to request that you will apprise the unhappy men accordingly.

2. I am desired to request that you will acknowledge the receipt of this letter.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to Acting Judge Davis.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to inform you that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before your Honor at the recent Bathurst Assizes, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, the sentence of the law is to be carried into effect on Tuesday the 10th of June, in the manner prescribed by the Act of Council, 17 Vic. No. 40, and that the Sheriff has been instructed to apprise the unhappy men accordingly.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to inform you that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before His Honor Mr. Acting Judge Davis at the late Assizes at Bathurst, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, the sentence of the law is to be carried into effect on Tuesday the 10th of June next, of which the Sheriff has been advised.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary of Justice, &c.

Sir, Colonial Secretary's Office, Sydney, 16 May, 1879.

I am directed by the Colonial Secretary to state that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before His Honor Mr. Acting Judge Davis, at the late

Bathurst

Bathurst Assizes, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, the sentence of the law is to be carried into effect on Tuesday, the 10th of June, in the manner prescribed by the Act of Council, 17 Vict. No. 40, and I am to request that you will apprise the Minister of Justice and Public Instruction that the necessary instructions have been given to the Sheriff.

I have, &c.,
CRITCHETT WALKER.

The Colonial Secretary to The Police Magistrate at Mudgee.

(Confidential. This letter to be returned with report.)

Sir, Colonial Secretary's Office, Sydney, 17 May, 1879.

The Government are desirous of obtaining some special information as to the character of the unhappy woman who was the victim of the aboriginal prisoner now lying under sentence of death for the crime of rape, at Mudgee. You are hereby instructed to institute such inquiry as will enable you to report to me, for the information of the Executive Council, a fuller knowledge of the character and position of Mrs. Dowd than can be gathered from the evidence given at the trial of the prisoner. This inquiry does not imply any doubt of Mrs. Dowd's respectability, and you will conduct it with the utmost care and prudence, to avoid giving her pain.

You will endeavour to account for the circumstance, which appears to be strange in the case of a person at her time of life,—that Mrs. Dowd did not give immediate information of the outrage she had suffered to members of her own family who were near her.

I have, &c.,
HENRY PARKES.

Telegram from The Colonial Secretary to Police Magistrate, Mudgee.

Sydney, 19 May, 1879.

Mr. Meares had better proceed to Wellington on business of letter.

The Colonial Secretary to The Police Magistrate, Hartley.

(Confidential. This letter to be returned with report.)

Sir, Colonial Secretary's Office, Sydney, 17 May, 1879.

The Government are desirous of obtaining some further information respecting the case of the two prisoners now lying under sentence of death at Bathurst, for the crime of rape, committed on a young girl named Smith, at Sodwalls, and you are hereby instructed to make the necessary inquiries in the matter.

The evidence at the trial leads to the conclusion that the victim of these criminals is a person of good character, that she was a virgin at the time of the outrage committed upon her, and that she had not given the prisoners any encouragement by undue familiarity at other times, although she was living as their fellow-servant.

You will conduct your inquiries in view of these assumed facts, with the object of placing before the Executive Council the fullest information as to the real character of the girl. It seems proper that inquiries should be made, though with the utmost care and prudence, not only where the girl was residing at the time of the outrage (in the family of a Mr. M'Laughlin at Sodwalls), but also in the neighbourhood where her parents reside, and that Dr. Grant should be seen on the subject. If any circumstance should come to your knowledge in the course of your inquiries in any respect affecting the prisoners which you consider should be made known to the Government, you will include that matter also in your report, though, as the prisoners have been convicted of the capital offence, your inquiries are not specially instituted in reference to them.

I scarcely need add that you will as much as possible avoid any step in your inquiries calculated to embitter the affliction of the unhappy girl or her family.

I have, &c.,
HENRY PARKES.

Minute of the Colonial Secretary in reference to the decision of the Executive Council in the case of Medcalf and Wilkinson.

* Date of execution, see p 10, sub. fin.

* This date can be altered to June 17th.—H.P., 21/5/79.

[This alteration was made in consequence of representations from the Sheriff's Department that both executions could not well take place on the same day.]

The Under Secretary, Colonial Secretary's Department, to The Sheriff.

Sir, Colonial Secretary's Office, Sydney, 21 May, 1879.

Referring to my letter of the 16th instant, I am now directed by the Colonial Secretary to inform you that the date of execution of the prisoners Alexander Medcalf and Charles Henry Wilkinson has been altered from Tuesday the 10th to Tuesday the 17th June next, and to request that you will apprise the unhappy men accordingly.

2. I am desired to request that you will acknowledge the receipt of this letter.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary of Justice, &c.

Sir, Colonial Secretary's Office, Sydney, 21 May, 1879.

Referring to my letter of the 16th instant, I am now directed by the Colonial Secretary to state, for the information of the Minister of Justice and Public Instruction, that the date of the execution of the prisoners Alexander Medcalf and Charles Henry Wilkinson has been altered from Tuesday the 10th to Tuesday the 17th of June next, and that the necessary instructions have been given to the Sheriff.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 21 May, 1879.

Referring to my letter of the 16th instant, I am now directed by the Colonial Secretary to inform you that the date of the execution of the prisoners Alexander Medcalf and Charles Henry Wilkinson has been altered from Tuesday the 10th to Tuesday the 17th June next, of which the Sheriff has been advised.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to Acting Judge Davis.

Sir, Colonial Secretary's Office, Sydney, 21 May, 1879.

Referring to my letter of the 16th instant, I am now directed by the Colonial Secretary to inform you that the date of the execution of the prisoners Alexander Medcalf and Charles Henry Wilkinson has been altered from Tuesday the 10th to Tuesday the 17th June next, and that the Sheriff has been instructed to apprise the unhappy men accordingly.

I have, &c.,
CRITCHETT WALKER.

The Police Magistrate, Hartley, to The Colonial Secretary.

Sir, Court House, Hartley, 22 May, 1879.

In reply to your letter of the 17th instant, instructing me to make inquiries into the character of Amelia Elizabeth Clarke Smith, of Sodwalls, upon whose person a rape was committed by Alexander Medcalf and Charles Wilkinson,—I have the honor to inform you that, after careful inquiries into the matter, I cannot hear one word against the character of Amelia Elizabeth Clarke Smith. I herewith enclose your letter of the 17th instant, together with certificates from Dr. Grant, with his original memo. made by him at the time he examined the girl in the presence of her mother, on the 10th January last; also certificate from Andrew M'Laughlin, in whose service she was at the time the offence was committed; also from John W. West, who has known the girl for a period of seven years. Mrs. Charlton, a neighbour of the girl's parents, living some mile and a half from their residence, states that the girl was living a fortnight with her previous to the girl's going to the service of Andrew M'Laughlin, during which time she found her to be a well conducted girl.

I have, &c.,
THOMAS H. NEALE.

[*Enclosures.*]

Lithgow, 20 May, 1879.

I hereby certify that the annexed paper marked *A* is the original memorandum made by me on Friday, 10th January, 1879, at Lithgow, after examining Amelia Ann Smith in the presence of her mother.

The notes were written in the presence of the girl and her mother before they left.

CHARLES JAMES GRANT,
Surgeon.
Lithgow.

A.

Examination of Amelia Elizabeth Clarke Smith on Friday, 10th of January, 1879, at 1 p.m.

Bruises on right side of neck and on inner and upper side of right arm. Bruises on right hip, outer side of left thigh towards the knee. External organs of generation reddened. Hymen ruptured and vagina lacerated. Small vagina. Injuries a day or two old.

Sodwalls, near Rydal, 20 May, 1879.

I have known Amelia Elizabeth Clarke Smith for the last eight or nine years. I believe her to be a young woman of good moral character, and I have no doubt, from what I know of her, she was a virgin when the rape was committed upon her by Alexander Medcalf and Charles Wilkinson. I have never known the girl Smith to give either Medcalf or Wilkinson any encouragement by any undue familiarity at any time during the time they were in my service. The girl Smith was in my service eight or nine weeks previous to the rape being committed upon her. Six weeks of that time Medcalf was also in my employ; and ten days of that time Wilkinson was also in my employ.

ANDREW M'LAUGHLIN.

Tarara, near Sodwalls, 20 May, 1879.

I have lived within two miles of the residence of Amelia Elizabeth Clarke Smith for a period of seven years, and I have known the girl Smith for that time. I know her to be a good, honest, virtuous girl. I have never heard the slightest imputation against her character.

JOHN W. WEST.

Minute of the Lieutenant-Governor.

MINUTE (for the Executive Council) of an interview, this morning, between myself and a deputation from certain persons at Bathurst and its neighbourhood, on the subject of the capital convictions of the aboriginal Alfred, and the lads Wilkinson and Medcalf, for rape.

Mr. Webb, M.P., presented the petition, which has already appeared in the newspapers, and is very numerously signed; and I was addressed by him, Mr. Lucas, M.P., the Rev. Canon Smith, Mr. Rea, of Bathurst, and one other gentleman—the latter alone advocating clemency to the aboriginal, the petition being confined to the case of Wilkinson and Medcalf alone.

It was emphatically announced, that a large (if not the greater) number of the petitioners disapproved of the 4th paragraph; and the deputation distinctly repudiated it, believing the girl's character to be utterly blameless. The grounds on which the solicitation for commutation was rested by the speakers, in the case of Wilkinson and Medcalf, was their youth—but especially the extreme youth of the latter,—and the utter ignorance of both as to the wickedness of their crime; Canon Smith declaring that in both there was apparently a complete absence of the moral faculty or perception—and even an incapacity, as it seemed to him, to appreciate the awfulness of their present position. The ignorance or stolidity of the girl was also dwelt on:—not as affecting her credibility, but as showing that she probably did not feel

feel so acutely as most other girls might, the shame of the dishonour done her. The fact was urged, that on the other hand she earnestly desired the mitigation of the sentence; and it was said, that she was wretched—and likely through life to continue so,—at the reflection that she was, if the prisoners were executed, the cause of their death. It was suggested, that, as her family and the family of the prisoners were in the same neighbourhood, that fact would be all the more likely to disturb her peace of mind. By one speaker, if not more, it was alleged that worse cases than this had not been punished by death; and that, if these prisoners were so dealt with, sympathy would be felt for them, and no longer for the girl.

Before the presentation to me of the petition, I read a paper which has I perceive already been published, and to which I refer the Council.—I then heard, without a word of comment (except as to the last cited topic), all that the deputation had to say—which I have here epitomised,—and which I undertook to lay before the Council, with the petition, at its next sitting.

The ground of mitigation submitted, in the case of the aboriginal, was his utter ignorance of all moral obligations, and of our laws.

23rd May, /79. ALFRED STEPHEN.

The Police Magistrate, Mudgee, to The Colonial Secretary.

Sir, Mudgee, 26 May, 1879.

In attention to your instructions by telegram, I went to Wellington, and in terms of your letter of the 17th instant, proceeded to make inquiry as to the character and position of Mrs. Dowd, as well as into the circumstance of her not having given immediate information to the members of her family of the outrage she had suffered, and I have now the honor to report in reference thereto as follows:—

I had conversations on the whole matter with Mr. Marsh, C.P.S., with Dr. Rygate, and with the senior-constable who had charge of the case. Mr. Marsh and Dr. Rygate had known Mrs. Dowd for sixteen or seventeen years, and the senior-constable (who had made himself thoroughly acquainted with the facts of the case) had also known her well for over five years.

By what I have gathered in this way, it appears that Mrs. Dowd, with her husband, who has been dead these fifteen years, came to reside where she now lives about thirty years ago. She is a woman of no education, and little knowledge of the world, being of a retiring disposition, and holding very little intercourse with any of her neighbours. Living in a house by herself, and doing everything for herself, she is taken up with her own concerns, apparently influenced chiefly by a desire to make money; and being industrious and saving she has accumulated a good deal of property in land and stock, and although she is said to be strict and overbearing in her domestic relations, she has assisted most of her family (three sons and five daughters) in setting up for themselves. She is remarkable for sobriety and integrity, and during her long residence in the district nothing seems to have occurred to affect in any way her character as a respectable woman.

It was mentioned to me, as showing a strong sense of propriety for one in her position, that when one of her daughters, who had left her husband and gone away with another man, wished to come back to her mother, she refused to let her in or have anything to say to her.

With regard to her withholding from her own family the fact of the rape having been committed, her disposition and temperament are such as would partly account for this. Being strict with them, and preferring to live by herself, would be likely to lead to some reserve between them, and together with this she is, as Dr. Rygate says, very sensitive. Those whose names I have mentioned (as well as myself) think that her reply to Senior-constable Chiplin's questions as to her not having told her son or daughter-in-law, is the true answer to that inquiry, "My God! how could I tell my family of it? I have been here thirty years, and have brought up my family respectably, and no one can say a word against me. How could I tell them? God help me! it would have been better if he had murdered me," as if, over and above the outraged feeling at being ravished, she felt the more injured that it was by a blackfellow.

After consideration, I concluded that it would be better for me not to speak to Mrs. Dowd, and I confined my inquiries to the three I have mentioned, believing that their statements were entirely reliable, and ample for the purpose required.

The doctor was not aware of the object of my questions. The other two were requested to say nothing of the matter, so as to avoid the public talking which would otherwise result.

I hope that you may find this report sufficient. I have, &c.,

W. D. MEARES, P.M.

Chairman of Public Meeting, Tamworth, to The Colonial Secretary.

[Received 23 May, 1879.]

Sir, Tamworth, 22 May, 1879.

I do myself the honor to forward copies of resolutions passed at a large and respectable meeting of the inhabitants of this town and district in reference to the case of the prisoners named in the margin, now lying under sentence of death. I have, &c.,

Medcalf and Wilkinson.

PHILIP GIDLEY KING,
Chairman of the Meeting.

His Excellency.—H.P., 23/5/79. The Executive Council.—A.S., 24/5/79.

[*Enclosure.*]

Copy of Resolutions passed unanimously at a Public Meeting at Tamworth, held on Wednesday, 21st May, 1879.

1. That this meeting views with deep sorrow the decision of the Executive Council to carry into effect the sentence of death passed upon Medcalf and Wilkinson, convicted of rape at the last Bathurst Assizes. That the youth of the convicts and the circumstances of their case as shown by the evidence taken at their trial, are such as appear to warrant the exercise of the Royal Prerogative of Mercy.

2. That the above resolution be transmitted to His Excellency the Lieutenant-Governor.

Signed by the Chairman on behalf of the inhabitants of the town and district of Tamworth.

PHILIP GIDLEY KING,
Chairman.

Mayor,

15

Mayor, on behalf of Inhabitants of West Maitland.

[Received 24 May, 1879.]

To His Excellency Sir Alfred Stephen, Knight Companion of the Bath Lieutenant-Governor, and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

The humble Petition of the undersigned Mayor of West Maitland, signing on behalf of the inhabitants thereof, in accordance with a resolution unanimously adopted at a public meeting,—

Respectfully showeth:—

1. That in compliance with a requisition signed by a number of residents, requesting me to convene a public meeting for the purpose of taking into consideration the sentence passed at the late Bathurst Assizes on the youths Medcalf and Wilkinson, as well as that on the aboriginal Alfred, and confirmed by the Executive Council, I convened such meeting to be held at the School of Arts, on Thursday evening, the 22nd May, 1879.

2. That at the time and place above mentioned a largely attended meeting took place, and the following resolutions were unanimously passed:—

"1st. That this meeting regrets the confirmation by the Executive Council of the sentence passed at the late Bathurst Assizes, on the youths Medcalf and Wilkinson, as well as that on the aboriginal "Alfred," and expresses a hope that the Executive will be pleased to re-consider their decision, with a view of not carrying into effect the extreme penalty of the law."

"2nd. That a Petition be prepared embodying the foregoing resolution, and signed by the Mayor, on behalf of the inhabitants of West Maitland, for presentation forthwith to the Executive Council, praying that the extreme sentence of the law shall not be carried into effect; and that the Mayor, Messieurs Joseph Albert Gorrick and George Stratford be asked to prepare such Petition."

3. That a number of speakers, including several Ministers of religion and influential citizens, earnestly urged the desirability of respectfully directing the attention of your Excellency to the youth of the culprits; that the punishment of death for the crime of rape has been abolished in England; that for a number of years in this Colony the sentence of death for a similar crime has invariably been commuted to one of a lighter character; that an extension of mercy will be justified by precedent and authorized by law.

4. That in the case of the aboriginal "Alfred," the enormity of the offence could scarcely be appreciated by an untutored savage without the restraints of moral teaching and even a knowledge of the law.

Your Petitioner, therefore, on behalf of the inhabitants of West Maitland, humbly prays your Excellency to take into consideration the case of the prisoners, and that your Excellency will temper justice with mercy.

And your Petitioner will ever pray, &c.

JAMES FULLFORD, Junr.,
Mayor.

For Executive Council.—A.S., 24/5/79. Submitted.—26/5/79.

Mr. William Martyn to The Colonial Secretary.

[Received 26th May, 1879.]

Sir,

Springwood, 17 May, 1879.

I hope you will pardon me in referring to you the decision of the Executive Council as far as regards Medcalf. If this boy's training had been looked into, I am sure the Council would have been more merciful in his case.

As I have known this lad for a number of years I will give you a small bit of his training, trusting you will try and give your power to alter the decision arrived at.

The boy Medcalf is illegitimate, and Medcalf married his mother. Medcalf is a rough-spoken man, and instead of correcting this boy when he was doing wrong he encouraged it. I have seen this boy, when seven years of age, pull his pipe out and sit by his stepfather at the fire, and curse and swear. Instead of the stepfather correcting him he encouraged it, and it is my opinion the boy, although he must have known he was doing wrong, did not think that it was so serious as it has proved.

Trusting you will use your powerful influence in commuting the sentence,—

I am, &c.,
WILLIAM MARTYN.

Minute of the Colonial Secretary.

To be placed with the other papers in the case of Medcalf and Wilkinson. William Martyn was for some years a ganger on the Western Railway, and now keeps the Hotel at Springwood.—H.P., 17/5/79.

Mayor, on behalf of Inhabitants of Newtown.

[Received 26 May.]

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., Lieutenant-Governor of the Colony of New South Wales.

May it please Your Excellency:—

The humble Petition of the undersigned residents of Newtown or otherwise within the Colony,—

Respectfully showeth:—

1st. That your Petitioners have been informed that at the recent Criminal Assizes held at Mudgee, an aboriginal named Alfred was found guilty of the crime of rape, and that at the Criminal Assizes, held at Bathurst in April, Alexander Medcalf and Charles E. Wilkinson, aged respectively fourteen and nineteen years, were found guilty of the crime of rape, and that in accordance with law, they were sentenced to suffer the extreme penalty of death by hanging.

2nd.

2nd. That your Petitioners have been informed that the Executive Council have recommended your Excellency to cause these sentences to be carried out.

3rd. That your Petitioners, whilst they are desirous to accord the utmost weight to the advice of your responsible advisers, and are earnestly wishful not to appear to reflect upon them in the slightest degree for so advising, and record their horror and detestation at the grave nature of the crime committed, yet desire to lay before your Excellency their humble and urgently respectful prayer that your Excellency will be pleased even yet to exercise the Royal Prerogative committed to your Excellency in such cases, and will be pleased to remit the death penalty in the cases of the three prisoners referred to, and adjudge such other severe punishment as will meet the undoubted enormity of their offences.

4th. That your Petitioners crave respectfully to implore your Excellency to exercise your most responsible Prerogative on the following grounds: *First*—Because of the extreme ignorance of the poor wretched aboriginal Alfred. *Second*—Because of the extreme youth of the prisoner Alexander Medcalf, who, it is stated, was born on the 7th day of March, 1864, and was therefore only fourteen years and ten months old when he committed the crime on January 8th, 1879. *Third*—Because of the youth of the prisoner Charles E. Wilkinson, aged nineteen years. *Fourth*—Because of the fact that the death penalty for the crime of rape has been abolished for many years in the United Kingdom, of which New South Wales is a dependency, whose laws should not be less merciful and just. *Fifth*—Because, although the crime is of the most awful description, and should in the humble judgment of your Petitioners be punished with the severest penalty short of death, yet your Petitioners humbly submit that since no life was destroyed in these cases, no life should be sacrificed in punishment of the offences, and *Sixth*—Because it has hitherto been (with rare exceptions) the practice to reduce the penalty in such cases; and your Petitioners are of opinion that if it be inflicted in the cases, especially of the younger prisoners, it will have the effect upon the public mind of hindering prosecutions of many such offences in future, and of preventing convictions in many cases, seeing that such awful consequences follow, and so the public safety and protection of women especially will thus be endangered.

5th. That your Petitioners, therefore, for these reasons most humbly and respectfully lay before your Excellency their earnest prayer, that your Excellency would be pleased to take the cases of these three prisoners into your merciful consideration, and remit the sentences of death for such other penalty as your Excellency, in your wisdom, and with your special experience, may see fit to adjudge. And your Petitioners, as in duty bound, will ever pray.

Signed on behalf of the inhabitants of Newtown in Public Meeting assembled, this 26th day of May, 1879.

JAMES F. SMITH, Mayor.

Town Hall, Newtown.

Petition—Inhabitants of Bathurst.

[Received 26 May, 1879.]

To His Excellency Sir Alfred Stephen, Knight Commander of the Most Distinguished Order of St. Michael and St. George, and a Companion of the Most Honorable Order of the Bath, Lieutenant-Governor of New South Wales.

The Petition of the undersigned inhabitants of the City of Bathurst praying that the sentence of death passed upon Alexander Medcalf and Charles C. Wilkinson may not be carried into effect,—

Humbly Showeth:—

That the said Alexander Medcalf and Charles C. Wilkinson were, at the last Circuit Court holden at Bathurst, convicted of the crime of rape, and sentence of death was passed upon them.

2. That your Petitioners have heard with feelings of great alarm that the sentence of death passed upon the above-named Alexander Medcalf and Charles C. Wilkinson is to be carried into effect on the 10th day of June next.

3. That at the time of the commission of the said offence the said Alexander Medcalf was only fourteen years and ten months of age, and the said Charles C. Wilkinson was of the age of twenty-one years.

4. That the crime could not have been committed with great violence would appear from the facts that the prosecutrix, C. A. P. Smith, did not give any information to any person until twenty-four hours had elapsed from the time of the commission of the offence, and that there was no evidence to show that her clothing was disordered or torn; nor were there any marks of great violence upon her person, and she attended to her domestic duties as usual.

Your Petitioners therefore humbly pray that your Excellency will be graciously pleased to take the above circumstances into your merciful consideration, and commute the sentence of death passed upon the above-named Alexander Medcalf and Charles C. Wilkinson to such term of imprisonment as you may deem fit.

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

[*Here follow* 85 *signatures.*]

Mayor, on behalf of Inhabitants of Wallsend.

[Received 3 June, 1879.]

To His Excellency Sir Alfred Stephen, Knight, Companion of the Bath, Lieutenant-Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same.

The humble Petition of the undersigned, Mayor of Wallsend, signing on behalf of the inhabitants thereof, in accordance with a resolution unanimously adopted at a public meeting,—

Respectfully Showeth:—

That in compliance with a requisition signed by a number of residents, requesting me to convene a public meeting, for the purpose of taking into consideration the sentence passed on the youths Medcalf and Wilkinson, as well as that on the aboriginal Alfred, and confirmed by the Executive Council, I convened such meeting, to be held at Harris's Assembly Rooms, on Wednesday evening, May the 28th, 1879; and at that meeting the following resolutions were unanimously passed:—

1. That this meeting regrets the confirmation of the sentence passed on the youths Medcalf and Wilkinson, as well as that on the aboriginal Alfred, and expresses a hope that the Executive will

will be pleased to reconsider their decision, with a view of not carrying into effect the extreme penalty of the law.

2. That a Petition be prepared embodying the foregoing resolution, and signed by the Mayor on behalf of the inhabitants of Wallsend, for presentation to your Excellency, praying that the extreme sentences of the law shall not be carried out.

3. Your Petitioner therefore, on behalf of the inhabitants of Wallsend, humbly prays your Excellency to take into consideration the case of the prisoners, and that your Excellency will be pleased to extend that mercy to the prisoners which has been shown to others.

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

J. Y. NEILSON,
Chairman.

Colonial Secretary (for Executive Council).—A.S., 3/6/79.

From Inhabitants of Parramatta.

[Received 3 June, 1879.]

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., &c., Lieutenant-Governor of the Colony of New South Wales.

May it please your Excellency.

The humble Petition of the undersigned residents of Parramatta, in the Colony, in public meeting assembled,—

Respectfully Showeth:—

1st. That your Petitioners have been informed that at the recent Criminal Assizes, held at Mudgee, an aboriginal, named Alfred, was found guilty of the crime of rape, and that at the Criminal Assizes held at Bathurst in April, Alexander Medcalf and Charles E. Wilkinson, aged respectively fourteen and nineteen years, were found guilty of the crime of rape, and that in accordance with law, they were sentenced to suffer the extreme sentence of death by hanging.

2nd. That your Petitioners have been informed that the Executive Council have recommended your Excellency to cause these sentences to be carried out.

3rd. That your Petitioners, whilst they are desirous to accord the utmost weight to the advice of your responsible advisers, and are earnestly wishful not to appear to reflect upon them in the slightest degree for so advising, and record their horror and detestation at the grave nature of the crime committed, yet desire to lay before your Excellency their humble and urgently respectful prayer that your Excellency will be pleased to remit the death penalty in the cases of the three prisoners referred to, and adjudge such other sort of punishment as will meet the undoubted enormity of their offences.

4th. That your petitioners crave respectfully to implore your Excellency to exercise your most responsible prerogative on the following grounds:—1st. Because of the extreme ignorance of the poor wretched aboriginal, Alfred. 2nd. Because of the extreme youth of the prisoner, Alexander Medcalf, who it is stated, was born on the 17th day of March, 1864, and was therefore only fourteen years and ten months old when he committed the crime in January, 1879. 3rd. Because of the youth of the prisoner, Charles E. Wilkinson, aged nineteen years. 4th. Because of the fact that the death penalty for the crime of rape has been abolished for many years in the United Kingdom, of which New South Wales is a dependency, whose laws should not be less merciful and just. 5th. Because, although the crime is of the most awful description, and should in the humble judgment of your Petitioners, be punished with the severest penalty short of death, yet your Petitioners humbly submit that, since no life was destroyed in these cases, no life should be sacrificed in punishment of the offences. And 6th., because it has hitherto been (with rare exceptions) the practice to reduce the penalty in such cases, and your Petitioners are of opinion that if it be inflicted in the cases, especially the younger prisoners, it will have the effect upon the public mind of hindering prosecutions of many such offences in future, and of preventing convictions in many cases, seeing that such awful consequences follow, and so the public safety and protection of women especially will be thus endangered.

5th. That your Petitioners therefore for these reasons most humbly and respectfully lay before your Excellency their earnest prayer, that your Excellency would be pleased to take the cases of these three prisoners into your merciful consideration, and remit the sentences of death for such other penalty as your Excellency in your wisdom and your special experience may see fit to adjudge.

And your Petitioners will ever pray that God may have your Excellency in His merciful keeping.

[*Here follow* 941 *signatures.*]

Colonial Secretary (for Executive Council).—A.S., 3/6/79. Submitted, 3/6/79.

From the Inhabitants of Paddington and Woollahra.

[Received, 5 June.]

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., Lieutenant-Governor of the Colony of New South Wales.

May it please your Excellency,—

The humble Petition of the undersigned, residents of the Boroughs of Paddington and Woollahra, within the Colony of New South Wales, respectfully showeth.—

1. That your Petitioners have been informed that at the recent Criminal Assizes, held at Mudgee, an aboriginal named Alfred was found guilty of the crime of rape, and that at the Criminal Assizes, held at Bathurst in April, Alexander Medcalf and Charles E. Wilkinson, aged respectively fourteen and nineteen years, were found guilty of the crime of rape, and that in accordance with law, they were sentenced to suffer the extreme penalty of death by hanging.

2. That your Petitioners have been informed that the Executive Council have recommended your Excellency to cause these sentences to be carried out.

3. That your Petitioners, whilst they are desirous to accord the utmost weight to the advice of your responsible advisers, and are earnestly wishful not to appear to reflect on them in the slightest degree for so advising, and record their horror and detestation at the grave nature of the crime committed, yet desire to lay before your Excellency their humble and urgently respectful prayer that your Excellency will

will be pleased even yet to exercise the Royal Prerogative committed to your Excellency in such cases, and will be pleased to remit the death penalty in the cases of the three prisoners referred to, and adjudge such other severe punishment as will meet the undoubted enormity of their offences.

4. That your Petitioners crave respectfully to implore your Excellency to exercise your most responsible prerogative on the following grounds:—*First.* Because of the extreme ignorance of the poor wretched aboriginal Alfred. *Second*, Because of the extreme youth of the prisoner Alexander Medcalf, who, it is stated, was born on the 7th day of March, 1864, and was, therefore, only fourteen years and ten months old when he committed the crime on January 8th, 1879. *Third.* Because of the youth of the prisoner Charles E. Wilkinson, aged nineteen years. *Fourth.* Because of the fact that the death penalty for the crime of rape has been abolished for many years in the United Kingdom, of which New South Wales is a dependency, whose laws should not be less merciful and just, *Fifth.* Because, although the crime is of the most awful description, and should, in the humble judgment of your Petitioners, be punished with the severest penalty short of death, yet your Petitioners humbly submit that, since no life was destroyed in these cases, no life should be sacrificed in punishment of the offences. And *Sixth*, Because it has hitherto been (with rare exceptions) the practice to reduce the penalty in such cases; and your petitioners are of opinion that if it be inflicted in these cases, especially those of the younger prisoners, it will have the effect upon the public mind of hindering prosecutions of many such offences in future, and of preventing convictions in many cases, seeing that such awful consequences follow, and so the public safety and protection of women especially will be thus endangered.

5. That your Petitioners therefore, for these reasons, most humbly and respectfully lay before your Excellency their earnest prayer that your Excellency would be pleased to take the cases of these three prisoners into your merciful consideration, and remit the sentence of death for such other penalty as your Excellency in your wisdom, and with your special experience, may see fit to adjudge.

And your Petitioners will ever pray.

[*Here follow* 88 *signatures.*]

Mayor of Victoria on behalf of Public Meeting.

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., &c., Lieutenant-Governor of the Colony of New South Wales.

[Received 5 June, 1879.]

May it please your Excellency,—

We, the Inhabitants of the Boroughs of St. Leonards, East St. Leonards, and Victoria, in public meeting assembled, address your Excellency with sentiments of profound respect, and earnestly request that you will be pleased to exercise the royal prerogative of mercy and commute the death-sentences passed upon Alexander Medcalf, Charles E. Wilkinson, and Alfred, an aboriginal, convicted at the late Bathurst Assizes of the crime of rape. Whilst expressing our utter abhorrence of the cowardly and brutal offence of which these youths have been proved guilty, we would respectfully call your Excellency's attention to the fact that in Great Britain the penalty of death for the crime of rape has been abolished for thirty-six years, and in this Colony during the last sixteen years only three sentences of death for rape out of forty-one convictions have been carried out; and we humbly submit that there is nothing so exceptional in these cases as to interfere with the customary use of Royal clemency, whereas the extreme youth of two of the prisoners and the ignorance of the third afford well recognized grounds for the exercise of the prerogative of mercy.

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

Signed on behalf of the public meeting by the Chairman,—

FREDERICK SMITH,
Mayor of the Borough of Victoria.

Sir George Innes, M.L.C., to His Excellency the Lieutenant-Governor.

[Received 7 June, 1879.]

Sir, Chambers, 97, Elizabeth-street, Sydney, 7 June, 1879.

I have the honor, in compliance with a request contained in a letter received by me this morning from the Mayor of Ulladulla, to forward to your Excellency a Petition from the Inhabitants of the district of Milton and Ulladulla, praying for a commutation of the death sentence passed upon the three prisoners Alfred (an aboriginal), Medcalf, and Wilkinson.

Immediately upon the receipt this morning of the Petition which was sent to me for presentation to your Excellency, I waited upon your Excellency, at Government House, to present it in person.

The letter which came to me requests me to urge upon your Excellency the prayer of the Petition. As far as the case of the boys Medcalf and Wilkinson is concerned, I have already said what I can, but apparently without much effect. I do, however, pray to God, even yet, to put it into your Excellency's heart that your Excellency may consistently with your sense of duty, be enabled to exercise the prerogative of mercy in the case of those unhappy boys.

On hundreds of occasions through your Excellency's long and honored life your Excellency has joined in the beautiful prayer of one of our Church's collects which begins by addressing that God "who declareth His almighty power most chiefly in showing mercy." How are our hearts encouraged by this beautiful thought, when looking back upon the crimes of our own lives, we otherwise might sink into black despair.

I cannot express to your Excellency the shuddering horror with which I think of the dear earth of my native country being stained with the blood of that boy of fifteen. I feel that I shall be treading in blood all my life, as long as I stay in the country; and I do not like that. Once more! I beseech your Excellency to spare the lives of those boys.

I remain, &c.,
J. GEO. LONG INNES.

[*Enclosure.*]

[*Enclosure.*]

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., Lieutenant-Governor of the Colony of New South Wales.

May it please your Excellency,—

The humble Petition of the undersigned residents of Milton and Ulladulla, or otherwise within the Colony,—

Respectfully Showeth :—

1. That your Petitioners have been informed that at the recent Criminal Assizes held at Mudgee, an aboriginal named Alfred was found guilty of the crime of rape, and that at the Criminal Assizes at Bathurst, in April, Alexander Medcalf and Charles E. Wilkinson, aged respectively fourteen and nineteen years, were found guilty of the crime of rape, and that in accordance with law they were sentenced to suffer the extreme penalty of death by hanging.

2. That your Petitioners have been informed that the Executive Council have recommended your Excellency to cause these sentences to be carried out.

3. That your Petitioners, whilst they are desirous to accord the utmost weight to the advice of your responsible advisers, and are earnestly wishful not to appear to reflect upon them in the slightest degree for so advising, and record their horror and detestation at the grave nature of the crime committed, yet desire to lay before your Excellency their humble and urgently respectful prayer that your Excellency will be pleased even yet to exercise the Royal Prerogative committed to your Excellency in such cases, and will be pleased to remit the death penalty in the cases of the three prisoners referred to, and adjudge such other severe punishment as will meet the undoubted enormity of their offences.

4. That your Petitioners crave respectfully to implore your Excellency to exercise your most responsible prerogative on the following grounds :—

First—Because of the extreme ignorance of the poor wretched aboriginal, Alfred.

Second—Because of the extreme youth of the prisoner Alexander Medcalf, who, it is stated, was born on the seventh day of March, 1864, and was therefore only fourteen years and ten months old when he committed the crime on January 8th, 1879.

Third—Because of the youth of the prisoner Chas. E. Wilkinson, aged nineteen years.

Fourth—Because of the fact that the death penalty for the crime of rape has been abolished for many years in the United Kingdom, of which New South Wales is a dependency, whose laws should not be less merciful and just.

Fifth—Because, although the crime is of the most awful description, and should, in the humble judgment of your Petitioners, be punished with the severest penalty short of death, yet your Petitioners humbly submit that, since no life was destroyed in these cases, no life should be sacrificed in punishment of the offences ; and

Sixth—Because it has hitherto been (with rare exceptions) the practice to reduce the penalty in such cases, and your Petitioners are of opinion that if it be inflicted in the cases, especially of the younger prisoners, it will have the effect upon the public mind of hindering prosecutions of many such offences in future, and of preventing convictions in many cases, seeing that such awful consequences follow, and so the public safety and protection of women especially will be thus endangered.

5. That your Petitioners, therefore, for these reasons most humbly and respectfully lay before your Excellency their earnest prayer, that your Excellency would be pleased to take the cases of these three prisoners into your merciful consideration, and remit the sentences of death for such other penalty as your Excellency in your wisdom and with your special experience may see fit to adjudge.

And your Petitioners will ever pray.

[*Here follow* 150 *signatures.*]

Petition from Chairman on behalf of a Public Meeting at Forbes.

[Presented by Mr. Coonan, 12th June, 1879.]

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., Lieutenant-Governor of the Colony of New South Wales.

May it please your Excellency,—

The humble Petition of the undersigned Residents of Forbes, in Public Meeting assembled,—

Showeth :—

1st. That your Petitioners have been informed that at the recent Criminal Sessions held at Mudgee, an aboriginal named Alfred was found guilty of the crime of rape, and that at the Criminal Assizes held at Bathurst in April, Alexander Medcalf and Charles E. Wilkinson, aged respectively 14 and 19 years, were found guilty of the crime of rape, and that, in accordance with law, they were sentenced to suffer the extreme penalty of death by hanging.

2nd. That your Petitioners have been informed that the Executive Council have recommended your Excellency to cause these sentences to be carried out.

3rd. That your Petitioners, whilst they are desirous to accord the utmost weight to the advice of your responsible advisers, and are earnestly wishful not to appear to reflect upon them in the slightest degree for so advising, and record their horror and detestation at the grave nature of the crime committed, yet desire to lay before your Excellency their humble and urgently respectful prayer that your Excellency will be pleased even yet to exercise the Royal prerogative committed to your Excellency in such cases, and will be pleased to remit the death penalty in the cases of the three prisoners referred to, and adjudge such other severe punishment as will meet the undoubted enormity of their offences.

4th. That your Petitioners crave respectfully to implore your Excellency to exercise your most responsible prerogative, on the following grounds :—

1st. Because of the extreme ignorance of the poor wretched aboriginal, Alfred.

2nd. Because of the extreme youth of the prisoner Alexander Medcalf, who, it is stated, was born on the 17th March, 1864, and was therefore only fourteen years and ten months old when he committed the crime, in January, 1879.

3rd. Because of the youth of the prisoner Charles E. Wilkinson, aged nineteen years.

4th. Because of the fact that the death penalty for the crime of rape has been abolished for many years in the United Kingdom, of which New South Wales is a dependency, whose laws should not be less merciful and just.

5th. Because, although the crime is of the most awful description, and should, in the humble judgment of your Petitioners, be punished with the severest penalty short of death, yet your Petitioners humbly submit that, since no life was destroyed in these cases, no life should be sacrificed in punishment of the offences.

And 6th. Because it has hitherto been (with rare exceptions) the practice to reduce the penalty in such cases, and your Petitioners are of opinion that if it be inflicted in the cases, especially of the younger prisoners, it will have the effect upon the public mind of hindering prosecutions of many such offences in future, and of preventing convictions in many cases, seeing that such awful consequences follow ; and so the public safety and protection, of women especially, will be thus endangered.

That

That your Petitioners, therefore, for these reasons, most humbly and respectfully lay before your Excellency their earnest prayer, that your Excellency would be pleased to take the cases of these three prisoners into your merciful consideration, and remit the sentences of death for such other penalty as your Excellency in your wisdom, and with your special experience, may see fit to adjudge.

And your Petitioners will ever pray that God may have your Excellency in his merciful keeping.

Signed on behalf of the Meeting,

JNO. BODEL,
Chairman.

Forbes, 27th May, 1879.

Petition from Inhabitants of Bega.

[Received 6 June, 1879.]

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., Lieutenant-Governor of the Colony of New South Wales,—

May it please your Excellency,—

The humble Petition of the undersigned residents of Bega, or otherwise within the Colony,—

Respectfully Showeth:—

1. That your Petitioners have been informed that at the recent Criminal Assizes held at Mudgee, an aboriginal named Alfred was found guilty of the crime of rape, and that at the Criminal Assizes held at Bathurst in April, Alexander Medcalf and Charles E. Wilkinson, aged respectively 14 and 19 years, were found guilty of the crime of rape, and that, in accordance with law, they were sentenced to suffer the extreme penalty of death by hanging.

2nd. That your Petitioners have been informed that the Executive Council have recommended your Excellency to cause these sentences to be carried out.

3rd. That your Petitioners, whilst they are desirous to accord the utmost weight to the advice of your responsible advisers, and are earnestly wishful not to appear to reflect upon them in the slightest degree for so advising, and record their horror and detestation at the grave nature of the crime committed, yet desire to lay before your Excellency their humble and urgently respectful prayer that your Excellency will be pleased even yet to exercise the Royal prerogative committed to your Excellency in such cases, and will be pleased to remit the death penalty in the cases of the three prisoners referred to, and adjudge such other severe punishment as will meet the undoubted enormity of their offences.

4th. That your Petitioners crave respectfully to implore your Excellency to exercise your most responsible prerogative on the following grounds:—First.—Because of the extreme ignorance of the poor wretched aboriginal Alfred. Second.—Because of the extreme youth of the prisoner Alexander Medcalf, who, it is stated, was born on the 7th day of March, 1864, and was therefore only fourteen years and ten months old when he committed the crime on January 8th, 1879. Third.—Because of the youth of the prisoner Charles E. Wilkinson, aged nineteen years. Fourth.—Because of the fact that the death penalty for the crime of rape has been abolished for many years in the United Kingdom, of which New South Wales is a dependency, whose laws should not be less merciful and just. Fifth.—Because, although the crime is of the most awful description, and should, in the humble judgment of your Petitioners be punished with the severest penalty short of death, yet your Petitioners humbly submit that since no life was destroyed in these cases no life should be sacrificed in punishment of the offences. And sixth.—Because it has hitherto been (with rare exceptions) the practice to reduce the penalty in such cases; and your Petitioners are of opinion that if it be inflicted in the cases, especially of the younger prisoners, it will have the effect upon the public mind of hindering prosecutions of many such offences in future, and of preventing convictions in many cases, seeing that such awful consequences follow, and so the public safety, and protection of women especially, will be thus endangered.

5th. That your Petitioners therefore, for these reasons, most humbly and respectfully lay before Your Excellency their earnest prayer, that Your Excellency would be pleased to take the cases of these three prisoners into your merciful consideration, and remit the sentences of death for such other penalty as Your Excellency in your wisdom, and with your special experience, may see fit to adjudge.

And your Petitioners will ever pray.

[*Here follow* 169 *signatures.*]

Petitions in identical terms from the undermentioned places.

Place.	Date of Receipt.	Signatures.	Place.	Date of Receipt.	Signatures.
Forbes	...	64	Richmond	...	123
Hill End	...	104	Ryde and Hunter's Hill	3 June, 1879...	30
Liverpool	...	133	Sydney (1)	...	9,839
Molong	5 June, 1879...	112	(2)	...	53
Morpeth	5 „ ...	122 (see memorandum below.)	(3)	...	103
			(4)	...	48
Newcastle, &c.	...	337	Tenterfield	...	34
Penrith	...	54	Tumut	5 June, 1879...	124
Plattsburg	5 June, 1879...	321	Windsor	5 „ ...	98
Redfern	5 „ ...	Chairman on behalf of public meeting.	Wollongong	5 „ ...	198
			Yass	...	69

Memorandum attached to Petition from Morpeth.

The Mayor and one of the Aldermen went round with petitions in favour of a reprieve of criminals Medcalf, Wilkinson, and blackfellow yesterday; it was filled in two and a half hours; 122 names in one street of the Municipality; hundreds more could have been obtained through the day, but it was not thought necessary. Memo. to this effect will go with petition.

WILLIAM KEATING,
Mayor.

Morpeth, 29th May, 1879.

From

From the Inhabitants of Glen Innes and Central New England.

[Presented by Mr. John Dillon, M.P.]

To the Honorable the Members of the Executive Council.

The Petition of the undersigned Residents of the township of Glen Innes and district of Central New England, who humbly desire to,—

SHOWETH :—

That at a Public Meeting of the Inhabitants of this township and district, held at Glen Innes, on Friday, May 23, 1879, and presided over by His Worship the Mayor, the decision of your Honorable Council to carry out the dread sentence of the law on the persons of criminals respectively named Medcalf and Wilkinson, charged with the serious offence of rape, was regarded as needlessly severe, because,—

In the first place, the aforesaid criminals are youthful, and doubtless committed the offence without being apprehensive of its gravity and enormity in a moral and social sense.

In the second place, because, judging from the published evidence adduced at the trial, your Petitioners think that the offence was not premeditated, and was the result of an injudicious freedom, almost proverbial amongst the uneducated and carelessly trained youthful inhabitants of the sparsely populated districts of this vast Colony.

And in the third place, because your Petitioners consider, from the facts furnished by the aforesaid date, that the offence was not a very aggravated one, and was wholly free from the viciousness, brutality, and licentiousness that usually accompany crimes of this character; that the justice of the case will be amply met by a term of imprisonment, subjecting the criminals to such other corporal punishment as your Honorable Council in wisdom may deem discreet and expedient.

Feeling, as your Petitioners do, that your Honorable Council is only actuated by a desire to administer justice in an equitable and impartial manner, and ever willing to listen to the pleadings of Her Majesty's loyal and devoted subjects, when tendered as supplicants for mercy, they thus implore your Honorable Council to mercifully reconsider your decision in the matter of the aforesaid criminals; and should you deem that the enormity of their offence can be expiated by other punishment than death, to commute the sentence accordingly.

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

[*Here follow* 162 *signatures.*]

Resolutions of Public Meetings (Sydney).

AT largely attended meetings of the citizens of Sydney, held in Belmore Park, on Saturday, June 7th, of which Mr. Alex. Ogilvie was Chairman, and in the Domain, on Sunday, June 8th, of which the Hon. John Bowie Wilson was Chairman, the following resolutions were unanimously adopted by large audiences :—

1st Resolution.—This meeting earnestly implores His Excellency the Lieutenant-Governor to grant a reprieve for at least one week of the sentence of death ordered to be carried out in the person of the aboriginal Alfred for the crime of rape, as the citizens of Sydney respectfully desire once more to approach His Excellency by petition on the subject.

2nd Resolution.—That this meeting of the citizens of Sydney desires most earnestly to record its deep regret that His Excellency the Lieutenant-Governor and his advisers have not yielded to the petitions of the people for the exercise of the prerogative of mercy in the cases of the three prisoners now under sentence of death for the crime of rape, and deplores that decision, because, although the crime for which these men have been sentenced is detestable, and should be severely punished, yet, since the people generally desire the commutation of the death penalty, such commutation should be granted in the interests of humanity and good government.

This meeting therefore respectfully urges upon the representatives of the people in Parliament, and upon all classes of the community throughout the whole Colony, again to implore His Excellency and his advisers not to outrage the public conscience and endanger the public respect for Government and law by the execution of these criminals, concerning whom it is the will of the people "*that they shall not die.*"

ALEX. OGILVIE, Chairman.
J. BOWIE WILSON, Chairman.

From Inhabitants of Murrurundi and Quirindi.

To His Excellency SIR ALFRED STEPHEN, Knight, Companion of the Most Honorable Order of the Bath, Commander of the Order of St. Michael and St. George, Lieutenant-Governor of the Colony of New South Wales, &c., &c.

The humble Petition of the undersigned inhabitants of the towns of Murrurundi and Quirindi; and the adjacent districts,—

SHOWETH :—

That your Petitioners have heard with feelings of regret that the Executive Council have decided that the sentence of death passed upon the prisoners Medcalf and Wilkinson and the aboriginal Alfred for rape should be carried into effect, and that these unfortunate beings should suffer death for the offences of which they have been found guilty.

2. That your Petitioners are well aware that the female population of the community require to be protected from the ruffianly assaults at times committed upon them, and that such offenders as may be convicted of such offences should be severely dealt with, and made to feel the enormity of their offences and the severity of their punishments; yet your Petitioners think that to punish the offenders by taking their lives is too severe, and will have the effect of making people interested hesitate before making charges against such offenders as may be the means of depriving them of their lives.

3. That your Petitioners would most humbly express a desire that Your Excellency may be pleased to spare the lives of the before-mentioned criminals.

And your Petitioners therefore humbly pray that Your Excellency will be pleased to cause the cases of these unhappy men to be reconsidered.

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

(*Here follow* 65 *Signatures.*)

From

From Inhabitants of The Glebe.

To His Excellency Sir Alfred Stephen, K.C.M.G. and C.B., &c., &c., &c., Lieutenant-Governor of the Colony of New South Wales.

May it please Your Excellency,—

The humble Petition of the undersigned Residents of the Glebe, in the District of Sydney, within the Colony of New South Wales,—

Respectfully Showeth:—

1st. That your Petitioners have been informed that at the recent Criminal Assizes held at Bathurst, in April last, two (2) young men—Alexander Medcalf and Charles Wilkinson—were found guilty of the crime of rape; also, at the Criminal Assizes held at Mudgee, an aboriginal named Alfred was found guilty of the crime of rape, and that in accordance with the law they were sentenced to suffer the extreme penalty, namely, death by hanging.

2nd. That your Petitioners desire to lay before Your Excellency their humble and respectful prayer that Your Excellency will be pleased to exercise the royal prerogative committed to Your Excellency in such cases, and that you will be pleased to remit the death penalty in the case of the three prisoners referred to, and adjudge such other punishment as to your Excellency seems meet.

3rd. That your Petitioners respectfully implore Your Excellency to exercise your prerogative on the following grounds, viz.:—

1st. Because of the youth of the prisoners Alexander Medcalf (aged 15 years) and Charles Wilkinson (aged 21 years).

2nd. Because of the ignorance of the wretched aboriginal Alfred.

That your Petitioners for these reasons respectfully lay before Your Excellency their earnest prayer that Your Excellency will be pleased to take the case of the three prisoners into your favourable consideration, and remit the sentence of death for such other penalty as Your Excellency may see fit to adjudge.

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

[*Here follow* 599 *signatures.*]

From the Inhabitants of Goulburn.

[Presented by Mr. Wm. Teece, jun., M.P.]

To His Excellency Sir Alfred Stephen, Knight, Acting Governor of New South Wales.

The Petition of the Inhabitants of Goulburn, in public meeting assembled,—

Most respectfully showeth:—

That your Petitioners have individually and collectively had under consideration the cases of the condemned criminals, Medcalf, Wilkinson, and Alfred; and while holding in detestation the crime of which they have been found guilty, they nevertheless feel justified in praying for the extension of clemency on the ground of the youth and ignorance of the offenders.

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

(*Here follow* 396 *signatures.*)

From Inhabitants of Walgett, &c.

To His Excellency Sir Alfred Stephen, K.C.M.G., Lieutenant-Governor of New South Wales.

The Petition of the undersigned residents of Walgett, Namoi River, New South Wales, made this 27th day of May, 1879,—

Humbly showeth:—

That your Petitioners regard with deep regret the commission of the very grave crime for which the two young men, viz., Medcalf and Wilkinson have been condemned to suffer the extreme penalty of the law.

That your Petitioners while acknowledging the right of the Executive power in thus vindicating the law of the land, humbly supplicate that the sentence of death passed upon them may be mercifully commuted in consideration of their youth, and from the fact that the Hatfield bushrangers have been recently pardoned for a capital offence, although they were evidently prepared to take life.

That your Petitioners humbly beg your favorable consideration of their Petition.

And they as in duty bound, will ever pray.

[*Here follow* 70 *signatures.*]

Petition from Inhabitants of Orange.

[Presented by Mr. Andrew T. Kerr, M.P.]

To His Excellency the Lieutenant-Governor and the Honorable the Executive Council of New South Wales.

The Petition of the undersigned Residents of the said Colony,—

Humbly showeth:—

That Alexander Medcalf and C. E. Wilkinson were charged and jointly convicted at the last Bathurst Assizes and sentenced to death for rape committed upon E. A. P. Smith, on the 8th day of January last, at Sodwalls.

That at the time of the commission of the said crime the said Alexander Medcalf was only fourteen years and ten months old, and Charles E. Wilkinson under twenty-one years of age.

That the said E. A. P. Smith, although in the same employment with the said Alexander Medcalf and C. E. Wilkinson, did not make any complaint to her mistress nor anyone else of the crime having been committed upon her until nearly twenty-four hours had elapsed after the commission thereof, and then only acknowledged that same had taken place when the shepherd gave the information to her employer.

That

That rape by the law of England has not been punishable by death for the last thirty-eight years.

That under the peculiar circumstances of the case, and the extreme youth of the prisoners, His Excellency the Lieutenant-Governor and the Honorable the Executive Council may be pleased to commute the sentence passed upon them to imprisonment.

Your Petitioners therefore humbly pray that His Excellency the Lieutenant-Governor and the Honorable the Executive Council may be pleased to commute the sentence passed upon the said Alexander Medcalf and Charles E. Wilkinson to imprisonment.

And your Petitioners will ever pray, &c.

[*Here follow* 845 *signatures.*]

From Coloured Citizens of Sydney.

To His Excellency Sir Alfred Stephen, C.B., K.C.M.G., &c., Lieutenant-Governor of the Colony of New South Wales.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Coloured Citizens of Sydney, humbly approach your Excellency, petitioning for a commutation of the sentence of death passed upon Alfred, one of the aboriginals of this Colony.

We beseech your Excellency to grant a reprieve for one week, if for no more, in order that the case may be reconsidered, and that if Your Excellency decides to commute the sentence of the boys in Bathurst Gaol, the same clemency may be extended to our black fellow-countryman. We desire to respectfully remind Your Excellency that our Gracious Sovereign, who is the fountain of mercy, is Empress of many millions of dark men, to whom she has ever extended her protection, and to whom she has meted out equal justice.

We do not wish to say a word in mitigation of the crime of which the aboriginal was guilty; but we urge his gross ignorance of the laws of God and man, and his drunkenness, produced by the machinations of others, as fair grounds for Your Excellency to temper justice with mercy, even to a coloured man.

And your Petitioners will ever pray.

[*Here follow* 106 *signatures.*]

From Ladies of Sydney.

Petition to SIR ALFRED STEPHEN, K.C.M.G., Lieutenant-Governor of New South Wales, Australia.

Sir,

We, the ladies of the City of Sydney, your most humble Petitioners, do pray that your most gracious Excellency will give our plea your most worthy consideration.

We implore you in the name of that Great and Holy God, the Ruler of all men, to cause the severe sentence of the two unfortunate young men (Medcalf and Wilkinson) to be commuted to a lighter one.

We beseech you to reconsider this case, and that you will exercise your prerogative of mercy in the behalf of the unfortunate criminals.

We do not intend to comment on the enormity of the crime, for we consider it has been well debated ere this; but would add that the sentence of death has often been the cause of many unhappy victims bearing their troubles in secret, rather than have it on their minds they were the cause of a life being taken on the scaffold.

Trusting that God will help and assist you in your great task, at the conclusion of which you will be able to rest assured that the Divine Majesty has approved of your decision.

Here follow your most humble Petitioners' names, who, as in duty bound, will ever pray.

[*Here follow* 244 *signatures.*]

Memorandum on the capital cases of Alexander Medcalf and Charles Wilkinson and the aboriginal Alfred.

IN January last the prisoners Medcalf and Wilkinson committted a rape upon a young girl named Amelia Smith, who lived in the same service with them at Sodwalls. Each in turn held the girl down while the other violated her. The perpetration of the double crime is proved by evidence more than usually conclusive for this class of offences. No circumstance appears in the case that is calculated to shake the truth of the girl's own statement, which is supported as to the criminal act by the evidence of a fellow servant, who had been invited by Medcalf to join in the outrage The examination of the girl by a surgeon proves her to have been a virgin at the time she was violated. The evidence at the trial, and careful inquiries subsequently made by the nearest Police Magistrate, under instructions from the Government, leave no doubt whatever of the virtuous character of the girl.

The case against the aboriginal as to the capital offence rests on the evidence of the prosecutrix alone, but there does not appear to be the slightest ground for doubting her evidence; and the fact that she had suffered from great personal violence is proved by those who first saw her after the occurrence. The person outraged, Mrs. Dowd, resided at the time about 5 miles from Wellington, and was a widow sixty-four years of age. In February last she went some distance from her house to bring in some sheep belonging to her, when she was savagely attacked by the aboriginal. He struck her on the head with his fists and threw her down, threatening repeatedly to kill her. He kept her on the ground for an hour, and having violated her, showed her a stone in his hand and said, "Look at that; I'll kill you! I'll kill you when I have done with you!" He beat her so severely that he broke two sticks over her prostrate body, and when she got back to her house her face and dress were covered with blood. Mrs. Dowd did not report the rape committed upon her until the following day, although she met her daughter-in-law on returning home; but she appears to have been overpowered by her injuries and her sense of degradation. A special inquiry instituted by the Government and conducted by the Police Magistrate of Mudgee, shows Mrs. Dowd to be a hard-working respectable woman, of reserved manner and severe habits of life, who

has

has accumulated considerable property by care and thrift, and who holds little communication with others, even of her own family. When asked by the senior-constable why she did not tell her son or her daughter-in-law of the outrage that had been committed upon her, she replied, "My God! how could I tell my family of it? I have been here thirty years, and have brought up my children respectably, and no one can say a word against me; how could I tell them? God help me! it would have been better if he had murdered me."

Both these cases, though very different in the situation of the injured women, and in the circumstances giving a distinctive complexion to crimes of the same type, appear to me to be cases that could hardly be exceeded in atrocity and in the absence of palliating features. If the young and pure virgin, and the virtuous widowed mother stricken in years, have not acknowledged claims surpassed by none other to protection under the laws, there must be something unsound in public feeling and in the very structure of society. The law itself assigns the punishment of death to the convicted perpetrators of the crime of rape; but it seems that numbers of persons consider that the law ought to be set aside as a matter of course, and are doing their best to bring sufficient pressure to bear upon the Executive to effect that object in the cases before us. The special grounds put forth for not carrying out the law are the youth and ignorance of the criminals. As to the ignorance, it was shown during the trial of the aboriginal that even he must have known perfectly well the nature of the crime. When followed by Mrs. Dowd's daughter-in-law under the apprehension that he intended stealing from Mrs. Dowd's house, shortly before the rape was committed, he turned round and told her "she ought to be ashamed of herself following him," showing plainly enough that he understood even in a conventional sense the ordinary relations of men and women. With regard to the plea of youth, it is strange that sober-minded men who urge it do not see that crime derives additional turpitude from the early stage of life at which it is committed, when, in the natural order of things, the mind and heart are most tenderly open to good impressions, and most actively obedient to law and authority. But it remains to be considered whether those who plead on behalf of the condemned criminals really express the voice of society.

I do not think that the petitions presented to His Excellency the Lieutenant-Governor can be accepted as expressing the general feeling of the inhabitants of the Colony. Clearly the question is one on which those only who are in favour of the exercise of mercy are likely to make themselvers heard; and the numbers who range themselves on this side will include all who advocate the abolition of death punishment irrespective of a firm and impartial administration of the laws as they exist,—all whose sympathies are shocked by the prospect of two young criminals, one scarcely a man, and the other a mere boy, being hanged, and who suffer themselves to be carried away by this one consideration, without subjecting their minds to the painful examination of the other awful features of the case; and all of another class who, I am sorry to say, judging from speeches recently delivered, appear to hold the honour of woman at a low value in comparison with human life or even the security of property. The many who see the enormity of the crime of rape, rendered the more terrible by the helplessness of the victims, as shown in the cases under consideration, and who fear the consequences that must fall upon society if a just estimate of the crime is not impressed by the stern operation of the laws on the minds of wild-natured men—these, who must be reckoned by tens of thousands all over the Colony, do not appear at public meetings nor sign their names to petitions. Not less sensible than others to the claims of humanity, they yet do not shut out from their sympathies the violated woman in her lone and helpless condition—they do not avert their eyes from the justice accorded to her violator by the solemn process of Trial by Jury, nor do they set up pleas against the vindication of the law in the face of sworn proof that the irreparable wrong has been done.

The male inhabitants of the Colony over twenty years of age must be at least 200,000. The public meetings and petitions on these capital cases do not at the outside represent more than 20,000, leaving 180,000 of our fellow-men who are silent on the subject. It is too much to expect that they would come forward and publicly raise their voices *against the exercise of mercy;* but the fact is before us, that these 180,000 have not asked *for any interference with the course of law.* It may therefore be assumed that the great bulk of our male population are content to leave the dread decision of life or death to those who alone are responsible for whatever decision may be given.

There is, I fear, too much truth in the suggestion of one of the public journals, that if the woman in either of these shocking cases of crime had been the daughter or wife of a man standing high in society, moving in the best circles—this agitation for mercy would never have been heard of. But the poor servant-girl who preserves her honour is entitled to an equal place in that respect with the spotless daughter of the highest in the land. These distressing thoughts are forced upon the mind by the little consideration that has been given in the public agitations to the fate of the outraged women, who occupy humble stations of life, while dramatic appeals have been made to our pity on behalf of the ruthless destroyers of their peace and happiness. The frightful affliction of the elder victim has scarcely been mentioned from first to last, and the good name of the poor young girl has not only failed to awaken compassion in some unmanly hearts but has not been safe from the fangs of slander.

There is another view of the steps taken to influence the Executive in these two capital cases. If it be true, and few will doubt it, that the rising generation presents numbers of wild-blooded youths, in different parts of the country, who are only too much disposed to offences against the person, what will be the effect produced upon this class by reading the accounts of crowded meetings, and resolutions enthusiastically carried, in favour of the reprieve of the young criminals in Bathurst Gaol? Will not all this be regarded by them, though never so intended, as an outburst of sympathy for their class?

I submit these views, with much deference, to the other members of the Executive Council who may with myself be again called upon to advise the Crown in this solemn business, though, as we have already given our advice, His Excellency, if disposed to a merciful exercise of the Royal Prerogative, might take that course, as it seems to me, without further reference to us. So far as I have arrived at conclusions, they are as follows:—

1. I cannot see the slightest ground for interference with the course of law in the case of the aboriginal Alfred.
2. In the case of the boy Medcalf and the young man Wilkinson, I cannot admit that their youth and ignorance are valid grounds for interference. The youngest was old enough to plan the criminal assault upon the girl, and his whole course of conduct shows that he knew very well that he was doing wrong. But a question of prudence and policy affecting the administration of the law arises on the age of the youngest criminal, and altogether apart from the

reasons

reasons publicly urged for saving his life. If this boy, said to be under fifteen years of age were executed, would not the execution, whether just or unjust, so shock the general public as to neutralise the effect of punishment, and therefore defeat the end of justice itself? I feel grave doubts in this respect. If on this ground the boy's life is spared, the life of his fellow-criminal must, I think, be also spared, for the boy is undoubtedly the more guilty of the two, and was in fact the instigator of the crime. The question I raise, it will be seen, is not one of mercy for the criminal, but one of consideration for society, and, although I think it ought to be carefully examined, I am not by any means decided that it is of sufficient weight to stay the sentence from being carried into effect.

Colonial Secretary's Office, Sydney, June 3, 1879. HENRY PARKES.

[This Paper was placed in the hands of Ministers individually, but not submitted to the Executive Council.]

The Lieutenant-Governor to The Colonial Secretary.

Sir, Government House, 3 p.m., Friday.

I have taken fully into consideration the opinions and discussion of this morning on the case of the aboriginal, Alfred, convicted of rape, and I have decided that the law shall take its course.

I have, &c.,
ALFRED STEPHEN.

Inform the Sheriff of His Excellency's decision.—H.P., 6/6/79.

The Under Secretary, Colonial Secretary's Department, to The Sheriff.

Sir, Colonial Secretary's Office, Sydney, 6 June, 1879.

Referring to my letter of the 16th ultimo, I am now directed by the Colonial Secretary to inform you that in the case of Alfred, an aboriginal, who was convicted, before His Honor Mr. Acting Judge Davis, at the late assizes at Mudgee, of rape on one Jane Dowd, and was sentenced to death, the sentence of the law is to be carried into effect on Tuesday, the 10th instant, in the manner prescribed by the Act of Council 17 Vic. No. 40.

I have, &c.,
CRITCHETT WALKER.

Minutes of Executive Council.

At Government House, Sydney, 6 June, 1879.

PRESENT:—

His Excellency the Lieutenant-Governor.
The Honorable the Vice-President.
The Honorable the Colonial Secretary.
The Honorable the Colonial Treasurer.
The Honorable the Attorney General.
The Honorable the Secretary for Lands.
The Honorable the Secretary for Works.
The Honorable the Secretary for Mines.
The Honorable the Minister of Justice and Public Instruction.
The Honorable the Postmaster General.

HIS Excellency the Lieutenant-Governor lays before the Council the several Petitions which have been presented to him, praying for the commutation of the capital sentence passed upon Alfred, an aboriginal, and Alexander Medcalf and Charles E. Wilkinson, and invites their attention to the case of Alfred.

After mature deliberation, the Council are of opinion that no good reason exists to alter the decision arrived at on the 15th ultimo, and advise accordingly.

ALEX. C. BUDGE,
Clerk of the Council.

Explanatory Summary of occurrences on the 9th June.

[MEETINGS having been held in Belmore Park on Saturday June 7th, and in the Domain on Sunday June 8th (see Resolutions, p. 21), another meeting described as a "mass meeting" was held in the Domain on Monday, June 9th, at 5 p.m. Subsequently that evening a procession was formed, which paraded the streets with torches and a band of music, and a large number of persons congregated towards 7 o'clock at the Government House gates.

During the day of the 9th, in consequence of intimations conveyed to the Colonial Secretary by the Inspector General of Police, a message was delivered to the Chairman of the meeting in the Domain that His Excellency the Lieutenant-Governor would receive any deputation from the meeting, consisting of not more than ten persons, at Government House, at 7 p.m.; and arrangements were made by His Excellency to receive other deputations at the same hour. The Executive Council had been summoned by direction of His Excellency for 7 p.m., and the Ministers assembled in the Council Room accordingly.

His Excellency Sir Alfred Stephen received the deputations in the hall of Government House soon after 7 o'clock; and having in each case assured them that the petitions presented to him would be carefully considered, he was pressed by the principal speaker to give the deputations his decision that evening, which he declined to do. His Excellency then retired to the Council room, when the Executive Council was formed, and proceeded to business.

While the Council was deliberating, the following memorandum was sent in to the Colonial Secretary by the Inspector General of Police, who was in the hall:—

"The deputations appear disposed to wait in the hall to hear the result of the meeting of the Executive. Has the Colonial Secretary any instructions?
The Hon. Sir Henry Parkes." EDMUND FOSBERY.

On the back of this paper the Colonial Secretary wrote as an instruction to the Inspector General:—

"The deputations ought not to remain here."

A short time after this answer was given to Mr. Fosbery, the following paper, in the handwriting of Mr. G. R. Dibbs, was sent in to the Council:—

"The huge meeting now waiting in the Domain has been promised that the deputation appointed to wait upon His Excellency would return and inform them of the result of their interview.

"We feel, in the interests of law and order, that we should be empowered to communicate the decision of the Governor one way or another, that the people may disperse.

(For the Deputation),
J. BOWIE WILSON,
Chairman."

"Government House—Monday night.

Upon this, after some expressions of opinion from members of the Council, the Clerk of the Executive Council was instructed by His Excellency the Lieutenant-Governor to inform the deputations in the hall, that, assuming that the paper was intended for the Colonial Secretary, Sir Henry Parkes could give no answer without His Excellency's permission, and that His Excellency did not feel himself called upon to give any answer at that time, nor did he think that the deputations had any right to expect him to do so. The business of the Council then proceeded, but the persons forming the deputations did not leave the precincts of Government House until after the Council had separated.]

At Government House, Sydney, 9 June, 1879.

PRESENT:—

His Excellency the Lieutenant-Governor.
The Honorable the Colonial Secretary.
The Honorable the Colonial Treasurer.
The Honorable the Attorney General.
The Honorable the Secretary for Lands.
The Honorable the Secretary for Works.
The Honorable the Secretary for Mines.
The Honorable the Minister of Justice and Public Instruction.
The Honorable the Postmaster General.

THE Council having met, pursuant to summons, His Excellency the Lieutenant-Governor again invites their attention to the case of Alfred, an aboriginal, now under sentence of death for rape.

The Council express their opinion that, in consideration of the said case having already engaged their attention on three occasions, they do not feel themselves called upon to offer His Excellency any further advice.

His Excellency points out that, since the last meeting of the Council, other Petitions had been presented, and Deputations had addressed him on the subject, and he was anxious that the Council should express their opinion as to whether, under these Petitions, they saw any reason to alter the advice they had already offered.

The Council, having deliberated, see no reason to disturb the advice already offered, and advise accordingly.

ALEX. C. BUDGE,
Clerk of the Council.

At Government House, Sydney, 13th June, 1879.

PRESENT:—

His Excellency the Lieutenant-Governor.
The Honorable the Vice-President.
The Honorable the Colonial Secretary.
The Honorable the Colonial Treasurer.
The Honorable the Attorney General.
The Honorable the Secretary for Lands.
The Honorable the Secretary for Works.
The Honorable the Secretary for Mines.
The Honorable the Minister of Justice and Public Instruction.
The Honorable the Postmaster General.

HIS Excellency the Lieutenant-Governor invites the attention of the Council to a reconsideration of the case of Alexander Medcalf and Charles E. Wilkinson, now under sentence of death for rape.

His Excellency also lays before the Council a minute which he has prepared on the subject of the said cases, embracing also the case of Alfred, an aboriginal.

His Excellency further lays before the Council a communication from the Rev. Dr. Geekie, of Bathurst; also a telegram from the Rev. Canon Smith, of Bathurst.

The Council having fully considered the minute of His Excellency, and the other papers submitted by him, and having maturely deliberated on the whole subject, advise that the capital sentence be commuted in each case to hard labour for life on the roads or other public works of the Colony, the first three years in irons.

ALEX. C. BUDGE,
Clerk of the Council.

[Confidential.]

[Confidential.]

Minute of the Lieutenant-Governor.

MINUTE on the two capital cases (Medcalf and Wilkinson's and the Aboriginal), now under review before the Executive Council.

1. I propose in this paper to place on record a statement of all the considerations which have been urged, or which suggest themselves to my mind, in support of or against the carrying out of the sentence in these cases; with the earnest desire to arrive at a conclusion which shall at least satisfy my own conscience, if not the enlightened and calmly judging portion of the community. And I take the case of the lad and young man (Medcalf and Wilkinson) first, as that which has most excited public sympathy.

2. In favour of the decision to let the law take its course, there stand the undoubted facts that the Legislature has more than once, and recently, determined on retaining the Death penalty for Rape, with the design of meeting the most aggravated instances, and that this is one of the worst of the class. There are ruffians, infamous traducers of character, who can scarcely believe in female virtue, and are prepared to impute consent, and therefore perjury in the victim, in every case—however improbable the slander. Men of this degraded stamp have been found on this occasion. I blush for them. But it is one of the worst features connected with this crime, that its perpetrators, and those who would save them, commonly add this cruel wrong. If the unhappy girl or woman does not rush, open-mouthed, to proclaim her disgrace or ruin, men are not unwilling to suspect her of infamy. Feelings of shame, horror at her position, fear probably of further outrage, until she finds some one to whom modesty will allow her to speak, and who can protect her, all these things would naturally operate on the mind. But no such ideas occur to coarse and gross natures. Fortunately for poor Amelia Smith, the circumstances preclude the supposition so wickedly hazarded. They are those which follow;—proved beyond room for doubt, not alone by the evidence, but by the result of subsequent inquiries, cautiously made in the interests of justice.

3. She is spoken of by the neighbours as a remarkably well conducted, good girl. In humble station, she was placed at service about a mile from her mother's residence. Her master says that he never heard of any familiarity between her and the two criminals. It was her business to fetch in her master's cows; and, at the time of the attack upon her, she was thus engaged. On a sudden, these two persons rushed from behind some bushes, and the younger (Medcalf) seizes her, and violently throws her down. He is, in the Petition, spoken of as a mere boy;, and if the entry on the Register is correct, he then was not quite fifteen. Whatever his age, he is described, although slight in make, as a strong, compactly built young fellow; easily able to overpower the girl, who was younger than himself. She struggled and screamed, and once, by severely biting her assailant on the arm, she got away. But now the elder (Wilkinson) comes up; she is knocked down again; the elder holds her legs, and the crime is accomplished. Wilkinson then violates her, Medcalf holding her down for *him*. Wilkinson, the next day, denying his own sexual connection, admitted that he held her legs for Medcalf. He spoke also of her screaming, and the witness George Young saw her crying as she came up, and heard her say to one of them that she would tell his father. Lastly, the girl's person was examined by a surgeon, who deposed to the existence of four bruises on different parts of her body, and to appearances of great violence on the parts of generation. On Medcalf marks of the bite were found, which the lad admitted was inflicted by the girl. Of what avail is it, after all this, to talk of her reticence until the next morning? No sane man honestly seeking the truth, and capable of reasoning, will doubt that she was forcibly ravished; and, if so, her silence is a matter of no moment.

4. I introduce this point thus prominently, because in more than one Petition it forms one of the grounds for mitigation; and I reject the unworthy suspicion implied by it, with feelings of the strongest disapproval. I am glad that the prisoners have not added this aggravation to their crime. They have never pretended that the victim consented. So far, they are better than some of their sympathisers. But their case, as it stands, is one of the blackest dye. The outrage was not the result of sudden temptation, or of sudden passion; which, as one gentleman shocked me by urging, is so strong in early youth as to be uncontrollable by reason. It was planned hours previously by both prisoners; and a third person (Medcalf being the spokesman) was on that morning invited to join them in the deed.

5. These, then, being the details, I, in the next place, have to consider the topics represented, and urged, against allowing the law to take its course. They are various; and they come recommended by so many persons, of all grades, several of them men of intelligence, reflection, and high character, that—whatever may be my own estimate of the value of those topics,—I may not, and I have no desire to disregard them. I shall notice each in its order, with my opinion on it:—the latter, not alone for the sake of the present case, but of others; and that I may not be thought to shrink from an exposition of views, the result of anxious thought during a long experience, which apply equally to capital convictions for any crime.

(*a.*) That Juries will refuse to convict, no matter what may be the evidence, if they think that the culprit's death will be the result. This is a topic equally applicable to every crime made capital; and I reject it, as one abhorrent to every rightly balanced mind. There are men, of course, of strangely perverted ideas; but I believe that few will, if the simple point be stated to them, consent deliberately to perjure themselves, because their views as to punishment differ from those of the Legislature, or because of their desire to usurp the functions of the Judge and the Executive. To *some* extent, however, the feeling may unconsciously operate; and, so far, the consideration is not without weight.

(*b.*) That these criminals, however wicked, and their deed however detestable, are nevertheless mere youths; the elder barely twenty or twenty-one, and the younger little more than fifteen:—and that to execute either, but the latter especially, would shock the moral sense of the entire community, and tend to divert sympathy from the injured girl to the perpetrators, if not in the end to lessen our just horror of the crime itself. Against this ground for commutation I have no desire to say a word:—certainly not, as it respects the younger of the two. I feel, quite as deeply as any of the Petitioners can, that the hanging of a boy of fifteen will everywhere be thought a shocking thing—and that it *is* so. But the elder is of age; and without his aid the crime could not have been committed. In reflecting on the depravity of both, and on the sufferings of the young and innocent girl, I could not forget that in almost every case in this Colony, where a daring outrage or a cruel deed has been done in concert, the worst of the gang were youths.

(*c.*) That the injured girl herself and her mother are petitioners for the lads; and that, if they be executed, the former will never cease to reproach herself, or to be pointed at as the cause—if not made an object of hatred in the neighbourhood, where the families of both lads and of her own parents reside. I am not moved by this topic. The prosecutor in a bushranging case does not reproach himself, if the robbers are hanged: and we do not punish (or mainly punish) on the ground of retribution, but to deter ill-disposed people from the like crimes. The punishment of death can be justified on no other ground; and I am persuaded that, had one of the North Shore felons, or either prisoner in the more recent rape cases been executed, this present dreadful crime would never have been perpetrated. An execution is talked of; is widely known, and is remembered. Minor punishments excite no attention; they are not dreaded; and until the criminal returns to his friends, or starts in a new career after a few years seclusion, he and his crime alike are forgotten.

(*d.*) That life here was not taken, and therefore life should not be the forfeit. This is simply to beg the whole question. As was well said the other day, there are things dearer and more precious than life; and, whether we measure crimes by their degrees of wickedness, and the suffering which directly and indirectly they inflict, or by the consequences to society at large which would ensue if they became common, there are crimes worse than murder. In any event, the fact of life being taken or not taken cannot be the test of criminality. If, for example (as in the Liverpool case), a ruffian—from revenge, or in an attempt to rob, wounds cruelly another, and the injured man recovers, where, I ask, in wickedness of design, and in the suffering occasioned, is the malefactor less guilty than if the wound had been fatal?—In the case put, a good constitution, favourable weather, and skilful treatment, induce the victim's recovery. Either of those conditions being reversed, the man must have died. Surely, to hold that in that event the accused ought to suffer death, but that, as the wounded man recovered, the act and the intent should be felony and nothing more, is to outrage common sense, and confound all distinctions as to degrees of crime.

(*e.*) That Death for Rape is abolished in England, and therefore ought not to be enforced here. The enforcement is even characterized by some as "contrary" to the law of England; a position clearly unsustainable. The conclusion sought is, that because the circumstances of England, a densely populated country, where no "bush" exists, have been thought not to require capital punishment for this crime, therefore the very different circumstances of this Colony can dispense with it. If this were so, the argument is for the Legislature; not for the petitioners or the Executive, while the law exists. I will mention the fact, however, taken by me from the Home Office Returns, as showing the result of the abolition in England in 1841, that, on a comparison of the three years preceding with the three years following that event, Rapes increased actually more than eighty per cent.

(*f.*) That other crimes of the same kind, and as revolting in character, have been passed by in this Colony, and within the last few years, without enforcing the Death penalty; whence it is concluded (as I infer) that these and other criminals have been led to suppose, that their atrocities would not be otherwise dealt with. It is impossible for me to understand, that the fact (if it be so) of other men equally wicked not having been adequately punished, affords a valid argument for persistence in the same suicidal course. On the contrary, justice and reason alike demand that, the evil consequences being perceived, the restraining law should henceforth be enforced. I nevertheless recognise the importance of the suggestion, that instances of past leniency may have tended to produce an impression, that perhaps after all Rapes do not deserve death, or, at all events, that the penalty would not be demanded.

(*g.*) That these lads were very ignorant, and scarcely knew the grievous character of their acts. This is a dangerous topic to advance in palliation of any crime, but especially of an outrage so heinous. It is incredible, that—cautioned especially as they were by their hoped-for accomplice,—these young fellows could be unaware, that knocking down a girl, after watching stealthily for her, and in spite of her entreaties and struggles and cries deflowering her, each assailant helping the other, was a most atrocious deed and crime.

6. What, then, is the just conclusion:—what course, bearing in mind the circumstances of the case, but also the many petitions presented to me and laid before the Council, is it the duty of the Executive to take? On this, in the present state of things, I ask the advice of Ministers. I desire to evade no responsibility of my own, and distinctly acknowledge that the final decision must unhappily rest with me. Nor have I scrupled to analyse the particular grounds and topics relied on in those petitions, and to express myself fearlessly as to their value. But the question on which I seek the Council's opinion,—whether they assent to or dissent from the views so expressed,—is this. Taking into consideration the fact, that so many petitions, from so many parts of the Colony, have been presented,—signed, and warmly advocated, by such numerous bodies of men, very many of whom are of the highest character in point equally of intelligence and honor,—will or will not the effect of carrying out the sentence on these prisoners, or at all events on the younger lad, probably be so to shock the sense, as to produce the disastrous results suggested by the petitioners; and thus to induce feelings, the tendency of which would be to defeat the ends of punishment, and even justice itself. And, secondly, I request the Council's opinion, whether on any other ground the matters represented in the petitions alter the views of the Council as to the execution of the prisoners Medcalf and Wilkinson, or either of them. On these questions, so all-important to the interests of the community, asking for an opinion, I offer here none of my own. But, as I have thus spoken of the petitions generally, and their possible effect in a certain event, I must not be understood as so characterizing them all. There are some, as the Council is aware, in which insinuations are introduced as to the violated girl's consent; others in which peculiar atrocity is denied; and there is even one, signed by 160 persons, which actually asserts that the offence was not premeditated, and was neither very aggravated, nor accompanied by the ordinary brutality or viciousness of such crimes. If similar ignorance of the facts, or scandalous indifference to them, characterized the majority of the petitions, no question (I need hardly say) would arise for deliberation on them.

7. At the time of writing the last preceding paragraph, the fate of the Aboriginal Alfred has been decided. But I desire to add in this Minute, that while several of the petitions in question include his case in their prayer, others (as the Council will have noticed) make no reference to it; and the one ground on which a commutation is asked for him is his assumed state of ignorance, and uncivilised nature. I therefore think it a duty to record, in this paper, the following facts. He is reported by the Judge as being apparently 35 or 40 years old. He is no mere savage, roaming over uncultivated or unsettled tracts of country, but is accustomed to the life, and habitations and employments of white men. He has been among English people for years, and speaks our language. And a more brutal act than that which he committed on the unfortunate widow, Mrs Dowd, could scarcely be perpetrated. He first robbed her house, where she had been for years leading a lonely and industrious life, and then meeting her in her paddock, he beat her savagely with a stick and with his fists, and, throwing her violently down, violated her. After this, threatening repeatedly to kill her, he cruelly beat the poor woman on the head, till her head-dress, produced in the Court, was covered (in fact saturated) with blood. Careful inquiries have been made, and she is found to be an uniformly well-conducted, respectable woman, the mother of a family. If, carrying out the deliberate determination of the Legislature, the Death penalty in gross and clear cases of Rape is ever to be enforced, it was in my opinion clearly a duty to inforce it in the case of this Aboriginal.

ALFRED STEPHEN.

Friday Evening; 6th June, 1879.

The Reverend Dr. Geekie to The Lieutenant-Governor.

[Received.—June, 1879.]

May it please your Excellency, St. Stephen's Manse, Bathurst, June 12, 1879.

Reluctantly, but pressed by an overpowering sense of my duty before God and man, as when one is urged when he believes his silence would be an indifference in the presence of an impending calamity, I approach you with profound personal and official respect, and my purpose is to pray for the lives of the two young persons now under sentence of death for rape, and confined in Bathurst Gaol.

I plead for their lives because,—

1st. Others as worthy, or more worthy of death than they, are at this moment alive, after having been convicted of a similar offence.

2nd. Because the extreme penalty of the law has, since 1841, ceased to be inflicted in Britain for this offence.

3rd. Because it has long ceased to be the rule in this country, and has become manifestly the exception, to punish this offence with death.

4th. Because, in the judgment of tens of thousands, imprisonment and flogging are believed to be a more fit punishment for this offence than death, and a punishment likely to have a more deterrent result.

5th. Because I believe the case under consideration will inevitably lead to a change in the law respecting rape, and that, if such will be the outcome, it is appalling to contemplate the death of these lads.

6th. Because one of the offenders is a mere boy, and both are profoundly ignorant.

7th. Because the conscience of multitudes of the most thoughtful in this country is shocked at the thought of these youths being thus, and exceptionally, put to death.

8th. Because I believe that their death will demoralize juries, paralyze the law, create wide-spread distress, and be in itself a more terrible thing by far even than the great sin and crime of which the lads stand justly convicted.

9th. Because I believe that the great majority of intelligent and virtuous men and women, who are interested in the maintenance of law and order, wish them to be spared.

I have no sympathy with vice; I am no sentimentalist; I abhor the infamous attempts made to injure the reputation of the reputable young woman whom these lads injured; but for high reasons of religion, of State, and of humanity, I pray that these lads may be allowed to live.

I remain, &c.,

A. CONSTABLE GEEKIE, D.D.

Telegram from The Church of England Chaplain, Bathurst Gaol, to The Lieutenant-Governor.

Bathurst, 13 June, 1879.

The condemned prisoners for the last fortnight have manifested a becoming sense of their awful position, and seem truly penitent. They desire to vindicate the honor of the girl. At the same time they entreat your merciful consideration.—Thos. Smith.

The Under Secretary, Colonial Secretary's Department, to The Sheriff.

Sir, Colonial Secretary's Office, Sydney, 13 June, 1879.

Referring to my letter of the 16th ultimo, I am now directed by the Colonial Secretary to inform you that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before His Honor Mr. Acting Judge Davis, at the late Bathurst Assizes, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentence, in each case, to hard labour for life on the roads or other public works of the Colony, the first three years in irons; and that His Honor has been requested to give the prisoners (who are to be worked in Berrima Gaol for the present) the benefit of conditional pardons accordingly.

I have, &c.,

CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to Acting Judge Davis.

Sir, Colonial Secretary's Office, Sydney, 13 June, 1879.

Referring to my letter of the 16th ultimo, I am now directed by the Colonial Secretary to inform you, that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before your Honor, at the late Bathurst Assizes, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentence, in each case, to hard labour for life on the roads or other public works of the Colony, the first three years in irons.

2. I am desired to request that your Honor will give the prisoners the benefit of conditional pardons accordingly.

I have, &.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 13 June, 1879.

Referring to my letter of the 16th ultimo, I am now directed by the Colonial Secretary to inform you that, in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before His Honor Mr. Acting Judge Davis, at the recent Bathurst Assizes, of a rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentence, in each case, to hard labour for life on the roads or other public works of the Colony, the first three years in irons; and that His Honor has been requested to give the prisoners the benefit of conditional pardons accordingly.

2. Medcalf and Wilkinson are to be worked in Berrima Gaol until further notice, and I am to request that you will acknowledge the receipt of this letter.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary of Justice and Public Instruction.

Sir, Colonial Secretary's Office, Sydney, 13 June, 1879.

Referring to my letter of the 16th ultimo, I am now directed by the Colonial Secretary to state, for the information of the Minister of Justice and Public Instruction, and in order that the fact may be duly communicated to the Sheriff, that in the cases of Alexander Medcalf and Charles Henry Wilkinson, who were convicted before His Honor Mr. Acting Judge Davis, at the late Bathurst Assizes, of rape on one Amelia Elizabeth Clarke Smith, and were sentenced to death, His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has been pleased to commute the capital sentence, in each case, to hard labour for life on the roads or other public works of the Colony, the first three years in irons; and that His Honor has been requested to give the prisoners, who are to be worked in Berrima Gaol for the present, the benefit of conditional pardons accordingly.

I have, &c.
CRITCHETT WALKER.

Sydney: Thomas Richards, Government Printer—1879.

[1s. 3d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CONDEMNED CRIMINALS, WILKINSON AND MEDCALF.

(PETITION OF CHAIRMAN OF PUBLIC MEETING IN SYDNEY.)

Ordered by the Legislative Assembly to be received, 12 *June*, 1879.

To the Honorable the Speaker and Members of the Legislative Assembly, in Parliament assembled.

The respectful Petition of the Citizens of Sydney, in Public Meeting assembled,—

HUMBLY SHOWETH :—

That your Petitioners approach your Honorable House with the most unfeigned respect, and pray your Honorable House to take such steps as in your wisdom you may deem effective to spare the lives of the two boys Medcalf and Wilkinson, now under sentence of death for the crime of rape.

That your Petitioners therefore pray your Honorable House to pass a Bill for the abolishment of capital punishment for the crime of rape, and to make such Bill retrospective as regards those criminals at present under sentence of death for the said crime.

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

Signed on behalf of Public Meeting,—

J. BOWIE WILSON,
Chairman.

Tuesday, 10th June, 1879.

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(TRIALS FOR RAPE.)

Ordered by the Legislative Assembly to be printed, 1 *July*, 1879.

A RETURN showing,—

(1.) The number of persons tried for Rape from 1840 to 1845.
(2.) The number of such persons who were acquitted.
(3.) The number of such persons whose sentences were commuted.
(4.) Of the number convicted, how many were hanged?
(5.) In the cases where the sentence was commuted what was the period each convict (specifying the case by number) was confined in prison for the offence?
(6.) The like information for the periods from 1845 to 1850, 1850 to 1855, 1855 to 1860, 1860 to 1865, 1865 to 1870, 1870 to 1875, and for the three years ending 31st December, 1878.

[*Laid upon Table in accordance with promise made in answer to Question* 7, *Votes* 125, 27 *May*, 1879.]

RETURN of persons tried for Rape.

Period.	Tried.	Acquitted.	Executed.	Commuted.	Period of commuted sentences served.	Remarks.
1840 to 1844	34	16	1	3	Two—no record.	
					One—1 year.	
1845 to 1849	18	12	2	4	No record.	
1850 to 1854	18	8	2	3	Two—no record.	
					One—4 years and 10 months	Ticket-of-leave.
1855 to 1859	22	12	3	5	Four—no record.	
					One—8 years and 5 months	,,
1860 to 1864	30	15	3	12	Five—no record.	
					One—14 days	Pardoned.
					,, 1 month.	
					,, 5 years 11 months.	
					,, 7 ,, 2 ,,	
					,, 7 ,, 9 ,,	Exiled.
					,, 12 ,, 7 ,,	
					,, 15 ,,	
1865 to 1869	33	28	1	4	One—1 month	Died.
					,, 6 years 11 months	,,
					,, 8 ,, 10 ,,	,,
					,, 10 ,,	
1870 to 1874	51	35	1	15	One—7 months	,,
					,, 1 year and 4 months.	
					,, 4 years and 1½ month.	
					,, 5 ,, 2 months	Still under sentence.
					Three—5 years and 3½ months	,,
					One—5 years and 3½ months.	
					Two—5 ,, 5½ ,,	
					One—5 ,, 7½ ,,	,,
					,, 6 ,, 7½ ,,	,,
					,, 7 ,, 2 ,,	,,
					,, 7 ,, 7½ ,,	,,
					,, 8 ,, 1½ month	,,
1875 to 1878	44	33	1	10	One—7 months	,,
					,, 1 year and 1 month	,,
					,, 1 ,, 2 months	,,
					Two—2 years and 1 month	,,
					One—2 years and 10 months	,,
					Two—3 ,,	
					One—3 ,, and 1 month	,,
					,, 3 ,, 8½ months	

The information sought is rendered so far as it can be rendered in the accompanying Return. Previous to 1864 the Prison records were not kept so as to supply the information desired in a complete form. Hence the apparent discrepancies in the early part of the Return.

13 June, 1879.

HAROLD MACLEAN,
Comptroller General of Prisons.

[3d.] 807—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DISTRICT COURT AND COURT OF QUARTER SESSIONS AT BREWARRINA.

(PAPERS RESPECTING PROPOSED.)

Ordered by the Legislative Assembly to be printed, 9 *July*, 1879.

RETURN to an *Address* of the Honorable the Legislative Assembly, agreed to on the 17th June, 1879, in the following terms :—

" That an Address be presented to the Lieutenant-Governor, praying that " His Excellency will be pleased to cause to be laid upon the Table of this " House a copy of Mr. District Court Judge Murray's Report respecting " the holding of District Courts and Quarter Sessions at Brewarrina."

(*Mr. J. Davies, for Mr. Dangar.*)

SCHEDULE.

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DISTRICT COURT AND COURT OF QUARTER SESSIONS AT BREWARRINA.

No. 1.

Mr. District Court Judge Murray to The Under Secretary, Department of Justice, &c.

Sir, Casino, 25 January, 1879.

In answer to your letter of the 17th instant, asking my opinion upon the application for a District Court and Court of Quarter Sessions at Brewarrina, I have the honor to report as follows :—

Brewarrina is 90 miles from Walgett and 68 from Bourke. It is at the head of the navigation of the Darling except when the river is unusually high ; and the town may, therefore, be said to hold an important position ; it appears to be thriving and increasing. I cannot state from much personal knowledge of the country, whether Brewarrina is the centre of a populous district, having only travelled along the river from Walgett to Brewarrina, and thence across to Bourke ; but I should imagine from what I have seen and from the appearance of the town that the surrounding country has the average population of such squatting districts ; and no doubt the establishment of Courts at Brewarrina would be a great convenience to many persons.

As Brewarrina is on the road from Walgett to Bourke, and the Crown Prosecutor and I have therefore to pass through it on our way from the former place to the latter, the arrangement of the Circuit will not be interfered with by the establishment of Courts there. The Court-house accommodation, is however, at present insufficient for holding Courts of Quarter Sessions, though there is a room in the town which I think would be suitable for the purpose, and which might be hired ; and I presume the usual difficulty as to lock-up room would be found to exist ; but there is a good gaol at Bourke. There is, however, no direct coach to Bourke ; the coach connection between the two places being *viâ* Gongolgan—a circuitous route.

I would respectfully suggest that a return from Bourke of the number of cases, civil and criminal, that have been during the last few years set down for trial there, and which would properly belong to Brewarrina, supposing Courts were instituted there, would be valuable on a consideration of the question of establishing such Courts.

I have, &c.,
C. E. R. MURRAY.

The Secretary to the Attorney General.—W. E. PLUNKETT, B.C., 3 February, 1879. Letter to P.M. at Bourke asking for the information referred to in this letter.—W.C.W., A.G., 5/2/79.

No. 2.

The Secretary, Attorney General's Department, to The Police Magistrate, Bourke.

Sir, The Crown Law Office, 7 February, 1879.

I have the honor, by direction of the Attorney General, to request that you will be good enough to report the number of cases, civil and criminal, that have been set down during the past four years at Bourke, for trial, which would probably have been tried at Brewarrina, had a District Court and Court of Quarter Sessions been in operation there during those years.

I have, &c.,
G. H. REID.

No. 3.

The Police Magistrate, Bourke, to The Secretary, Attorney General's Department.

Sir, Police Office, Bourke, 24 February, 1879.

I have the honor to report, in reply to your letter of the 7th instant, No. 1,060-79, that there have been nineteen cases tried at Bourke Quarter Sessions during the four years ending 31st December, 1878, which no doubt would have been tried at Brewarrina had a Court of Quarter Sessions been in operation there.

The number of civil cases tried at Bourke District Court during the same period is 17 (seventeen), which would otherwise have been heard in Brewarrina.

I have, &c.,
ALEX. O. GRANT, P.M.

No. 4.

Extract from Votes and Proceedings of the Legislative Assembly, 26 March, 1879.

(2.) District Courts and Quarter Sessions, Brewarrina :—*Mr. Dillon*, for Mr. Dangar, asked the Attorney General,—

(1.) Has Judge Murray's report been received as to the establishment of District Courts and Quarter Sessions at Brewarrina ; if so, the nature thereof, favourable or otherwise ?

(2.) If favourable, when will such Courts be established ?

Mr. Windeyer answered,—The character of the reports received with reference to this matter is such that I cannot advise the establishment of these Courts at Brewarrina.

Sydney : Thomas Richards, Government Printer.—1879.

[3d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INTESTATE ESTATES.

(LETTER FROM CURATOR, RESPECTING THE LATE ROBERT HANCOCK.)

Ordered by the Legislative Assembly to be printed, 10 *April*, 1879.

[*Laid upon the Table of the House in answer to Question (without notice) of Mr. Jacob, M.P., on 9th April*, 1879.]

No. 1.

The Curator to The Under Secretary for Justice and Public Instruction.

Sir,

Supreme Court, Sydney, 9 April, 1879.

With reference to a statement made by John McElhone, Esq., in the Legislative Assembly last night, and reported in the *Herald* of this date, in which "he reminded the House of the Hancock Will Case, in which the parties were robbed of £800," I do myself the honor to forward for the consideration of the Minister of Justice solemn declarations made by Mr. Chapman and myself, and respectfully to request as a simple act of justice that the same may be placed before Parliament.

2. I some months ago informed the solicitors of the parties, who probably set Mr. M'Elhone in motion, that I was prepared to meet them before their Honors the Judges with reference to the commission, as provided by law, but no further steps were taken in the matter; I think, therefore, that I have great cause to complain of an attack on a matter in which I have no personal interest, having acted in Hancock's estate exactly as I have acted in hundreds of estates since I have been Curator.

I have, &c.,

T. M. SLATTERY,

Prothonotary and Curator.

In the Estate of the late Robert Hancock, deceased.

I, THOMAS JOHN CHAPMAN, of Sydney, in the Colony of New South Wales, gentleman, do solemnly and sincerely declare as follows:—

1. I am the Sydney Agent to the Curator of Intestate Estates.
2. I received the sum of four hundred and eighty pounds in the estate of the late Robert Hancock, being the usual three per cent. commission allowed to all Agents to the Curator.
3. I did not, either directly or indirectly or in any way whatever, pay to the Curator any portion of my commission in the estate of the said Robert Hancock or in any other estate.
4. I believe the balance of the said eight hundred pounds, viz., three hundred and twenty pounds, was duly paid into the Colonial Treasury by the said Curator.
5. I never received, either directly or indirectly or in any way whatever, any commission, allowance, or gratuity, from any auctioneer employed by the said Curator.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, Queen Victoria, intituled, "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof and for the suppression of voluntary and extra-judicial oaths and affidavits."

THOS. J. CHAPMAN.

Declared at Sydney aforesaid, the ninth day of April, in the year of our Lord one thousand eight hundred and seventy-nine, before me,—

R. BURDETT SMITH, J.P.

In

In the Estate of the late Robert Hancock, deceased.

I, THOMAS MICHAEL SLATTERY, of Sydney, in the Colony of New South Wales, gentleman, do solemnly and sincerely declare as follows:—

1. I am the Curator of Intestate Estates.

2. I did not, in the estate of the late Robert Hancock, either directly or indirectly or in any way whatever, receive any portion of the eight hundred pounds commission which was claimed by me as such Curator in the ordinary course of my public duty.

3. The sum of four hundred and eighty pounds was paid to Mr. Chapman, the Sydney Agent, being the usual three per cent. commission allowed to Agents to the Curator; and the balance, three hundred and twenty pounds, was paid into the Colonial Treasury.

4. I have from time to time employed various auctioneers to sell real estate and goods and chattels in Intestate Estates; and I never, either directly or indirectly or in any way whatever, received any portion of their commission, or any allowance or gratuity whatever.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, Queen Victoria, intituled, "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof and for the suppression of voluntary and extra-judicial oaths and affidavits."

T. M. SLATTERY.

Declared at Sydney aforesaid, the ninth day of April, in the year of our Lord one thousand eight hundred and seventy-nine, before me,—

R. BURDETT SMITH, J.P.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADDITIONAL JUDGE OF THE SUPREME COURT.

(MESSAGE No. 43.)

Ordered by the Legislative Assembly to be printed, 12 *March*, 1879.

HERCULES ROBINSON,
Governor.

Message No. 43.

In accordance with the provision contained in the 54th clause of the Constitution Act, the Governor recommends to the Legislative Assembly to make provision for the salary of an additional Judge of the Supreme Court.

Government House,
12*th March*, 1879.

[3*d.*] 540—

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SUPREME COURT TEMPORARY JUDGE BILL.

(MESSAGE No. 27.)

Ordered by the Legislative Assembly to be printed, 11 *June*, 1879.

ALFRED STEPHEN,
Lieutenant-Governor.

Message No. 27.

In accordance with the provision contained in the 54th clause of the Constitution Act, the Lieutenant-Governor recommends to the Legislative Assembly to make provision for the salaries of two additional Judges of the Supreme Court for a limited period.

Government House,
Sydney, 11 *June*, 1879.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MR. P. BROUGHAM, POLICE MAGISTRATE, BINGERA—CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 22 October, 1878.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 1 May, 1878,—

"That there be laid upon the Table of this House, copies of all letters, "correspondence, minutes, &c., in the matter of certain charges made against "Mr. P. Brougham, Police Magistrate, Bingera."

(*Mr. McElhone.*)

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ADMINISTRATION OF JUSTICE.

No. 1.

Notice of Question to be asked by Mr. McElhone on Tuesday, 1st May.

6. MR. MCELHONE *to ask* THE MINISTER OF JUSTICE AND PUBLIC INSTRUCTION,—
(1.) Is there a person named Patrick Brougham employed as a Police Magistrate, or in any other position in the Civil Service ?
(2.) Are the Government aware that this person was Curator of Intestate Estates and Sheriff in Fiji ?
(3.) Will the Minister inquire into the matter, and the cause of his ceasing to hold this office and leaving that Colony ?
Mr. F. B. Suttor answered,—
(1.) Yes; Mr. Patrick Brougham is Police Magistrate and Clerk of Petty Sessions at Bingera.
(2.) Yes.
(3.) Yes.

No. 2.

Telegram from Under Secretary of Justice, &c., to Police Magistrate, Bingera.

25 April, 1877.

PLEASE furnish the requisite information to enable following questions to be answered in the Legislative Assembly on Tuesday next, the 1st May, viz. :—

9. MR. MCELHONE *to ask* THE MINISTER OF JUSTICE AND PUBLIC INSTRUCTION,—
(1.) Is there a person named Patrick Brougham employed as a Police Magistrate, or in any other position in the Civil Service ?
(2.) Are the Government aware that this person was Curator of Intestate Estates and Sheriff in Fiji ?
(3.) Will the Minister inquire into the matter, and the cause of his ceasing to hold this office and leaving that Colony ?

No. 3.

Telegram from Police Magistrate, Bingera, to Under Secretary of Justice, &c.

26 April.

MR. OLLIVIER will call on you and explain all about Fiji.

No. 4.

Telegram from Police Magistrate, Bingera, to Under Secretary of Justice, &c.

26 April.

I WAS Curator of Intestate Estates and Sheriff in Fiji, under the Fijian Government. I resigned both appointments upon accepting the Wardenship of Taviuni, in Fiji. I never held office after annexation. I left Fiji at the instigation of my friends here, for the purpose of embarking in squatting.

No. 5.

Mr. W. M. Ollivier to The Under Secretary of Justice, &c.

357, Burton-street, Darlinghurst, 27 April, 1877.

Sir,

In reply to your B.C. communication of 27th inst., enclosing copy of Mr. M'Elhone's question about Mr. Brougham, Police Magistrate, Bingera, I have the honor to inform you that I was appointed Auditor General of Fiji about the 1st June, 1872, which office I retained until annexating to England of Fiji.

I knew that Mr. P. Brougham was Warden of Levuka and Curator of Intestate Estates, and that on or about 1 March, 1874, Mr. Brougham accepted the appointment of Marshal of Taviuni, resigning the Curatorship in favour of Mr. N. Chalmers, whose accounts I audited on 25 April, 1874, and correct.

In the following June I was a passenger by the mail cutter for Taviuni, and on seeing Mr. Brougham the morning after my arrival he told me that he had received a letter from the Chief Secretary demanding over one hundred pounds sterling, which sum Mr. Brougham said had been paid into the Treasury some months, and that he received a written receipt for it, which receipt had that morning been sent to Levuka, but that his clerk Mr. Thos. Pritchard had neglected to take an attested copy of it, which Pritchard admitted. As I was returning by the next vessel I promised to see the Chief Secretary about it, and on doing so was informed that the letter had arrived but no receipt. In the following August Mr. Brougham came to Levuka and was arrested, and was committed to take his trial by the Magistrates, on the statement made by the Treasury Clerk, "that he had not at any time given a receipt as described by Mr. Brougham,"

Brougham," but before the trial was called on Fiji was annexed to England. A lawsuit was then commenced by the authorities to recover the amount said to have been due; and the Jury of four found for Mr. Brougham on the plaintiff's evidence. Mr. Brougham then came up from Fiji and joined his friends in this Colony. Subsequent to Mr. Brougham's departure from Fiji some receipts like that described by Mr. Brougham were found in Levuka, and in the handwriting of the Treasury Clerk, which was contra to the instructions given to receivers of revenue, there being a printed form for that purpose, having a No. on each form and a block, as a check.

Should you require any further information I shall be happy to furnish it to the best of my ability.

I have, &c.,
WILBY M. OLLIVIER.

No. 6.

Mr. J. Watts to Mr. McElhone, M.P.

(*Handed by Mr. McElhone to Minister of Justice.*)

Sir, 22, Dowling-street, near Oxford-street, Sydney, 2 May.

Lately in reading the Parliamentary news I have observed the name P—— k B——m mentioned, and wondered who he was; but was this morning, in observing Mr. Suttor's reply to you, given fully to understand.

I was down in Fiji the time Mr. P. B. was there, and he was Curator of Intestates in the rascally Fiji Government, but decamped when better order was instituted there. Mr. P. B. ought to be asked how about the money belonging to poor Muir, who was stabbed, and whose effects (104 sovereigns) came into Mr. P. B.'s hands; and also the money of the poor shoemaker. Both these cases, after British rule was instituted, came on for investigation, but Mr. P. B. thought his best plan was to cut away—which he did.

It is astonishing, sir, how often villanous men succeed when men of honor cannot. Thinking you might be in ignorance of the above, I thought, really, as you desired to know, it was only right to inform you. Begging to be excused from intruding upon your notice,—

Believe me, &c.,
JAMES WATTS.

Men who are appointed to be Magistrates ought to be of sterling, unblemished character.

Inform Mr. Watts of this communication having been handed to the Minister of Justice, and ask him to say whether he desires to prefer the charge therein contained, or anything further on the subject, against Mr. Brougham, P.M., Bingera.—F.B.S., 9th May, /77.

No. 7.

Extract from *Sydney Morning Herald*, 5 May, 1877.

ADJOURNMENT OF HOUSE.

MR. MCELHONE moved the adjournment of the House. A day or two ago he asked a question in reference to a Mr. Patrick Brougham, who holds the position of Police Magistrate, and who, he had been told by a Mr. Jones, was at one time Curator of Intestate Estates and Sheriff in Fiji, where he embezzled money, and bolted rather than stand his trial. He had received a letter confirming that statement, from a person named James Watts, of 22, Dowling-street. He thought this Mr. Brougham should be suspended until he has satisfactorily explained the reason of his leaving Fiji.

MR. SUTTOR said, that in regard to the case of Mr. Patrick Brougham, the Police Magistrate, to whom the Hon. Member for the Upper Hunter referred, he had obtained a good deal of information, although the inquiry he had promised to make was still pending. He did not think he ought to have suspended that gentleman on the statement of any one outside the House that he had done something wrong before he was appointed. If he had committed some crime since, there might have been some reason for taking that course; but as this gentleman was appointed by the late Government, and there had been no complaint against him since, surely he was not justified in taking the course suggested. Since the questions were put to him by the hon. gentleman, he had met the late Auditor General of Fiji, under whom Mr. Brougham occupied the position of Curator of Intestate Estates, first at Levuka, and afterwards in another part of Fiji. When Mr. Brougham left Levuka, the gentleman to whom he referred said that there was some amount of money missing that should have been placed in the Treasury by Mr. Brougham. Mr. Brougham was called upon to account for it, and he forwarded the original receipt to the officer to whom he paid the money, together with a letter. This letter was received into the Treasury, but from some extraordinary cause was not produced. It was taken by the person who stole the money. Charges of embezzlement were brought against Mr. Brougham, and he was committed to take his trial. A change of Government took place on the Imperial authorities taking possession of Fiji, and the criminal case was never proceeded with, but the new Government proceeded against Mr. Brougham with a view to recover the money. The civil action resulted in a verdict for Mr. Brougham. Further inquiry, however, was being made in the case, Mr. Brougham having been communicated with.

Mr. Jones may be invited to favour the Minister of Justice with any information which he may feel disposed to furnish in reference to this matter.—F.B.S., 8 May, /77.

Mr. Brougham should perhaps be called upon to explain, in writing, the charges preferred against him by Mr. McElhone, M.P.—F.B.S., 9 May, /77.

No. 8.

The Police Magistrate, Bingera, to The Under Secretary of Justice, &c.

Dear Sir, Bingara, 7 May, 1877.

As it is necessary that I should give some explanation relative to the charges likely to be brought against me by Mr. McElhone, in the House, and prepare you to answer any questions which may be put by him; I shall give you a *resumé* of the matter.

In the latter portion of 1873, when in Fiji, I paid a sum over £100—I think £120 or thereabouts, into the Treasury, to the credit of an intestate estate; a Mr. Gundry, a Treasury clerk, signed the receipt for the amount and gave it to me; this receipt was not on a printed form, but on a piece of plain paper of the same description as that on which some of my other receipts had been drawn. This sum of money paid in by me did not appear in the Treasury books, and I was instructed by the then Minister of Finance to send the original down to him from Somo Somo, where I was then residing as Warden; this I did, but the receipt never reached the hands of the Minister. The Government then entered a civil action against me for the recovery of the money; the Jury after retiring twice returned a verdict in my favour, viz.:—Not sufficient evidence.

I resigned my appointments of Sheriff and Curator at the particular request of Messrs Woods and Thurston, in order that I might proceed to Taviuni, and act as Warden, that district being without one; and it was the desire of the then Fijian Ministry that I should get the various Police Courts into working order.

The only cheques drawn by me on the Fijian Treasury were for payments to parties who had proved their claims in intestate estates.

Mr. Ollivier, now a clerk in the Audit Office, Sydney, was in Fiji during the time I held the various appointments; and as he was Auditor General there, he can give valuable information relative to the way I performed the duties as Sheriff, Curator, and Police Magistrate; he was at Somo Somo the day after I received a letter from Mr. Thurston, and I told him the matter contained; Mr. Prichard, the Clerk of Petty Sessions, was also present.

My motive in leaving Fiji was to join my family, who had sailed for this Colony; as I had many friends, and I thought I might get some appointment, or again embark in squatting.

I most distinctly swear that during my sojourn in Fiji I never directly or indirectly used one farthing of money which was not my own.

Trusting that this information will be sufficient to answer any questions put,—

I am yours faithfully,
PATK. BROUGHAM.

No. 9.

The Under Secretary of Justice, &c., to Mr. C. Jones.

Sir, Department of Justice and Public Instruction, Sydney, 8 May, 1877.

J. McElhone, Esquire, M.P., having, in his place in the Legislative Assembly, on 5th instant, called attention to certain charges preferred against Mr. P. Brougham during his residence at Levuka, Fiji, and named you as one of the gentlemen who informed him thereof, I am directed by the Minister of Justice and Public Instruction to invite you to have the goodness to favour him with any information which you may feel disposed to furnish in reference to this matter.

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

No. 10.

The Under Secretary of Justice, &c., to The Police Magistrate, Bingera.

Sir, Department of Justice and Public Instruction, Sydney, 8 May, 1878.

Referring to your telegram of 26th ultimo, I am directed by the Minister of Justice and Public Instruction to forward herewith extract from *Sydney Morning Herald* newspaper, of 5th instant, containing certain charges against you during your residence at Fiji, and to request that you will have the goodness to furnish a report as to correctness of same to this department with the least possible delay.

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

No. 11.

The Under Secretary of Justice, &c., to Mr. J. Watts.

Sir, Department of Justice and Public Instruction, Sydney, 10 May, 1877.

A communication having been handed to the Minister of Justice and Public Instruction by J. McElhone, Esq., M.P., signed James Watts, and dated 2nd May, 1877, containing charges against the Police Magistrate, Bingera, during his residence at Fiji, I am directed by the Minister of Justice and Public Instruction to inquire whether you desire to prefer the charges therein contained or anything further on the subject against Mr. Brougham, Police Magistrate, Bingera.

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

No. 12.

No. 12.

Mr. J. Watts to The Under Secretary of Justice, &c.

Sir, 22 Dowling-street, near Oxford-street, Sydney, 12 May, 1877.

In reference to my communication to Mr. McElhone, respecting Mr. P. Brougham, I repeat that I was in Levuka, Fiji, at the time the Fiji Government existed, previous to the time when the Islands were made a British dependency; that Mr. Brougham was then Curator of Intestate Estates. When a proper order of things was instituted by the British Government it was discovered that Mr. P. Brougham's accounts of moneys he had handed were defective, consequently he was charged, an investigation held, and when matters were pending the accused took the advantage of leg bail, for he mysteriously disappeared, and the affair dropped.

Years passed away. I left Levuka in November last, and came to Sydney, and a while ago I saw the name (P. Brougham) in some of the Parliamentary debates and questions asked by Mr. McElhone as to whom Mr. B. was, and being answered "that Mr. Brougham had been Curator, &c., in Fiji," I concluded he must be the same man, and therefore supplied Mr. McElhone with the information I gave him, and which I presume you have.

If my testimony is required I am perfectly willing to give it as far as I know, and my statement can be fully confirmed by making inquiries in Levuka. Two of the gentlemen I can name in the present Government there, and were still in the Treasury there when I left—Mr. Charles Gundry and Mr. Chisholm; both of these gentlemen gave testimony that the money ought to have passed through their hands and never did, also, a man named James Senior, who was a policeman when Mr. Brougham took possession of the gold belonging to the poor man Muir, who was murdered. Senior was in Levuka when I left.

It further appears that my statement only confirms and corroborates what a Mr. Jones had told Mr. McElhone before I wrote, and whom I have never seen or communicated with in any way whatever since my arrival in Sydney; and, in conclusion, my motives have been simply to give Mr. McElhone information, and as I considered my duty towards society.

Believe me, &c.,
JAMES WATTS.

No. 13.

The Police Magistrate, Bingera, to The Under Secretary of Justice, &c.

Sir, Police Office, Bingera, 14th May, 1877.

I have the honor to acknowledge receipt of your communication of May 8th, 1877. In reply, I beg to state that I did not "bolt from Fiji rather than stand my trial," as alleged by Mr. M'Elhone. As my family had left for this Colony, I was anxious to join them, and took a boat in Levuka for the purpose of going to Sora, from which port a vessel was about to leave for Sydney; and as this vessel was the only one which would leave for some time, I availed myself of the opportunity—this was after the civil action had come off.

I was Sheriff and Curator of Intestate Estates in Fiji prior to annexation. During my Curatorship I paid a sum of money, something over £100, into the Treasury to the credit of an intestate estate, for which I received a receipt; but it would appear that this amount was never passed to my credit in the Treasury as Curator. At the request of the Minister of Finance, when I was warden in Somo Somo, I forwarded the original receipt, but this document never reached him, although other letters sent by the same vessel arrived at their destination. I most emphatically deny ever having directly or indirectly appropriated any moneys belonging to intestates.

I have, &c.,
PATK. BROUGHAM,
Police Magistrate.

No. 14.

Mr. C. H. Jones to The Under Secretary of Justice, &c.

Sir, George-street, Redfern, 12th May, 1877.

I have the honor to acknowledge the receipt of your letter.

If the Government want any information about Mr. Patrick Brougham, I should recommend them to apply to the Editor of the *Fiji Times*, as that paper gave full particulars of Mr. P. Brougham's doings in and his departure from Fiji or to John H. Garrick, Esq., now Attorney General, and at the time Mr. Brougham left he was Judge of Fiji.

I have, &c.,
CHAS. H. JONES.

Mr. Ollivier might be asked to state whether he knows anything of the Mr. Jones referred to by Mr. McElhone; and also of the Mr. Watts, who it appears addressed the accompanying communication to that gentleman; what position Messrs. Jones and Watts held at Fiji, their calling &c., and the degree of credibility to be attached to their representations.—F.B.S., 15 May, '77.

No. 15.

The Under Secretary of Justice, &c., to Mr. Ollivier.

Sir, Department of Justice and Public Instruction, Sydney, 16 May, 1877.

Referring to communication left by you at this department from the Police Magistrate, Bingera, having reference to the charges preferred against him by Mr. McElhone, M.P., in the Legislative Assembly, on the authority of Mr. Charles Jones, engineer, who was engaged in connection with Mr. Billyard's plantation in Fiji, and Mr. James Watts, now residing at 22, Dowling-street, Sydney, and formerly

formerly a resident at Fiji,—I am directed by the Minister of Justice and Public Instruction to invite you to have the goodness to state whether you know anything of these gentlemen, and if so to say what position they held in Fiji, their calling, &c., and the degree of credibility to be attached to their representations.

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

No. 16.

Mr. Ollivier to The Under Secretary of Justice, &c.

Sir, Department Audit, 17 May, 1877.

In reply to your letter of yesterday's date, I do myself he honor to enclose two copies of the *Fijian Argus*, of 8th and 15th January, 1875, which contain the report of the trial of Thomas *v.* Brougham (W. J. Thomas acting as Curator of Intestate Estates), and in doing so, wish to point out that the defence was not proceeded with because the lawyers agreed that the evidence of the defendant, Patrick Brougham, was sufficient, thus preventing Mr. Thos. Pritchard (the Clerk of Petty Sessions under Mr. Brougham), from proving that the receipt was posted, or sent, as sworn by the defendant at the trial.

Vide Enclosures to No. 28, pages 17 to 20.

I would further point out that this paper is printed for the Members of the Government, and I believe Mr. Thurston to be the principal shareholder, and so I infer it will not report favourably for the defendant. I regret I cannot obtain a copy of the other paper, the *Fiji Times*, whose report would be more impartial. I must ask you to take special care of these two papers, and to return them to me as soon as possible, they being the property of C. L. Sahl, Esq., German Consul, Sydney.

With reference to Mr. C. Jones, I have nothing to say beyond that it is true he was engineer for Mr. Billyard of Taviuni or Sydney. Mr. James Watts and family lived at Levuka, and followed the calling of laundress, and I believe was opposed to the Government. Neither of the gentlemen I think could know anything beyond the reports in the newspapers. Lastly, the statement made that Mr. P. Brougham did not stand his trial is *untrue*, which is evident.

I shall be happy to bring my rough reports on the Fijian a/c. up to the time of the Consular Government taking charge in April, 1874, if required.

I have, &c.,
W. M. OLLIVIER.

No. 17.

The Police Magistrate, Bingera, to The Under Secretary of Justice, &c.

Sir, Bingera, 21 May, 1877.

In case there may be some misapprehension of my communication of May 14, relative to my having been committed for trial in Fiji when under the Fijian Government, I beg to inform you that a case was initiated in the Police Court in Levuka, and it was referred to the Supreme Court. I appeared on the day when the trial was to have taken place, but it never was proceeded with either at that or any subsequent day. As I have told you in a previous letter, a civil action was entered against me and resulted in a verdict in my favour. Believe me when I state I have not the slightest wish to conceal anything from you; my earnest desire is to give you the fullest explanation in my power. Nothing shall be wanting on my part to prove myself worthy of the appointment I hold, and to merit the interest my friends have taken in this unhappy affair.

Should you wish any more information, have the kindness to write, and I will do all I can to furnish you with it.

Yours faithfully,
PATK. BROUGHAM.

No. 18.

The Under Secretary of Justice, &c., to The Police Magistrate, Bingera.

Sir, Department of Justice, Sydney, 30 May, 1878.

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of your letter of 21st instant, further respecting charges preferred against you by Mr. McElhone, M.P., in the Legislative Assembly.

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

No. 19.

Minute of the Minister of Justice.

A letter stating the charges made against Mr. Brougham might be written to Mr. Garrick, the present Attorney General of Fiji, requesting that he will have the kindness to forward me any information he can upon the subject.

F.B.S.,
26/7/77.

No. 20.

No. 20.

The Minister of Justice, &c., to The Attorney General of Fiji.

Sir, Department of Justice and Public Instruction, 15 August, 1877.

I do myself the honor to transmit to you the accompanying copies of certain correspondence, &c., having reference to Mr. Patrick Brougham, Police Magistrate, &c., at Bingera, in this Colony, who formerly held the position of Curator of Intestate Estates and Sheriff under the late Fijian Government, and to state that I would be glad to be favoured with your report upon the allegations conveyed in these papers, reflecting on the integrity of Mr. Brougham's conduct while in the service of the Government at Fiji before annexation, and as to the nature and result of the civil proceedings instituted against Mr Brougham, which were tried before you, when a Judge of the Supreme Court at Fiji, in January, 1875, with a view to assist the Government of this Colony in arriving at a decision in the matter.

I have, &c.,
F. B. SUTTOR,
Minister of Justice, &c.

No. 21.

The Attorney General of Fiji to The Minister of Justice, &c.

Sir, Attorney General's Office, Leuvka, 6 September, 1877.

I have only time to acknowledge receipt of your enclosure containing papers *re* charge against Mr. Brougham, Magistrate of Bingera. I will reply *in extenso* next mail.

I am., &c.,
J. H. GARRICK.

In reference to my predecessor's letter of 15th August last respecting this matter, and Mr. Garrick's acknowledgment of same, in which a reply *in extenso* was promised by next mail, I desire to inquire whether reply has been forwarded, as it has not come to hand.—J.L., 17 Dec., 1877.

No. 22.

The Minister of Justice, &c., to The Attorney General, Fiji.

Sir, Department of Justice and Public Instruction, Sydney, 17 December, 1877.

In reference to my predecessor's letter of 15th August last, forwarding copies of certain correspondence, &c., respecting Mr. Patrick Brougham, Police Magistrate, at Bingera, in this Colony, and to your acknowledgment of same of 6th September last, in which a reply *in extenso* was promised by next mail, I desire to inquire whether such reply has been forwarded, as it has not yet come to hand.

I have, &c.,
JOHN LACKEY,
Minister of Justice, &c.

No. 23.

The Attorney General, Fiji, to The Minister of Justice, &c.

Sir, Attorney General's Office, Levuka, 24 December, 1877.

In accordance with the request contained in your letter of the 15th of August of this year, I have the honor to forward a brief report upon the allegations contained in certain papers accompanying your letter, and reflecting upon the integrity of Mr. Brougham's conduct while in the service of the Government at Fiji before annexation.

2. This report would have been furnished earlier, but other business intervened, and the opportunity of referring to persons whose knowledge of the facts I wished to obtain has not in one or two instances occurred till recently.

3. I must ask you to treat communications in this matter as privileged, or to insure me immunity from legal responsibility.

I have, &c.,
J. H. GARRICK,
Attorney General.

Acknowledge, and thank Mr. Garrick, and also apologize for the inadvertent delay in not making the acknowledgment at an earlier date.—19 Feby. /78.

[*Enclosures to No.* 23.]

SCHEDULE OF DOCUMENTS HEREWITH.

A. Copy of Evidence taken in Magisterial Court on investigation of charge *re* Muir's estate.
B. Copy of Judge's Notes taken at civil investigation *re* Harnish's estate.
C. Letters from Chief Secretary of Government of Fiji, having reference to Mr. Brougham's conduct in administration of intestate estates.
D. Extract from *Fiji Times* of 16th September, 1874, *re* Muir's matter in Magistrate's Court.
E. Letter from James Senior to Colonial Secretary, Colony of Fiji, referring to management of Muir's and Harnish's estates by Brougham.
F. Memorandum from Mr. Hennings.

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G. Declaration of C. E. Gundry, taken 27th November, 1877, as to receipt of moneys from Mr. Brougham while Curato of Intestate Estates.
H. Extract from *Fiji Times* on investigation *re* Harnish's case.
I. Statement of Mr. R. Ryder *re* tender of money by Mr. Brougham.
J. Statement of Mr. Pritchard *re* forwarding of receipt for money by Mr. Brougham.
K. Statement of Mr. Truscott *re* tender of money by Mr. Brougham.
L. Letter and report from myself.

J. H. GARRICK.

A.

9th September, 1874.

No. 300.—Before Commissioner Harding and Messrs. Hetherington and J. Berry, J.P.'s, and Logan,—Police *v.* P. Brougham.
Prisoner already pleaded "Not guilty."
For prosecution, Mr. Smith. For Prisoner, Messrs. Murray, Truscott, and Towson.
Statute of Trusts, section 80, alluded to by Mr. Smith. Counsel for defence objected to having the prosecution conducted on other than the one Act.
Mr. Smith opened the case. Referred to Statutes of Victoria. Quoted Saunders on discretion of Justices to commit for trial; Archibold, 385, as to embezzlement of servant, failed to account, &c.
Jas. D. Senior, sworn: Sub-inspector of police; know defendant; I laid information; knew Inspector Martin; know his handwriting; have receipt for £101 from Mr. Brougham; I swear to signature (receipt marked A admitted by defendant); receipt A was handed to me by Inspector Harding when I took charge of police; it was among police papers and other receipts; when I found it recently I took it to Treasury—this was two months ago; requested Mr. Gundry to let me see the books, and found no such item entered of that amount or date, nor for two months afterwards; on 26th July, 1872, I saw entry of £208 paid in; this date was that of soon after sale of Muir's cutter; I was at sale of cutter by H. O. Paton early in July, 1872; cutter was sold for £207; other things were sold; I reported to the Chief Secretary three weeks ago; was instructed to make further inquiries; the Attorney General sent for me a fourth time in; on that, warrant was issued and prisoner arrested; I remember when prisoner arrived; it was three weeks ago (about); this amount of £101 was passed through my hands; it was in gold; for I was sent on board the cutter to take charge of effects on the murder of Muir; delivered money to Inspector Martin.
Chas. Edward Gundry, sworn: Am accountant at Treasury; was appointed the 16th June, 1873; succeeded Mr. Oswald; have Treasury books with me; in Curator of Intestate Estates account and estate of John Muir (marked B) I find 26th July, 1872, £208 10s. paid to credit; no explanation of item mentioned; next item on in credit is August 7th, 1873, £10; no explanation; no more items to credit; this is Treasury ledger of that date; in this Mr. Brougham's book he credited the estate with £2 14s. more (marked C)—(Many items were stated as paid on the debtor side of Curator's book B, which are not mentioned in the Treasury account A)—there is no explanation of the items of debtor in the Treasury books; the Treasury is not supposed to know; I remember an interview between Mr. Thurston and prisoner on the day after his recent arrival in Levuka; I was sent for by the Chief Secretary to that interview as to certain sums of money; the estate of J. Muir was not mentioned; there are no other books in which the estate of J. Muir is concerned; had that amount been paid in as regards any estate I should have known it; it does not appear in any estate: I have only to deal with any moneys paid into the Treasury; the accounts should have balanced; moneys in the hands of the Curator of Estates had to be handed in to the Treasurer; this was the custom; I am accountable to the Minister of Finance; prisoner has not rendered a monthly account; before I entered the Treasury there was a general account for intestate estates.
Cross-examined: For previous accounts to June, 1873, I don't hold myself responsible; the account marked B is the first I know of in the account; prior to that the intestate accounts were not kept *in globo* but separately; for certain amounts the Curator drew on the Treasury, but for some stated in the Curator's account he did not draw; since I have been in the Government service the auditor audited the books; the account of Muir commenced long prior to my appointment.
Re-examined: There is no entry in the books prior to my taking charge; received total to credit of Muir account is £218 10s., and to debtor £150 2s. 4d.; a few days after the arrival of the prisoner in Levuka, he with Mr. Murray and Truscott came to Treasury and tendered £101 to be placed to credit of J. Muir, deceased; the prisoner spoke and pushed the money; prisoner said, "Now Mr. Gundry, will you take this money and give a receipt for it?" on instruction I refused it; I had never asked prisoner for this money; it was not my duty to do so, nor has he ever declined to give it me; this tendering of the money was subsequent to prisoner's arrest for the charge.
Wilby Moreton Ollivier, sworn: Was appointed in May, 1872; the Accountant in the Treasury was one M. Flemming, then W. Oswald; the pages of book produced (page marked D) are in Mr. Flemming's writing; I audited the accounts and found them to be correct; I see on the Curator of Intestate Estate account various sums of money paid into credit without specifying the exact estate; this is the ledger which does not show the exact but general nature of the amounts; in the Treasury account of Muir's estate the amount expended is about £140, leaving a balance of £68 7s. 8d. to credit of Curator; I never audited or saw any account of the Curator's.
Cross-examined by Murray: Was auditor from May, 1872, to April, 1874; all accounts were supposed to pass through my hands; as Receiver of Public Revenue prisoner was bound to account to me, but not as to private accounts; fees for administering the estate of Muir would be due to the Crown; I see no account of such fees; I did not think it a part of my duty to audit the accounts of the Curator of Intestate Estates; if he refused to render them I had no power to compel him; I was the head of my department; there were no especial rules laid down for me by any Minister; I was not instructed at any time to demand the Curator's accounts; it was not my duty; when I first took office I found much confusion in the public accounts; there was only a Curator's account *in globo;* the ledger marked B shows the *globo* account and moneys paid in as into a Bank; I know of several estates as being objects of payments at that time; as Auditor General, I told Dr. Clarkson (the Treasurer); I suggested that the estate accounts should be opened separately in the new books for the year commencing 1st July, 1873; I do not know anything about the sum of £101; the Curator was not responsible to me; I never called upon him for his accounts.
Re-examined by Mr. Smith: The books that I made these new ones up from were not very reliable; in the individual accounts the items are placed and particularized from vouchers; I saw no accounts of the Curator's but those in the books.
To the Bench: In the particular account of Muir's estate I have compared the items down to November 27th, 1873, and they are exactly in accordance with vouchers which I have seen; the old books are not reliable, as some entries have been altered and some are not supported by vouchers; I cannot vouch for the balance as brought from the old book, but do from the new ones.
W. J. Thomas, sworn:—I am Registrar of Supreme Court; I know prisoner; he was Curator of Intestate Estates; it was his duty when called upon to file his accounts in the Supreme Court; he was so called upon on the occasion of his retirement from the office of Sheriff and Curator of Intestate Estates; he was called on by Chief Justice through me to furnish all accounts of all intestate estates; date of memo. from C. J. (marked E copy) is 20th Feb./74; I sent a copy to Curator same day; accounts were brought in by Curator and I reported on 23rd of same month; the vouchers are of Cr. 26 July/72, $1,042·50 (F), 21 June/72, $13·50 (G), and 7 Aug./73, $50 (H); they are all handed in by Mr. Brougham; he handed in the books marked C as his account; he mentioned no sum of £101; there was no explanation of the amounts as there were vouchers (marked I) for all except for the amounts paid to the Treasury; I made a report on that rendering of the accounts and the Court would not discharge Mr. Brougham, not considering it satisfactory; I only heard of the item of £101 three weeks ago from Mr. Gundry, the Accountant at the Treasury officially; I heard of it from Mr. Brougham some few days after his arrival at Levuka recently; Mr. Brougham asked to look at the account in Muir's estate and I handed him his own; he said "There is apparently a sum of £101 omitted in the Cr. side," and I said "It appears so," he said "It must be paid," and I said yes, and he'd better pay it as soon as he could; he said he could not tell how it had occurred, but it certainly was an omission; it was this day fortnight I believe, a day or two before I heard of his arrest; Mr. Brougham has not been with me since at office, and that is the last conversation on that subject.

Examined

Examined by Mr. Truscott:—The Judicial Department takes cognizance of the Curator's accounts; he has not previous to the time stated here been called upon for his accounts; when called upon he was about to leave, on first leaving for Taviuni; the demand for his accounts referred to fifteen estates; it was his duty to bring them in when closed; I consider that his accounts were liable to audit by the Auditor General; he was subject to be ordered by the Court to hand in his accounts; when the Curator handed in his accounts on the occasion referred to it was in the order; K now handed in is from the C.J. to order the accounts to be closed; there are several yet open; Mr. Brougham has not yet received his release as Curator by the Court—I look on him as still accountable to the Court as Curator; he was in my office on two occasions, one the day before he spoke of the £101 a few days after his arrival in Levuka; I had sent a copy of the order K to Taviuni which Mr. B. said he had not received; he asked to meet the C.J. and I told him he was on the Bench and would be busy for some time. (Mr. Smith objects to question on Warburton's estate.) Warburton's estate long since closed; I know that £69 odd was paid by the Curator to the credit of Warburton's estate in excess of what the estate was entitled to; the Curator is entitled to 2½ per cent. commission payable when the estates are closed; Muir's estate is still open.

Re-examined:—Mr. Brougham sued Warburton's estate but lost in the Pro. Court; Mr. Fullerton said that the money certainly was not belonging to Warburton's estate; had the Curator wished me to go through his accounts when he came from Taviuni I should have felt bound to do so; there was no mention of the £101 when I signed the book marked C.

Daniel John Chisholm, sworn:—I was Clerk in Treasury in or about January, 1872; when I was in the Treasury up to April, 1873, there were no printed form *vouchers* given—only small printed receipts were given as in a merchant's office; the book in which I entered receipt (amount receipt) marked ( ); at that time Mr. Flemming and self only made entries in the rough cash book.

Adjourned to 7 o'clock p.m.

D. J. Chisholm, resumed:—The rough cash book now produced (and marked L on page) are in my writing chiefly; on July 11th an amount appears as paid in $640 to Woodside's account; on July 26 was $1,042·50 = £208 10s. Eng. to estate of J. Muir; these are both in my writing; in the ledger these two sums appear in a lump-sum in Mr. Flemming's writing; there is no actual difference in the entries.

Cross-examined by Mr. Murray:—I received all cash paid into the Treasury during my office term; I may have scratched out items; the rough cash book and the ledger were kept together; the rough cash book is not altogether reliable, as there may be some entries not actually concerning the Government business—the cotton account was entered by order of Dr. Clarkson; when Mr. Brougham as Curator paid in moneys he had a receipt which would exist if the amount were crossed out next minute; moneys may have been paid in without a receipt having been given; it was their own fault if so.

Re-examined by Mr. Smith:—There is nothing unreliable in the accounts of Government revenue or Muir's intestate estate; as far as I know all the amounts paid into credit of the estate of Muir deceased were entered.

W. J. Thomas, recalled:—When Mr. Brougham first called upon me on coming to Levuka this time he did not mention the £101, but on the second he said there must be an error; previous to his sending in the account I saw a letter among the papers of Curator (marked M) relating to moneys to credit of Muir's estate; there appears to be £101 and a £30 order not accounted for.

Cross-examined:—I found the paper about three weeks or a month ago, and they have been in my hands since Feb., 1874; this is not a voucher or receipt, and so would not have come under my notice; it was only docketed as a letter to the Chief Secretary; I look upon it as an acknowledgment to the Chief Secretary of the account; in letter to Chief Secretary acknowledges among the items the sum of £101; I found the letter among the papers of the estate docketed as a letter; there was no concealment of it.

Case for prosecution concluded. Smith alluded to Curator's Intestate Estate Act, Audit Act, Receivers of Public Revenue Act.

For defence. Truscott:—*Archibald*, 423, Embezzlement by Trustee; 424, Evidence; 415, Evidence before Conviction; *Oke*, 898; not to convict unless *primâ facie* case.

Murray:—Roscoe (of 63), 417, What is embezzlement? Constitution Act—Legislative, Executive and Judicial Branch; Roscoe, 415, as to what embezzlement is.

Prisoner committed for trial. Bail allowed—prisoner in £500, and two sureties of £250 each.

JAMES HARDING, J.P.,
President.

I hereby certify that the foregoing is a true and correct copy of the original, the same having been carefully compared therewith by me.

Dated this 19th December, 1877.

HAMILTON HUNTER,
Chief Police Magistrate.

B.

THOMAS *v.* BROUGHAM.

In the Central Court, Colony of Fiji—Before Garrick J. and Marika J.

William Isaac Thomas, sworn:—I am Curator of Intestate Estates; I administered to Harnisch's estate some three weeks ago; I first made application on the 10th December, 1874, and filed order on 21st December, 1874; I spoke to defendant about moneys received by him in this estate before my appointment; I hold debt; I told defendant Hennings had applied to me for proceeds of Harnisch's estate; I saw Mr. Brougham a second time; he told me he had arranged to meet Hennings, German Consul, at his house; this took place in January or February, 1874; about April, the defendant told me the money was in the Treasury; these conversations were after the defendant's resignation; the whole of the Intestate Estate accounts were filed with me by defendant; none were filed in Harnisch's estate: I spoke to defendant subsequently about Harnisch's estate—it was a general conversation; I claim £173 11s. 5d. as received by defendant.

Cross-examined:—I have applied to no one but defendant for the money; I am not aware an account of the estate was made up prior to October 10, '74; I got particulars of amount due from Crown Law Office; I knew defendant caused goods of Harnisch' to be sold; he told me he would settle up with Hennings; defendant gave me to understand the money was in his (defendant's) possession till he returned from Taviuni in April, 1874; defendant told me the sort of money in which he paid this money into the Treasury, in April, 1874.

James Doxey Senior, sworn: (This witness deposes to same effect as regards Harnisch's estate as appears in exhibit marked.)

W. H. Surplice, sworn: Sold goods in Harnisch's estate; gave proceeds £89 11s. 6d. to defendant.

Charles Edward Gundry, sworn:—Am Accountant at Treasury; was so in late Kingdom of Fiji, in 1873; know defendant; he opened no account in the Treasury to credit of Harnisch; I received moneys paid into the Treasury from August, 1873, to January 1st, 1874; no moneys were paid into Treasury to credit of Harnisch; I received money paid into Treasury; I keep a rough cash book; moneys were paid in as in a Bank; I had printed forms; these forms were filled up in duplicate; I retained one and gave the other to depositor; my rough cash book was made up from vouchers; I have carefully searched all vouchers and entries from the period referred to; and there is no entry of money paid in in this estate by defendant; I have no recollection of having received money from the defendant subsequent to the 10th of December, 1873; in the early part of January, 1874, I gave defendant a memo. of all moneys paid to the credit of Intestate Estates; I delivered memo. to defendant; there was no credit in Harnisch's estate. The defendant made no remark. Mr. Hennings, the German Consul, came to the Treasury with a statement in defendant's writing, showing a balance due Harnisch's estate of £151 16s. 11d.

Cross-examined: I was Cashier from June, 1863; Mr. Chisholm was also a clerk in the Treasury till December 4, '73; he would receive moneys and hand them to me and account; for what was done after the 4th December, I was responsible for; the rough cash book contains original entries of receipts—it goes from 24 November, 1873, till the end of August, 1874; on 1st of December, I find an entry to credit of Burns estate—that is only entry in Intestate Estates I see; it is in my writing; this book shows no other entry for the month; the entry is for 130 dollars; the rough cash book was not made up at once—it was made up subsequent to pay day from forms filled in and filed; to the best of my belief I always gave duplicate receipts to depositors; I have been in a Bank for five years; I compare cash with these forms or vouchers and they are bound up; the auditor also looks over vouchers and compares them with books; on December 10, '73, I have no entry; the entries in the cash book were not all made at one time; I see no difference in the ink of entries made in November and December; since the 4th December,

December, 1873, I had sole charge of the cash books; I was sole officer; I have no particular recollection of payments made by the defendant; the moneys he paid in are not revenue; the receipts I gave defendant were duplicate receipt forms; I gave defendant no other receipt; I do not recollect giving a receipt in form produced; the defendant filled in a duplicate which I signed—a printed receipt; to the best of my belief I gave him no other; I gave no receipt as in form produced (a copy); I never received the money—I swear it; I received no money in Harnisch's estate—I swear it; when I went into Treasury I had failed in cotton-planting; I received as Accountant £180 a year; my salary was paid regularly till October, 1873; I accommodated one civil servant with pay in advance—I believe two; I was not in the habit of advancing money to friends privately—I have not done so on a dozen occasions; I have paid some salaries out of the Treasury, and taken a receipt against salary; I did not advance it myself; money paid in this way did not appear in the cash; I did this from October, 1873, to March, 1874; I first heard this (Harnisch's) money was in the Treasury from Hennings in February, 1874; there was no charge laid against defendant at that time in respect of these moneys; I did not open official letters in Mr. Ryder's time—March to October, 1874; the corresponding clerks or Mr. Ryder did; any one in the office could ascertain contents of official letters; I saw a private letter from defendant to Mr. Ryder in June; I have been in Fiji six years; I was in Union Bank, New Zealand, for five years; I was Cashier; I resigned; the Bank was broken into; I and another officer lived on the premises; we went out early one evening to dinner; when we returned the Bank had been entered, and the cash drawer opened; I was charged with the offence, and committed to trial; I cleared myself of the matter, and the Judge said I had no stain on my character.

Re-examined: The system of cashing orders for salary was not a private arrangement of my own; I never opened a letter addressed by defendant to Ryder; I first heard defendant say he had paid money into the Treasury in Harnisch's estate in February, 1874; he, defendant, told me he had paid money to me, and had my receipt for it, which he would produce; he has never produced receipt to me.

By Bench: I never put my name to any paper of which the receipt (for money in Harnisch's estate) produced purports to be a copy: it is not in my handwriting.

Mr. Chalmers, sworn: Evidence as in exhibit.

This concludes evidence for the plaintiff, the then Curator of Intestate Estates.

EVIDENCE FOR DEFENDANT.

Patrick Brougham, sworn: I was some time Sheriff and Curator of Intestate Estates, in the late kingdom of Fiji, from October three years ago to December, 1873; I took possession of Harnisch's estate; it was understood that the estate was to be held by the German Consul and myself; the moneys I received in Intestate Estates were paid into the Treasury, at different times to the clerk, then, after Gundry's appointment, I paid money to him in the estate of Harnisch on the 10th of December, 1873; I paid Gundry £151 odd—some 16s 11d.; the paper produced is a copy of the original receipt; the receipt was in my own writing, except the words "C. E. Gundry, Cashier;" this receipt was given me at Nosova, on the 10th day of December, 1873; the money was paid in gold, silver, and Treasury notes, &c.; it was all the moneys I received in this estate; sometimes I kept the moneys some days before paying it in; as a rule I got printed vouchers or receipts; on the 10th of December, 1873, I went into Mr. Gundry's room, at Nosova, sat down at a table, counted the money, wrote a receipt, of which that produced is a copy taken by myself, handed the money to Mr. Gundry, who counted it, read the receipt, and signed it, and handed the same to me, and kept the money; I resigned my office of Curator, and on the 2nd January, 1874, I went to Taviuni as Warden; I returned to Levuka in February, 1874, I saw Mr. Gundry, and gave him a copy of my accounts; I was applied to by the German Consul for money in Harnisch's estate; I told him it was paid into the Treasury; this was at the time Mr. Chalmers took over the books; I understood this account was to be handed to German Consul; the leaves in the Intestate Estates Book gummed together were so done by me, as I thought Chalmers had nothing to do with the estate of Harnisch, as I considered it had nothing to do with the Government, being the property of the German Consul; at this time the money was in the Treasury; I returned to Taviuni, and to Levuka again, in August; Mr. Ryder was at this time Minister of Finance; I had an interview with him at his office in June; he asked me what I had done with money in Harnisch's estate, as there was no entry of it in Mr. Gundry's books; I said—"That is no fault of mine"; I got a receipt for the amount paid in signed by Mr. Gundry; Mr. Ryder requested me to send original receipt to him from Taviuni, on June 13, 1874; I forwarded the original receipt after taking the copy produced; I gave the letter to the Master of the "Annie Young"; I got no reply.

Cross-examined: I was accustomed to pay in money from time to time; I kept this money from August to December, as I thought it belonged to the German Consul; he was away at the time, and I did not pay it sooner; I received a letter from Mr. Walters on this matter; till I received that letter I did not know Walters acted for Hennings; on the 10th of December I paid the money into the Treasury as I was going away; had Mr. Hennings been here I should have paid it to him; I considered it at his disposal in the Treasury; I did not pay it into his credit, as I had taken out a rule to administer the estate conjointly with Hennings; it was not my custom to pay money in directly I received it; there were no complaints of my accounts till long after moneys paid in Hamisch's estate; I did not give accounts; I was prevented by being arrested; this was seven months after I had given up my office; I gave no accounts to Mr. Thomas—he did not ask for them; I explained the reason to him; I gave accounts in February and March to Hennings; I did not call Mr. Thomas's attention to Harnisch's account being gummed down; I gave no accounts in this estate for six months; the account I gave Hennings was I think the same as that gummed down in the book; I knew first from Thomas that Treasury denied the receipt of the money; the letters I sent per "Annie Young" I gave to Mr. Young; I sent one to Hennings and some to Nasova; Mr. Hennings dd not get his letter, nor did Mr. Ryder at Nasova; two private letters also went astray; I said at Nasova I thought I gave these letters to Mason; I made a mistake; I there stated Mr. Pritchard saw me put receipt in the envelope; I thought he did; I said, "Here, Pritchard, is the receipt," as I put it in the envelope; this is not the only claim made against me in Intestate Estate Accounts; I did not advise Hennings by letter that I had paid money in; I made inquiries about the missing letters.

By Bench: I took possession of Harnisch's effects in July; while I held Harnisch's estate I accounted in other estates; I thought I had to account to Hennings; I sent him accounts in February and May, 1874; I paid money into the Treasury on the 10th of December, 1873; from July to December I kept the money in my office; the last money I received in the estate was on the 18th August, 1873.

The Jury retired for six and a-half hours and were then discharged, being unable to come to any decision.

Judge's notes taken at trial.

J. H. GARRICK.

C.

Certified copy.

True copy,—JOHN B. THURSTON.

Chief Secretary's Department, Fiji, 20 July, 1874.

Sir,

I have to call your attention to the enclosed copy of a letter received by me from the Imperial German Consul, and to remind you of the frequent requests I have made that the affairs of such intestate estates as were under your curatorship might be closed prior to your departure to your present post.

Requesting this subject may have your immediate attention,—

I have, &c.,

JOHN B. THURSTON.

P. Brougham, Esq., Commissioner, Taviuni.

Certified copy.

True copy,—JOHN B. THURSTON.

Chief Secretary's Department, Fiji, 8 August, 1874.

Sir,

I last wrote to you upon the subject of an application made to me by the German Consul in the matter of the estate of Harnisch, deceased, and still await reply. The British Consul also makes inquiries in the estate of Muir, deceased.

I have, &c.,

JOHN B. THURSTON.

P. Brougham, Esq., Commissioner, Cakandrovi.

Certified

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Certified copy.

True copy,—JOHN B. THURSTON.

Sir,

Chief Secretary's Department, Fiji, 13 August, 1874.

I am in receipt of your letter of the 8th inst., relative to Harnisch estate.

The Treasurer informs me that no letter dated the 13th June, nor any Treasury receipt for the amount of $759 has ever been received; that no letter of same date containing a draft for £151 15s. 11d. has ever been received by the Imperial German Consul.

That there is no Treasury record of your having made such payment.

That the Registrar of the Supreme Court has all the papers and accounts left by you in connection with Intestate Estate, and they contain no reference to the estate under notice.

I have therefore to invite your personal attendance at these offices with the object of settling this and other matters.

I have, &c.,

P. Brougham, Esq., Commissioner, Cakandrovi. JOHN B. THURSTON.

Certified copy.

True copy,—JOHN B. THURSTON.

Sir,

Chief Secretary's Department, Fiji, 25 August, 1874.

I am in receipt of your last letter (inst.) from Somo-somo, acquainting me that the Governor of Cakandrovi had gone to Lau.

I am also aware, but not officially, that you had proceeded to Lau for the purpose of seeing the Governor, in consequence, as I suppose, of my letter to him of the 11th instant.

2. Until I hear further from you it is impossible for me to understand what made you leave your post. There is nothing in my letter to the Governor which necessitated your visiting him, nor could your visit have been productive of any good.

3. It is difficult for me to express myself more fully upon this subject, as, notwithstanding my repeated requests, you continue to inform me by private notes of purely official matters, and I again request that this unusual habit may now cease.

I have, &c.,

P. Brougham, Esq., Commissioner of Cakandrovi, at Waitova. JOHN B. THURSTON.

Certified copy.

True copy,—JOHN S. THURSTON.

Sir,

Chief Secretary's Department, Fiji, 25 August, 1874.

I addressed you last upon the 13th instant, and invited your attendance at this office. As you may not have received that letter I herewith forward a copy. I may now add, in addition to the contents of that letter, that the Accountant of the Treasury denies that you have ever paid any moneys into that department to the credit of Harnisch estate, and denies also his having given you any receipt in respect of such estate.

There is no knowledge in the Treasury of said estate.

There is no evidence of such estate among the papers left by you with the Registrar of the Supreme Court.

It is needless for me to remark upon the nature of the issue between yourself and the accountant, and I will only say that I request you will see the Treasurer and myself without further delay.

The intestate estate accounts of Thomas Muir are alleged to be in a most unsatisfactory state, and can only be understood by your personal explanation.

In conclusion, I can only again urge upon you the propriety and necessity of clearing up the grave doubts which are attaching themselves to your late office and trust as Curator of Intestate Estates.

I have, &c.,

P. Brougham, Esq., late Curator of Intestate Estates, Wai Tova. JOHN B. THURSTON.

Certified copy.

True copy,—JOHN B. THURSTON.

Sir,

Chief Secretary's Department, Fiji, 26 August, 1874.

The Cabinet, after considering the grave character of the doubts in connection with your management of the intestate estate of Harnisch, the emphatic denial of the Treasury Accountant that you have ever made any payment to credit of said estate, and the absence of any proof as yet that any such payment ever was made, deems it a painful but imperative duty to suspend you, pending such inquiry as may be necessary, from the further exercise of any duty as a public officer.

2. I have informed the Attorney General of the matter as it now stands.

I have, &c.,

Patrick Brougham, Esq., Wai Tova. JOHN B. THURSTON.

True copy,—JOHN S. THURSTON.

The Hon. the Colonial Secretary, Nasova.

Sir,

Batiri Kovo, 24 September, 1877.

I have the honor to acknowledge receipt of your communication, under date 17th instant, asking me to state what transpired between Mr. P. Brougham and myself, upon my assumption of the office of Curator of Intestate Estates, relative to estates at that time under his charge.

In reply, I was appointed Sheriff of the kingdom of Fiji and Curator of Intestate Estates, in December, 1873, but owing to Mr. Brougham's absence in Taviuni did not take over the books, vouchers, &c., of that office till January, 1874.

When Mr. Brougham handed over the charge to me, I received from him a book containing Dr. and Cr. account of various estates, and sundry vouchers connected therewith. Examining the book of accounts, I notice the absence of any mention of one Anto. Harnisch's estate, and asked Mr. Brougham the next morning, "How about Harnisch's estate?" His reply (which I distinctly remember) was "That is a matter which does not concern you in the slightest. It was agreed that the whole affair should remain in the hands of the German Consulate, and the matter is out of my hands altogether." During the day Mr. Brougham, going to Nasova, I asked him to bring back, for my satisfaction, a memo. of the various credits in the Treasury appertaining to the estates, the charge of which he had transferred to me; this he did, and the memo. was in Mr. Gundry's handwriting on a small slip of paper. Nothing on the paper was credited to Harnisch's estate, nor any mention whatever made of it; and having Mr. Brougham's reply fresh on my mind with reference to that particular estate, I took no further notice of the matter until the month of March (I think), when I received a letter from the German Consulate, asking me to pay over to that office all proceeds in Harnisch's estate, as the German Consul was about to transfer the matter to the Imperial Chancellerie.

I wrote my official reply, therein stating that no funds were in my possession, and took the letter myself to the Consulate. In a friendly conversation with Mr. Walter, who, at that time, was the *locum tenens* of Mr. Hennings, I mentioned what Mr. Brougham had said with reference to the estate in question. Mr. Walter's reply was—"Quite the contrary—everything was left by mutual consent in Mr. Brougham's hands, and we have never had any assets whatever in our hands—they are all with him." I therefore reported the matter. I may state that, upon examining the account book and vouchers, I was so dissatisfied that I absolutely declined to assume the charge of any estates the funds or proceeds of which were yet unrealised or incomplete, and with the approval of Sir C. St. Julian handed over everything connected with the curatorship to the Registrar of the Supreme Court.

If the records of Mr. Brougham's trial be examined, my statement on oath will be found corroborative of the above.

Moreover, if I can in any way assist in relieving Mr. Gundry from the gross aspersion of his character, as attempted to be cast upon it by Mr. Brougham, I shall be only too happy, and will not hesitate to come forward if necessary at any time when called upon to do so.

I have, &c.,

NATH. CHALMERS,

Late Sheriff, Curator of Intestate Estates, kingdom of Fiji.

True

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True copy,—JOHN S. THURSTON.

Memo. for the Hon. the Chief Secretary.

I FEEL it my duty to acquaint the Hon. the Chief Secretary of a private letter received by Captain Blackmore from Lieutenant Prichard, stating that Mr. Brougham had gone to Loma Loma.

I mentioned the fact to the Hon. the Treasurer, who suggested that he may have gone there with the idea of procuring a vessel for Sydney.

C. E. GUNDRY,
22/8/74.

D.

Extract from *Fiji Times*, 16th September, 1874.

WEDNESDAY, 9TH SEPTEMBER, 1874.

(Before Major Harding, and Messrs. Berry, Hetherington, and Logan, J.P's.)

EMBEZZLEMENT.

Patrick Brougham, on remand, surrendered to his bail. This was a charge brought by the Crown upon the information of Sub-inspector Senior against the defendant, for that he did, on the 7th day of May, 1872, he the defendant being at that time Curator of Intestate Estates, wilfully and unlawfully convert and appropriate to his own use the sum of £101, the property of the representatives of one John Muir, deceased, with intent to defraud the said representatives. Defendant pleaded not guilty to the charge.

Mr. E. S. Smith for the Crown; Messrs. D. W. L. Murray, C. Truscott, and G. R. B. Towson for defendant.

Mr. Smith opened his case, and after a long speech which lasted for nearly an hour, put Sub-inspector Senior in the box, who, after being sworn, deposed to the following effect:—That when John Muir was murdered he went on board the vessel and took charge of the deceased man's effects; that he found £101 aboard on gold coin and may be half a dollar or so in silver; that he made the money over to Inspector Martin, who was his superior officer at that time; that about two months ago he was looking over some papers belonging to the Police Department which had been made over to him by Inspector Harding when he (witness) took charge of the office, and found amongst them the receipt produced, and which purports to be a receipt for £101 in Muir's estate received by defendant from Inspector Martin; that upon finding the receipt he (witness) went to the Treasury and asked Mr. Grundy if any sum of £101 had been paid in by Mr. Brougham at or about the time the receipt was made out; that he went next and informed the Chief Secretary of the matter, and was told to keep it quiet and wait; that about three weeks ago he laid an information before the Attorney General, upon which the warrant under which Mr. Brougham was arrested was issued; that upon receipt of warrant he (witness) arrested the defendant.

C. E. Gundry was then called and gave evidence to the effect that no sum of £101 was to be found in the Treasury accounts as having been paid in at any time by the Curator of Intestate Estates to the credit of John Muir's estate; that Mr. Brougham came to the Treasury with Messrs. Murray and Towson, and tendered the £101 asking witness for a receipt; that he witness refused to take it on account of instructions received. Witness was examined and cross-examined at great length upon the several entries and the account books in general, and was made to compare the account book which had been kept by the late Curator with the Treasury books.

W. J. Thomas was called and produced papers *in re* the estate of John Muir, deceased, and gave evidence of the fact that no sum of £101 was entered into the account book which was made over to him by the late Curator of Intestate Estates when that officer retired in February last; that when he (witness) went over the accounts with Mr. Brougham there was no mention made of the £101; that a letter was sent to Taviuni by order of His Honor the Chief Justice calling upon him to come and explain certain matters connected with his accounts as curator, which letter Mr. Brougham says he never received; that he (witness) never had any conversation with Mr. Brougham about £101 till Mr. Brougham came to Levuka this time; that Mr. Brougham two or three days before the arrest came to witness's office and asked to have an appointment with the Chief Justice for the purpose of going into the accounts of intestate estates; that His Honor the Chief Justice was very busy and could not see Mr. Brougham then; that next day Mr. Brougham came and asked witness to let him see the account book; that upon looking at the book Mr Brougham said—there is some mistake here, the sum of £101 has not been entered by some error and I will have to pay it, or words to that effect; that Mr. Brougham never denied the amount.

W. M. Ollivier was then put under examination and stated that he was Auditor General until April last; that he had audited the books in the Treasury; that the new books he could vouch for as being correct, as they had been made from vouchers, but in the old journal there were some alterations, and some entries for which there were no vouchers, that as the Auditor General did not think it was his duty to audit the books of the Curator of Intestate Estates—that he only had to do with books referring to Government accounts; that intestate estates accounts were accounts of private individuals; that money paid into the Treasury by the Curator was paid in on trust as into a Bank.

D. J. Chisholm deposed that he was Cashier in Treasury in May, 1871; that all moneys paid into the Treasury were paid to him; that he kept a book called the rough cash book, in which all receipts were entered; that he received on the 26th July, 1872, £208 10s. to credit of Muir's estate; that a receipt was given for money paid in; that all receipts were entered in rough cash book of Muir's estate; that moneys paid in by Curator were credited to the estate they were paid in, and not to the Curator; that a rough cash book was kept by him, and that some accounts that were not Government accounts were entered in it—that they were entered by order of Minister of Finance; that all accounts of receipts and expenditure of account on account of Government were correct; that certain erasures and alterations were made because the entries were in error; that no mistake had been made in Muir's estate.

W. J. Thomas recalled: Produced a letter purporting to be a copy of a letter sent by defendant to the Chief Secretary in August, 1872, with a statement of Muir's estate, showing a balance in defendant's hands of £260 odd, and in which statement the £101 was shown and credited; that he (witness) had found the copy, which was in the handwriting of defendant, about a month ago, amongst the papers that the defendant had made over to witness in February last.

Mr. Smith, the Advocate for the Crown, then addressed the Bench upon the evidence.

Mr. Truscott then made a long and able address to show cause why the defendant should not be committed for trial, stating that his client had never denied having received the sum—that he at once acknowledged that he would have to pay the money; that the whole thing was simply an error in the accounts; that his client had in another estate paid over some £69 more than he ought to have, and had thereby been a loser; that his client was ready to pay any sums that he may have by mistake omitted to account for, and that as soon as he found out the mistake in this case he had at once tendered the amount at the Treasury, as was shown in evidence. Mr. Truscott quoted a number of authorities, showing the law of the matter, and was then followed by Mr. Murray in a short address.

Their Worships then retired to consult, and returned in about a quarter of an hour.

Major Harding, as Chairman, then stated that the Bench were unanimous in their verdict, and would commit the defendant to take his trial on the charge preferred at the next Criminal Sessions of the Supreme Court.

E.

A true copy,—JOHN B. THURSTON.

Levuka, 22 September, 1877.

Sir,

I have the honor to inform you that I, as Sub-inspector of Police, during the time Brougham held office as Curator of Intestate Estates for the kingdom of Fiji, there were several offences committed by that officer against the law:—

1st. *In re* John Muir's estate he misappropriated the sum of £101, and was arrested on my information and the production of his receipt for the said sum, and tried at the Police Court, and committed for trial at the Supreme Court of Fiji. There were also a cutter (about 10 tons) and other property not accounted for to my knowledge. 2nd. *In re* Harnisch's estate (a German), I took possession of the premises, and in the presence of F. W. Hennings, I. G. Consul, and handed over to P. Brougham about the sum of £90 in cash and notes, and also an inventory of the stock-in-trade, valued at about £100. This estate was not satisfactorily accounted for, as several inquiries were made of me by I. G. Consul above named. 3rd. In Ross's estate, I am in a position to prove, as a police officer, that the proceeds of the foreign labour imported per "Kate Grant," chartered by Messrs. Ross and another, were not paid into the Treasury to the credit of the said estate; that I made inquiries

of

of the Treasury Accountant as to moneys in the above estate, and the reply was—no moneys relative to the above matter had been paid in, but a sum of forty pounds odd, the proceeds of sale of land in Levuka (North) had been paid in. 3rd. *In re* Devaine's estate, I saw Mr. P. Brougham giving his boy two bolts of silk or lawn to convey to his house at Wai Tobo; on my making inquiry of Mr. A. Brown (then clerk in the store under the charge of Mr. P. Brougham, Curator), he told me it was not to be entered in the account book, and this was not all he was forbidden from entering by the Curator.

There are several other offences which I have found him out in, but being so long ago I cannot well remember unless I had recourse to the police books, but the above statements I am prepared to make affidavits as to the facts.

I have, &c.,
JAMES DOXEY SENIOR,
Late Sub-Inspector of Police.

Honble. the Acting Colonial Secretary,
Nasova.

I, James Doxey Senior, make oath and say that the writing contained on this and three preceding pages is true to the best of my belief.

JAMES DOXEY SENIOR.

Sworn before me, this 29th day of November, 1877.

J. H. GARRICK,
Commissioner of Supreme Court, Fiji.

F.

Memorandum from F. & W. Hennings, Levuka, to J. B. Thurston, Esq.

19 August, 1874.

No letter has arrived from Mr. P. Brougham with an enclosure of a draft on the Treasury for £151 15s. 11d., as stated in your copy of Mr. Brougham's letter.

Yours truly,
G. HENNINGS.

A true copy,—JOHN B. THURSTON.

G.

I, CHARLES EDWARD GUNDRY, am Accountant to the Treasury—have been since May, 1873; I know Patrick Brougham, who was Curator of Intestate Estates for Fiji up till January, 1874; Brougham never paid into the Treasury or to me, as Accountant to the Treasury, any moneys in the intestate estate of Antonio Harnisch; I knew nothing of the estate in question until May, 1874, when the Imperial German Consul applied at the Treasury for a sum of $759 or £151 16s., which Brougham had told him had been paid into the Treasury to the credit of the estate; I at once reported the matter to the Treasurer and Chief Secretary; Brougham was sent for by the Treasurer, and he stated that he had paid the money into the Treasury, and that he held a receipt for same, which was at his present quarters, Taviuni; Brougham returned to Taviuni, promising to forward the receipt or a copy to the Chief Secretary; weeks passed by, after repeated correspondence, and no such a document had been sent; the Treasurer again wrote to him demanding the production of the Treasury receipt which he alleged to have received from me, when he received a reply "that the receipt had been forwarded by him on the 13th June, 1874, by a vessel called the 'Annie Young'; also, that he had sent a letter to the Imperial German Consul, enclosing an order on the Treasury for the amount"; neither of the alleged letters were ever received (copy of letter from German Consul herewith); the Chief Secretary wrote to Brougham on the 20th July, 1874, reminding him of the repeated requests made by him for closing the intestate estates, as they had then gone out of his hands to his successor (Mr. Chalmers); the Chief Secretary again wrote upon the 8th, 13th, 25th, and 26th of August, 1874 (copies of letters herewith), without receiving any reply, and then placed the matter in the hands of the Crown Prosecutor; Mr. Sub-inspector Senior (letter herewith), upon searching the Police Office, found in a pigeon-hole a receipt for £101 given by Brougham to Captain Martin, of the police, for moneys belonging to the estate of John Muir, deceased; upon making inquiries at the Treasury, no such a sum had been paid into the credit of Muir's estate; Brougham was arrested on a charge of embezzlement, was allowed bail, and while out of custody came to the Treasury,* along with Messrs. Murray, Truscott, and Towson (his solicitors for his defence), and tendered me the two sums £151 16s. and £101 respectively; I declined to receive the money, as the cases were then in the hands of the police; they came to the Treasury on three different occasions during the two days subsequent to his arrest, and tried to force the money on me; they threw the Bank notes on the Treasury counter in two separate lots, stating what they were intended for; I pushed them back to them, saying I declined to receive the money now; it was too late, as the police authorities had the matters in hand; when Brougham assumed his position as Warden at Taviuni, and Mr. Chalmers succeeded him to the office of Curator and Sheriff, in January, 1874, Brougham was requested by Chalmers to obtain from the Treasury a memo. of the balances then in the Treasury to the credit of each estate; the memo. was given Brougham in my handwriting (the same as now in the possession of the present Curator); Chalmer's called Brougham's attention to the fact that no estate in Harnisch's name appeared on the memo., Brougham replied "that it was a matter that did not concern Chalmer's, that the estate was in the German Consulate" (letter from Mr. Chalmer's herewith), also the newspaper reports of the trials in Muir's estate and Harnisch's estate; Brougham absconded from Fiji in the brig "Nil Desperandum" to Melbourne.

I may further add that, subsequently to Mr. Brougham's leaving Fiji, further discrepancies were discovered in his office as Warden at Taviuni, by his successor, Mr. Martin, amounting, I believe, to £30.

I, Charles Gundry, make oath and say that the writing contained on this and the three preceding pages is true to best of my belief.

C. E. GUNDRY.

Sworn before me, this 27th day of November, 1877,—

J. H. GARRICK,
A Commissioner of Supreme Court of Fiji.

* This was in August, 1874.

H.

Extract from "*Fiji Times*," 6th January, 1875.

CENTRAL COURT.

Tuesday, January 5.

(Before His Honor the European Judge, Mr. Justice Marika, and a Jury.)

Thomas v. *Brougham.*

THIS was a claim for moneys due on an intestate estate not handed over by the Curator.

Mr. Burt for plaintiff; Mr. Forwood, Mr. Truscott, and Mr. Murray for defendant.

Mr. Forwood, on the commencement of the case, in a lengthy speech applied for a non-suit, inasmuch as the original law prevailed, and the case did not come under the present existing constitution.

His Honor decided that he could not allow the objection and considered it would be an act of presumption to recognize such a kingdom as the late power of Fiji; he therefore decided to hear the case on the grounds of its being a case of indebtedness between one party and another.

Wm. Isaac Thomas, as Curator of Intestate Estates, obtained the necessary order to administer on the estate of John Antonio Harnisch; as Curator, I sue defendant; I have spoken frequently to defendant *re* moneys he had received; he led me to believe he had received large sums of money in the estate; I had two conversations with defendant in February, 1874; again in April, when he told me the money due on the estate was in the Treasury, I did not enquire there about it, as it was not my duty; these conversations were after his resignation; all intestate accounts were filed by Brougham, but Harnisch's statement of accounts was not filed; have had no particular conversation with Mr. Brougham; I claim £175 11s. 10d.

Cross-examined: In the absence of any law without a curator I presume the Consul of Germany would administer in his countryman's estate; Harnisch died on August 3rd; I do not know the money is not in the Treasury; defendant never told me he had appropriated the amount; I take the material of this action from the Crown Law Office; I know he obtained a rule in Harnisch's estate, and he acted on it by sale of goods; he always promised to square up with Hennings; rule asked for and produced.

James

James Senior: I am Sub-inspector of Police: I knew defendant, and likewise knew the late Mr. Harnisch; I was present when Mr. Brougham took possession of effects; there were goods and cash over £80 that Mr. Brougham took; it was all in different coins; we sorted it and put in pounds; the money was current coin; there was a stock of boots, &c., on the premises worth about £90 or £100, and it was all taken possession by Mr. Brougham.

Wm. Henry Surplice: In 1873 I was doing business as an auctioneer; I sold Harnisch's goods to order of Mr. Brougham; to whom I accounted and paid £89 11s. 5d.; and I produce receipt.

Charles E. Gundry: I am Accountant at the Treasury, and was in 1873; I know Mr. Brougham; he never opened an account to Harnisch, deceased; no moneys were paid to credit of that estate by Brougham; I always receive moneys which are paid in, as if to a Bank; we have printed forms, and duplicates are used; there is no voucher whatever showing that Brougham paid money in Harnisch's estate; I produce rough cash book; in January, 1874, I gave Mr. Brougham all amounts standing to credit of intestate estates but Harnisch's name was not mentioned.

Cross-examined by Mr. Forwood: Was a Bank clerk in New Zealand—an unsuccessful planter in Fiji; was with Reece, Bros., in Levuka; was an applicant for a Government situation; got one, and is now Chief Clerk and Accountant in Treasury, in which capacity he received all moneys paid in by Mr. Brougham to the credit of intestate estates; never received nor was any money ever paid into the Treasury by Mr. Brougham to the credit of Harnisch's estate. Copy of receipt produced purporting to be an acknowledgment of moneys paid into the Treasury on account of intestates, which Mr. Gundry flatly denied ever having given or authorized its issue. Hereupon Mr. Forwood very closely examined the witness as to his antecedents, who was told by the Court he (witness) could use his own discretion in replying, and voluntarily gave a *resumé* of his past history, viz.: He was in a lawyer's office: then in the Union Bank of Australia, on leaving which situation he was through the malice and petty spleen of his superior officer, committed to take his trial for embezzling some Bank property, of which charge he was immediately acquitted, and told by the Presiding Judge that he left the Court without a stain on his character.

His Honor the Attorney General then called the attention of His Honor Judge Garrick to the necessity of cautioning the Jury in the usual manner, after which the Court adjourned till 11 a.m. this day.

To the Editor of the *Fiji Times*.

Sir,—I heard a most cruel and unprovoked attack on a witness in the Central Court this day, and although no particular friend to the party maligned, I desire as a man (and not a paid advocate) to speak the truth on his behalf.

Mr. Gundry was charged with embezzlement, and the case was heard at Hokitika, New Zealand; I was a witness in the case, and I unhesitatingly state he left the Court without a stain on his character. I simply reiterate the words of the Judge, who carefully reviewed the case and gave a most just decision.

The facts of the case imported into this trial are these:—Mr. Gundry was a Teller at the Union Bank at Greymouth, and he acted as a servant of the Bank under Mr. Worth, the Manager, and Mr. McKay, the Ledger-keeper. During the hour when Mr. McKay and Mr. Gundry were at dinner at the Melbourne Hotel, the back window of the bank was forced, and about £1,200 taken. Communication was at once made with the Manager, at Hokitika, and he thought fit to suspend the lot. Undue suspicion fell upon Mr. Gundry, and he was arrested and tried, and left the Court "*sans peur et sans reproche.*"

I am, &c.,

ISAAC O'DONNELL.

[We can on our own personal knowledge of the facts affirm that the statements of Mr. Isaac O'Donnell are substantially correct.—Ed. F.T.]

CENTRAL COURT.

Wednesday, January 6.

Before His Honor the European Judge, Mr. Justice Marika, and a Jury.

Thomas v. *Brougham.*

The case was again ably conducted, but no evidence was adduced beyond the several oaths of Mr. Brougham and Mr. Gundry,—the former stating that he had paid the money, the latter denying it, and on this case the Jury retired: they returned into Court and stated they could not agree. The Judge sent them back until 10 p.m., when they again refused to give any verdict at all on such evidence; and although the Judge considered it to be his duty to censure them for not doing so, and stated that no feelings in town should in any way actuate them about their decision, the Foreman again stated they had conscientiously arrived at their decision, and they would not alter it. The Judge, therefore, discharged the Jury.

Mr. Brougham, who lately figured in the case of Thomas *v.* Brougham, having taken his departure by the "Nil Desperandum," and said a fond farewell to his friends, is not likely to be prejudiced by any remarks we may now make about Mr. Gundry, whom he attempted to drag into the mess with himself. It is but fair to say that, although the Jury could not find upon the evidence, no evidence was brought forward respecting many matters which were of a very shady description, and all tending to exculpate Mr. Gundry from all blame. We think, as Mr. B.'s departure prevents further investigation, these facts should be made known in justice to and protection of Mr. Gundry.

I.

I, *Rupert Ryder*, of Mayo, make oath and say:—

1. That from March to October, 1874, I was Minister of Finance in the Interim Government of Fiji, prior to annexation.

2. That I remember about the month of August of that year, Mr. Brougham came to Treasury, and tendered me a sum of money, about £100, as due from him as Curator of Intestate Estates, in Muir's estate I believe.

3. That this money was refused, as legal proceedings had been instituted against Mr. Brougham for misappropriation of moneys as Curator of Intestate Estates.

R. RYDER.

Sworn before me, this 21st December, 1877,—

J. H. GARRICK,
Commissioner, &c., Supreme Court, Fiji.

J.

I, Tom Henry Prichard, make oath and say:—

1. That in the year 1874 I was Lieutenant in charge of armed constabulary, in the province of Cakandrovi, kingdom of Fiji, and stationed at Lomo Lomo.

2. That I know Mr. P. Brougham, who then, as Warden, occupied the same camp.

3. That I am acquainted with the matter in dispute between Mr. Brougham and Mr. Gundry, *in re* intestate estate of Harnisch.

4. That Mr. Brougham has told me he held a receipt from Gundry for certain moneys paid into the Treasury on account of the aforesaid estate.

5. That some time in the early part of the year 1874, Mr. Brougham and myself were busily writing to catch an outgoing boat, and Mr. Brougham placing a paper in an envelope with a letter, remarked:—"There goes Gundry's receipt in Harnisch's affair."

6. That I simply glanced up from the letter I was writing, and did not read the receipt, nor did I at any other time read it.

T. H. PRICHARD.

Sworn before me, this 5th day of December, 1877,—

J. H. GARRICK,
Commissioner of Affidavits, Colony of Fiji.

K.

K.

AFFIDAVIT.

In the matter of Patrick Brougham, now of the Colony of New South Wales, but formerly of Fiji, and Curator of Intestate Estates under the late Fijian Government.

I, *Charles Truscott*, of Levuka, in the Colony of Fiji, barrister and solicitor of the Supreme Court, of the said Colony, make oath and say as follows:—

1. That I well remember certain charges being made against the said Patrick Brougham, as Curator of Intestate Estates, about the latter end of August, or beginning of September, 1874, of having retained certain sums of money in the intestate estates of one John Muir and of one Anthony Harnisch, and which amounted together to over £250 sterling.

2. That the said Patrick Brougham was arrested by the authorities for embezzlement in respect thereof, but was admitted to bail to answer the charges.

3. That Mr. G. R. B. Towson, who was his solicitor, and Mr. D. W. L. Murray, who was also acting for him, came to me and talked over the matter, and I was told by them that the then Government would not prosecute Mr. Brougham provided he could find the money and pay it into the Treasury.

4. That after an assurance from the said Patrick Brougham that he had power to draw on a Mr. Gwynne, a friend or relative of his, in the Colony of Victoria, and after long consideration, I consented, with Mr. Murray and Mr. Towson, to give our several promissory notes for £100 each to the Manager of the Fiji Banking and Commercial Company to obtain the sum of £300 to pay the amount into the Treasury, and to cover Bank charges and discount, the said Patrick Brougham giving his bill of exchange on Mr. Gwynne for that sum.

5. The Manager of the Bank, Mr. Thomas Horton, then made the advance, and Mr. Murray, Mr. Towson, and I, went to Nasova, when we saw Mr. Rupert Ryder, the then Treasurer for the Fijian Government; Mr. Murray pressed on Mr. Ryder to accept the money, and to withdraw any proceedings, but Mr. Ryder informed us that he could not do so without consulting the Crown Prosecutor, and wished us to call again the following morning.

6. A formal tender of the money, in two separate sums, was then made to Mr. Charles Edward Gundry, the Accountant in the Treasury, but refused by him, criminal proceedings having then been commenced against the said Patrick Brougham, and after some days the said Patrick Brougham was committed for trial, the Government declining any compromise.

7. The money so advanced by the Bank was afterwards returned to the Bank by Mr. Towson, and our promissory notes were handed back to us.

8. At this time I was not acting in any way as the said Patrick Brougham's legal adviser.

CHAS. TRUSCOTT.

Sworn, at Levuka, in the Colony of Fiji, this twenty-fourth day of December, A.D. 1877, before me,—

J. H. GARRICK,

A Commissioner for taking Affidavits in the Supreme Court of Fiji.

L.

REPORT on any Inquiry into certain charges made against Mr. P. Brougham as Curator of Intestate Estates under the Government of Fiji prior to annexation.

IN this matter, in addition to furnishing this report I forward the documentary evidence on which it is based, that an independent opinion may be formed by any one perusing the documents.

2. These papers will show that several charges of misappropriation of moneys have been made or insinuated against Mr. Brougham while holding the office of Curator of Intestate Estates under the Government of Fiji existing prior to annexation.

3. Of these, two only need remark. The one made against Mr. Brougham for misappropriation of moneys in the estate of one Harnisch.

4. The other, in the estate of one Muir, the charge made being of the same nature.

5. The investigation into the first charge assumed the form of a civil action in the Central Court of the Colony of Fiji, in which I presided as Judge.

6. The evidence taken in the case will be found in exhibit marked B. A perusal of this evidence will show that the evidence was chiefly a conflict of testimony between Mr. Brougham and the Accountant of the Public Treasury of Fiji, Mr. Gundry. The Jury who tried the case were unable to say on the evidence whether the money had been paid by Mr. Brougham to Mr. Gundry—as alleged by Mr. Brougham and denied by Mr. Gundry—or not.

7. The usual proof of payment of money—a receipt—was absent, the absence of this document Mr. Brougham accounted for by alleging that at the request of the Colonial Secretary of the then Government of Fiji he forwarded it to Levuka, but no traces of it could be found, Mr. Brougham insinuating that the letter containing the receipt had been improperly made away with.

8. A Mr. Pritchard was said to have seen this receipt, but a reference to his statement marked J will show this statement to be unfounded.

9. My own opinion at the close of the case was that the allegations of Mr. Brougham as to having paid the money to Mr. Grundy were not true.

10. This opinion I formed from the absence of consistency in Mr. Brougham's evidence affecting transactions incidental to the payment of this money as alleged, and the further inconsistency in his conduct with regard to his manner of accounting for this money when spoken to about it by Mr. Hennings and his successor in the office of Curator of Intestate Estates—Mr. Chalmers.

11. The inquiries I have made in connection with this report strengthen that opinion.

12. The other charge against Mr. Brougham to which I referred was one for embezzling moneys in the estate of one Muir, on which Mr. Brougham was committed for trial. This trial did not come to pass, as the country was in the interim annexed to Great Britain.

13. I therefore send only the notes taken by the Magistrates at the investigation, and the *Fiji Times'* report of the case.

14. I append a list of documents forwarded herewith, and among these would call your attention to a statement of Mr. Gundry marked G, in which he swears that Mr. Brougham, subsequent to the cases Muir and Harnisch being investigated, tendered moneys to the amount of £252 16s. which he was charged with having appropriated. This statement is borne out by Mr. Ryder, the then Minister of Finance.

15. The evidence of this important statement was not adduced at the investigation in Harnisch's estate as being irrelevant to the particular matter in issue.

16. In a former part of this report I have expressed my opinion as to the amount of credence to be given to Mr. Brougham's account of the moneys he was charged with misappropriating in Harnisch's estate, and it is unnecessary to repeat it. I would merely add that a perusal of the evidence taken in the case of Muir leaves no doubt in my mind on the question of Mr. Brougham's honesty, but confirms the opinion I have already expressed.

J. H. GARRICK.

Levuka, Fiji, December 4th, 1877.

No. 24.

Mr. Ollivier to The Under Secretary of Justice, &c.

Dear Sir, Audit Department, 11/1/78.

Upon considering the contents of Mr. H. Garrick's report *re* Brougham, I think it would be better for me to deal with the report as the plaintiff's case, and to answer each charge under their several headings. To do this I shall require possession of the report, which will be held by me as strictly private—not to be used or seen by any other than myself, and then only for the purposes of answering the charges therein contained.

I

I would therefore apply for the return of all papers, communications, &c., furnished to you by me and to ask that I may have one week to complete the defence. There are many questions that require careful consideration, and question to Mr. Brougham.

Trusting you will see the necessity of this step.

I have, &c.
W. M OLLIVIER.

No. 25.

Mr. Ollivier to The Under Secretary of Justice, &c.

Replies to Exhibits.

REPORT on the matter of Thomas *v.* Brougham, tried at Levuka, Fiji, in the defence of Patrick Brougham.

A.—Trial before Magistrates Harding (Commissioner), Messrs. Hetherington, Berry, and Logan. I must here point out that Harding and Hetherington had no right to occupy seats on the Bench in this trial. Harding having committed a serious crime at Tanna, only assumed the name of Harding, and he knew of Mr. Brougham's knowledge in the matter. Hetherington was suspected of stealing about £100 from Brougham on the voyage to Fiji, and was charged with the crime, but there being no law could not be tried. Further, both these men were tried by the British Consul of Samoa. Harding deported in irons, and Hetherington bound over to keep the peace in £100. (See *Fiji Argus* of 21/9/77; also, report in *Sydney Morning Herald* of recent date. I have been informed by Mr. Berry that he and Logan were agreed to dismiss the charges against Brougham, but that the Commissioner claimed his right of double vote, thus securing a committal. Berry became bail for Brougham.

C.—I cannot say if Mr. Brougham received these letters. If he did they would come in a batch, as there is generally only one cutter running between Ovalau and Taviuni; therefore I conclude they were written one after the other, without giving a possible chance of an answer being returned. The memo. of Gundry's of 22 Aug., /74, is incorrect, for had Brougham intended leaving he could have done so, but, on the contrary, he remained in Levuka until the 18th December, 1874, unmolested, and was then arrested under a false affidavit of James D. Senior, who swore that Brougham intended leaving by the steamer "James Patterson"; knowing at the same time Brougham had arranged to go by the "Meteor," (if nothing was done); on the 1st January, 1875, his household goods were advertised for sale by auction on account of his intended departure per "Meteor."

E.—James D. Senior's affidavit is untrue in every particular except that portion which is embodied in the trial before the Jury on 5th January, 1875. I enclose proof from Alfred Brown, who was Brougham's clerk in Devaine's estate; marked *. In Ross's estate accounts were prepared by my clerk, T. Klursmith, for the partners in the charterparty, and those accounts were filed in the Court.

A. Brown's letter herewith.

G.—The tender of money was proposed by Sydney Charles Burt, the Attorney General, in the presence of G. R. B. Towson and D. W. L. Murray, solicitors for Brougham. The tender was made under protest, and Burt promised to stop proceedings, but he only did this to gain convicting evidence, and instructed the Sub-inspector of Police, J. D. Senior, to arrest as soon as tender had been made and refused, which was done.

In conclusion, I have to state (1) that Mr. Brougham did pay into the Treasury the money stated, and that Gundry has forgotten having signed the receipt. (2.) That receipts like that described by Brougham have been found in Levuka by D. W. L. Murray subsequent to the trial of the 5th January, 1875. (3.) That my letters to the Minister of the 30th July, /73, and 7th Aug., /73—statement of cash on 21/11/73, show that the Honorable Minister of Finance (Dr. Clarkson) was not a fit person to be entrusted with the conduct of money, and that he used to make advances without reference to the Treasury Clerk, which I think can well be inferred has been the case in this instance; and upon the clerk Gundry returning to office, and finding only the usual cash was in the drawer, has not thought of the amount paid in by Brougham, and thus the money has come into the Treasury and been expended on Government business without going through the books. Dr. Clarkson was always most forgetful.

Two letters and one statement herewith.

I regret that I have not time to write to Mr. Berry for his confirmation of my statements, but I trust you will see that I have endeavoured to make the facts clear to you.

I must request that you will consider this communication as privileged, and that you do hold me harmless from all actions at law in reference thereto.

I have, &c.,
W. M. OLLIVIER.

[*Enclosures to No.* 25.]

Sir,

Sydney, 16 January, 1878.

I know Patrick Brougham, Esquire, late Curator of Intestate Estates, at Levuka, Fiji.

I remember the estate of the late A. Devaine; I was clerk to the Curator (Mr. B.) in that estate.

I did not tell James D. Senior, Sub-inspector of Police, that Brougham had told me not to enter two bolts of silk or lawn sent to his house; on the contrary he always was most particular to have all goods entered, and frequently stood by to see it done.

I am, &c.,
ALFRED BROWN.

W. M. Ollivier, Esq., Audit Department, Sydney.

Sir,

Audit Office, 30 July, 1873.

I have the honor to inform you that I have, since Mr. Chisholm's return, requested him to afford me all the information he can relative to the following matters, and have to state he has failed to alter my opinion relative to them:—

1st. The Cotton Account.—In this you are a debtor to the Government to the extent of 5,177·04 dollars, there being no account sales to hand; and further, the advances made are irregular, as they do not appear in the books in a proper form.

2nd. Loan Accounts.—The loans that have been obtained by you from the merchants and others of Levuka are wrong, inasmuch as the sum of 1,825·00 is not accounted for in your books.

3rd. Captain Lyons' Account.—In this account I find that the sum of 25 75 dollars has not been accounted for, and must be charged against you.

4th. I.O.U.'s and advances to yourself, which amount to the grand total of 1,437·00 dollars, are still unaccounted for, and you must set right at once.

Lastly, in all I require from you the sum of 8,464·79 dollars, which sum must be at once cleared up, as such a state of things cannot be continued in the Treasury, and further, that the last year's book must be closed and balanced off.

I have, &c.,
W. M. OLLIVIER, A.G.

Hon. Minister Finance.

Sir,

Sir,

Audit Office, 7 August, 1873.

I have the honor to request that you will call a meeting of the Cabinet at once to discuss matters of great importance relative to disputes that have arisen between the Honorable Minister of Finance and myself, which can only be settled by your Cabinet.

An early hour of meeting will oblige.

I have, &c.,
W. M. OLLIVIER,
Auditor General.

The Honorable the Premier.

Statement of Cash, 21 November, 1873.

	Dollars.
Chalmers, draft on Sydney	125·00
F. and W. Hennings, order	32·12
Capt. Lyons, receipt account, interest	223·25
G. A. Cruickshank account, vouchers	350·00
Fiji Gazette account, salaries account	485·00
Liardet and Cruickshank on Brodzick	155·43
Dr. Clarkson, advance, &c., trip to New Zealand	294·05
List of promissory notes in cash	1,520·92
Mr. Justice Garrick account, salary, October	80·00
Two Sydney cheques	67·87
List of sundry advances	449·63
Cash—notes	258·00
„ gold	27·50
„ silver	190·00
„ „ small coin	42·06
Privy purse and Dr. Clarkson	1,075·00
	5,375·83

W. M. Ollivier, A.G., November 21st, 1873.

C. E. GUNDRY,
Accountant, Treasury.

No. 26.

The Minister of Justice, &c., to The Attorney General, Fiji.

Sir,

Sydney, — February, 1878.

I have the honor to acknowledge with thanks the receipt, on the 7th ultimo, of your letter of 24th December last, forwarding report and other documents relative to charges against Mr. Patrick Brougham, and at the same time to apologize for the delay, which occurred through oversight, in replying to your communication.

The papers forwarded shall, in compliance with your request, be treated as strictly privileged communications, and legal immunity assured to you as regards their contents.

I have, &c.,
JOSEPH LEARY,
Minister of Justice, &c.

No. 27.

The Under Secretary of Justice, &c., to The Police Magistrate, Bingera.

Sir,

Sydney, 23 February, 1878.

Referring to previous corrrespondence upon the subject of charges preferred against you by J. McElhone, Esq., M.P., in the Legislative Assembly, I am directed by the Minister of Justice and Public Instruction to forward the accompanying copies of reports and proceedings relative to the charges in question, which have been received from J. H. Garrick, Esq., Attorney General of Fiji, and sent by him without prejudice, upon the understanding that he would be assured immunity from legal responsibility in the matter; and I am to request that you will have the goodness to furnish me with an explanation upon same at your earliest possible convenience.

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

[*Enclosures to No.* 27, *vide Enclosures to No.* 23, *pages* 7 *to* 15.]

Report from Fiji *Argus* of 8th and 15th January, 1875.

The report of the case Thomas *v.* Brougham, which it is, in our opinion, desirable should be published *in extenso*, cannot be completed in our present issue. We publish the proceedings on the first day, and will give the conclusion next week. The Jury, after retiring for several hours, came into Court at 10 p.m. on Wednesday, stating, through their Foreman, that there was not sufficient evidence before them upon which to find a verdict, and they were consequently discharged.

CENTRAL COURT.

TUESDAY, JANUARY 5.

(Before His Honor Mr. Justice Garrick, and a Jury of four.)

Thomas v. *Brougham.*

This was an action brought by Mr. W. I. Thomas, as Curator of Intestate Estates, against Mr. Patrick Brougham, late Curator of the same, in the kingdom of Fiji, for the sum of £173 11s. 5d., received by him in the estate of the late John Antonio Harnisch, and unaccounted for.

Mr. Burt, Crown Prosecutor, appeared for complainant, and Mr. Forwood, Mr. Truscott, and Mr. Murray, for defendant. The following is the evidence:—

William Isaac Thomas, sworn:—Was Curator of Intestate Estates; administered to the estate of John Antonio Harnisch on the 10th December, and a final order was made on the 21st; sued defendant as Curator of Intestate Estates; had had conversations with defendant, who led him to believe that he (defendant) had received certain amounts of moneys during the latter part of the last year; Mr. Hennings communicated with him on the subject; he again saw Mr. Brougham, who then told him that he had made an appointment to meet Mr. Hennings at his own house; in January or February, 1874, they had conversations, and about April defendant told him that the money in Harnisch's estate had been paid into the Treasury; did not make application to the Treasurer—it was not his duty; these conversations were after Mr. Brougham's resignation; the whole of the Intestate Estate accounts were filed in his office by Mr. Brougham; they were examined by the Chief Justice; there was no account in the estate of Harnisch; had a desultory conversation with Brougham since April, having no particular object in view; he claimed £173 11s. 5d. as having been received by defendant.

Cross-examined

Cross-examined by Mr. Forwood : Had experience in intestate estates ; knew there was a German by name Harnisch ; presumed that before the 11th of October, 1873, the German Consul would take charge of such intestate estate in the absence of any law or authority ; thought the Government—through the Chief Secretary—in the then position of matters, would take charge of his estate ; Harnisch died in the latter part of July or beginning of August, 1873 ; had no appointment as Curator of Intestates prior to the order produced ; never applied to the Treasurer in respect to this matter—only to defendant ; for anything that he knew the money might be in the Treasury ; defendant never said he had the money in his pocket when any one had authority to receive it ; took the materials upon which he grounded this action from the Crown Law Office ; knew that defendant obtained the proceeds of this estate, in pursuance of a Rule obtained ; he caused certain assets to be sold and told him that he would settle up with Hennings on behalf of Harnisch ; defendant always led him to believe that the money was in his possession until he came from Taviuni, when he said it was paid into the Treasury ; the Rule was obtained on the affidavit now produced ; was aware that defendant was acting in some way with Hennings in this estate ; defendant had same conversation with him, and described the money he paid into the Treasury about April, 1874.

Sub-Inspector Senior, sworn : Knew defendant ; remembered Harnisch the shoemaker, who died the end of July, 1873 ; was then sergeant of police, and was present with Mr. Brougham when deceased's effects were taken possession of ; there was a sum of money—£80 or £85—which Mr. Brougham took possession of ; he (witness) counted it over ; it was in different coins, and the money was current on the beach ; Harnisch lived on his own premises ; he had a good stock of boots and material ; Mr. Brougham took possession of the stock, tools, machinery, and sewing-machine, amounting to the value of about £90.

W. H. Surplice, sworn : Was an auctioneer residing in Levuka in the year 1873 ; remembered selling goods belonging to Harnisch, by order of Mr. Brougham ; paid Mr. Brougham the proceeds of the sale—£89 11s. 5d. ; it was the general stock-in-trade of a shoemaker ; took a receipt from Mr. Brougham ; (receipt produced).

Charles Edward Gundry, sworn : Was Accountant to the Treasury : was so in the late kingdom of Fiji in 1873 ; certain accounts were paid by Mr. Brougham to the credit of Intestate Estates ; no accounts were paid in to the credit of John Antonio Harnisch ; generally speaking received the moneys ; kept a rough cash book ; he paid moneys in a similar way to the Banks, in duplicate, the party paying in retaining one ; the rough cash book was made up from the vouchers ; had carefully searched all the entries, vouchers, and documents of every description, and found none paid in by Brougham to Harnisch's estate ; produced the original cash book made up in his own handwriting, to the 10th December ; in the early part of January, 1874, Brougham came to him with memorandums of all moneys paid in the separate accounts of Intestate Estates ; first heard of this matter in consequence of Mr. Hennings, the German Consul, coming to the Treasury with a statement of account in Brougham's handwriting, and asked for a cheque for the amount—£151 16s. 11d. ; told Mr. Hennings there was no money there.

Cross-examined by Mr. Forwood : Was appointed the office of accountant on the 15th June, 1873 ; had sole charge of the books, and was a Cashier from that time ; Mr. Chisholm was in the office from 15th June till the middle of December ; in the book produced Chisholm had written up accounts to December 4th ; he (witness) was accountant to the Cashier, and Chisholm was assistant till the 15th of the month ; Chisholm—if witness was temporarily absent—would receive cash ; the book produced was a waste-book, containing original entries of moneys received from the 24th November, 1873, to the end of August, 1874 ; in that book had an entry of the Curator of Intestate Estates, having paid in a sum of $130, in the estate of Burns, deceased, dated 1st December, 1873, in witness' writing ; there was nothing else paid in during that month by the Curator at all ; moneys received over the counter were entered in a cash book, but not necessarily immediately ; supposing a man came and said, "I owe the Treasury £150, and want to pay it in," he (witness) would ask to what account it should be credited ; in all cases there was a duplicate of vouchers, on the same system as banking ; had been accustomed to banking, having been in the Bank of Australia ; the form produced was a voucher for money received ; these vouchers were carefully filed, stowed away, and inspected by the Auditor every quarter ; found no entry in the book on 10th December, 1873, of moneys received ; the book was made up leisurely, perhaps after a few days ; the book now referred to was made up by him, and acted as a check upon the book kept by Mr. Chisholm, subject to the Auditor ; ink may change its colour—may become pale—a wet or a warm day might make a difference ; moneys paid in by Mr. Brougham, as Curator of Intestate Estates, were credited to the several estates ; did not give Brougham a receipt different from that given to any other person ; did not remember giving a written receipt ; did not remember having given the original receipt, of which the paper produced purports to be a copy ; Mr. Brougham generally took a receipt drawn up in his own handwriting, which was signed by witness ; he (Mr. Brougham) would fill up the slips which were not all in his own handwriting ; to the best of his belief never signed a receipt of which the paper produced purports to be a copy ; "December 10th, 1873, received from Patrick Brougham the sum of £151 15s. 11d., in the intestate estate of John Antonio Harnisch, signed C. E. Grundry" ; never signed an original receipt purporting to be made by him, in those words ; never received the money—would swear it ; never received any money in Harnisch's estate ; when he went into the Treasury had failed as a cotton planter ; did not accommodate a half dozen friends ; if he had a friend who wanted £20 from the Treasuary, if he could arrange it with the Treasurer he would—not out of his own pocket ; had not advanced much money on salaries becoming due ; would on an urgent occasion advance £15 or £20 to a civil servant on his salary ; kept books recording all these transactions ; first heard of this from Mr. F. Hennings presenting a statement of Brougham's, in Brougham's handwriting, dated 19th February, 1874 ; recollected an interview between Mr. Brougham, Mr. Ryder, and himself ; did not recollect Mr. Ryder saying anything to Brougham about the receipt ; did not recollect Mr. Ryder saying, "I have the receipt" ; Langford and Chisholm sometimes opened official papers—Mr. Ryder occasionally opened them himself—he (witness) never did ; he was the chief clerk ; this was between the 1st April and the 10th October ; all the correspondence was opened either by Mr. Ryder or the corresponding clerks, and in their absence was opened by him as chief clerk ; arrangements were made between Mr. Ryder and himself ; to the best of his belief he never opened a letter addressed to the Treasurer ; if Mr. Ryder and the corresponding clerks were away, believed Mr. Thurston would open a letter addressed to the Treasurer ; Mr. Ryder showed him a private letter from Mr. Brougham, asking him to see Mr. Brougham's salary was paid to Mrs. Brougham ; respecting this matter of £15, never saw a letter shown to him by Mr. Ryder or anybody else ; official letters, not marked "private," were opened by Langford or Chisholm—immediately registered and forwarded to the Treasurer ; when Langford and Chisholm were away, only he and the cat were there ; the corresponding office and the Treasury were one office.

Cross-examined by Mr. Forwood : Had been six years in Fiji—the first two, as clerk to Messrs. Reece Bros. ; was nearly two years in a lawyer's office in New Zealand ; prior to that was in the Union Bank of Australia for five years, as cashier and assistant : before that was in a merchant's office, who, failing, he (witness) went into the Bank ; resigned the situation in the Bank, simply through the Bank having been broken into and robbed.

Mr. Burt objected to this line of cross-examination.

Mr. Murray submitted that they had a right to test the credibility of the witness by his antecedents.

His Honor said the evidence sought to be adduced was material to the issue, and he was bound to receive it ; the witness was not bound to criminate himself.

Witness : On the occasion of the Bank robbery, went to get dinner, and on returning found the office broken open ; found footsteps, and the drawer in the cash room rifled ; there was an investigation, and he left without a stain upon his character ; there was an investigation first in the Bank and afterwards at the Police Court, when he was fully and absolutely acquitted.

By Mr. Burt : Public servants were allowed by the Treasurer to draw orders if marked "correct," and signed, as against their salaries ; acted as Treasurer in respect to these orders, and not in his private capacity ; he had no private arrangements of his own ; never opened a letter addressed to the Treasurer by Mr. Brougham ; in January gave Mr. Brougham a slip of the accounts in the several Intestate Estates ; Mr. Brougham then said nothing about Harnisch's estate ; first heard of this receipt in February ; he met Brougham in Mr. Hennings's company, as he was starting for Taviuni ; he said to Brougham, "What about that money Hennings demands ? I know nothing about it ; Brougham said, "Oh, yes, I have paid the money in to you, and have got a Treasury receipt for it" ; he said he would produce the receipt ; he never did so.

By Mr. Burt : The paper purporting to be a copy of receipt for money received (£150 odd), is not in his (witness') handwriting, and he never put his hand to a document of the kind ; if any other person put his name to a document of this kind it would be a forgery.

(*To be continued in our next.*)

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CENTRAL COURT, CIVIL JURISDICTION.

WEDNESDAY, JANUARY 6TH.

(Before His Honor Mr. Justice Garrick and a Jury of four.)

THOMAS *v.* BROUGHAM—SECOND DAY.

(Concluded from our last.)

Mr. Burt directed His Honor's attention to the *Fiji Times* of that morning, submitting that a report therein of the proceedings in this case, on the previous day, should never have been published.

Mr. Forwood was quite certain that if His Honor would read not only the report, but a letter appended to it, he would agree that they were highly calculated to embarrass himself (Mr. Forwood), and his learned friends in the defence. A publication of a very similar character, while a case was *sub judice*, in New South Wales, had been dealt with very strongly indeed—almost criminally—and the proprietor of the paper was fined £100.

His Honor had not read the letter, but intended to do so, and if he found anything in it in the slightest degree derogatory to the Court, or the purity of the administration of justice, he should deal with it himself.

(The case then proceeded.)

Nathaniel Chalmers, sworn, and examined by Mr. Burt:—In December, 1873, held office under the late Government, as Sheriff, and Curator of Intestate Estates; had a conversation with defendant relative to moneys in the estate of Harnisch; was to have received the papers in the estate on his arrival in Levuka on the 18th June, but had to go to Taviuni; on his return, between five and six weeks subsequently, defendant gave him a book purporting to contain the accounts, telling him where to find vouchers and papers connected with intestate estate, in certain pigeon-holes in his office; on the 5th January, 1874, on the way to Nasova, in company with defendant, asked him to bring a slip to the Treasury showing credits to the several estates; he brought a small slip of paper about three inches square, in Mr. Gundry's handwriting; asked him how about Harnisch's estate, and he said—"We've neither of us anything to do with that, as it was agreed that the whole matter should be turned over to the German Consul"; there was nothing on that slip with reference to Harnisch's estate; the slip contained five or six items made out in dollars and cents, which he took to be the account of moneys in Intestate Estates; wrote to defendant at the end of the third week in March, a copy of which letter was in witness's office; in consequence of a communication from the German Consul, wrote to defendant a letter which he sent to the post office by his clerk in the usual way; never saw defendant after that; the German Consul made application in respect to Harnisch's estate, about 20th March.

Cross-examined by Mr. Truscott: Defendant said words to the effect that the whole matter was to be turned over to the German Consul; that he had no funds; defendant did not lead him to understand that the funds were in the Treasury to the credit of the German Consul.

By Mr. Burt: In the book produced did not see any account in reference to Harnisch's estate; the entries in the book were in defendant's handwriting.

This was the case for the prosecution.

Patrick Brougham sworn, and examined by Mr. Truscott: Was Sheriff, and Curator of Intestate Estates in the late kingdom, from October or November, three years ago, up to December, 1873; remembered the estate of the late Joseph Antonio Harnisch; his name was Joseph, not John; when the Rule for the Administration was granted, it was understood, through the late Chief Justice, that the estate should be held by the German Consul and witness; the moneys in Intestate Estates were paid into the Treasury at different times to the Cashier—some to Mr. Chisholm, some to Mr. Oswald, and some to Mr. Fleming; after Mr. Gundry's appointment, he was supposed to have received them; on the 10th December, 1873, he paid to Mr. Gundry, at Nasova, the sum of (he thought) £151 16s. 11d—would swear to this most positively; he took a receipt from Mr. Gundry in the form produced, signed by Mr. Ryder, as the Treasurer; the body of the receipt was in witness's handwriting; the latter part "received, &c."—was in Mr. Gundry's writing; three or four parties, whom he did not remember, were in the Treasury at the time; paid the amount in gold, silver, Treasury notes, Henning's notes, and Brewer and Joske's notes; they were considered at the time good currency; this was money from Sub-inspector Senior and Mr. Surplice, in Harnisch's estate; saw a printed voucher, produced in Court yesterday; as a rule he generally got such a voucher; on one occasion a receipt, on blue foolscap paper, was given to him, written by Mr. Chisholm or some one else; on the 10th December, when he paid this money into the office, went into Mr. Gundry's room, sat down, and counted it; found the amount correct and wrote a receipt, of which the paper produced was a true and correct copy; handed the money to Mr. Gundry, who counted it, read the receipt, signed the same, and handed it to him, retaining the money in his (Gundry's) possession; that was the last he saw of the money; Mr. Chalmers succeeded him some time in September, 1873; received an appointment as Warden at Taviuni on the 2nd January, 1874; returned to Levuka in February by the "Western Star"; saw Mr. Hennings in the matter of Harnisch's estate; gave him a copy of the accounts, and told him the money was paid into the Treasury; thought it was in February that Mr. Chalmers took the books; was under the impression, through the late Chief Justice, that Harnisch's estate was left to himself and the German Consul; in the book produced he found two leaves pasted together; when giving Mr. Chalmers the book, he (witness) took a brush and pasted the two leaves together, and cut out one leaf for no particular purpose; Harnisch's estate was left out of the book, because he thought it was the property of the German Consul, and not of the Government; went back to Taviuni the latter end of February; Mr. Thomas said he had sent him a letter by direction of the late Chief Justice, in respect to the estate of Harnisch, which he never received; saw Mr. Ryder in respect to the matter, in June, at Nasova, in his own office; Mr. Ryder asked him what he had done with money in Harnisch's estate; told him he had paid it into the Treasury; Mr. Ryder went over to the office, and on his return said there was no entry of this money in Mr. Gundry's books; replied that it was no fault of his; that he had got a receipt signed by Mr. Gundry; Mr. Ryder asked him when he was going back to Taviuni; he said next day or the day after—whenever a vessel was going to sail; Mr. Ryder requested him to send down the original receipt, addressed under cover to himself; on arrival at Savu Savu, *en route* for Taviuni, found the receipt locked up with other papers in his box; on the 13th June sent a letter containing the original receipt to Mr. Ryder, having previously taken the copy produced; sent the letter by the "Annie Young," giving it to Mr. Young, the owner of the cutter; the paper produced was a true copy of the letter, to which he got no reply; was arrested on account of this matter on affidavit of Sub-inspector Senior; the affidavit stated that he (witness) was going to leave by the steamer "James Patterson"; had no intention of going by her; was arrested six days after she had sailed; Mrs. Brougham and his children had gone in the "Meteor," and he remained here purposely to answer this charge; had not the slightest intention of leaving; was advised by many friends to leave before this Court was established, but he positively declined; his friends offered to pay his passage and put him on board; most solemnly and distinctly swore that he paid this money into Mr. Gundry's hands in the Treasury, and that it was counted by him.

Cross-examined by Mr. Burt: Was accustomed to keep the money in a drawer, labelled, and paid it in from time to time; did not think the money in Harnisch's estate belonged to the Government, but to the German Consul; did not pay it to the German Consul, because he was not there; knew Mr. Walters; thought he received a letter from him in reference to this money; did not know Mr. Walters was acting for the German Consul until he received the letter; paid the money in to the Treasury because he was going away: if Mr. Hennings had been here, should have paid it straight to him; considered it was in the Treasury at Mr. Hennings' disposal; had taken out a Rule to deal with Harnisch's intestate estate, and consequently did not pay it in to the credit of the German Consul; it was not his regular course to pay money as soon as received—he was not bound to do so; the signature to the pay slip in the printed form produced, dated December 2nd, 1872, was his; Mr. Gundry was busy on the 10th, and witness did not get the usual pay slip; thought Mr. Gundry's receipt sufficient; had no other reason for departing from the usual course; looked upon Mr. Gundry's receipt as quite as valid as a printed one; long after this, Mr. Thomas, at the request of the late Chief Justice, applied to him for the accounts in Harnisch's estate, but was arrested before he could give them; this was seven months after giving up his office; had given in the interim an account to Mr. Hennings; Mr. Thomas did not call upon him over and over again to render the account in this estate; went over the book produced with Mr. Thomas; did not call his attention to the gummed leaves in the book, or say they contained the account in Harnisch's estate; allowed six months to elapse, simply because he kept the money in his office; it might have been an error of judgment; believe the account rendered to Mr. Hennings to be a copy of that in the book—was not certain; the whole might or might not be there; remembered Mr. Hennings saying he had applied at the Treasury, and that the money was not there; told him he held a receipt for it; was quite certain and would swear most positively that he never received a letter from Mr. Chalmers as to Harnisch's estate; made a copy of the receipt at Savu Savu, and sent the original by Mr. Young in the "Annie Young"; there was no post within three miles, and he took advantage of any vessel passing;

wrote

wrote one letter to Mr. Hennings, one to Mr. Ryder, and, he thought, one to the Chief Secretary, of which he had not copies; a copy of any official letter would be found in his letter-book; might have sent private letters at the same time by the same vessel on the same day that he enclosed the receipt to Mr. Ryder; there were four letters or more; the papers produced professed to be copies of two letters sent by him on the 13th June, one to Mr. Ryder and one to the German Consul; in all probability Mr. Young got all the letters; when he came to Levuka in August, Mr. Ryder and Mr. Hennings told him they had not received the letters; both had reference to Harnisch's estate; two private letters also went astray, and never reached their destination; used note paper, letter paper, and foolscap; the letters he wrote were not on similar paper to the half-sheet handed to him; could not account for the paper not corresponding with the paper upon which he wrote officially; at an inquiry held at Nasova, had stated that he had given these letters to Mr. Mason, but had since found that he was mistaken; said that on that day Mr. Mason was hanging about smoking his pipe while he was writing the letters; made allusion to Mr. Pritchard also—called his particular attention to putting in the receipt; put the receipt into the letter in Mr. Pritchard's presence, though he might not have noticed it; thought the original receipt was written on white foolscap; might have said at Nasova that the receipt was written on a sheet of blue foolscap; complaints had been made against him in respect to other intestate estates; had made inquiry about the missing letters; asked Mr. Young, who said he thought he had brought all the letters witness gave him; instructed Mr. Young to put them in the post office; knew of no complaints of any official letters going wrong about that time; made no other inquiry; his impression was that Mr. Young had posted the letter containing the receipt; made no inquiry at the post office; his reason for calling Mr. Pritchard's attention to the receipt enclosed in the letter was that they prided themselves in never losing a document in their offices; did not tell Mr. Young it was a very important letter; kept no register of letters he sent away; letters in intestate estates were not copied into the letter-book, but kept separately; he told Mr. Chalmers the estate was in the hands of the German Consul, and that neither Mr. Chalmers nor he had anything belonging to it—he having paid the money into the Treasury; had kept the money in his drawer for six months, and then paid it in, without advising Mr. Hennings till February.

Re-examined by Mr. Forwood: Left Levuka for Taviuni on the 2nd January, and returned in February, remaining four or five weeks; next came down in the beginning of May; saw Mr. Ryder, the late Treasurer; was first asked by the German Consul for the accounts, through a letter from Walters; did not send them at that time; sent an account in February, of which there was a copy; it was given to a native, to be taken to the Consulate in Levuka; swore it was sent on the 19th February, 1874, by a messenger from the Provincial Court; the order of the late Chief Justice, referred to, was made afterwards; the present Sheriff must, for present purposes, become Curator of all Intestates Estates not yet administered, but was not responsible for past accounts unless voluntarily taking it upon himself; the Curator gave security for the performance of his duties; the accounts in all the estates were subject to the inspection of the Auditor-General; never had any notice that the new Curator had given security; the first time he saw the document produced (? Judge's order), was in Mr. Thomas' office in August last, after he had sent in the receipt in June, and before his arrest on the following day; the largest document of those handed to him was signed by Mr. Gundry; knew his handwriting; one was signed by Chisholm, and another by Fleming, both clerks in the Treasury; had a distinct and vivid recollection of one receipt written by him and signed by Gundry; had been in the Commission of the Peace twenty years before he came here, in New South Wales and Victoria, before separation; commenced here as a cotton planter, and was the first Magistrate appointed in Fiji; until arrested knew of no charge against him for retaining funds; on the 7th August, 1874, first had to do with Harnisch's estate; Harnisch was missing, and Hennings said witness had better take possession of his effects.

By His Honor: Took possession of his effects about two days before the body was found in July; he died on or about the 13th July, and a Rule was granted on the 7th August; took possession in the presence of Sub-inspector Senior; had other estates in his hands at the time; made returns of them, and handed over the books and papers to Mr. Thomas; from the first moment of taking charge in Harnisch's estate believed he was responsible to Hennings as German Consul; on the 19th February and the 13th May, 1874, sent the Consul in the accounts, and had paid the money into the Treasury on the 10th December, 1873; had previously kept the money in his tin cash-box, at the Provincial Court; the last money received on the estate was from Senior, on the 28th August; knew of no outstanding assets; there was a realization of the residue of the assets; after the 28th August got no more money in the estate, but disbursed money; the goods were the general stock-in-trade of a shoemaker, a sewing-machine, gold ring, a nugget, &c.; the money found was £82 11s. 5d.; took it from Totoga to Nasova; no one was present when he gathered it together; distinctly and solemnly swore before his God that this money was paid by him to Gundry over the Treasury counter—before his Maker he would swear it; to the best of his recollection he sent seven letters by Mr. Young; called Mr. Pritchard's attention to the fact of sending enclosures in other letters; showed him the contents of one addressed to the Bank; held the letter to Gundry up in his hand, and said "This is Gundry's receipt."

This closed the defence.

Counsel on both sides having addressed the Court, His Honor summed up, and the Jury after retiring for several hours, announced that they were unable, on the evidence, to arrive at a verdict. They were consequently discharged.

No. 28.

Mr. Swanston to Mr. Ollivier.

(*Handed personally by Mr. Ollivier to Under Secretary of Justice.*)

My dear Ollivier, Sydney, 5 February, 1878.

Our conversation of yesterday *in re* Brougham's matter, induced me to write you my recollection of a conversation I held with D'Arcy Murray, Brougham's advocate, some few days after the trial was concluded. Murray stated to me, in reply to an expression of my belief that the receipt on foolscap from Gundry to Brougham, and upon which the case really hinged, was a genuine receipt, "I believe it too Swanston; I have found receipts similar in every way for other payments amongst Brougham's papers from Gundry." Murray, to the best of my recollection, said two or three. "I did not discover this until the case was concluded, and it is now too late to re-open the question; there is no doubt in my mind that the error has occurred in the Treasury; you know they are not very particular there." That Clarkson was not very particular, not dishonestly in intent, but so careless that an Insolvency Commissioner would hardly know where to draw the line, I know, and I will give you an instance:—As Minister for Native Affairs I received a sealed cash-box from Vaughan, Secretary for Ra and Yasawa, he stated that it contained $80 (£16) in silver; that it was money in dispute connected with the sale of some land in Ra. I made a special deposit of this box intact in the Treasury, and obtained a receipt therefor as such from Clarkson. Upon the establishment of the *ad interim* Consulate Government after Layard and Goodenough had *pro tem.* accepted the offer of cession from Cakabau, I called upon Mr. Ryder, who was then retiring as Treasurer, to ascertain whether this box with cash was still safe in deposit. The box was there, but it had been opened and the money was gone. No record nor entry of any kind could be found that would throw light on the question. Clarkson was absent, and I believe it was Gundry who told me that the box had been opened by Mr. Clarkson's order, and the money used for Government purposes. What those purposes were had never to this day appeared. I handed the receipt I held from Clarkson to Ryder, and obtained a voucher from him to that effect. Upon the hoisting of the English flag I called upon Colonial Secretary Havelock, and explained the matter to him, and at his request I wrote to him on the question, and enclosed the voucher I had received from Ryder.

The

The question will still have to be gone into, as the white man who paid the money is yet alive, and he will certainly ask for his money or his land; and as the moneys were paid into the Native Affairs Department, of which I was the then head, I was very careful to secure evidence that the Treasury must be looked to.

I trouble you with these particulars in a case where I was, as a Minister, personally cognizant of the carelessness of management for which the Treasury had the credit with the public of the day, as I sincerely trust that my few remarks may fill a gap among the missing links you are in search of to establish Brougham's character. He has been persecuted, and by men some of whom are now under false names in Fiji.

Yours very truly,

ROBT. S. SWANSTON.

No. 29.

Mr. Swanston to Mr. Ollivier.

(Handed personally by Mr. Ollivier to Under Secretary of Justice.)

My dear Ollivier, Sydney, 13 February, 1878.

In reference to the payment, or offer of payment, made by Brougham, of the moneys he was said to have appropriated out of estates confided to his care, while Curator in Fiji, I must, in order to explain the matter, fall back upon a conversation I had with D'Arcy Murray about it. Murray stated to me that the offer of payment had been made against Brougham's judgment and feelings by Murray, as his legal adviser in the case, at the instigation of Sydney Charles Burt, who was then acting as Crown Prosecutor, and who stated that were this done further proceedings would be stayed, as the authorities only desired to have the money in dispute, and had no wish—nor intention of continuing action against Brougham outside of that; but that if he continued in his determination to decline to act as suggested, the Government, to protect itself, must commence criminal proceedings.

Brougham was at last over-persuaded by Murray and some of his friends, and the money was subscribed by Murray, Truscott, and Towson, all barristers of the Supreme Court of Fiji, and personal friends of Brougham. Brougham himself had nothing, and the amount was tendered, but acceptance declined by order of Mr. Chief Secretary Thurston, and the fact of the tender was used by Crown Prosecutor Burt before the Court as evidence of conscious guilt on the part of Brougham, he well knowing that Brougham had to the last objected to this mode of arranging the misunderstanding.

The moneys held by Brougham, at the time of his resigning his office as Curator, he paid in to the Treasury, handing in his books also to Thomas in the end of 1873, and he was appointed Warden at Taviuni, whither he went in January, 1874. About April, 1874, the then Consular Government in charge, of which Government Jn. Bates Thurston was acting as the Chief Secretary, commenced proceedings against Brougham for defalcation, as shown by his own books through Thomas.

The matter of the receipt on foolscap I have already in a previous note gone into, and now as to the root of this charge against Brougham:—

Patrick Brougham, under Thakombau, held the position of Chief Police Magistrate at Levuka; he is a very independent, fearless, upright man, and the then Executive being unable to influence his action on the Bench, resolved to get rid of him.

The then Executive consisted of George Austen Woods, Jn. Bates Thurston, Dr. Clarkson, myself as Minister of Native Affairs, and Sydney Charles Burt as Attorney General.

The re-arrangement of offices under the Consular officials, as arranged by the British Commissioners, left Thurston and Burt still in office, and one Harding, whose name was Cousens, of Melbourne, before he came into the Pacific, was appointed a Warden, Brougham being removed to Taviuni as Warden there.

The antecedents of George Austen Woods, Jn. Bates Thurston, Sydney Charles Burt are well known to Sydney men; Captn. Standish can give some information about Harding or Cousens, as one of his aliases designates him Thomas, is a defaulting absconder from Tasmania, for whose arrest the Government there offered £100 reward, and his name yet stands on the police charge sheet of Hobart Town.

Gundry, who disputes his own signature to a receipt, was a Bank clerk in New Zealand, and was criminally prosecuted by the Manager for feloniously misappropriating moneys of the Bank. Gundry escaped conviction by the skin of his teeth, the verdict amounting to "not proven," but he was dismissed the Bank.

Harding was Warden sitting on the Bench at the preliminary trial, and with him sat Hetherington, Garrick (now Attorney General) being Judge of the Supreme Court of Fiji, and two J.P's., viz., Logan and Berry. The two latter desired to dismiss the case, the two former were for committal, and Harding, as Warden, gave his casting vote to that end, having been instructed so to do by Judge Garrick. Woods, Burt, Thurston, Harding, Garrick are all at personal enmity with Brougham. Brougham was always too uncompromising and independent a Magistrate for the ring we then had in Fiji.

I regret much, my dear fellow, that I have to rake up the past in reference to men with whom I have been so closely connected officially, but it is necessary in order to assert Patrick Brougham's character to uprightness.

The relative character and antecedents of accused and accusers on a question of evidence is a make-weight that often turns the scales of justice; and I have no hesitation in asserting that the past life of Patrick Brougham will corroborate and endorse the general opinion held in Fiji that he is an injured and persecuted man.

Yours very truly,

ROBT. S. SWANSTON,
Late Minister for Native Affairs under Thakombau,
Secretary for Native Affairs under Sir Hercules Robinson, and
Stipendary Magistrate under Sir Arthur Gordon.

No. 30.

The Police Magistrate, Bingera, to The Minister of Justice, &c.

Sir, Police Office, Bingera, 25 February, 1878.

As I see that Mr. McElhone has again in the House made inquiries relative to me, and knowing that you have received a report from Fiji, in order that you as Minister of Justice may be in a position to reply to his query, I deem it my duty to forward a brief statement of facts.

I have the honor to inform you that I most solemnly and emphatically deny that I during my appointments as Police Magistrate, Sheriff, and Curator of Intestate Estates, or at any other time, ever appropriated any money or moneys entrusted to me for safe keeping.

2. That in the intestate estates of Muir and Harnisch and all other estates all moneys were paid by me into the Fijian Treasury.

3. That Mr. S. C. Burt, the then Attorney General of Fiji (and of Sydney notoriety), advised me to tender the payment of the alleged deficiency in Muir's estate in order to arrange matters, but I subsequently found that this advice was given for the purpose of gaining convicting evidence, and that the Sub-inspector of Police was instructed, after tender had been made, to arrest me; the arrest was made, but the matter did not go further than the Police Court. That several receipts drawn on blank paper similar to mine were found in the Treasury subsequent to my departure from Fiji, although their existence was denied; that receipts of this nature were handed over by me with the books and papers belonging to intestate estates to a Mr. Humas, but owing to some understanding between Mr. Garrick and him it was not convenient for him to produce the papers when called upon; that at the time of the civil action against me in Harnisch's estate—Mr. Garrick (the Judge), Mr. Humas (the Sheriff), Mr. Gundry (the Treasury clerk who held the receipt), during the second adjournment of the Court, when the Jury were locked up for some three hours, went to the house of Mr. Humas and all returned to the Court together, much to the astonishment of the public, who commented pretty freely on their conduct; that when the Jury for the third time were called upon for their verdict, the foreman stated,—"They were still of the same opinion, viz.:—that there was no case against me, and that if they were shut up for six months their verdict would still be the same."

4. That owing to the Fijian Treasurer having the opportunity of using Government moneys for his own benefit, and not accounting for them to the Auditor General, many mistakes were made in the Treasury.

5. That prior to my having an order book on the Treasury, I was in the habit of retaining the moneys of the intestate estates and paying the claims in cash; at this time there was no Bank in Fiji, and I was advised by the then Chief Justice to adopt this course until I could get an order book.

6. That in a letter to your predecessor, when I found out that he intended to ask for a report in my case from Fiji, I requested him to seek for information from Mr. Robert Swanston, who had been Minister of Native Affairs in Fiji.

7. That from what I can learn of the report furnished to you from Fiji, they seem to have waited till they could obtain the affidavits of two men, one who was known to me as having committed some atrocities in Tanna, and who was recently deported by the British Consul in Samoa *in irons*; another who was necessitated to leave Samoa under a penalty to appear if required, and one who was suspected of larceny before there was any Government in Fiji.

8. That Mr. Ollivier (now in Sydney), who was Auditor General during my tenure of office in Fiji could examine my books whenever he thought proper, and from his position as Auditor General can speak relative to my payments into the Treasury, also to the efficient state of my Court, which I brought into existence without any assistance, or even books at the commencement.

9. That one of Mr. McElhone's informers, viz., Mr. Jones, was guilty (to say the least of it) of gross misconduct by interfering with me when as Sheriff I was arresting on board the "Meteor," at Fiji, a person who was about to leave in that vessel, and whose sureties had given notice to the Court; this Mr. Jones assaulted me, and had it not been for one of the sailors who knocked him down he might have done me some grievous bodily harm, as he was armed with a revolver, which Captain Clulom took from him, and although he had paid his fare as a cabin passenger he was not allowed in the saloon during the passage to Sydney. The second person, Mr. Watts, I know little or nothing about except that he took in washing in Levuka, and was antagonistic to the first Fijian Government, and as he was not a lover of good order I may in the execution of my various duties have annoyed him; surely there ought not much credence to be given to the assertions of these men.

10. That the whole affair from beginning to end is a base conspiracy to blast my good name; but I am a colonist of many years standing, having arrived in 1838; I have held the Commission of the Peace for upwards of twenty-five years, I have opened up the wealthiest portion of N. S. Wales, viz., Riverina, but like the rest of pioneers have lost by it; I am known to a great many in New South Wales, and I dare any one who has been acquainted with me to say that I ever was guilty of a dishonest action, or anything which could tarnish a name which has been handed down to me unsullied for centuries.

You will I trust excuse the lengthy statement; but from my position here as Police Magistrate, and the matter remaining *in statu quo* I am placed in anything but an enviable position, and would feel obliged by your giving my unqualified denial in the House when called upon, or by using your own discretion and stating that the charges are unfounded, as nothing but sheer malice could have prompted any one to prefer them.

I have, &c.,
PATK. BROUGHAM,
Police Magistrate.

This is not a reply to the communication of 25th February last, which accompanied copies of correspondence or reports and proceedings relative to charges preferred against Mr. Patrick Brougham.—
W.E.P.,
3/3/78.

No. 31.

No. 31.

Telegram from Minister of Justice to Police Magistrate, Bingera.

16 March, 1878.

REFERRING to my letter of twenty-fifth ultimo, with papers, asking for report on certain charges preferred against you by Mr. McElhone, M.P., please state why report has not been furnished as requested. Mr. McElhone having given fresh notice on the subject for Tuesday next, Minister of Justice desires to be informed by telegram of the action you have taken in the matter.

No. 32.

Telegram from Police Magistrate, Bingera, to Under Secretary of Justice, &c.

16 March.

YOURS of twenty-third ultimo only received last Monday. My report sent by first mail, which left this day.

No. 33.

The Police Magistrate, Bingera, to The Under Secretary of Justice, &c.

Sir, Police Office, Bingera, 13 March, 1878.

I have the honor to acknowledge receipt of your communication of February 23rd, 1878, enclosing report and copies of proceedings forwarded to you by Mr. Garrick, of Fiji, and have much pleasure in now furnishing you with my explanation thereon. I shall endeavor to answer, I trust satisfactorily, and certainly most truthfully, Mr. Garrick's report, taken in connection with the evidence.

1. With regard to the first charge (No. 3 of Mr. Garrick's report), for misappropriating moneys in the estate of one Harnisch.

On the tenth day of December, 1873, I paid the sum of £151 some odd shillings into the Treasury at Nasova, into the hands of Mr. Gundry, who was then a clerk in the Treasury; at the same time I drew out a receipt for the amount (which I had frequently done before), which was signed by Mr. Gundry and given to me. This receipt was taken by me to Taviuni, where I went at the request of the Government to form a new Bench. As this estate was held by the German Consul and myself, and Mr. Hennings was absent at the time of my departure, I paid the money into this Treasury, in order that he might get it if he required it during my absence at my station in Taviuni. On a subsequent date, when I was in Levuka, Mr. Hennings asked me for the money in this estate, when I told him the money was in the Treasury at his disposal. Mr. Gundry denied having given me a receipt, the Treasurer then instructed me to forward the receipt from Taviuni under cover to him. This I did on my arrival at my post, in the presence of Mr. Prichard, the Clerk of Petty Sessions, and you will see by his affidavit that I exhibited the document to him, prior to enclosing it. I had been in the habit of drawing out receipts on blank paper for moneys paid into the Treasury, which was never objected to by the clerk, so this was not an isolated case.

When the civil action was being tried, Mr. Huma (well known in Tasmania, for whom a warrant had been issued, and a bosom friend of Mr. Garrick's), was called upon by my counsel to produce some of these receipts. After a very short search through the papers, he said he could not find any. However, after my departure from Fiji, Mr. Murray, a solicitor, found several receipts corresponding with the ones I had got from the Treasury in this case, thereby proving that Mr. Gundry was *in error*, as when on oath he stated he never gave one of such a nature. By the advice of Mr. S. C. Burt (well known in Sydney), the then Attorney General in Fiji, the money was tendered to the Treasury by Messrs. Towson, Murray, and Truscott, as Mr. Burt told them that by so doing, all proceedings would be stayed; but this advice, as it now appears, was only given in order that he might gain evidence to provet hat I endeavoured to compromise the matter.

During the civil action in this case, my counsel asked me if any moneys had been tendered to the Treasury in Harnisch's estate, by the advice of Mr. Burt, with a promise that proceedings should be stayed. After some argument on the point, Mr. Garrick ruled that the question was irrelevant to the case, and it was not put, thereby debarring me from showing motive for tendering moneys. By the affidavit of Mr. Truscott, you will perceive that only Towson, Murray, and Truscott were present when the moneys were tendered to the Treasury, consequently that portion of the affidavits made by Ryder and Gundry, in which my name is mentioned as having been present at the Treasury on that occasion, is false and malicious.

During the time this action was being tried, Mr. Garrick, the Judge, exhibited an ill feeling towards me, so much so that it was taken notice of by those who were in the Court, and more especially hen he ordered the Jury to be locked up to re-consider their verdict; inasmuch as that, when they were ordered to appear before him again, the foreman most distinctly told him that if they were shut up for six months they would still be of the same opinion, viz., "No cased proved." These are the very words as taken down by my counsel at the time.

2. *Re* Muir's estate.

I was arrested on a charge of embezzlement in this case, and speedily obtained bail. The sum of £101 was paid by me into the Treasury some four weeks after I received it. I cannot say to whom I paid this amount, as there was no dependence to be placed upon any particular clerk being always there, owing to the fact that the Fijian Government had only then been formed, and consequently the great difficulty in obtaining men to perform the duties; from the examination of Wm. Ollivier the Auditor General in Fiji, you will see that prior to his taking office the Treasury books were kept in a most careless manner, and not at all reliable; again the Treasurer had made use of moneys without having accounted for them.

Every fraction of money belonging to this estate was paid by me into the Treasury.

I would call your particular attention to the following facts connected with this case, viz.:—The then Government packed the Bench, by placing one Harding as President, a man who had been guilty of some atrocities in the island of Tanna, of which he knew I was cognizant, consequently would endeavour to keep me quiet by committing me for trial. Another of these was a man called Hetherington (well known

known in Melbourne), who was suspected of having stolen money from me on board of a vessel when lying in Levuka Harbour, but, fortunately for him, before the formation of the Fijian Government. The other two members of the Bench, Messrs Berry and Logan, said there was no case against me; but Harding gave his casting vote, using double powers (I contend illegally). Mr. Berry, as soon as bail was applied for and granted, said "I will be one surety." Harding and Hetherington remonstrated with him, upon which he said that if they would accept him he would be surety for the full amount.

This case never came before a higher Court, and simply because they knew they had a bad one; now they shield themselves under the excuse that the country had in the interim passed into the hands of another Government.

Re Senior's affidavit in Ross's estate.

No moneys for foreign labour imported by the "Kate Grant" were ever received by me at any time, for a very good reason—that the owner was killed at some island where he went for labour; if any labour was brought to Fiji, they were disposed of by the captain before he arrived in Levuka, without the then Government knowing anything about it, as no entry appeared in these books.

Re Senior's affidavit in Devaine's estate.

There was no such thing as a boll of silk or lawn amongst the goods in the store. Mr. Brown, who was in charge for me at that time (and I understand now in Sydney), could verify this statement; further, he can, I think, state that I was most particular in seeing him enter everything I purchased and paying for the same. This estate was handed over by me to Mr. Martelli, who expressed himself perfectly satisfied with my accounts and management. I should think from these false assertions that very little credence can be given to the affidavits made by Senior.

In Mr. Gundry's affidavit, marked G, he states, "Brougham absconded from Fiji;" this I most emphatically deny, as I was two days prior to my departure personally endeavouring to get a boat to go to Suva, where the "Nil Desperandum" was at anchor. I made no secret of my leaving, as I openly stated I wanted a boat to go to Suva; further, he states, that after I left, my successor in Taviuni found several discrepancies in my accounts there. This is a direct falsehood, as he well knew that Mr. Pritchard, the Clerk of Petty Sessions there, received all moneys, and was accountable for them; I merely acted as Commissioner or Warden there, which office corresponds exactly with that of Police Magistrate in this Colony.

Should you require any information relative to my career in Fiji, I beg to refer you to Mr. Ollivier, who was Auditor General in Fiji; also to Mr. Swanston, who was Minister of Native Affairs in Fiji; I think both of these gentlemen are now in Sydney.

I most solemnly and empatically deny ever at any period of my life having appropriated any moneys belonging to any other person or estate to my own use, and most positively assert that the accusation is a base conspiracy of men totally destitute of good principles, and maliciously instigated to deprive me of my good name.

PAT. BROUGHAM,
Police Magistrate.

No. 34.

Mr. Ollivier to The Under Secretary of Justice, &c.

Sir, Department of Lands, Conditional Sales Branch, 12 April, 1878.

I have the honor to enclose to you a letter just received by me from T. H. Pritchard, late Clerk of Petty Sessions, to Mr. P. Brougham, in reply to my questions, viz:—

1st. Did you from any impression at the time you say Brougham had a letter in his hand and ask or said—Here goes this receipt in Gundry's matter?

2nd. Did you write to Captain Blackmore to say that Brougham was on his way to Loma Loma to get away, or anything to that effect?

I think you will find Pritchard's replies correct and satisfactory; Pritchard also informs me by private memo. that Gundry has been discharged from the Treasury his accounts being wrong, but declines to give particulars until after the inquiry has taken place, which is very right.

I shall be very glad to have this very long matter closed if it is convenient; if not, perhaps after the rising of Parliament will be the best time.

I am, &c.,
W. M. OLLIVIER.

[*Enclosure to No.* 34.]

Mr. Ollivier,

Dear Sir, Levuka, 17 March, 1878.

In re the matter of Mr. P. Brougham, I am certainly of opinion that the receipt referred to was enclosed and posted to Gundry, at the time mentioned in my former letter. My acquaintanceship with Mr. Brougham during all the time he held office under the Fijian Government was most close and intimate, and at that particular period we occupied the same quarters. From my knowledge of his strict integrity I cannot entertain a doubt of the perfect truth of the statement he made to me when sealing the letter—"There goes that receipt to Gundry." I knew what Mr. Brougham's salary was, as I was in the habit while Clerk of the Peace of making out his monthly voucher, and I am confident that his style of living was not one in excess of his income; I had many opportunities of becoming personally acquainted with both, as a frequent guest at his house and as a participator in our joint expenditure while living together. I have no recollection of writing to Capt. Blackmore relative to Mr. B's. journey to Loma Loma—in that matter you are in error; but if I did so and it having escaped my memory, I am most positive that no thought of Mr. B's. leaving Loma Loma except on legitimate official business ever entered my mind or could have been communicated to Capt. Blackmore, who had no possible concern in Mr. B.'s movements. The idea of escape or flight if hinted at by another would to my mind have only been provocative of the most supreme ridicule. I consider Mr. B. to be the victim of the vindictive feeling of a certain hon. (?) gentleman, to whom he had made himself obnoxious by imparting some very wholesome but very unpalatable truths; and who, finding only an upright independent gentleman, where he hoped to secure the partizanship of a pliant and subservient toady, determined to supersede with one of more elastic temperament the man whose independence and integrity could not be bent to serve the aggrandisement of an individual or the interests of a party.

I have a clear recollection that at one time I assisted Mr. B. in attaching certain money, &c., in Warburton's estate. I took an inventory of these effects, and they were then handed over to the Treasury Dept. for safe keeping in their safe. Portion of the moneys were in coin; and on demanding their return for disbursement, Mr. B. was informed that Dr. Clarkson had used the coin and substituted Treasury notes, then at a discount 20 per cent. The result of this was a disagreement between the gentlemen; and I have not the least doubt in my own mind that, could the matter be traced to its fount, it would be found to have its origin in some other brilliant instance of that Heaven-born Treasurer's model financeiry. I should have written sooner but have been out of town, and your letter did not reach me in time to catch the February mail.

Kindly remember me, please, to Mr. and Mrs. Brougham; and in the hope that Mrs. Ollivier and yourself are well, I will conclude by subscribing myself,—

Yours truly,
T. H. PRICHARD.

No. 35.

No. 35.

Telegram from Under Secretary of Justice, &c., to Police Magistrate, Bingera.

REFERRING to tenth paragraph of your letter, 25th February last, respecting your being a colonist of many years standing—that you have held Commission of the Peace for upwards of twenty-five years—that you are known to many in New South Wales, and no one could say you were ever guilty of any dishonest action, &c.,—the Minister of Justice desires me to ask you to have the goodness to favour him with names or certificates from some of the persons to whom you refer in support thereof, at your earliest convenience.

W.E.P., 6/9/78.

No. 36.

The Police Magistrate, Bingera, to The Under Secretary of Justice, &c.

Sir,

Police Office, Bingera, 9 September, 1878.

I have the honor to acknowledge receipt of your telegram of 6th instant, and beg to refer you to the following gentlemen, who have known me for many years:—Sir John Hay; the Honble. P. A. Jennings; Henry Shiell, City Coroner; Dr. Morgan, Burwood; Cornelius De Witt Jebb, Burwood; Dr. Wren, Wagga Wagga; Robert Landale, Deniliquin; Richard Blackwood, Deniliquin; Andrew Paterson, Illalong, Yass; C. Brown, commission agent, Bourke-street West, Melbourne; C. Ryan, commission agent, Bourke-street West, Melbourne; W. Templeton, late P.M., Brighton, Melbourne.

I have, &c.,
PATK. BROUGHAM,
Police Magistrate.

No. 37.

Telegram from Under Secretary of Justice, &c., to Police Magistrate, Bingera.

11 September, 1878.

THE certificates of gentlemen referred to should be obtained and forwarded by you to this department, in case you desire them to be used on your behalf.

No. 38.

Dr. E. Wren to The Minister of Justice, &c.

The Honorable the Minister for Justice,—

Sir,

Wagga Wagga, 13 September, 1878.

I have known Mr. Patrick Brougham since the year 1859, when we met in London. Mr. Brougham was, in 1861, the owner of the Hartwood Station, on the Billibong. At that time, and for several years subsequently, I was in the frequent habit of seeing him, both at his home and in Deniliquin, where he very often attended and took his seat on the Magistrates' Bench. His opinion there was much valued.

After leaving he became a resident in Brighton, in Victoria. Here, amongst a large circle of friends and acquaintances, he was esteemed highly as a man of the strictest integrity and uprightness. I regret to learn that any suspicion to the contrary should have arisen, believing, as I do, that all disparaging reflections upon his character must be groundless and unjust.

I am, &c.,
ERAS. WREN.

No. 39.

H. Shiell, Esq., J.P., to The Under Secretary of Justice, &c.

Sir,

City Coroner's Office, Sydney, 13 September, 1878.

I have been requested by Mr. Patrick Brougham, Police Magistrate at Bingera, to convey to you my opinion of him; and I have much pleasure in stating, for the information of the Honorable the Minister of Justice and Public Instruction, that I have known Mr. Brougham since 1854—a great part of the time intimately—and have always found him to be a gentleman of high honor, of the strictest integrity and probity, whose conduct was such as to inspire and retain the confidence of those persons whom business or other matters brought in contact with him. As a Magistrate of the Deniliquin Bench, during my connection with that district, he was its guiding and governing spirit; and, by his efficient, impartial, and zealous administration of its affairs, he was universally recognized as the Chairman of the Bench, and the embodiment of the law and good order of the district.

I have, &c.,
HENRY SHIELL, J.P.

No. 40.

Sir John Hay to The Minister of Justice, &c.

Rose Bay, Sydney, 13 September, 1878.

Sir,

Mr. Patrick Brougham, who is now Police Magistrate at Bingera, has written me to say that, in reply to a telegram from your department asking for a certificate as to his character, he has referred you to myself. I have known Mr. Brougham by reputation ever since he has been in the Colony—since 1845 I have known him personally. I have always looked upon him as a friend, and as never likely to make me ashamed of acknowledging him as such, as a man of undoubted integrity, and in social life of good character and habits. Until his unfortunate trouble in Fiji, I never heard a word impugning his honor or honesty. As to that trouble, I made considerable inquiry at the time, and I do not believe that there was any good ground for the sort of charges which were made against him. I can understand that in the various offices he filled, or rather in the various functions which he was expected to exercise, he found confusion prevailing, and may not have been able to remove it; and knowing something of the antecedents of some of those with whom he had to deal, I look with great suspicion on the persecution which he suffered at their hands. I think the history of the transactions of that Government in Fiji which preceded regular British rule might well be buried in oblivion.

Mr. Brougham was unfortunately connected with it, but I believe *unfortunately* only for himself, not for others. I can only speak for myself in saying that my confidence in his honesty is unimpaired—a confidence acquired by witnessing his life of many years in the Southern Districts of this Colony, spent too very much before the public in his capacity of Magistrate and otherwise.

I remain, &c.,
JOHN HAY.

No. 41.

A. B. Paterson, Esq., J.P., to The Minister of Justice, &c.

Illalong, Binalong, 15 September, 1878.

Sir,

Having been informed by Mr. Patrick Brougham, Police Magistrate at Bingera, that he has referred you to me as a friend of his who can certify as to his character for honesty, I have much pleasure in stating that I have known Mr. Brougham for more than twenty years, and during that time I have never known him to be guilty of any dishonest action; on the contrary, he always bore the character of an upright and honorable gentleman. I can also testify that for many years, on the Edward River, he was much respected as a just and efficient Magistrate.

I have, &c.,
A. B. PATERSON, J.P.

No. 42.

W. A. Brodribb, Esq., to The Under Secretary of Justice, &c.

Australian Club, 17 September, 1878.

Sir,

I heard yesterday, by mere accident, that a telegram had been sent to Mr. Patrick Brougham, Police Magistrate at Bingera, with reference to some charges made against Mr. Brougham by Mr. McElhone, M.P., some months back, and asking him to send certificates of character and honesty.

I may state that I have known Mr. Patrick Brougham for upwards of thirty-eight years—in fact, he is my brother-in-law—and during that period there was no reason to doubt his veracity or his honesty. I have always considered him an honest, upright gentleman.

Some two or three years back I heard that some charges had been made against him by some officials in Fiji which reflected against his character. I, with some others of Mr. Brougham's relations and friends, made it our business to inquire about those charges without reference to Mr. Brougham--in fact, up to this moment Mr. Brougham is not aware of what we had done.

We saw the Fiji papers and consulted with a gentleman who had been resident in Fiji at the time, and who held an official appointment there. After full inquiry, we came to the conclusion that Mr. Brougham was innocent of the charges preferred against him.

I remain, &c.,
W. A. BRODRIBB.

No. 43.

Dr. A. B. Morgan to The Under Secretary of Justice, &c.

Ashenhurst, Burwood, 17 September, 1878.

Sir,

At Mr. P. Brougham's request, I have much pleasure in enclosing you the certificate he asks for.

I am, &c.,
ALLEN B. MORGAN.

[*Enclosure.*]

I HAVE known Mr. Patrick Brougham, Police Magistrate, Bingera, for many years, and have much pleasure in stating that I consider him to be an upright man, and have every confidence in his integrity.

Ashenhurst, Burwood, 17 September, 1878.

ALLEN B. MORGAN.

No. 44.

No. 44.

C. De Witt Jebb, Esq., to The Under Secretary of Justice, &c.

Sir, Campbelltown, 18 September, 1878.

I have been requested by Mr. Patrick Brougham to forward you a statement of the time I have known him, and of the opinion I have of his honesty.

I made his acquaintance towards the end of 1844, and knew him intimately thereafter for the best part of fourteen years on the Billabong and Edward River. I had full opportunity of knowing his character, and am convinced that he was incapable of anything unfair or dishonorable, still less capable of dishonesty.

So much for my personal experience. I may add that, in a thin and scattered community as ours was then, every one's character was known and discussed, and if there had been anything against him, that it is more than probable I should have heard of it—the rather that he held rather a prominent position among us as our most active, and perhaps most efficient, Magistrate. Such a man who fearlessly discharges his duties (as he did) is certain to have some enemies who would soon publish anything they knew to his disadvantage, but nothing of the kind ever occurred.

Since I left the Edward, towards the close of 1858, I have seen comparatively little of Mr. Brougham. I dare say my name is unknown to you, but I am acquainted with Sir John Hay and Sir E. Deas-Thomson, who can tell you if my testimony is of any value.

I have, &c.,
C. DE WITT JEBB.

Sydney: Thomas Richards, Government Printer.—1878.

[1*s.* 3*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE CIVIL SERVICE.

(PARTICULARS RESPECTING OFFICERS INCAPACITATED FROM PERFORMING THEIR DUTY.)

Ordered by the Legislative Assembly to be printed, 13 *December*, 1878.

RETURN (*in part*) to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 24th September, 1878, That there be laid upon the Table of this House, a Return showing,—

"(1.) The number of Officers in the Civil Service who are incapacitated "from performing their duty by reason of age, sickness, or any other cause, "specifying the Department, the age of such persons respectively, number "of years they have been in the Service, and length of time during the last "two years they have been absent from their duty.

"(2.) That the compiler of the Blue Book be instructed in all future "publications to publish the ages of all persons who are in receipt of any "Government salary."

(*Captain Onslow.*)

THE CIVIL SERVICE.

RETURN showing the number of Officers in the Departments under the control of the Colonial Secretary who are incapacitated from performing their duty by reason of age, sickness, or any other cause.

Lunacy Department.

Name of Institution.	Number of Officers.	Rank.	Age.	Number of years in Service.	Length of time absent during last two years.	Remarks.
			Years.			
Hospital for Insane, Gladesville..	1	Senior Attendant...	63	23	10 months.....	Paid a substitute to do duty.
Lunatic Asylum, Parramatta.....	1	Attendant.....	35	14	3 do	

Department of the Permanent and Volunteer Military Forces.

Names.	Age.	Service.	Remarks.
Sergeant Myers, Volunteer Permanent Staff.	According to document of discharge from the Imperial Service forty-eight years, but is apparently older.	Twenty-eight years in Imperial Service, seven of which were in service of Colony, also eight years in sole service of the Colony; total service, thirty-six years.	There is no record of his having been absent entirely from duty during the last two years, still he has been excused from time to time the performance of certain duties, being apparently incapacitated by both age and sickness. Received notice some time since that his services would be dispensed with, the reorganization of the Vol. Force being taken as the opportunity. The reorganization being about to be effected, he will be discharged.

Prisons Department.

No.	Gaol.	Office.	Name.	Age.	Period in Service.			Period of absence during last two years.
					Imperial.	Colonial.	Total.	
1	Sydney	Warder.....	Christopher Armstrong.	74	.....	29 years...	29 years...	2 years.
2	Sydney	„	Thomas Brown.....	72	21 years...	20 „	41 „	1 month & 25 days.
3	Bathurst ...	„	George L. Hunt	72	16 „	24 „	40 „	6 months.
4	Parramatta..	Messenger...	William Calliman.....	71	27 „	20 „	47 „	6 days.
5	Sydney	Warder.....	William Reardon.....	67	19 „	30 „	49 „	23 days.
6	Maitland ...	„	Cornelius Murphy	61	27 „	14 „	41 „	Nil.
7	Sydney	„	Francis McIvor	60	20 „	15 „	35 „	7 days.
8	Bega	„	John Ryan	60	.....	15 „	15 „	4 months & 3 days.
9	Maitland ...	„	Martin Walsh	58	.....	21 „	21 „	5 days.
10	Sydney	„	Arthur Harnett	34	.....	7½ „	7½ „	4 months.
11	Sydney	„	William Graham.....	57	.....	20½ „	20½ „	2 months & 21 days.
12	Young	„	William Money	70	28 years...	21 „	39 „	7 days.
13	Berrima.....	„	James White	42	.....	5½ „	5½ „	22 days.

Sydney : Thomas Richards, Government Printer.—1878.

[3d.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE CIVIL SERVICE.

(PARTICULARS RESPECTING OFFICERS INCAPACITATED FROM PERFORMING THEIR DUTY.)

Ordered by the Legislative Assembly to be printed, 24 *June*, 1879.

RETURN (*in part*) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 September, 1878, That there be laid upon the Table of this House, a Return showing,—

"(1.) The number of Officers in the Civil Service who are incapacitated "from performing their duty by reason of age, sickness, or any other cause, "specifying the Department, the age of such persons respectively, number "of years they have been in the Service, and length of time during the "last two years they have been absent from their duty.

"(2.) That the compiler of the Blue Book be instructed in all future "publications to publish the ages of all persons who are in receipt of any "Government salary."

(*Captain Onslow.*)

RETURN showing the number of Officers in the Department of Lands who are incapacitated by reason of age, sickness, or other cause, from performing their duties.

Branch.	No. of Officers.	Age.	Length of Service.	Absent during last two years.	Remarks.
Ministerial	Nil.				
Miscellaneous	Nil.				
Pre-emptive Lease	Nil.				
Auction	Nil.				
Deeds	Nil.				
Records	Nil.				
Conditional Sales ...	2	67	22	4 months ...	About to be superannuated.
	.....	35	20	3 „ ...	Now absent on sick leave.
Surveyor General	Nil.				
Botanic Gardens	Nil.				

[3*d*.] 786—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(ASSISTANT CLERK OF PETTY SESSIONS, WARATAH.)

Ordered by the Legislative Assembly to be printed, 22nd January, 1879.

RETURN to an *Order* of the Legislative Assembly of New South Wales, dated 1 November, 1878, That there be laid upon the Table of this House,—

"Copies of all correspondence, including letters from the late Police "Magistrate of Waratah, in reference to the appointment of an Assistant "Clerk of Petty Sessions at Waratah."

(*Mr. J. Davies.*)

SCHEDULE.

NO.		PAGE.
1.	Extract from letter from Mayor and Aldermen of Lambton, respecting appointment of Clerk of Petty Sessions, Waratah. 11 April, 1877	2
2.	Extract from Report of Police Magistrate, Waratah, on same subject. 27 April, 1877	2
3.	Bench of Magistrates, Waratah, to Minister of Justice, with minutes thereon. 2 May, 1877	2
4.	Inspector General of Police to Under Secretary of Justice, reporting on No. 3, with minute thereon. 10 May, 1877	2
5.	Under Secretary of Justice to Bench of Magistrates, Waratah. 22 June, 1877	2
6.	Mr. Donald McKay to Minister of Justice, &c., with enclosures. 22 January, 1878	3
7.	Under Secretary of Justice to Mr. McKay. 5 February, 1878	4
8.	Police Magistrate, Waratah, to Under Secretary of Justice. 15 February, 1878	4
9.	Telegram, Under Secretary of Justice, to Mr. McKay. 23 May, 1878	4
10.	Mr. McKay to Under Secretary of Justice, &c. 24 May, 1878	4
11.	Telegram, Under Secretary of Justice, &c., to Mr. McKay. 29 May, 1878	5
12.	Mr. McKay to Under Secretary of Justice, &c. 30 May, 1878	5
13.	Minute of Executive Council, appointing Mr. McKay Assistant Clerk of Petty Sessions at Waratah. 10 June, 1878	5
14.	Police Magistrate, Waratah, to Under Secretary of Justice, &c., with minute thereon. 28 June, 1878	5
15.	Under Secretary of Justice, &c., to Police Magistrate, Waratah. 16 July, 1878	5

ADMINISTRATION OF JUSTICE.

No. 1.

Extract from Letter from Mayor and Aldermen of Lambton and others respecting appointment of C. P. S. at Waratah.

11 April, 1877.

* * * * * * * * * * * *

"We also respectfully beg to request that you will be pleased to appoint a Clerk of Petty Sessions for the district, as at the present time the Police Magistrate, A. A. P. Tighe, Esq., has to do the whole of the work, and by a reference to the number of cases tried you will readily understand that an officer is urgently required."

No. 2.

Extract from Report of The Police Magistrate, Waratah.

27 April, 1877.

* * * * * * * * * * * *

"With reference to the request for the appointment of a Clerk of Petty Sessions, I may say that during the last year the number of persons tried at Waratah under summonses, apprehensions, and small debts cases was 568, including those dismissed for want of prosecution, and that there were during the same period 1,752 dogs registered."

No. 3.

The Bench of Magistrates, Waratah, to The Minister of Justice, &c.

Sir, Waratah Court House, 2 May, 1877.

We, the undersigned Justices of the Peace, beg to bring under your notice the necessity for acting Clerks of Petty Sessions being appointed at Waratah, Wallsend, and Lambton. We may mention that there were heard at this Court during the last year over 550 cases, inclusive of small debts cases. In addition to the above the Police Magistrate has had to fill up all the summonses, subpœnas, warrants, bail bonds, returns, accounts, depositions, together with the necessary labour in the registration and receipts for and of about eleven or twelve hundred dogs. We would also bring under your notice that when the court-houses at Lambton and Wallsend are completed, there will be a large amount of additional clerical duties to be performed, and we venture to suggest that the convenience of the public would be best met by the appointment of the lock-up keepers at each place as acting Clerks of Petty Sessions; and in the interest of the public we hope you will be good enough to make the appointments asked.

We are, &c.,
JAMES FLETCHER, J.P.
ROBERT TURTON, J.P.
WM. ROBSON, J.P.
R. W. MOODY, J.P.

P.S.—The whole of the Magistrates who attend the Waratah Police Court have signed the annexed letter, except the stipendiary Magistrate.—J.F.

The Inspector General of Police may be in a position to favour me with some information hereon.—F.B.S., 7 May, 1877. The Inspector General of Police, B.C., 9 May, 1877.—W. E. Plunkett.

No. 4.

The Inspector General of Police to The Under Secretary, Department of Justice, &c.

It was never intended that the police should perform such duties at stations where there were paid Magistrates, and I think it would be very undesirable to appoint the constables at the places named acting Clerks of Petty Sessions. More police are required for the legitimate duty to be done, and if the clerical work is too heavy for the Police Magistrate, he ought to be provided with assistance in some other manner.

EDMUND FOSBERY,
I.G.P.

B.C., 10 May, 1877.

Inform Bench at Waratah that the Police Magistrate is also C.P.S., and is expected to perform the duties of that office. It is not considered desirable to appoint members of the Police Force acting Clerks of Petty Sessions at the towns named, their time being fully occupied in performing their legitimate work. The desirability of appointing an Assistant Clerk of Petty Sessions will be considered when preparing the next Estimates.—F.B.S., 20/6/77.

Bench, 22/6/77.

No. 5.

The Under Secretary, Department of Justice, &c., to The Bench of Magistrates, Waratah.

Gentlemen, Department of Justice and Public Instruction, 22 June, 1877.

Referring to your letter of 2nd ultimo, suggesting that the lockup-keepers at Waratah, Wallsend, and Lambton should be appointed acting Clerks of Petty Sessions at those places, I am directed by the Minister of Justice and Public Instruction to inform you that the Police Magistrate at Waratah is also Clerk of Petty Sessions, and is expected to perform the duties of that office. I am to add that it

is

is not considered desirable to appoint members of the Police Force acting Clerks of Petty Sessions at the town named, their time being fully occupied in the performance of their legitimate duties, and the desirability of appointing an Assistant Clerk of Petty Sessions will be considered when preparing the Estimates for next year.

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

No. 6.
Mr. D. McKay to The Minister of Justice, &c.

Sir,

Wallsend, 22 January, 1878.

I have the honor to apply for the situation of "Clerk of Petty Sessions" about to be appointed to Waratah and district.

I beg to enclose herewith recommendations from the Presiding Magistrate, A. A. P. Tighe, Esq., and most of the Visiting Justices who attend that Court.

I have further the honor to mention the Honorable the Postmaster General, the Honorable Member for the Western Gold Fields, H. L. Beyers, Esq., the Mayors of Newcastle, Wallsend, Waratah, and Wickham. I have only to add that if appointed to the office my best energies will be devoted to the proper performance of the duties thereof.

I have, &c.,
DONALD McKAY.

Acknowledge, and state this application will receive due consideration in case the requisite provision be made by Parliament.—J.L., 2 Feb., 1878. Mr. McKay, 5/2/78.

[*Enclosures.*]

A. A. P. Tighe, Esq., to Mr. D. McKay.

Dear Sir,

Waratah, 12 January, 1878.

In reply to your request that I would recommend your application for the office of Clerk of Petty Sessions at Waratah, I beg to say that I do not know whether the Government have decided to make such appointment. Some time ago the Bench applied for the appointment of a Clerk of Petty Sessions, and I remember giving a young man at Newcastle a note of recommendation. I cannot now very well recommend another person unless that young man withdrew his application. Were it not for this circumstance I would gladly send you the recommendation you desire, for I have no doubt that you would prove a suitable person for such an office if you were appointed to it.

Yours, &c.,
ATKINSON A. P. TIGHE.

Certificate from Mayor of Newcastle.

Newcastle, 22 January, 1878.

Mr. Donald McKay, who is seeking the office of Clerk of Petty Sessions for Waratah district, has been known to me for a number of years, and I have much pleasure in bearing testimony to the high character for integrity he has borne, and I have no hesitation in strongly recommending him for the office he seeks, believing that he will be found capable of efficiently performing the duties pertaining to it.

GEO. WALLACE,
Mayor of Newcastle.

W. Robson, Esq., J.P., to Mr. D. McKay.

Dear Sir,

Tighe's Hill, 15 January, 1878.

I have much pleasure in recommending you to the Government for the appointment of Clerk of Petty Sessions at Waratah Court and district. Your moral character and ability I think fit you for the situation. Hoping you will succeed.

Yours, &c.,
WILLIAM ROBSON, J.P.,
Mayor of Wickham.

The Mayor, Wallsend, to Mr. D. McKay.

Dear Sir,

Council Chambers, Wallsend, 16 January, 1878.

Hearing you are about to apply for situation of Clerk of Petty Sessions at this place, I have great pleasure in bearing testimony to your fitness for the situation, and am confident that by your attention to your business and your known respectful but firm manner will soon gain for you the respect of the public, and the confidence of your employers.

Trusting you will be successful in your application,

I am, &c.,
J. Y. NEILSON,
Mayor.

Certificate from R. W. Moody, Esq., J.P.

Waratah Colliery, 14 January, 1878.

These are to certify that I have known Mr. Donald McKay, of Wallsend, for some years, and have much pleasure in stating that I believe him to be a very respectable, intelligent, and trustworthy person, and can confidently recommend his appointment to the office of Clerk of Petty Sessions for this district, which he tells me he is now seeking.

R. W. MOODY, J.P.

Certificate from J. Paxton, Esq.

225, Macquarie-street, Sydney, 19 January, 1878.

I have known Mr. Donald McKay for a number of years, and have much pleasure in bearing testimony to his high moral worth.

JOSEPH PAXTON.

C. B. Ranclaud, Esq., to Mr. D. McKay.

Dear Sir,

Newcastle, 19 January, 1878.

I am in receipt of your note of the 14th instant, informing me of your intention of applying for the Clerk of Petty Sessionship for Waratah and district. I have much pleasure in stating that from my acquaintance with you, which has extended over many years, I can testify to your steadiness and business habits, and I know of no one more suited for the appointment.

Trusting your application may meet with success,

I am, &c.,
C. B. RANCLAUD,
Returning Officer, Northumberland.

Certificate from the Mayor of Waratah.

Waratah, 22 January, 1878.

This is to certify that I have had the honor of knowing Mr. D. McKay for the last 16 years, and knowing him to be a very sober, steady gentleman, I have very much pleasure in recommending him to the appointment of Clerk of Petty Sessions for the Mining Township of this district, as I believe him to be in every way suitable for the appointment.

D. WATSON,
Mayor of Waratah.

R.

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R. Turton, J.P., Esq., to Mr. D. McKay.

Waratah, 13 January, 1878.

Dear Sir,

In reply to your request for my recommendation to the appointment of Clerk of Petty Sessions for the Waratah Court, I hereby most willingly tender this my recommendation in your behalf should you apply. I have not any knowledge as to whether so desirable an appointment is likely soon to be made or not.

Yours, &c.,
R. TURTON, J.P.

Mr. E. A. White to Mr. D. McKay.

Sydney, 18 January, 1878.

Dear Sir,

I am duly in receipt of yours of 14th instant, and note therefrom that you purpose applying for an appointment as Clerk of Petty Sessions, Waratah.

From my personal knowledge of you I feel assured you could discharge the duties of such an office with satisfaction to the department, and with credit to yourself.

Trusting you may be successful,

Yours, &c.,
ERNEST A. WHITE.

Mr. W. H. Mullins to The Minister for Justice, &c.

West Maitland, 15 January, 1878.

Sir,

Mr. Donald McKay has applied to me for a recommendation to the appointment of the Clerk of Petty Sessions at Waratah.

I have much pleasure in testifying to Mr. McKay's position as a painstaking and energetic man of business, and I have no doubt would worthily fill the office if appointed.

Yours, &c.,
W. H. MULLINS.

No. 7.

The Under Secretary, Department of Justice, &c., to Mr. D. McKay.

Department of Justice and Public Instruction, Sydney, 5 February, 1878.

Sir,

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of your letter of 22nd ultimo, applying for appointment of Assistant Clerk of Petty Sessions at Waratah, and to inform you that your application will receive due consideration in case the requisite provision be made by Parliament.

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

No. 8.

The Police Magistrate, Waratah, to The Under Secretary, Department of Justice, &c.

Police Office, Waratah, 15 February, 1878.

Sir,

Having observed that a proposal for a salary for an Assistant Clerk of Petty Sessions at Waratah is included in the Estimates, I think I ought to inform the Honorable Minister of Justice and Public Instruction that if the proposed appointment be made the person appointed will have but few duties to perform.

I presume that I will still be responsible for moneys collected and for the proper discharge of all the duties of Clerk of Petty Sessions, in which case I would continue to do all the work myself, excepting only such portion as may be unimportant, and not need supervision or anxiety on the part of the person responsible. As there is not in this office enough of the latter kind of business to keep a person employed, I feel it to be my duty to so inform the Minister.

The business of the Court, including cases of all kinds, exceeds 600 cases per year; should that, with the various other duties of Police Magistrate and Clerk of Petty Sessions, be deemed sufficient to warrant the appointment of a Clerk of Petty Sessions, separately from the office of Police Magistrate, I would be very glad to so have my duty lightened, but if it be deemed otherwise, it may also perhaps, for the reason above stated, appear to be unnecessary to appoint an Assistant Clerk of Petty Sessions.

I have, &c.,
ATKINSON A. P. TIGHE.

No. 9.

Telegram from Under Secretary, Department of Justice, &c., to Mr. D. McKay.

Newcastle, 23 May, 1878.

WOULD you be willing to accept appointment as Assistant Clerk of Petty Sessions at Waratah, with salary at £100 per annum? Please reply urgent by telegraph.

No. 10.

Mr. D. McKay to The Under Secretary, Department of Justice, &c.

Wallsend, 24 May, 1878.

Sir,

I am only this moment in receipt of your telegram of 23rd instant, the line from Newcastle having been interrupted. I will accept appointment of Clerk of Petty Sessions at Waratah at salary mentioned, providing salary is raised to same amount as others next year.

I have, &c.,
DONALD McKAY.

No. 11.

No. 11.

Telegram, Under Secretary, Department of Justice, &c., to Mr. D. McKay.

29 May, 1878.

CANNOT make any condition. Reply by telegraph at once. Minister is leaving town.

No. 12.

Mr. D. McKay to The Under Secretary, Department of Justice, &c.

Sir, 146, Phillip-street, Sydney, 30 May, 1878.

I have the honor to state, in reply to your telegram of this morning, that I will accept the office of Assistant Clerk of Petty Sessions at Waratah, unconditionally, withdrawing my letter of the 24th instant.

I have, &c.,
DONALD McKAY.

No. 13.

Minute Paper for the Executive Council.

SUBJECT :—Appointment of Assistant Clerk of Petty Sessions at Waratah.

Department of Justice and Public Instruction, Sydney, 6 June, 1878.

PROVISION having been made by Parliament for an Assistant Clerk of Petty Sessions at Waratah, I recommend that Mr. Donald McKay be appointed Assistant Clerk of Petty Sessions at Waratah, with salary at the rate voted for that office, viz., £100 per annum, from the 1st of June instant.

JOSEPH LEARY.

The Executive Council approve of the appointment herein recommended.—ALEX. C. BUDGE, Clerk of the Council.

Min., 7825, 10/6/78. Confirmed, 17/6/78.

Approved.—H.R., 10/6/78.

Gazette, 28/6/78. Mr. McKay, Bench, Waratah. Inspector General and Treasury informed.—26/6/78.

No. 14.

The Police Magistrate, Waratah, to The Under Secretary, Department of Justice, &c.

Sir, Police Office, Waratah, 28 June, 1878.

Referring to the recent appointment of an Assistant Clerk of Petty Sessions for Waratah, I respectfully beg to say that on the 15th February last I explained to you, per post, that there was then scarcely any work in this office for such an officer. The extent of business is still not sufficient to employ both a clerk and an assistant clerk. I think it advisable to thus again inform you, as I, not having received a reply to the letter above referred to, do not feel sure that it duly reached you.

I have, &c.,
ATKINSON A. P. TIGHE.

Acknowledge, and state that the letter of 15th February last was duly received.—J.L., 11 July, 1878. Done.—16/7/78.

No. 15.

The Under Secretary, Department of Justice, &c., to The Police Magistrate, Waratah.

Sir, Department of Justice and Public Instruction, Sydney, 16 July, 1878.

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of your letter of the 28th ultimo, respecting the appointment of the Assistant Clerk of Petty Sessions, Waratah, and to inform you that your letter of the 15th February last was duly received.

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

Sydney : Thomas Richards, Government Printer.—1879.

[6d.]

349—B

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT,

WITH

MINUTES OF EVIDENCE

OF

THE BOARD

APPOINTED TO ENQUIRE INTO CHARGES PREFERRED BY MR. J. F. NASH AGAINST THE GOVERNMENT STORES DEPARTMENT, &c.

PART I.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
13 *June*, 1879.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1879.

536—A

[2*s*. 9*d*.]

The Chairman of the Board to The Under Secretary for Finance and Trade.

Sir, The Treasury, New South Wales, Sydney, 12 June, 1879.

I have the honor, by desire of the Board, to hand you herewith, for the purpose of being laid before the Colonial Treasurer, the first part of their Report (with the Minutes of Evidence attached) upon the matters referred to them for inquiry under Mr. Watson's minute of 4th March last.

I am to state that the Report and Evidence deal only with the charges preferred by Mr. J. F. Nash against the Stores Department, leaving the other matters for a further Report.

I have, &c.,

G. EAGAR,

Chairman of the Board.

REPORT OF THE BOARD appointed to inquire into charges preferred against the GOVERNMENT STORES DEPARTMENT by Mr. J. F. Nash, and other matters.

The Colonial Treasurer, under date 4th March last, appointed the Board, and defined its duties by the following minute:—

Treasury Minute.

The Treasury, New South Wales, Sydney, 4 March, 1879.

Subject—Charges made by Mr. Nash against the Store Department.

I HAVE perused the papers received from the Auditor General in compliance with my minute of the 19th February; and the charges made therein by Mr. Nash, an employé in the department, are such that an inquiry is indispensable.

I therefore direct that a Board, consisting of the Under Secretary for Finance and Trade, the President of the Marine Board, and the Comptroller General of Prisons, with Mr. Eagar as Chairman, be appointed to inquire into and report on the charges preferred by Mr. Nash.

I direct that Mr. Nash, pending such inquiry, be relieved from performing any duty at the Stores, but that his salary be paid him during the inquiry, and that he be afforded every facility, by reference to the books or documents in the department, to enable him to substantiate the charges so preferred.

It is desirable that the evidence of all witnesses should be fully and carefully reported, and with this view I direct that a shorthand writer be employed.

Although this inquiry is instituted with a view to investigate the charges preferred by Mr. Nash, yet I think it is desirable the inquiry, having been concluded under this head, should be prosecuted further, and I shall be glad if the gentlemen named will direct their inquiry with the view to the general management of the department, the system of tendering, the quantities of goods likely to be required, the receipt and delivery of goods, and generally such matters as may seem to suggest anything to the Board during the progress of the inquiry, with a view to an improvement if found necessary.—J.W.

2. In view of the circumstance that a portion of Mr. Nash's charges had already obtained publicity, both in Parliament and through the Press, it was considered desirable by the Board to deal, in the first instance, with the matters contained in those charges—leaving until a later period the more comprehensive inquiry indicated in the latter portion of the Treasurer's minute. The Report of the Board will consequently be furnished in two parts or divisions, of which this is PART the FIRST.

3. The evidence taken in this inquiry discloses a remarkable case. It shows that for a period of two years, from August, 1876, to August, 1878, a person employed in the Public Service, in a position where he had but limited means of obtaining accurate and complete information, varied his ordinary duties by taking secret notes, during that time, of all the transactions to the records of which he could obtain access,—at no time reporting presumed irregularities either to the Head of his Department, to the Under Secretary of the Treasury, or to the Colonial Treasurer,—and finally reserving their disclosure until the early part of the present year, and then to a Public Officer outside the Treasury.

4. In November, 1874, Mr. Nash, upon the recommendation of Mr. Charles H. T. Pinhey, an officer of the Treasury, was admitted to casual employment in the Government Stores, in the capacity of "labourer" in name only, as his work was chiefly of a clerical nature. About the end of December, 1875, his employment became of a permanent character. In August, 1878, he commenced the compilation,

 from

from the accumulated notes of the two preceding years, (*Q.* 34, 53, 54), of the documents which appear as A 1 of the Appendix, entitled "EXPOSITION *of the systematic misuse and malversation of moneys practised at the Government Stores—previously to the action of the Examiner of Accounts entered upon at my instigation, and the consequent appointment of Mr. William Hemming as Accountant*"—subdivided into "PROLEGOMENA," "SYNOPSIS," and "EPILOGUE," and their relative papers. The sensational titles of these documents may be accounted for by the fact that, to use Mr. Nash's own words (*Q.* 31), "they were intended to be placed in the hands of a professional writer," that is to say, for the Press,—he, Nash, being at the time a paid servant of the Government in the Department which he thus assumed to criticise and condemn. He appears, however, to have changed his original intention and to have kept the documents at home for a long time (*Q.* 36) and then gave them to Mr. Rolleston, the Auditor General (*Q.* 36), on the 6th January of the present year (*Q.* 39), through the intervention of a friend (*Q.* 44). It naturally occurred to the Board that the proper person to whom, in the first intance, Mr. Nash should have reported presumed irregularities was Mr. Brennand, the Superintendent of Stores, and Head of the Department, and the following examination took place on that point:—

53. *Chairman.*] Your note-taking—not to put it offensively—extended over two years, prior to August last? Yes; always with a desire to bring it forward—I seized the first opportunity.
54. I simply ask you whether this note-taking—not to put it offensively—was going on two years before August last? Yes.
55. Did you, during those two years, ever report any apparrent irregularities to the head of your department—that is, to Mr. Brennand? Frequently. I told Mr. Brennand that there was wholesale forgery going on by that man Hill altering the requisitions.
56. How many times did you report to Mr. Brennand? About twenty or thirty; about altering the requisitions to fit the bills, to make them agree with the contractors' accounts.
57. You are quite clear that you reported them to Mr. Brennand? I was continually telling Pinhey of it.

5. This examination discloses the name of an officer of the Treasury to whom it is alleged Mr. Nash was "continually" reporting—but it is proper to test, in the first instance, his credibility in relation to Mr. Brennand. Under questions 76 to 79, the following information was elicited from Nash:—

76. *Captain Hixson.*] I think you stated that you mentioned to Mr. Brennand, about twenty times, your suspicion of some irregularities? Pardon me; not my suspicion. I showed him the figures where there were these continual irregularities in altering the figures, and he told them to stop it.
77. You did not give any official statement to Mr. Brennand which he could send on to a higher authority? No.
78. Nothing passed beyond conversation? No.
79. Did you ever make an attempt to force these matters to the head of the department through the proper channel? No. That is where I believe I was wrong.

6. These admissions on the part of Mr. Nash appeared to the Board to render his evidence, as to reporting to Mr. Brennand on the matters specified, of a very doubtful character,—and the allegation of such reports as those indicated by Mr. Nash is met by Mr. Brennand with a direct denial, as follows:—

218. *Chairman.*] Mr. Nash has given it in evidence that during the two years prior to August last he has repeatedly brought to your notice verbally irregularities in the Stores Department? No, he has not. He has brought to my notice irregularities on the part of Mr. Hill, but they were so frequent and so trivial that at last I took no notice of them. He was frequently quarrelling with Mr. Hill and one of the others—not about irregularities in the office, but about their treatment of him. I made inquiries several times, but I found that the matter of his complaints were so trivial that I took no notice of them. He made no complaints to me such as those which he has stated here.
219. I wish to have it very distinctly understood whether Mr. Nash ever, from time to time, made reports to you, verbally or otherwise, in relation to the matters now before this Board? No, he did not.
220. *Captain Hixson.*] He never complained that stores were being supplied in excess of the requisitions asking for them? No; his complaints had reference purely to personal quarrels they had in the department.
221. You never remember Mr. Nash pointing out these irregularities? No, my instructions to one and all in the department were, that they should not show the slightest favour to any contractor.

7. Then, as to Mr. Pinhey,—to whom Mr. Nash represents himself as "continually" reporting—Nash's evidence runs thus:—

58. *Chairman.*] Who is Pinhey? Mr. Charles H. T. Pinhey.
59. Do you mean one of our late Examiners of Accounts? Yes, I do; I have his permission to say that. A great many of the papers there he has returned to me for the express purpose of their being used in this way.
60. You continually reported during those two years to Mr. Pinhey? Yes; we were continually having conversations about it.
61. Was Mr. Pinhey your superior officer, or was he an officer of the Stores Department at all? I understood so.

62. Mr. Pinhey, an officer of the Stores Department, under Mr. Brennand? No; not in that way.
63. You reported to him continually? Yes.
64. You never thought of reporting to the permanent head of the department? No; because I thought you would think it impertinence or interference.
65. Was it not an interference to report to Mr. Pinhey? No, because we were friends.
66. You reported to him because he was a friend of yours? He and I were in friendly conference, and I pointed matters out to him. There is a declaration that I am willing to swear to.
67. You had continual conversations with Mr. Pinhey? Yes.
68. But you never thought it necessary to go beyond Mr. Pinhey? I thought he would do it.

8. But Mr. Pinhey, in his evidence taken at a later period of the inquiry, gives a very different version of his relations with Nash. (*Q.* 947 to 959.) He admits that Nash often "spoke to him" and "wrote to him occasionally," but denies that these communications were received by him as "official," or that they were used by him as the basis of any official action. He adds—(*Q.* 957) "any communication which Mr. Nash has addressed to me, I have never looked upon as information forwarded to me. I have, as a matter of fact, looked upon them as the outcome of a very distorted brain; and I have again and again desired him to cease communicating with me." See also *Q.* 1019 and 1022.

9. It also occurred to the Board as remarkable that Mr. Nash should not have found means to report "*systematic misuse and malversation of moneys practised at the Government Stores*" to the Colonial Treasurer, the responsible Minister at the head of the department. Offences of so grave a character, *if true*, would have entitled the honest public servant who disclosed them to the thanks of the Government, and possibly to some well-merited reward, had the proper course been taken for their disclosure. The views which Mr. Nash entertained on this point are shown in the following extracts from his evidence:—

69. *Chairman.*] May I ask you why you selected the Auditor General in preference to the head of the Treasury? I seized the first opportunity that presented itself. I wanted to get it to Mr. Piddington when he was Treasurer.
70. But how was it you never sent these papers on to me? It is difficult for a man to account for what he has done, and far more for what he has not done.
71. However, the fact is that you communicated with Mr. Pinhey and not with me? We drifted into it. M'Veigh is the person who is responsible for all this in deceiving Mr. Brennand. We drifted into it conversationally. It was not sought by Mr. Pinhey on his side, nor was it intentional on mine.
72. It does not appear to me that you have given any reason why you should go to the Auditor General instead of the Colonial Treasurer? It was accidental; simply because I had a friend who had great influence with the Auditor, and the Auditor was a man who would be likely to——
73. Likely to do what? He had sufficient prestige to force the matter into notice.
74. How was it to be brought into notice except through an inquiry? I mean that the Auditor General had sufficient power to force the thing being ventilated.
75. More power than the Colonial Treasurer, who is responsible to Parliament for the conduct of the Stores Department? That was my opinion. Perhaps I was wrong.

10. On the 6th of January of the present year, Mr. Nash, through the intervention of a "friend," laid the document referred to as "A 1" of the Appendix and the relative papers before the Auditor General. It appears from Nash's evidence that he had several interviews with Mr. Rolleston,—to use Nash's own words, "I had long talks with him—I had long conversations with him before he had the papers." But the history of this part of the transaction will be best shown by further quoting from Nash's evidence:—

41. *Chairman.*] Did you place these papers in the hands of the Auditor General personally? Am I obliged to answer that question?
42. I think so? I have pledged my word not to say who it was introduced me to Mr. Rolleston.
43. We have got these papers by a circuitous route, and we have a right to trace them step by step. You are a paid servant of the Government, and we are entitled to know from you every step by which these papers have come into our hands? If I am compelled to say how it was done, I suppose I must.
44. I do not say compelled—I say it is necessary to the inquiry? A friend gave them to Mr. Rolleston.
45. I must now insist that you tell us how it was that these papers reached Mr. Rolleston's hands—who gave them to him? Will not Mr. Rolleston tell you?
46. We want the information from you as the prime agent in the matter? I gave a promise, and I do not want to break my promise. I am willing to bear the blame. I gave them to Mr. Rolleston substantially. The fact is, that being in a lowly position I could not have gone to Mr. Rolleston without some kind of introduction.
47. Do you distinctly decline to say how you gave them to Mr. Rolleston? I gave them to him indirectly through a friend.
48. Did you see Mr. Rolleston personally? Yes, I had long talks with him.
49. Had you many conversations with him? I suppose three or four. I had long conversations with him before he had the papers.
50. Did he send for you? I had a letter of introduction to him.
51. From whom? From the same person I have referred to, and I have promised not to reveal his name. I do not wish to bother any one else with this affair; I have had quite enough to do with it myself.
52. You decline to say who gave you a letter of introduction to Mr. Rolleston or how these papers reached him? I must do so at present. I will try and get a release from my promise.

11. Having traced the papers to the hands of the Auditor General, it then became important to know what action Mr. Rolleston took in the matter. It appears that he received the papers from Nash on the 6th January, 1879—that he retained them in his possession for nearly seven weeks, and on the 21st February sent them to the Treasurer. The following extracts from Mr. Rolleston's evidence will show why these papers were delayed.

1033. *Chairman.*] What action did you take when you received these papers from Mr. Nash? I looked through them; and they seemed to me to disclose matters which had somewhat of a serious complexion, so much so that I was doubtful what to do. When Mr. Nash came to me I advised him to go to the Treasurer, and relieve his mind to him by saying what he had to say. I told him that was the proper course to adopt, but he said that he could not do that—that he would not be allowed to see the Treasurer, and that it was as much as his place was worth to attempt it. He begged me to look into the papers, which I did; and upon looking into them I thought it was desirable to ask the Crown Solicitor whether some of the statements contained in the papers were such as involved any criminality. I took this course rather than come to the Treasurer, because I wanted to ascertain from the Crown Solicitor whether there was anything in the matter or not which might become the subject of legal proceedings. He returned them to me a few days afterwards, and he said that, although he saw nothing in them that he could take notice of or initiate or advise any proceedings upon, yet the charges were of so serious a nature that I ought to make a report on the matter to the Treasurer, who was the only Minister who could move in the matter.

12. The reasons given by the Auditor General for being set in motion by the subordinate officer of a Public Department, and communicating so promptly with the Crown Solicitor for the purpose stated—anticipating, as it were, the action of the Minister, and, in effect, denying the accused parties an opportunity of explanation, are as follows:—

1039. *Chairman.*] Of course I desire to be excused from saying anything appearing in the slightest degree disrespectful to yourself or your office, but I should like to ask this question—Whether you considered it came within your function as the head of the Audit Office, to make inquiry into this matter behind the back of the Minister, and to go to the Crown Solicitor upon the subject; because on reading the Audit Act I see no power given to the Auditor General to initiate legal proceedings, but, on the contrary, his function appears to me to be of an *ex post facto* character, and that his duty is to check the public expenditure? I considered that when charges of that kind were placed in my hands it was my duty not to put them behind the fire, but to investigate them as far as I could, having previously had great reason to complain of the irregularity with which the financial business, at all events, of the Stores Department, had been conducted.

13. On examination, Mr. Rolleston confirmed the fact of his personal interviews with Mr. Nash, as follows:—

1044. *Chairman.*] I should like to call your attention to the various questions and answers put to Mr. Nash in which your name occurs. Mr. Nash was asked at question 48: "Did you see Mr. Rolleston personally?" and his answer was—"Yes, I had long talks with him." He was then asked: "Had you many conversations with him?" and he answered—"I suppose three or four. I had long conversations with him before he had the papers." Mainly with a view to test the credibility of Mr. Nash, I ask you if these statements are true? I think he brought the papers with him when he came to see me, but I am not quite clear about it.
1045. Did he come to see you on more than one occasion? He came to me on two or three occasions; I do not think more.

14. The papers reached the hands of the Colonial Treasurer, as already mentioned, on the 21st February last. On the 29th of the preceding month the Auditor General had waited upon the Treasurer and intimated that he had charges of a "very serious nature" to prefer against the Stores Department. On being requested to state his charges in writing, the Auditor General replied—"Of my own knowledge I have no charges to prefer, other than as to the irregularities in the accounts, which from time to time have been brought under the Treasurer's notice." He goes on to say that "since my last communication (26 September) on the subject, information has been communicated to me personally of a nature which, after consulting the Crown Solicitor, I felt it my duty to bring under Mr. Watson's notice." The information here referred to, turned out to be that contained in Nash's papers, and the following interchange of letters and minutes between the Treasurer and Auditor General took place thereon:—

The Under Secretary for Finance and Trade to The Auditor General.

Sir, The Treasury, New South Wales, Sydney, 30 January, 1879.

Referring to your conversation of yesterday with the Colonial Treasurer, with respect to certain charges of a very serious nature which you had to prefer against the Department of Stores, I am now directed by Mr. Watson to request that you will have the goodness to make these charges in writing and forward them to me at your earliest convenience, so that steps may be taken to investigate them at once.

I have, &c.,
G. EAGAR.

The

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The Auditor General to The Under Secretary for Finance and Trade.

Sir, 3 February, 1879.

In reply to your letter of 30th ultimo, asking me to make in writing certain charges of a very serious nature against the Department of Stores, I do myself the honor to state, that of my own knowledge I have no charges to prefer, other than as to the irregularities in the accounts, which from time to time have been brought under the Treasurer's notice.

Since my last communication on the subject, information has been communicated to me personally of a nature which, after consulting the Crown Solicitor, I felt it my duty to bring under Mr. Watson's notice.

The representations that have been made appear to be supported by documentary evidence, and to require searching investigation; but I cannot consent to be placed in the position of prosecutor or accuser, as I am not in a position to prove the allegations which my informant is ready to bring forward.

I would venture to suggest that, in the event of the Colonial Treasurer ordering an inquiry, protection should be guaranteed to any officer volunteering evidence.

I have, &c.,
C. ROLLESTON.

Treasury Minute.

The Auditor General's letter, *re* Stores Department.

The Treasury, New South Wales, Sydney, 19 February, 1879.

I HAVE perused the annexed letter from the Auditor General, of date the 3rd instant, and I am glad to find that, after having been requested by me to state in writing any charges which he had to prefer against the Store Department, he now admits "of his own knowledge he has no charges to prefer, other than as to the irregularities in the accounts, which from time to time have been brought under the notice of the Treasurer." I am informed by the officers of the Treasury that these "irregularities" are of a trifling character, and such as might occur in any large department crowded with details, and liable for that reason to casual error. But on the other hand I cannot but express my surprise that, in the face of this acknowledgment on the part of the Auditor General, he should confess himself to have been the recipient of information concerning the Store Department which he states "appears to be supported by documentary evidence, and to require searching investigation," and which he thought of so much importance as to necessitate a consultation with the Crown Solicitor, with a view, I presume, to criminal proceedings; and that this should be done without any previous reference to me as the Minister under whom the Store Department is placed.

The Auditor General states in the second paragraph of his letter that, "after consulting with the Crown Solicitor, he felt it his duty to bring the matter under my notice." The fact, however, is that at the interview when the Auditor General introduced the subject, he gave me no definite information in reference to the matter about which he had consulted the Crown Solicitor, nor is the information yet supplied. He proposed to make a report of a general nature, but I informed him that I could only deal with specific charges, and that if these were preferred they should at once be dealt with.

I am particularly anxious that the Store Department should be free from suspicion, and I shall be glad if the Auditor General will now supply me with the information which, in the protection of the public interests, he conceived it to be his duty to submit to the Crown Solicitor; so that, although the information may not be such as to enable criminal proceedings to be instituted, yet that I may institute an immediate and searching inquiry if found to be necessary.—J.W.

The Auditor General.—G.E., 19/2/79. Papers to be returned. B.C.

The Auditor General having received Mr. Watson's assurance of protection to his information, has great pleasure in placing Mr. J. F. Nash's papers at the Colonial Treasurer's disposal.—C.R.,21/2/79.

Treasury Minute.

The Treasury, New South Wales, Sydney, 22 February, 1879.

Subject—Charges made by Mr. Nash against Store Department.

I HAVE received the papers as requested in my minute of the 19th instant, and have read the Auditor General's minute thereon, which is quite correct as to my assurance of protection against the party making the charge, whose name was not communicated to me at the time. When I gave that assurance, I inferred that the charges made would probably lead to a criminal prosecution, and I was led to this inference from the fact that the Auditor General had already conferred with the Crown Solicitor with a view to criminal proceedings; and the assurance which I gave was with a view to protection from legal proceedings in consequence of any information he might supply, and I presume this was the protection sought by the Auditor General, as I could not be a party to binding myself from taking any action against one of the officers of this department, if his conduct demanded any action being taken.

I shall be glad to know from the Auditor General when and how the papers alluded to came into his possession.—J.W.

The Colonial Treasurer's protection was sought in Mr. Nash's behalf, solely to secure him in the position he holds in the Service; and the assurance of that protection was frankly accorded by Mr. Watson (as the Auditor General clearly understood) in that behalf.

No allusion was made to criminal proceedings, and the Auditor General would be sorry to be thought guilty of such an impropriety as that of bespeaking the Treasurer's favour in respect of any such proceedings.

The papers were placed by Mr. Nash in the Auditor General's hands some few weeks ago.

If the allegations contained in them can be refuted, so much the better—but a searching and impartial inquiry would seem to be the only means of determining their reliability.—C.R., 24 Feb., 1879.

Treasury Minute.

The Treasury, New South Wales, Sydney, 4 March, 1879.

Subject—Charges made by Mr. Nash against the Store Department.

I HAVE perused the papers received from the Auditor General in compliance with my minute of the 19th February; and the charges made therein by Mr. Nash, an employé in the department, are such that an inquiry is indispensable.

I therefore direct that a Board, consisting of the Under Secretary for Finance and Trade, the President of the Marine Board, and the Comptroller General of Prisons, with Mr. Eagar as Chairman, be appointed to inquire into and report on the charges preferred by Mr. Nash.

I direct that Mr. Nash, pending such inquiry, be relieved from performing any duty at the Stores, but that his salary be paid him during the inquiry, and that he be afforded every facility, by reference to the books or documents in the department, to enable him to substantiate the charges so preferred.

It is desirable that the evidence of all witnesses should be fully and carefully reported, and with this view I direct that a shorthand writer be employed.

Although this inquiry is instituted with a view to investigate the charges preferred by Mr. Nash, yet I think it is desirable the inquiry, having been concluded under this head, should be prosecuted further, and I shall be glad if the gentlemen named will direct their inquiry with a view to the general management of the department, the system of tendering, the quantities of goods likely to be required, the receipt and delivery of goods, and generally such matters as may seem to suggest anything to the Board during the progress of the inquiry, with a view to an improvement if found necessary.—J.W.

15. Having thus traced the history of these papers from their inception until they reached the hands of the Colonial Treasurer,—and through the Minister, the Board of Enquiry,—it is necessary, for a clear understanding of the subject, to show briefly, in the first place, of what these papers consist, and the nature of the charges preferred. The papers consist principally of what is termed the "PROLEGOMENA," succeeded by a "SYNOPSIS" embodying ten charges, followed by a commentary upon and amplification of the charges. In these documents the Government Stores Department is accused, in violent and exaggerated language, of "systematic malversation and misuse of Government moneys,"—of "understating the 'probable quantities' in contracts for collusive purposes,"—of "allowing contractors to supply largely in excess of quantities ordered when profitable to them to do so,"—of "allowing contractors *not* to supply when inconvenient to do so,"—of "withholding five-sixths of goods supplied, from contract,"—of "systematic disregard of clause V in the conditions of contract,"—of "the non-examination of receipts for goods when payments are made," —of "soliciting departments to take goods in excess of requirements in order to legalize payments,"—of "adding to requisitions of past years to procure payments of accounts,"—of "paying for goods never supplied,"—of "keeping goods in stock in large quantities, and supplying contractors with information thereon, so as to enable them to manipulate their tenders." In a word,—under these charges, the Government Stores Department is made (upon the *ex parte* statements of Nash—prepared for publication in a newspaper), to appear as existing solely for the interests of the Contractors, and as disgraced by every form of corruption and dishonesty. In addition to these charges against the Department, accusations of drunkenness and falsification of the Time-book are made against members of the staff with whom Nash was a co-worker; all disproved, as subsequently shown, by the evidence taken in the course of the inquiry.

16. The first noticeable point that occurred to the Board, in connexion with these charges, was—that when the papers were placed by Nash in the hands of the Auditor General, on the 6th January last, they were so placed as to produce a strong impression on the mind of that officer, that all the delinquencies complained of *were in full operation at that time.* In no other way is it possible to account for the rapid and decisive action of Mr. Rolleston, in resorting to the Crown Solicitor, for the purpose of taking criminal proceedings, without even a reference to the Treasurer. Yet the evidence shows, that about the end of May, 1877, under an instruction from a previous Treasurer (Mr. Stuart), a searching enquiry was made by Mr. Thomson, the Chief Treasury Inspector, into the management of the Stores Department, resulting in the correction of many irregularities,—and the introduction of necessary reforms;—a fact which is entirely ignored in Nash's papers,—and which, in the course of his examination, he is brought very unwillingly to admit. (*Q.* 514-515.)

17. In course of the enquiry referred to (Appendix C 1), which commenced on the 2nd June, 1877, and extended over several months, Mr. Thomson found that many irregularities existed, which arose from the circumstance that "the accounts were kept on no intelligible system—that there was neither a reliable departmental check upon the receipt and issue of stores, nor any satisfactory audit of the expenditure of the Store Vote." He addressed himself to the task of reform, and began by directing stock to be taken—for which purpose the Stores were closed from the 2nd to the 4th July, 1877. A new Stock Book and other necessary books were then

then opened. A thorough check was established upon stores delivered by Contractors to the various public departments and into the store for 'Stock'—and issue therefrom, as requisitions for supplies came in. Up to the time of Mr. Thomson's examination, not only were the books then kept insufficient for the purposes of so large and varied a department, but there was not upon the Staff a person qualified to keep them. He accordingly recommended the appointment of a qualified Accountant, to take charge of the principal books in the new system of accounts which he then established. On this recommendation, concurred in by the Under Secretary of the Treasury, Mr. William Hemming (late "Commissioner for Stamps")—was appointed to the office of Accountant, on 21st August 1877. Two persons in the Stores Department,—upon whom fell the responsibility of the bulk of the past irregularities,—were compelled to resign. Stringent regulations were made for the conduct thenceforward of the Stores business, which were approved by the Treasurer and communicated to the Examiner of Accounts, the Superintendent of Stores and the Auditor General. Provision was also made for the first time to secure, on the part of the last-named officer, an effective audit, in detail, of the Store transactions. At the close of his Report, Mr. Thomson states—"I can assure the Hon. the Treasurer (writing in Oct. 1878) that ever since I commenced my enquiries into the accounts of the Stores Department, I have taken every opportunity to watch and direct the working of the new system, and I think I am justified in saying, that I consider it now in a state of thorough efficiency—and no one will be more surprised than myself, if any of the charges brought against the Department by the Auditor General, can be shown to have arisen entirely from any defect in the system I introduced last year, at the expense of days and nights of hard work and anxious consideration." Mr. Thomson, finally, suggests that the Auditor General should be "invited to visit the Stores—examine the Books—and investigate the system of accounts now in operation as fully as he chooses, and confer on any matters relating thereto, with Mr. Brennand, Mr. Hemming, or myself." This Report or Memo: was sent to the Auditor General on 30th Oct. 1878, and came back to the Treasury on 4th Nov. 1878, endorsed "Read and returned. C.R."

18. Preliminary to the examination of Mr. Nash's charges, in detail, it would be well to point out what the evidence shows on the general allegation of "fraud" in the Department. At the outset, when Mr. Nash is asked (*Q.* 32) if paper A 1 contained "all his charges,"—he replies—"Yes—against the *system*—not against anyone *individually*—against the plan of operations. It is beyond my province to say who is responsible for it." When at *Question* 354, it is pointed out to him that "irregularities" are one thing and "fraud" another, and that the Board desires to get some evidence of "fraud,"—he replies—"I cannot prove fraud—I have said so repeatedly." In the Auditor General's examination—(*Q.* 1,043)—he is asked "You have already stated that although you believe there have been great irregularities in the accounts kept at the Stores Department, yet so far as your close investigation has gone, you have discovered nothing amounting to fraud?" Mr. Rolleston replies—"I cannot say that I have—I do not think so—I have no reason to think there has been fraud." Mr. R. T. Hall, the experienced Inspector of Accounts in the Audit Office, is asked (*Q.* 1,429) "Have you, in point of fact, any charge of fraud to make against the management of the Stores Department?" He answers "None of fraud." Again—(*Q.* 1,430) "Has the Audit Office?" He answers—"Not that I am aware of." He is again asked—(*Q.* 1,431) "Have you during your three years'

examination

examination of accounts, any case which you can submit to the Colonial Treasurer, as indicating fraud in the management of the Stores Department?" He again replies—"Not of fraud." Mr. Thomson, the Chief Inspector of Public Revenue Collectors' Accounts at the Treasury, is asked—(*Q.* 1,326) "In the course of your enquiries had you any reason to suspect fraud on the part of the Superintendent of Stores?" He answers—"I never came across anything which would lead me to suspect fraud on the part of the Superintendent of Stores, or of any officer of the Stores Department."

19. Having thus disposed of the general allegation of "fraud,"—it now became the duty of the Board to enquire into the merits of the detailed charges, referred to at page 10, as contained in the "SYNOPSIS" and supported by the relative papers.

20. Taking these charges in the order of their importance, it appeared to the Board that the greatest weight attached to the one which alleges that five-sixths of the goods annually supplied for the public service are excluded from the benefit of prices obtained by public competition and tender. This would imply—that taking the annual supplies through the Stores Department to be, in round numbers, £75,000,—of this sum only to the extent of £12,500 was taken under prices fixed by contract, leaving an annual value of £62,500 to be supplied at any price the vendors might choose to demand. The Board naturally supposed that Mr. Nash's two years' investigations would enable him to produce some very elaborate calculations and decisive evidence in this important matter. Mr. Nash produced to the Board as his only evidence (*Q.* 364 to 372,) three accounts of Mr. R. Sands for stationery supplied at the close of the year 1876, amounting to £90 11s. 8d.—of which £35 17s. 2d. was not in contract, and from these meagre premises deduced the sweeping inference that five-sixths of £73,718 11s. 6d., the supply for 1876, was also not in contract! This part of the examination was speedily concluded. In reply to *Q.* 372,—"that, in fact, your allegation that five-sixths of the goods supplied for the year, are not in contract, is not correct,"—Mr. Nash answers,—"I admit that I have made a mistake—that my calculation is erroneous." See also *Q.* 795.

21. It, also, appeared to the Board,—that another charge was of grave importance—where it is stated that "Contractors are allowed to supply largely in excess of quantities ordered when profitable to them to do so." This charge is clearly intended to imply collusion between Contractors and the Stores Department, for the public disadvantage. The Board called upon Mr. Nash to substantiate the charge, and he produced the following cases in proof—all occurring in the year 1876:—

Q. 184.	418	yards Scotch Twill,	supplied	"Gladesville Asylum,"	in excess, @ 6d.	.....	£10	9 0
,, 575.	10	gallons Oil	,,	,,	,,	.....	(price not stated)	
,, 583.	1	ream of Paper	,,	"Survey Office"	,,	.....	(do.)	
,, 589.	19½	yards Calico	,,	"Lunatic Asylum, Parramatta"	,,	.....	1 3	0
,, 592.	52½	,, Canvas	,,	"Gladesville Asylum"	,,	.....	0 17	0
,, 597.	92	,, Huckaback	,,	"Parramatta Lunatic Asylum"	,,	in quantity and price	5 9	4
,, 621.	4½	,, Scotch Twill	,,	"Gaol at Berrima"	,,	,, ,,	6 7	0
,, 616.	14	,, Printed Calico	,,	"Roman Catholic Orphan School"	,,	.....	0 18	0
,, 623.	Black Thread	.....					0 3	9

In 1877:—

Q. 130. 44 yards Brown Coburg, supplied "Protestant Orphan School" @ 1s. 2d. in excess..... 2 11 3

These were all the cases which Mr. Nash could produce as instances of the "large excesses" which were so profitable to Contractors. The charge broke down, in fact, from the commencement. At *Question* 204, referring to a particular requisition then under discussion, and supposed to show these profitable excesses,—Mr. Nash is asked, "can you show us by this requisition, that any profit accrued to the Contractor?"

Contractor?" He replied—"that is only supposition on my part,—I ought not to have put that into my statement. You must deal with me as you think proper in regard to that. It would be utterly impossible for me to prove the benefit accruing to the Contractor in any case—utterly impossible." See also *Q.* 210 and 211.

22. The Board, however, were not satisfied with this breaking down of the case, and having been authorized by the Colonial Treasurer to employ a competent Accountant to aid them in their enquiries, they directed an examination by him of the Store Requisitions to determine accurately this particular matter. The year 1876 was selected, as that immediately preceding the year of reform, and also for the reason that most of Mr. Nash's cases are taken from that year. The requisitions for 1876 (which constitute the whole of the orders for supplies) are bound up in six large volumes, and are 2,937 in number. On each of these requisitions the quantity in excess of the original demand is stated—so that each document shows on the face of it the extent to which the supply has been enlarged. The result of the Accountant's examination is as follows. The total expenditure for supplies for the year 1876 was £73,718 11s. 6d. The total amount of excesses over original requirements during the year was £1,296 14s. 6d. These excesses are spread over 226 requisitions. They consist of 447 items varying in amount from one shilling upwards,—and the average excess is £2 18s. on each item.

23. Irrespective of these excesses on the original requisitions for 1876, the Accountant's examination also shows that during that year those requisitions have been *reduced* by the sum of £3,321 15s. 7d. These reductions are spread over 216 requisitions, and consist of 501 items, varying in amount from one shilling upwards, and giving an average of £6 12s. 7d. for each item.

24. Mr. Nash's evidence in relation to this particular matter is very disingenuous. He is asked (*Q.* 166) "Have not reductions been made on the requisitions, and less quantities ordered and supplied, than those asked for?" He replies: "I have not seen any." He is again asked—(*Q.* 167) "Can you say whether requisitions have not been reduced?" He replies, "I am not in a position to say that." But when he is asked (*Q.* 168) "Nor are you in a position to say whether they have been largely increased?"—he replies—"They have been largely increased." The Accountant's examination shows that the decreases are nearly thrice the amount of the excesses.

25. It may be added, that Mr. Brennand, the Superintendent of Stores, has always had and exercised a general authority to reduce store requisitions, when in his judgment they appeared to be excessive.

26. The Board also directed the Accountant to examine, in detail, the requisitions of 1878, the year after the establishment of the new system of accounts by Mr. Thomson, for the purpose of ascertaining what improvement, on this head, had thereby been effected. It may be stated here, once for all, that the enlargement of or adding on to requisitions of which Mr. Nash desires to make so much, arose from the insufficient character of the store account books prior to the 1st July, 1877. When an original or first requisition was sent in, it was very frequently, for a long time thereafter, made to answer the purpose of a supplementary requisition for further supplies,—and by recording the payments for those supplies upon the requisition itself, the functions of a Cash Book and Ledger were, so to speak engrafted upon the original document. This, as a matter of account, was

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an irregular system while it prevailed, but it is now a thing of the past. The examination of the Accountant shows, that out of 4,823 requisitions for 1878, eight have been enlarged to the extent of £17 8s. 2d., while 146 have been reduced to the extent of £703 13s., chiefly by striking out items of stationery.

27. Another charge which also appeared to the Board to be material, as implying collusion with contractors, is that which alleges that "they are not allowed to supply, if inconvenient to do so." The cases produced by Nash in proof of this charge are of the same trivial character as those which were adduced in support of the last preceding charge. The first case, No. 3,776 of 11th October, 1878, (*Q.* 225–232) relates to the supply of a quantity of sealing-wax, on the demand of the General Post Office, from the contractor for stationery, Mr. R. Sands. The allegation by Nash is, that Sands never supplied the sealing-wax, and that no pressure was put upon him to compel supply. Mr. Brennand explains (*Q.* 302–315) that he allowed Sands two days, and then on failure to supply telegraphed to Melbourne and procured a large quantity at the contractor's risk, for which he, the contractor, was liable to the Government in the sum of £45 7s. 10d., and which was made good by him, under the conditions of his contract. The next case, No. 2,677, November 23rd, 1876 (*Q.* 233–248 and 316–325), relates to the non-supply of a set of standard weights and measures for the Police Office, Dungog. The allegation is that the contractors were not allowed to supply these, because inconvenient to do so. Mr. Brennand explains (*Q.* 1219–1221) by producing a memo. from the Clerk of Petty Sessions, Dungog, showing that the standard weights had been received, but not the set of standard measures or the strike, which the contractors stated could not be got either in Sydney or Melbourne, and which Mr. Brennand states have to be specially imported for the Government. The remaining case,—2,359 of 22nd November, 1877 (*Q.* 248–252) relates to "Avery's weighing-machines." The allegation of Nash is, that in November, 1877, when an Avery's weighing-machine, to weigh 5 cwt., was in the contract of that year at the nominal price of 10s. no effort was made to compel supply until March, 1878—when the contract price of the same article was £10. Mr. Brennand explains (*Q.* 1216) that he was not aware of the delay in the supply—but when he became aware of it, he ordered a weighing-machine from Mr. John Keep, at Mr. Cohen's risk, at a cost of £10, which Cohen had to pay. He adds that the "probable quantity" of this article for 1876 was six weighing-machines put down at 10s. each,—three out of which he ordered as required from Cohen, and one from Keep, as already stated, at Cohen's risk. He further adds (*Q.* 1218) that a similar case occurred in 1876—with the same contractor—when gauging-rods worth £5 5s. per set were contracted for at 5s. per set, and of these the Government ordered and obtained from the contractor five sets.

28. Another material charge, implying collusion with contractors,—is that of "keeping goods in stock in large quantities, and supplying contractors with information thereon, so as to enable them to manipulate their tenders." The Board understand by this, that it is alleged that a knowledge of these large stocks is improperly acquired by contractors, who are thus enabled to tender at nominal prices for articles included in those stocks and therefore not likely to be wanted—as against articles not in stock, and for which a higher than market value could be tendered,—so as to make the total computation in their favour. This charge rests entirely upon the credibility of Mr. Nash. His examination

thereupon is contained in Questions 450 to 515, and again in 866 to 869. His sole references, on the question of "large stocks" at "low prices," are to some penholders at 2½d. per gross, (*Q.* 451 and 476), and some demy envelopes costing 20s. (*Q.* 480.) But throughout his evidence he makes admissions—under which the case completely breaks down. First—as to his knowledge of the "stock" account—he is asked (*Q.* 466) "How does this surplus stock arise—how does it come about?" He replies "I cannot tell you that." Again—in answer to *Q.* 470 he says "I never had any work connected with the stock to admit of my obtaining a full knowledge of it. Then—as to the class of goods with which he is familiar, he says (*Q.* 475)—"Stationery goods are the only ones that have come under my knowledge particularly." Then, on the question whether information was given to contractors by the employés of the Department, he says (*Q.* 491) "No—I cannot say that." He is asked (*Q.* 492) "Are you of opinion that the contractors are in possession of the information?" He replies—"Not now—that has all been stopped—they do not get the information now." He is asked (*Q.* 494) "Do you consider that a better state of affairs prevails now than used to prevail there? He replies, "Yes—infinitely better—but there is still a great deal that requires to be corrected." He is asked (*Q.* 496) "Can you give any instance within your knowledge in which a contractor obtained an advantageous contract by reason of his knowledge of the stock in store?" Answer—I cannot." Mr. Brennand, examined in his turn, says, in reference to this charge (*Q.* 1249), "If by this allegation it is meant that information has been supplied from the Stores to intending contractors as to the stock of particular articles, with a view to influence their tendering, it is entirely false." Again, upon the question (*Q.* 1250) "Is there or has there been such an amount of goods kept in stock as would influence contractors in tendering, even if they had a knowledge of the stock?" Mr. Brennand answers—"Certainly not—not for years past."

29. The Board further were of opinion, that the charge of "under-stating the probable quantities in contracts, for collusive purposes," was of a very grave nature. It should be explained, that in the printed forms of tender for general store supplies, opposite each article quantities were stated, in figures, which were presumed to meet the store requirements for the year,—and these were termed the "probable quantities," up to which the contractors were bound to deliver. If these quantities happened to run out within the year, the Government then had to call for fresh tenders, or purchase at the price of the day—presumably a higher price than that in contract. In refutation of this charge, as depicting a state of things now or lately existing, it will be sufficient to say that the system above described has been abolished by the Treasury since the middle of 1877, so as to govern the contracts of 1878 and the present year. The new condition of contract now in force is as follows:—"The contractor to supply the article specified in the accompanying schedule, or any portion thereof, at the prices affixed by him against the respective items, in such quantities as may be ordered from him, and within such time as may be allowed for the completion of the order; but the Government does not bind itself to accept such supplies to the extent of the 'probable quantities' specified against each item; and it is also to be understood that should the 'probable quantities' given in the Schedule prove insufficient for the requirements of the Government, *the contractor will be bound to supply such further quantities as may be required, at the same rates at which the contract was accepted.*" It is but just, however, that Mr. Brennand should be heard as to the practice prior to the change. He states (*Q.* 110–119) that since 1872, the rule observed by him was to obtain the

the estimated "probable quantities" from the Heads of the Departments concerned, —save in minor cases, where he exercised his own judgment;—but "in all important cases he relieved himself of immediate responsibility by obtaining the requisitions of the Heads of Departments themselves." Mr. Nash was present at this examination, and was asked (*Q.* 118) "Have you anything to ask Mr. Brennand?" He answered, "No." In his own examination he admits that there has been no collusion—(*Q.* 104) —that he does not allege any collusion between Mr. Brennand and the contractors (*Q.* 109. See also *Q.* 738).

30. Mention may be made here of a case involving the question of "probable quantities," which has attracted some public notice—namely, the contract for kerosene oil with Mr. Sydney Cohen, for the year 1877. An impression has gone abroad that through some supposed collusion with the Stores Department, the "probable quantity" was designedly understated—that it gave out during the first two months of the year—that Mr. Cohen supplied during the rest of the year at a largely increased price, and that no effort was made to obtain a new contract. The Board examined into this matter, and find the facts to be as stated in Mr. Brennand's evidence (*Q.* 1488.) Mr. Brennand says:—"With respect to the supply of kerosene oil, for 1877, I may state that the quantity for 1876 was 1,000 gallons. The estimate of a like quantity for 1877 was based on the recommendation of the President of the Marine Board, to whom reference was made. The quantity estimated proved wholly insufficient for the service of the year, owing to the increased demands made by the Superintendent of Telegraphs for his department, and from the further fact that the President of the Marine Board introduced kerosene oil for the first time into the lighthouses for the purpose of mixing with the teil oil, (which up to that time had been solely used in those establishments), for the purpose of increasing the brilliancy of the light. The contract quantity of oil thus proved totally inadequate, and became exhausted in the month of March of that year. I then sent the Chief Clerk personally to obtain tenders from the principal importers. Kerosene oil at that time was in great demand. Mr. Keep refused to tender at all for a fixed period. In my difficulty I ordered from S. Cohen what was then urgently required, his offer being the lowest. The total quantity of oil supplied in excess of contract was 240 gallons, on which the difference in cost was £9. Public tenders were called for on the 6th August, 1877, for 800 gallons, that being the quantity for the remainder of the year. Mr. Cohen was the only tenderer, the price being 2s. 2½d., and his tender was accepted."

31. Having disposed of the more serious charges against the Stores Department, regarded in its relation to Contractors,—it then became the duty of the Board to consider the remaining charges, which are more especially connected with Departmental management.

32. Taking these in order—the first charge alleges "systematic disregard of clause V in the conditions of Contract." The clause is as follows:—

> If the contractor neglect or refuse to supply the articles contracted for, or fail to deliver the quantities ordered within a reasonable time, the Government shall have power to purchase in any way that may be deemed best a supply of similar articles to meet the difference, and to charge the contractor with the excess of price if there be any that may have been paid for such articles over and above the price fixed in the contract, such excess to be either stopped or abated from any money payable to the contractor under this or any other contract, or if demanded by the Government must be paid within fourteen days, and in default of payment shall be recoverable with costs of suit.

33. This charge rests entirely upon the credibility of Mr. Nash. In his examination, he produces no special evidence in support of it (*Q.* 373–375). Mr. Brennand, when examined as to this charge, and asked (*Q.* 1236): "Can you from your own knowledge

knowledge of the business of the Stores Department say whether this statement is true or otherwise?" Answers: "In all cases of default on the part of the Contractors that have come before me, I have at once written to them officially, and insisted upon compliance with the order. Mr. Nash's statement is not correct."

34. The next charge is—the "non-examination of receipts for goods when payments are made." This charge also rests entirely upon the credibility of Mr. Nash. He indeed admits it to be "merely an allegation on his part" (*Q.* 377). And at that point it stops. No evidence whatever has come before the Board in support of it, and the explanation furnished by Mr. Brennand is considered satisfactory. That officer is asked (*Q.* 1237-8) whether Mr. Nash's statement is a truthful one? He replies—"It is not, and I should like to call your attention to the flippant way in which Mr. Nash makes these assertions. The fact, so far from being as Mr. Nash represents, is this—that every account is subjected to three distinct checks. In the first place one clerk checks the receipts with the accounts to see that the goods charged for have been supplied. The next step was to compare the rates charged with the contract prices, and the third was to mark them off on the requisition to prevent double payments. No account is allowed to pass until the requisition has been referred to, and if it was marked off as paid in red ink it would at once be seen that the account had been sent on to the Treasury for payment. Such an account would be withdrawn."

35. Then follows the charge of "paying for goods never supplied"—a very important charge if true. The particular case brought forward to substantiate this charge is No. 2,227 over 2,058 of 29th January, 1877—and relates to a case or package of doeskin, value £52 10s., paid for by the Stores Department on the presumption that it had been sent to the Bench at *Camden* for the use of the Aborigines of that District. It will scarcely be credited that it required fifty-seven Questions and Answers (390–422, 628–651) to develop the fact, that the doeskin was sent to the neighbouring Bench at *Picton!* It is stated that the contractor alleged that he received instructions to send the doeskin to the last-named Bench, and evidence of its receipt there was produced to the Board (*Q.* 1248). The goods were consequently supplied, but not to the locality whither Mr. Nash's fivefold inquiries were directed (*Q.* 394). Another case is instanced of "goods paid for and never supplied,"—namely, a "Sands' Directory," value twenty shillings, supposed to be delivered at the Treasury, about which Mr. Nash is most incredulous, notwithstanding that the Clerk of Correspondence certifies "as the probability is that the directory was furnished, I sign the receipt." (*Q.* 425) The final case instanced (*Q.* 435–446) relates to four and ninepence worth of "oil and blotting paper," for the Land Agent, Armidale, which is paid for, and the delivery of which Mr. Brennand admits that he cannot trace.

36. Next in order, is the charge of "adding to requisitions of past years, to procure payments of accounts." This refers to the unsatisfactory and irregular system (now set aside) which has already been explained, where original requisitions were made to do duty as supplementary requisitions and even as cash book and ledger. All that Mr. Nash has to say in the matter is shown under Questions 387 to 389, 540 and 562, and again 564 to 569.

37. Again—"as to soliciting Departments to take goods in excess of requirements, in order to legalize payments,"—the Board found a difficulty in comprehending this charge, but its nature will be best explained by giving the substance of the most

notable

notable case produced by Mr. Nash thereunder. On Requisition No. 3021 of 21 August, 1878,—the Gaoler at Parramatta writes to the Superintendent of Stores stating that he has received an over supply of sixty sides of sole leather, and asks if there is a mistake in the requisition. The Foreman of Stores suggests that the Gaoler be requested to send a requisition to cover the over supply. The Superintendent of Stores refers to the Gaoler and asks if he can use the sixty sides shortly—if so to furnish a requisition stating in the margin "already received." The Gaoler responds by furnishing the requisition, and the Treasury approves (*Q.* 381–385). It appears from the papers that inadvertently, and on an urgent personal demand for the leather, it was twice ordered and supplied—and as it appeared that the Gaoler could use up the extra supply shortly, it was not considered expedient to return it to the contractor. Another case is produced, 123 over 1827,—relating to "boys' caps"—"coburg" and "shawls"—but after following it up a little, Mr. Nash winds up with (*Q.* 524) "It is not a good instance which I happen to have produced—there is No. 3764 of 10 October, 1878." Coming to No. 3764—it appears that Mr. Brennand, on 11th October, 1878 (*Q.* 525) "notified by letter to Mr. Forbes, the Gaoler at Bathurst, that he had some grey cloth in hand, and asked him if he had any hands to make up clothing, and if so, to forward a requisition for what he could have made up." It was in vain suggested that Mr. Brennand might have offered material from the Stores, from a desire to furnish work for the prisoners. Mr. Nash's fixed idea was that Mr. Forbes had been solicited to take the cloth and work it up, "so as to necessitate the purchase of it from a contractor" (*Q.* 532). As the examination proceeded, Mr. Nash receded from his position. He finally admitted (*Q.* 536) "I now see that it is marked as being in stock." (*Q.* 538) "It was already on hand?"—"Yes." (See also *Q.* 1239–1244.)

38. The "allegation of systematic misuse and malversation of moneys practised at the Government Stores" is partly withdrawn and partly explained away by Mr. Nash. (*Q.* 659–666.) He states—"that he made no charge of collusion or corruption against the Store Department." He attributes "malversation and misuse to a want of care—he does not mean any dishonesty." "He does not intend to imply dishonesty." His statements on this point should be read. The Board of course were not disposed to quibble with Mr. Nash about the plain and obvious meaning of English words—but they desire to place their opinion upon record that it would indeed be a reproach upon the active and experienced Audit Office if, under their Act of 1870, there could exist undetected any proceeding, either in the Stores or any other department, capable of meriting the language above referred to.

39. Both in the papers laid before the Board, and in the course of Nash's examination, slanderous statements have been written, and made by him in reference to certain old servants employed in the Stores Department. In view of the publication of this Report and evidence, the Board feel that they cannot allow the persons to whom they refer to be so slandered, without stating what has been shown in their defence. He accuses Mr. Hill, one of the Stores staff, of "wholesale forgery"—the shameful accusation having no better basis than that Mr. Hill altered,—that is enlarged or decreased the Requisitions as necessary—which was the practice of the time. He accuses Foreman Daniel of constant drunkenness. The evidence of Mr. Brennand, Mr. Hemming, the Accountant, Mr. O'Donnell, the Chief Clerk, Mr. Adams, the Acting Foreman, and of Mr. Thomson, of the Treasury, rebuts the accusation. Mr. Hill is also accused by Nash of drunkenness, but the evidence shows that although he had once committed

committed himself he was as a rule a sober man. It is also alleged by Nash that the employés of the Store Department systematically falsified the Time Book. It has been established to the satisfaction of the Board that this statement is untrue. It has also been stated that the Stores had become a kind of bear-garden—a scene of disorder and confusion—but it has been shown that Nash is himself a man of irritable and quarrelsome disposition, and that much disorder and confusion were caused by his own vindictive and ungovernable temper.

40. The attendance and examination of Mr. R. T. Hall of the Audit Office, at the later part of the enquiry enabled the Board to determine the character of the charges or complaints which had been made from time to time by the Auditor General to the Treasury, against the Stores Department. It will be observed that, when called upon by letter from the Treasury of date 30 January last to state his "charges in writing,"—the Auditor General replied, on 3rd February, "that of his own knowledge he has no charges to prefer other than the *irregularities* in the accounts which have from time to time been brought under the Treasurer's notice." When asked during his examination (*Q.* 1036) "if in his capacity as Auditor General he had any charges to prefer except those contained in his various queries"—he replied "I have no charges to prefer." When asked (*Q.* 1037) "if the queries—involved anything of a criminal or fraudulent character, or whether they were merely irregularities in the accounts, or complaints of the absence of receipts from different parts of the country" —he replied—"Great irregularities—but I cannot say there was anything of a fraudulent character." Again—(*Q.* 1038) "In fact the greater number of queries have been answered?" Reply "Yes." In Mr. Hall's evidence, a definition is obtained of the term "irregularities" (*Q.* 1433–1436)—as comprehending such cases as "delay in answering queries"—"non-satisfactory answers to queries"—"delay in the receipt of official receipts for goods delivered to distant places"—"want of sufficient care and diligence so that over payments or double payments are made, against which the Auditor General has the power of surcharge." Mr. Hall adds—"cases where there is suspicion of irregularity of an extraordinary kind." But when pressed upon the point, he admitted that no such suspicious or special cases were considered of sufficient importance to send them on specially to the Treasury. He is asked (*Q.* 1438)—Have these cases or any of them been reported to the Treasury?" He replies—"Not that I am aware of specially, but in general letters." He is again asked (*Q.* 1439)—"That is to say—in general terms, such as those which characterize the report of 26th September?" He answers—"Yes." He was formally asked upon this point (*Q.* 1442)—But was any special delinquency brought to the notice of the Colonial Treasurer to deal with?" He replies—"Not that I am aware of." He gives some particulars in relation to iron safes (*Q.* 1449–1455) and blankets (*Q.* 1463–1469) which are answered by Mr. Brennand (*Q.* 1479–1487.) It is satisfactory to have Mr. Hall's testimony to the fact that since the new system was established by Mr. Thomson in 1877, although the work itself has multiplied, the business as a whole is more accurately done and there is a greater check upon fraud than previously existed (*Q.* 1459–1462.)

41. The conclusion at which the Board have arrived on the whole facts of the case as disclosed by the evidence taken, is that up to June 1877 many irregularities, consequent on an imperfect system, existed in the business and management of the Stores Department; but that under the new and improved system established by Mr. Thomson, in July, 1877, such irregularities no longer exist. They further have

to

to report—after the most careful examination of such cases or proofs as were produced by Mr. Nash in support of his charges—taken in connection with the admissions and retractations made by Mr. Nash himself (whose evidence extends over some thirty-one printed foolscap pages), and the counter evidence by Mr. Brennand and others—that Mr. Nash has entirely failed to substantiate those charges. Such being their well-considered opinion, it may not be improper for the Board incidentally to inquire what motive could exist for the rearing up of such a structure of falsehood. The key-note of the disclosure is given in the evidence of Mr. Rolleston (*Q.* 1050). Nash was described to him "as a hard-working industrious man, who, as it was put to him, had been rather sat upon because he had endeavoured to correct irregularities. It was represented to him that he (Nash) had been kept down,—that people had been put over his head—and that he was suffering a good deal of irritability on that account." This statement at once discloses a grievance and suggests an *animus*—it announces a motive clear and distinct from that which would actuate him solely for the public good. As a matter of fact, it is proved that Nash went into the Stores Department and at once became a discontented man. He seems to have considered that he had ability which should have placed him above everybody else. He is described in the evidence as a man of violent, irritable and malicious disposition. His applications for increase of pay were constant. His pay was increased successively from 6s. to 7s. and subsequently 8s. per diem, and in January 1878 he was appointed to a fixed salary of £140 per annum. He received in addition as overtime payment, from June 1877 to August 1878, the sum of £73 9s. 6d. On the 6th August 1878 overtime payments were abolished. It is significant that in August 1878 (*Q.* 34) when this over time payment was discontinued, Nash commenced to compile from his two years' notes the remarkable documents now known as the "PROLEGOMENA" and "SYNOPSIS." When completed, he dealt with them not with the intention to bring about a calm and honest inquiry, but apparently with a view to damage and destroy, if he could, the department from which he was receiving his means of livelihood. His letter to Mr. C. H. T. Pinhey, dated 17th April, 1878 (*see* Appendix, page 83) discloses his hatred of Mr. Thomson (whom he there threatens with personal violence), of Mr. Brennand (whom he there describes as his "pronounced though deceitful enemy"), and of the whole staff with whom he was working,—and still further illustrates, if such be necessary, the motive and the purpose of his elaborate fabrication.

43. The Board have further to remark that, were it not that Nash had already been removed from office, it would have been their duty to recommend his dismissal from the Public Service.

44. The efficiency of the general management of the department will, with the other matters to which their attention is directed, form the subject of their further report.

G. EAGAR.
FRANCIS HIXSON.
HAROLD MACLEAN.

Sydney, 10th June, 1879.

INQUIRY INTO THE GOVERNMENT STORES DEPARTMENT, UPON CHARGES MADE BY JOSEPH FREDERICK NASH.

MINUTES OF EVIDENCE.

MONDAY, 10 *MARCH*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
HAROLD MACLEAN, ESQ.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

Mr. Brennand, the Superintendent of the Government Stores Department, was present during the examination.

Mr. Joseph Frederick Nash was called in and examined:—

Mr. J. F. Nash. 10 Mar., 1879.

1. *Chairman.*] What is your name? Joseph Frederick Nash.
2. How long have you been in the Stores Department? I went there in November, 1874.
3. Did you go there then as a permanent officer? No, I was not appointed permanently.
4. You were not casually employed from time to time before that date? No—that was my first employment.
5. Was your employment from that time continuous? I hoped it would be so.
6. Was it then continuous? I was there for several weeks off and on.
7. Was it continuous? It was not continuous, because I was not permanently appointed.
8. Could you state the date from which you were continuously employed up to the present time? Yes; it was from December the following year—from December, 1875.
9. From December, 1875 or 1874? From December, 1875. I first went to the Stores Department on the 18th November, 1874.
10. Can you fix the date from which you were continuously employed? It was some day in December of the following year.
11. What has been your employment during that time? Clerical work when I first went there. For the first few months I did clerical work off and on; then at the end of December, 1875, I went in permanently. I was allowed to remain there doing labourer's work. All that you have there in writing, and I do not know why it is necessary for me to speak it.
12. You must be aware that the object of appointing this Board is to obtain *viva voce* evidence—we can refer to your written statements afterwards. I do not now gather when you commenced your clerical work? On the 18th November, 1874. I was essentially a clerk during the first year I was there, but I was not there permanently; but at the end of 1875 I was appointed to remain there as labourer.
13. Have you been there as labourer up to the present time? My name was sent to the Treasury as labourer until August last year.
14. Can you tell the Board when your function as a clerk ceased and as a labourer began? In August. I did clerical work one part of the time and labourer's work another.
15. Did you attend to any particular part of the Stores business during the time you were employed there—that is to say, had you any special clerical work to do there? Yes, I had special work; but besides my special work there were various other duties given to me at times, and which I performed.
16. Could you tell the Board exactly what your duties were? I suppose I am allowed to look at notes?
17. Decidedly, look at anything you please? This seems to me more of a criminal trial, and I thought that what I had to do was to prove my allegations. It is written there in the papers before you.
18. What the Board wants is, that you should tell us, in half a dozen words if you can, what your duties were? I could not tell you in half a dozen words, because my duties were so various. Writing official receipts, and keeping the correspondence appertaining thereto. Collecting and keeping in rotation requisitions—keeping the receipt book. Then, from Christmas 1876, the duty of checking the accounts fell into my hands.
19. From what date was that? From Christmas, 1876. I had to check the accounts and computations, posting payments on to the requisitions, schedules of requisitions prepared for the Treasury approval, writing advertisements for the Government Gazette, calling for tenders, indexing all the correspondence outwards, deal with miscellaneous letters. Those were the principal things I had to do.
20. Do you recognize this document marked A? Yes. (*Vide Appendix* A 1.)
21. Do you recognize all these documents? Yes.
22. They have been written or compiled by yourself? Most of them have. I have been told that there are some original documents among them; if so they ought not to be there. I had all these papers down at the Stores until they were passed over to Mr. Rolleston.
23. They are all yours, and you acknowledge that you are responsible for them? Yes.
24. For the papers marked B to K? Yes.
25. And I suppose you acknowledge that you are responsible also for these papers which are not marked with any distinguishing letter? Yes, these are what I sent up to Mr. Pinhey.

Mr. J. F. Nash. 10 Mar., 1879.

26. This paper (A 1) is headed—"Synopsis and Schedule of Charges against the System or Plan of Operations at the Government Stores," and appears to contain some ten charges. Are these the charges which you are prepared to prove? Yes.
27. Are these the whole of your charges? Yes.
28. They are all comprised in this paper marked A 1? Yes.
29. May I ask you for an explanation of what you mean by prolegomena? Prolegomena is prefatory—introductory remarks; that is all. The other papers, if you will permit me to explain, all follow on in natural sequence. I have endeavoured to explain all that belongs under each heading—No. 1, No. 2, and so on.
30. What you call prolegomena consists of commentaries on your charges? Yes.
31. A sort of elaboration or explanation of them? Yes: if you have read the papers at all, you will notice they were intended to be placed in the hands of a professional writer. I thought of placing the matter in the hands of a professional writer.
32. The paper marked A 1 constitutes the whole of your charges against the Stores Department? Yes; against the system, not against any one individually—against the plan of operations. It is beyond my province to say who is responsible for it.
33. May I ask when this document was written? At home, at night.
34. When was it written—about what date was it written? The actual writing which you see there has been written since last August, but the notes from which that has been compiled have been accumulating the last two years.
35. Then in point of fact this paper, written since August last, contains an account of irregularities which you say extended over the two preceding years? I say that I have been accumulating the remarks from which these papers have been compiled for the last two years, but that that paper was written since August last.
36. When this document was written what became of it? I kept it at home for a long time, and then gave it to Mr. Rolleston.
37. To Mr. Rolleston the Auditor General? Yes.
38. Do you recollect about what date you gave it to him? I have it noted in a little almanac, but I cannot say just at present.
39. *Captain Hixson.*] About what time do you think it was? It was Monday the 6th of January.
40. *Chairman.*] Of this year? Yes.
41. Did you place these papers in the hands of the Auditor General personally? Am I obliged to answer that question?
42. I think so? I have pledged my word not to say who it was introduced me to Mr. Rolleston.
43. We have got these papers by a circuitous route, and we have a right to trace them step by step. You are a paid servant of the Government, and we are entitled to know from you every step by which these papers have come into our hands? If I am compelled to say how it was done, I suppose I must.
44. I do not say compelled—I say it is necessary to the inquiry? A friend gave them to Mr. Rolleston.
45. I must now insist that you tell us how it was that these papers reached Mr. Rolleston's hands—who gave them to him? Will not Mr. Rolleston tell you?
46. We want the information from you as the prime agent in the matter? I gave a promise, and I do not want to break my promise. I am willing to bear the blame. I gave them to Mr. Rolleston substantially. The fact is, that being in a lowly position I could not have gone to Mr. Rolleston without some kind of introduction.
47. Do you distinctly decline to say how you gave them to Mr. Rolleston? I gave them to him indirectly through a friend.
48. Did you see Mr. Rolleston personally? Yes, I had long talks with him.
49. Had you many conversations with him? I suppose three or four. I had long conversations with him before he had the papers.
50. Did he send for you? I had a letter of introduction to him.
51. From whom? From the same person I have referred to, and I have promised not to reveal his name. I do not wish to bother any one else with this affair; I have had quite enough to do with it myself.
52. You decline to say who gave you a letter of introduction to Mr. Rolleston or how these papers reached him? I must do so at present. I will try and get a release from my promise.
53. Your note-taking—not to put it offensively—extended over two years, prior to August last? Yes; always with a desire to bring it forward—I seized the first opportunity.
54. I simply ask you whether this note-taking—not to put it offensively—was going on two years before August last? Yes.
55. Did you, during those two years, ever report any apparent irregularities to the head of your department—that is, to Mr. Brennand? Frequently. I told Mr. Brennand that there was wholesale forgery going on by that man Hill altering the requisitions.
56. How many times did you report to Mr. Brennand? About twenty or thirty; about altering the requisitions to fit the bills, to make them agree with the contractors' accounts.
57. You are quite clear that you reported them to Mr. Brennand? I was continually telling Pinhey of it.
58. Who is Pinhey? Mr. Charles H. T. Pinhey.
59. Do you mean one of our late Examiners of Accounts? Yes, I do; I have his permission to say that. A great many of the papers there he has returned to me for the express purpose of their being used in this way.
60. You continually reported during those two years to Mr. Pinhey? Yes; we were continually having conversations about it.
61. Was Mr. Pinhey your superior officer, or was he an officer of the Stores Department at all? I understood so.
62. Mr. Pinhey, an officer of the Stores Department, under Mr. Brennand? No; not in that way.
63. You reported to him continually? Yes.
64. You never thought of reporting to the permanent head of the department? No; because I thought you would think it impertinence or interference.
65. Was it not an interference to report to Mr. Pinhey? No, because we were friends.
66. You reported to him because he was a friend of yours? He and I were in friendly conference, and I pointed matters out to him. There is a declaration that I am willing to swear to.
67. You had continual conversations with Mr. Pinhey? Yes.

68.

Mr. J. F. Nash. 10 Mar., 1879.

68. But you never thought it necessary to go beyond Mr. Pinhey? I thought he would do it.
69. May I ask you why you selected the Auditor General in preference to the head of the Treasury? I seized the first opportunity that presented itself. I wanted to get it to Mr. Piddington when he was Treasurer.
70. But how was it you never sent these papers on to me? It is difficult for a man to account for what he has done, and far more for what he has not done.
71. However, the fact is that you communicated with Mr. Pinhey and not with me? We drifted into it. M'Veigh is the person who is responsible for all this in deceiving Mr. Brennand. We drifted into it conversationally. It was not sought by Mr. Pinhey on his side, nor was it intentional on mine.
72. It does not appear to me that you have given any reason why you should go to the Auditor General instead of the Colonial Treasurer? It was accidental; simply because I had a friend who had great influence with the Auditor, and the Auditor was a man who would be likely to ——
73. Likely to do what? He had sufficient prestige to force the matter into notice.
74. How was it to be brought into notice except through an inquiry? I mean that the Auditor General had sufficient power to force the thing being ventilated.
75. More power than the Colonial Treasurer, who is responsible to Parliament for the conduct of the Stores Department? That was my opinion. Perhaps I was wrong.
76. *Captain Hixson.*] I think you stated that you mentioned to Mr. Brennand about twenty times your suspicion of some irregularities? Pardon me; not my suspicion. I showed him the figures where there were these continual irregularities in altering the figures, and he told them to stop it.
77. You did not give any official statement to Mr. Brennand which he could send on to a higher authority? No.
78. Nothing passed beyond conversation? No.
79. Did you ever make an attempt to force these matters to the head of the department through the proper channel? No. That is where I believe I was wrong.
80. *Mr. Maclean.*] What was the effect of the alterations in the requisitions? I cannot answer that without going into the matter at length. Very frequently larger quantities were supplied by the contractors than were ordered by our office, and our clerks would alter the requisitions from the various departments to agree with the bills, and write upon it "paid," and that word "paid" was the authorization for payment.
81. You say that the contractors supplied larger quantities than were ordered in the requisitions? Yes; and the alterations were made upon the requisitions.
82. In fact the requisitions were extended? They were changed.
83. *Chairman.*] Was not that a matter of sufficient importance for you to go to some higher individual than Mr. Pinhey about? I have told you what I have done. If I have done wrong, I cannot help it. (*Appendix* A 1 *was read.*)
84. Up to what date did these alleged irregularities exist? Some of them up to the present time. There is one going on now.
85. You say here that they existed up to 1877? Yes, with regard to some of them. Some of the irregularities disappeared totally and for ever; others again have been continued. The additional quantities of goods supplied have been added on to the requisitions.
86. Does that now exist? Not since you had stamps made.
87. Would you look at that paper? Yes.
88. Did you place that in the hands of Mr. Greenwood, M.P.? I did.
89. Why did you prefer taking that course to communicating with your own Minister? I live near Mr. Greenwood, and we are friendly.
90. You preferred to communicate rather with Mr. Greenwood than the Colonial Treasurer? No; I should have preferred giving it to Mr. Watson.
91. And still you gave it to Mr. Greenwood? Yes. (*Document read. Vide Appendix* A 2.)
92. You never placed that before the Superintendent? No.
93. I think you have said that you made no complaint against individuals—only against the system? Only against the system. It is beyond my province to complain of individuals.
94. It appears to me from the reading of that paper (A 1), that you have made most serious complaints against Mr. Hill: foreman Daniels, whom you have accused of being drunk twenty-seven days out of the thirty; that you have accused a considerable portion of the staff with systematic drinking and systematic falsification of the time-book? That relates to the general management.
95. Have you not made serious charges against Hill and Daniels—surely what you have said about them amounts to serious charges against individuals; you say you go against the system, and yet you make the most serious charges against individuals? Yes.
96. Do you mean to say as charge 1, that the probable quantities have been understated collusively? Not now.
97. I know that since the 1st of July, 1877, the whole system has been reformed, but if there is any point in what you have stated at the period to which you refer, the probable quantities must have been understated for collusive purposes? That does not follow.
98. Then why these accusations against these contractors—is not the whole gist of your charge No. 1 that the probable quantities have been understated collusively? I state the effect.
99. But that is your charge; for if the probable quantities are understated simply as an error in a man's judgment, that is vastly different from understating them collusively? It would be utterly impossible for me to prove that any contractor derived any benefit from it.
100. *Captain Hixson.*] You must understand that this inquiry is all brought about by you, and you are now called upon only to substantiate what you have put forward? ——
101. *Chairman.*] What evidence have you of collusion between the head of the department and any contractor, that probable quantities have been so stated as to benefit the contractor and commit a fraud upon the public? I cannot prove that.
102. What then is your charge? That probable quantities having been understated, enormous sums of money have been paid.
103. Was the understating collusively done, or an error of judgment? It appeared to me through carelessness. I state the effect, and thousands of documents would have to be examined to prove it.
104. You say that quantities over and above probable quantities have been obtained, and the inference from your statement is that there has been collusion? I do not say it is collusive. 105.

Mr. J. F. Nash. 10 Mar., 1879.

105. *Mr. Maclean.*] The quantities have been largely understated, and the effect of that has been that contractors have drawn large sums of money beyond what was expected from what they contracted to supply? Yes.
106. And you do not charge anybody with wrong-doing? I cannot.
107. *Captain Hixson.*] In cases where more articles have been supplied than were exhibited in the requisition, has a higher price been charged? Yes, a very much higher price.
108. *Mr. Maclean.*] The contractors having been released from their obligation to supply, are no longer obliged to supply the additional articles required, and they then only supply them at their own price? Yes.
109. *Chairman.*] You do not allege any collusion between the Superintendent of Stores and the contractors? I certainly do not.

Launcelot Iredale Brennand, Esq., Superintendent of Stores, was examined:—

L. I. Brennand, Esq. 10 Mar., 1879.

110. *Chairman.*] Will you explain to the Board how these probable quantities have been made up? Yes; I invite your attention to these memoranda, which will show you how the probable quantities have been arrived at. On the 2nd of February, 1871, I submitted the following memorandum, having reference to the department of the Inspector General of Police, to the Under Secretary for Finance and Trade:—

"Tenders are about being called for the supply of boots, shoes, saddlery, &c., &c., for the service of 1872, and I would suggest that the enclosed Schedules be forwarded to the *Inspector General of Police*, with request that he would report what alterations (if any) will have to be made in the probable quantities of those articles intended for the service of his department."

This paper was sent to the Inspector General of Police on the same day, and was subsequently returned to the Under Secretary for Finance and Trade by the Inspector General with this minute: "List of estimated requirements herewith."

Here is another instance of the same thing. On the 27th April I submitted this memorandum to the Under Secretary for Finance and Trade:—

"Tenders for the supply of cloth for the clothing of the Police Force, wardors, and others, for the year 1872, will be opened at the Treasury on the 16th proximo. With a view to enable me to give the probable quantities required, it is suggested that the Inspector General of Police be requested to state what number of the various garments he will require."

That document was marked off by the Under Secretary to the Inspector General, who you will observe returned it with this note: "Statement herewith as requested."

111. In point of fact, then, in regard to this particular transaction, the probable quantity was furnished by the head of the department to which the head of service related? Exactly.
112. Through the whole conduct of your business as to ascertaining probable quantities, have you been in the habit of sending to the officer at the head of the department for which the articles were required? Yes; since the 9th February, 1872.
113. You received the probable quantities from the Inspector General of Police? Yes.
114. And the practice is in every case to obtain the probable quantity from the head of the department to which the service relates, and in no case to state the probable quantity yourself? Yes, but in some cases I have increased the probable quantity.
115. How was that,—from a belief that there would be a larger quantity required? Yes.
116. *Captain Hixson.*] In point of fact, then, you are always guided by the information you get from the heads of departments as to the estimated probable quantity? Yes.
117. *Mr. Maclean.*] And you would always know what the requisitions for the year before were? Yes; the requirements for any particular year may be larger or smaller; but the difference would not be anything like that pointed out by Mr. Nash.
118. *Chairman.*] Mr. Nash, have you anything to ask Mr. Brennand? No.
119. You are quite sure, Mr. Brennand, that the probable quantities are not the creation of your brain for collusive purposes, but are based upon the information you derive from the heads of departments? Certainly. In some few unimportant cases I exercise my own judgment as to the quantities required; but in all important cases I relieve myself of immediate responsibility by obtaining the requisitions of the heads of the departments themselves.

Mr. J. F. Nash was examined:—

Mr. J. F. Nash. 10 Mar., 1879.

120. *Chairman.*] Your second charge is: "Contractors allowed to supply largely in excess of quantities ordered, when profitable to them to do so." Who allows them to do that? I cannot say who allows them, but they have supplied largely in excess of the quantities ordered—the requisitions will show that.
121. Will you tell us who is the blamable party? It always appeared to me that if Mr. Brennand put a firm hand upon them and stopped their money, they would not have found it profitable to supply so much more than was required.
122. You say, "In excess of the quantities ordered"—that goods have been supplied in excess of the quantities ordered. Will you instance a case in point? The figures in my statement are put as indices, 349/77 and 1,188.
123. Where can we get them? They are at the Stores.
124. *Mr. Maclean.*] Are these the only two instances? No, there are others.
125. *Chairman.*] When you say that the contractors are allowed to supply largely in excess of the quantities ordered, do you mean ordered by the clerks upon the requisitions? Allowed or not allowed, they have supplied in excess. They send in their accounts for the larger quantity, and the alteration has been made upon the requisitions.
126. Will you show us a case in point? ——
127. How could the contractors supply largely in excess of the quantity ordered? If we ask for twenty they have sent us forty.
128. But were not the goods ordered by the department? The requisitions are sent to the Government Stores, and the orders are made by the clerks at the Government Stores upon the requisitions; and if the contractors supply more than is asked for upon the requisitions who is responsible?—It is done.

129.

Mr. J. F. Nash. 10 Mar., 1879.

129. *Mr. Maclean.*] Do the goods remain at the stores, or are they sent to the particular department? I cannot say.
130. *Chairman.*] Have you not traced that out? Why should the department have more goods thrust upon them than they ordered? —— [*Witness, examining a book of requisition forms said*]:—Here is a case in point; 250 yards brown coburg were ordered, and 294 yards were paid for. The goods were asked for by the Protestant Orphan School. Evidently the contractor has sent more goods, because the bill shows 294 yards.
131. *Captain Hixson.*] That is 44 yards more? Yes; that I have come upon accidentally.
132. *Mr. Maclean.*] What does the red ink mean? That is written by the person who makes the alteration upon the requisition.
133. *Chairman.*] This requisition was from the Protestant Orphan School, in January, 1877? Yes.
134. What did you say was the original quantity ordered? 250 yards.
135. And the quantity charged for? 294 yards.
136. Do you mean to say that the Orphan School did not get the articles? I do not know.
137. Here is the receipt book;—will you ascertain whether the goods were received by the Orphan School or not? Yes.
138. Supposing then that the stuff was received, where is the fraud upon the public?—Why are the contractors allowed to supply the Orphan School with more than is ordered? Somebody allows them.
139. If they get the goods charged for, where is the harm? They have no business to get them.
140. That is not a matter for your judgment.
141. *Mr. Maclean.*] You have been conversant with the office forms, and you have heard what Mr. Brennand has stated,—that the probable quantities were made up from information supplied by the heads of the various departments. Have you any more observations to make respecting that? Yes, that they have, it appears to me, been imperfectly computed.
142. Computed or calculated? The probable quantities.
143. You say imperfectly computed;—are we to assume that the requisitions were wrongly calculated by the Stores Department, or do you mean that the heads of departments sent in wrong returns? No, but that the probable quantities have been under-estimated, whoever has done it. The fact is, that the quantities supplied have been in excess of the probable quantities.
144. *Captain Hixson.*] Do you think it possible that the estimated quantity could be computed exactly, six months before the time the goods were required? I do not trust to my own judgment but consulted Mr. Pinhey in that, and two years and a half ago he told me, "I am sure if you had that work to do you would find out and arrange those quantities so that they would not be much out." If carefully computed, the probable quantities would not be worked out in the earlier part of the year.
145. I would rather you would answer the question for yourself, without any reference to Mr. Pinhey. Do you think it would be possible to accurately estimate the quantity of goods required some months beforehand? Not exactly.
146. *Mr. Maclean.*] You have stated that the supplies have been known to give out during the first two months in the year. Was that an exceptional case, or is it what ordinarily occurs? There was that Colonial tweed. I prepared those papers in such a way that I want the enclosures.
147. *Chairman.*] Are you not aware that since 1877 the probable quantities are not any longer a matter of necessity, because from that date the contractors have come under conditions which oblige them to supply at the contract price any quantity which may be required? It was I who was the cause of that alteration.
148. I ask you if you are aware that since 1877 that cause of confusion can no longer arise, because from that year the contractors have been bound to supply any quantity at the contract rates? Yes.
149. Referring to the brown coburg supplied to the Protestant Orphan School, 349/77, you have now the receipt book before you. Will you say whether the quantity so supplied in excess was delivered to the Orphan School or not? It was delivered. This receipt shows that it was delivered.
150. *Witness.*] May I be allowed a barrister?
151. *Chairman.*] No; this is simply a departmental inquiry.
152. If you at once admit that you do not allege that the surplus quantity never reached the department, do you not withdraw the sting of your charge? I did not allege that.

L. I. Brennand, Esq., was further examined:—

L. I. Brennand, Esq. 10 Mar., 1879.

153. *Captain Hixson.*] You have heard that there was a greater quantity of cloth sent to the Protestant Orphan School than was ordered, and that a greater quantity was received. Can you say why that occurred? When articles come in bulk, the contractors do not like to break bulk in cases where a small portion of the package only would be left on their hands; and I suppose—speaking of course without any special knowledge or inquiry into this particular transaction—that the full bale was supplied rather than that a few yards of the material should be left on their hands.
154. There would be an objection to breaking a bale for a few yards, so as to leave a small remnant? There would.
155. *Mr. Maclean.*] And you would allow establishments to be over-supplied for that reason? Yes.
156. The allegation has been made that that has been done to allow contractors to get rid of a larger quantity? That is without foundation. When we have found that the contract quantities would not prove sufficient we have then called for a supplementary tender, and have then ordered from the contractor who obtains that tender; but we do not, as a rule, order goods without calling for tenders.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 10 Mar., 1879.

157. *Mr. Maclean.*] To what extent did you say that this over-supplying went—to a large extent or not. You have brought forward a matter of 44 yards, and you hear from Mr. Brennand that he believes that larger quantity was accepted to save the breaking of the package. I should like to know from you whether this over-supplying was to an extent which was material or not? It was a thing so frequent that it worried me, and I tried to stop it. If I could only get the papers in the same order as I left them I could deal with matters much better.

158.

Mr. J. F. Nash. 10 Mar., 1879.

158. Will you say definitely to what material extent this system went: you imply that contractors gained an advantage; will you say how much—£1,000, £10,000, or only £50—will you give us your idea approximately? I cannot do that. I intend to ask that an accountant may be deputed to take down the amounts.
159. *Chairman.*] You do not know the extent? The figures and papers to which I point will, I hope, open it out.
160. How many cases do you give of these enlarged requisitions? A great many. There are a number of requisitions—fifteen, out of 546 to 2,316.
161. *Captain Hixson.*] There are apparently fifteen requisitions out of 1,770—is not that it? Those are only a few, the numbers of which I have got here.
162. Are there others besides those? Yes.
163. *Chairman.*] You are not in a position to inform us whether this practice has prevailed largely or not? Only just enough to make me do what I have done.
164. *Mr. Maclean.*] The Board would like a distinct answer from you? How is it possible for me to give you a distinct answer? If it had not been to a considerable extent I should say that no notice would have been taken of it.
165. *Chairman.*] You are not able, with all your previous investigations, to say whether this practice prevails largely or not? It does not prevail now.
166. On the other hand, have not reductions been made on the requisitions, and less quantities been ordered and supplied than those asked for? I have not seen any.
167. Can you say whether requisitions have not been reduced? I am not in a position to say that.
168. Nor are you in a position to say whether they have been largely increased? They have been largely increased.
169. How do you show that? I shall have to turn up all these figures.
170. You say that the practice of altering requisitions does not now prevail? Decidedly not.
171. *Mr. Maclean.*] Do you mean that the practice of over-supplying and increasing the requisitions still obtains? I do think it does.
172. You stated positively that it did not? I meant supplying in excess of probable quantities. Instead of altering the requisitions another plan is now adopted. Requisitions are made out at the Stores, and sent up to the department supplied for signature.
173. For the additional supplies? Yes.
174. *Chairman.*] What is there wrong in that; you have committed these matters to writing and placed them by the hands of a friend before the Auditor General, and now is the time to support your charges? I am perfectly aware of my responsibility.

L. I. Brennand, Esq., was further examined:—

L. I. Brennand, Esq. 10 Mar., 1879.

175. *Captain Hixson.*] In the case to which reference has been made—the supply of cloth to the Orphan Asylum—where the bale was not broken, did the contractor charge a higher price for the extra quantity supplied? Certainly not.
176. *Chairman.*] Does what is alleged in the second of these charges exist in the particular way to which you have alluded? It does to a slight extent.

177. Can you, Mr. Nash, give cases of recent occurrence? They will come out as you go through the papers.

TUESDAY, 11 *MARCH*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
MR. HAROLD MACLEAN.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., Superintendent of Stores, was present during the examination, by invitation of the Board.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 11 Mar., 1879.

178. *Chairman.*] At the close of our last sitting it was decided to ask you to produce the documents mentioned to us by you—1,165-1,152—and it was also arranged that you should attend here at 11 o'clock to-day, that you should have all the books of the Stores Department at your disposal, and some one to assist you, in order that you might be in a position to furnish us with further evidence in support of the second charge in your schedule? Yes.
179. Will you now produce the cases named in your paper—1,165 over 344 and 1,152? I produce it. (*Book handed to Chairman.*)
180. Will you point out what you desire we should gather from this 1,165 over 344? You will see that there are two reams of ruled foolscap charged for but not received.
181. *Captain Hixson.*] Are you not now going into another branch of the subject than that immediately before us; we are now dealing with the second charge, which is, that contractors have been allowed to supply largely in excess where profitable for them to do so? Perhaps so.
182. Then, beyond the brown coburg supplied to the Orphan School, you have given us no second instance in which contractors have been allowed to supply goods in excess of what were ordered? You will find multitudes of instances as you go through the papers.
183. *Captain Hixson.*] Would it not be better for you to select certain numbers from the requisitions, say numbers occurring between 1,000 and 1,100, or from 1,500 to 1,600, so that you may be in a position to point out to the Board the nature and extent of the excess? The only way in which I can point them out is by reference to the numbers, which you will see as you gradually go through the papers.

Mr. J. F. Nash. 11 Mar., 1879.

184. *Chairman.*] Will you take these papers which have been arranged by you, examine your references, and show us what proof you can give us of your second charge? The proofs will be found among the papers supplied by me. (*Vide Appendix* A 1.) Here is one case (No. 1,022) which relates to the Hospital for Insane, Gladesville. The requisition shows that 3,000 yards of Scotch twill were applied for at 6d. per yard, and that the contract price was £75. You will see, however, that the quantity actually supplied was 3,418 yards at 6d. per yard, and the price was £85 9s. 3d. In respect to this case I handed Mr. Brennand a memorandum, a copy of which I now hand in. (*Vide Appendix* A 3.)
185. What was your object in handing this memorandum to Mr. Brennand? For guidance—to be told what to do in the matter. I merely wished the Superintendent to know that the contractors supplied a great deal more than was ordered from them. You will observe that they sent it in in three different quantities.
186. Did Mr. Brennand make any reply to this memorandum? I cannot remember exactly what he said about it at this moment.
187. As a matter of fact, do you know whether the account was passed and paid? It was.
188. Have you any other cases showing excessive supply? Yes. The following requisitions if looked up will show cases of excessive supply:—Nos. 546, 570 (both relating to the Gladesville Hospital), 1,106, 1,124, 1,154, 1,198, 1,253, 1,257, 1,950 (relating to the Lunatic Asylum, Parramatta), 1,951 (Harbours and Rivers Department), 1,991 (Gaol, Bathurst), 1,994 (Customs), 2,076, 2,077, 2,289, 2,314, 2,316, 1,516.
189. In what year were these? I cannot tell you until I look at them; but I think they were in the year 1876.
190. *Mr. Maclean.*] Will those papers show the over-supplies? They will show everything.
191. *Chairman.*] Will you turn up the first case you have named, No. 546? I produce it.
192. Am I right in stating that there were fifty-eight different articles supplied upon this requisition? Yes.
193. And out of that number will you kindly point out how many articles there were which were supplied in excess of what was applied for? Sixteen of them have been added to.
194. Are there any reductions? I see one only.
195. Was the sum paid in excess of the sum represented in the original requisition? The total amount paid was less than the amount put down in the original requisition, less by £14.
196. *Mr. Maclean.*] Can you explain how that could occur—that although a considerably greater number of articles was supplied than asked for, still the total actual cost was less than the cost estimated by Dr. Manning when he sent in the requisition? It would happen in this way: Long years after these amounts were totted up, entered into the journal and then into the ledger, other payments have been added on to the requisitions.
197. *Chairman.*] Are you speaking of this particular requisition? ——
198. *Mr. Maclean.*] This was paid? Yes.
199. Can you explain how the facts stand in regard to this particular case? I cannot go so deeply into it as that.
200. *Chairman.*] What is the date of this requisition? The 9th of February, 1876. There is a new item introduced into this requisition.
201. Will you please point it out? You will see that 116 felt hats have been paid for, and that it is an item which has been introduced into the requisition, that it was not comprised in the original requisition.
202. *Captain Hixson.*] Will you look at the requisition again: were there not 750 hats ordered? Yes These 116 are in addition.
203. To an item already included in the requisition? Yes.
204. Can you show us by this requisition that any profit accrued to the contractor? That is only supposition on my part—I ought not to have put that into my statement. You must deal with me as you think proper in regard to that. It would be utterly impossible for me to prove the benefit accruing to the contractor in any case—utterly impossible.
205. *Chairman.*] Then the Board may come to the conclusion that the alteration in the remaining articles of the requisition, where alterations have been made, are pretty much of the same character as this? Of the same character. I can show you an instance where there were 418 yards supplied in excess, if you will allow me to do so.
206. Is not that the same case as you have already submitted? Yes.
207. *Captain Hixson.*] In the instances of over-supply which you have pointed out, have you any suspicion that any fraud whatever upon the public has been committed by these supplies in excess of the requirements originally asked for? I decline to answer that question at present, because I have no doubt that I shall have to answer it at some future time and under other circumstances. I am not on my trial at present, I believe; I cannot answer that question.
208. I think you must give this Board some idea as to whether you suspect or charge any persons with fraud; or, if you do not do so, will you state what you charge them with? ——
209. *Mr. Maclean.*] To put it in another way: will you point out where is the undue advantage derived by the contractor? I do not wish to be committed any further than I am.
210. *Chairman.*] During your researches in the Stores Department, extending over a period of two years prior to August last, did you discover a single instance where the excess in quantity over that contained in the requisition, or the value of that excess, went into the pocket of any individual? No.
211. Have you discovered any single case in which the excess supplied was for the benefit of the contractor? No.

L. I. Brennand, Esq., was examined:—

L. I. Brennand, Esq. 11 Mar., 1879.

212. *Chairman.*] Can you on this requisition, 546 dated the 9th of February, 1876, explain the reasons of the alterations which you have seen pointed out to the Board? I cannot now explain them, but I may say generally that the rule of the office has been similar to that observed in the Naval Department, the Brisbane, and the Melbourne Departments; where bales of goods are sent in, the contractors do not like to break bulk in such a way as will leave a small quantity on their hands, and if what we ordered was within 40 or 50 yards of the full package, they would send in the full quantity—the unbroken package. On the other hand, if the quantity we ordered was slightly more than the quantity contained in the original packages as they are imported, the contractor would not supply that small additional quantity. I can readily produce to the Board the receipt for any goods which have been supplied or any payments made.

L. I. Brennand, Esq. 11 Mar., 1879.

213. Among the papers placed before the Board by Mr. Nash is one which is marked X 14. A requisition for Scotch twill for the Hospital for Insane at Gladesville makes a demand for 3,000 yards at 6d. per yard, and the quantity supplied was 3,418 yards;—can you now explain the difference in the requisition and the supply? What is the number?
214. 1,022? I cannot say at present, but I have no doubt there must have been some reason. I will write to Mr. Betts, and submit his answer.
215. *Captain Hixson.*] Do you think the alteration was due to some application from the Asylum? I think it likely.
216. *Mr. Maclean.*] That difference in quantity would not be attributable to the fact of the reluctance of the contractors to break bulk? No, I think there must have been some special reason.
217. *Chairman.*] Do you recollect whether Mr. Nash gave you that document (*Appendix* A 3) or the original of it? I have no recollection of it.
218. Mr. Nash has given it in evidence that during the two years prior to August last he has repeatedly brought to your notice, verbally, irregularities in the Stores Department? No, he has not. He has brought to my notice irregularities on the part of Mr. Hill, but they were so frequent and so trivial that at last I took no notice of them. He was frequently quarrelling with Mr. Hill and one of the others—not about irregularities in the office, but about their treatment of him. I made inquiries several times, but I found that the matter of his complaints were so trivial that I took no notice of them. He made no complaints to me such as those which he has stated here.
219. I wish to have it very distinctly understood whether Mr. Nash ever, from time to time, made reports to you, verbally or otherwise, in relation to the matters now before this Board? No, he did not.
220. *Captain Hixson.*] He never complained that stores were being supplied in excess of the requisitions asking for them? No; his complaints had reference purely to personal quarrels they had in the department.
221. You never remember Mr. Nash pointing out these irregularities? No. My instructions to one and all in the department were, that they should not show the slightest favour to any contractor.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 11 Mar., 1879.

222. *Mr. Maclean.*] You have brought forward this requisition, No. 1,022, showing that 418 yards of Scotch twill were supplied in excess of what was ordered. Will you say if that is the most important case that you can call to mind? Yes, it is, that I can call to mind at the moment.
223. You made a special case of this, as the most important you can produce? It happened that I just saw that.
224. It is the most important that you can call to mind? It is.
225. *Chairman.*] We will now pass on to charge No. 3—contractors allowed not to supply, if inconvenient to do so. Will you give us your case on that charge? I hand you this paper, No. 3,776, of the 11th October, 1878.
226. This is a letter addressed to the Under Secretary for Finance and Trade by the Under Secretary to the Post Office? Yes.
227. The Under Secretary to the Post Office writes: "I am directed to bring under your notice that, application having been made to Messrs. Sands & Co., contractors for the supply of sealing-wax for the use of this department, that firm have none in stock, neither can they state definitely where or when any will be obtainable. As it is represented that on several occasions Messrs. Sands & Co. have been unable to supply articles promptly, I am to point out that serious inconvenience is likely to arise from stores not being furnished when wanted, and to suggest the desirability of arranging for other stores being supplied at Messrs. Sands & Co.'s cost." This was minuted by Mr. Thomson, acting for the Under Secretary, to the Superintendent of Stores for immediate report, with the request that he would also state whether the Post Office received these stores without the intervention of the department. Mr. Brennand sent that to the stationer for his report, and the stationer wrote this: "The wax is not be had in the town, but the contractor informs me that an importation is expected shortly. I can only advise that we try to procure a supply from Brisbane or Melbourne, if it is to be had there." Then Mr. Brennand minutes further: "Have a copy of this letter sent to Messrs. Sands, and enclose a letter asking for report." Is this the paper and the minutes upon it which I have just read which you put in? Yes.
228. Will you kindly tell us what you intend that to prove? That is for you to decide.
229. Are we to infer that this letter embodies the proof that contractors are not compelled to supply goods when they are not disposed to supply them? I want that to be seen.
230. Is this part of your proof? It is bearing on it. I wish that it should be seen.
231. Do you put this in as one of the proofs of your charge? As bearing upon it. Here is another case which I wish to hand in.
232. Do you put this in as another proof of your charge? As bearing upon it. It is necessary that you should see it.
233. You submit this paper, No. 2,677, registered 23rd November, 1876, as bearing upon your charge? Yes.
234. It is addressed to the Under Secretary for Finance and Trade, and is dated, "Police Office, Dungog, 20th November, 1876." Mr. Smith requests that standard weights and measures may be forwarded to his district as early as convenient. That is minuted to the Superintendent of Stores, who minuted it to the Inspector of Weights and Measures, for his usual report, which then follows: "This is an agricultural part of the country, and therefore will not require troy weights.—Thomas Mitchelson, Inspector of Weights and Measures." Under that minute are these words: "One set of scales, one set of weights, two stamps, two hammers, one strike." Is that so? Yes. They were never supplied.
235. *Captain Hixson.*] These things were never supplied? —
236. Were they ever ordered from the contractor? Yes, there is the mark of the order.
237. *Chairman.*] Can you produce the order? No.
238. Across this paper there is written the word "Cancelled"? I wrote that. Mr. Brennand told me to write that long afterwards, when we sent the receipt, and it never came back.
239. Where is the order to the contractors? I never wrote the orders.
240. What then are we to understand from this? This entry proves that the order went.

241. *Captain Hixson.*] Or is it proof that the order should have gone? No; it says, "Ord.," and that was never written until the order went. Mr. J. F. Nash.
242. *Chairman.*] You say that these goods were ordered and never sent? Yes.
243. What wrong was done to the public in this case? I do not say that. 11 Mar., 1879.
244. Can you say that these articles were paid for and never sent? What I have said is written down.
245. Can you tell me whether these scales and weights, alleged to have been ordered and not supplied, were ever paid for? I cannot—it is beyond my province. I say they were ordered and not supplied.
246. Is the inference which you wish the Board to draw this: that these articles were not supplied because it was inconvenient to the contractor to supply them? Yes, that is it.
247. Is that your writing—"Cancelled"? Yes.
248. And this is one of the cases in which the contractors were allowed not to deliver? Yes; you may hang me on that if you like. I hand in this document, 2,359, for a weighing-machine to weigh 5 cwt., price 10s., ordered on the 22nd November, 1877, and not supplied.
249. *Mr. Maclean.*] Why do you call attention to the price, 10s.? It is such a low figure.
250. What is the value of a machine of this kind? They were worth £10 that year, I think. I hand in now this paper, No. 2,359, showing that the same machine as that which was ordered on the 22nd of November, 1877, and not supplied, was supplied on the 28th of March, 1878, under another contract.
251. Do you know the price of the article at the time of supply? Not positively. The price was considerably higher.
252. *Chairman.*] I understand that you put this forward as an instance or proof of your allegation that contractors were allowed not to supply? Yes. I hand in this document, 1,893 over 576, in proof of my allegation under this head.
253. This paper, No. 1,893 over 576, dated the 16th of October, 1876, appears to be a receipt for goods supplied to the Hospital for Insane at Gladesville? Yes.
254. What do you wish to point out? This receipt came with erasures, and the contractors were expostulated with in the usual way for not supplying the articles erased.
255. Then the receipt was sent back to Mr. Betts, with the following remarks: "Memo.—The contractor has been written to with respect to the biscuits (9), hammers, scissors, twine, blacking, and candlesticks. Upon the delivery of the goods, be good enough to remove the obliterations on the receipt, and oblige." Then the paper was sent back to Mr. Betts, and was returned with the following minute by Dr. Manning, of date 23rd November, 1876: "I beg to point out that the requisition for the articles enumerated in this receipt is dated the 24th February, 1876, and yet a great many of them are still unsupplied. It appears to be a custom with contractors to supply such things as suit their convenience, and to neglect such as they have taken at a low price. I may mention iron enamel mugs as an instance of this; and I am of opinion that such a practice should not be allowed, and that delivery of all articles in the requisitions should be insisted on. I should be glad if Mr. Brennand would urge the supply of all articles not yet received and erased from the receipt, and I will sign any fresh receipt forwarded after the goods are received." Is that so? Yes.
256. Are you prepared to adduce any further cases at this moment? No.
257. *Captain Hixson.*] Do you think there are others? Yes, if you go through all the papers: but it will take you until next Christmas to do it.
258. *Chairman.*] That is what you mean by the contractors being allowed not to supply if inconvenient to do so? Yes.
259. With reference to this charge, do you think, or have you any reason to believe, that there is or has been any collusion between the contractors and the employés, or any of them, in the Stores Department? I have not used the word collusion at all. You have the facts before you. I cannot say that there has been anything of the kind; I merely point to the facts, and you must make your own deductions.
260. Do you suspect any complicity on the part of any employé in the Stores Department with any contractor, with a view to produce the result which you allege in charge 3? I do not wish to say more than I have said. I think it shows very great indulgence to the contractors.
261. *Mr. Maclean.*] Do you wish the Board to infer that any officer of the Stores Department has obtained pecuniary or other advantage from the indulgence shown to the contractors—you have a right to say whether you wish us to infer that, or whether you do not, as far as your opinion is concerned, and we can take your opinion for what it is worth? The fact of the matter is this: it was always my belief at the time * * * was there, and an individual—if the truth must out—but I know the person who told me would deny it—that * * * used to get a £10 note whenever he wanted it, from either * * *, * * *, & * * *, or * * *.
262. *Chairman.*] You know, of course, that * * * is no longer in the service of the Government? Yes. I told Mr. Brennand what I have just stated. I never thought that Mr. Brennand derived any pecuniary advantage, or that he even knew of the changes in the requisitions, except when I put them before him.

FRIDAY, 14 *MARCH*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
MR. HAROLD MACLEAN.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., was present by invitation of the Board.

Mr. J. F. Nash was further examined:—

263. *Chairman.*] The Board propose that the evidence given by you during the last two days shall be read over, so that you may have the opportunity to make any verbal correction or to offer explanation should you desire to do so? Thank you. Mr. J. F. Nash.
[*All the evidence previously given by the witness was read over, and witness made one or two verbal amendments.*] 14 Mar., 1879.

Mr. J. F. Nash. 14 Mar., 1879.

264. You have heard the evidence given by you on the two preceding days read? Yes.
265. Is it correct? Yes. There is a great deal more evidence I should like to give in each case.
266. You will have an opportunity to give any evidence relative to your charges which you may desire.

L. I. Brennand, Esq., was examined:—

L. I. Brennand, Esq. 14 Mar., 1879.

267. *Chairman.*] At our last meeting you were asked to explain how it was that 418 yards of Scotch twill were delivered in excess of the quantity ordered to the Gladesville Asylum in the year 1876? I referred to the book in which the payment was made, and I also telegraphed to Dr. Manning for information. I received the reply which I have here, but as that was not satisfactory I thought I had better write to Mr. Moore and ask him to explain why he supplied so many yards in excess of the quantity ordered. His reply explaining the whole transaction is here. I have reduced to writing the information which I have obtained, and if the Board will allow me I will read it. My explanation is as follows:—With respect to the issue of 3,418½ yards of Scotch twill brought before the Board, I beg to state that I telegraphed to the Superintendent of the Hospital for Insane at Gladesville on the subject, and inclose the telegram received from him in reply, namely,—"Hunter's Hill.—In 1876, 1,850 yards of Scotch twill asked for, received 812 yards. In 1877, 3,000 yards asked for, 3,418 yards received. I have no knowledge why 400 yards more than were asked for were sent.—J. N. MANNING." The Board will see that two cases of supply are cited by Dr. Manning, and that in the first the full quantity asked for was not supplied. That is an example of one of very many cases, not of course cited by Mr. Nash, in which the quantities actually supplied were less than those asked for. In regard to the over-issue now referred to, I desire to state that had I have had any knowledge of it at the time, I would most certainly have refused to sanction it by signing the account for the overplus. In justice to myself I may state that, in the early part of 1877, the goods were forwarded by the contractors direct to the department requiring them, accompanied by the account, which in this case was returned without comment. The account was checked by an officer in the department and submitted to me for signature. It will be seen however that the extra 418½ yards were duly delivered, but from the enclosed memo. from Messrs. Moore, Henderson, & Bowcher, it appears that, so far from being gainers they were actually losers by the transaction, inasmuch as the requisition in 1876 was for 600 yards and they only delivered 437½ yards, the price then being 8d. per yard; in 1877 they supplied the following quantities,—246½ yards, 1,048½ yards, and 2,123½ yards, making a total of 3,418½ yards against the 3,000 yards for which the requisition asked. All these latter supplies were at 6d. per yard.
268. 162½ yards then were to fulfil the requisition of 1876, and they lost 2d. per yard on that quantity? Yes. This is the memorandum of the contractors:—"1876, August. Requisition No. 1,791—600 yards; supplied August 7, 437½ yards at 8d.; paid for; voucher No. 595. 1877, April; requisition No. 1,022; 3,000 yards; supplied April 10th, 246½ yards at 6d.; voucher No. — 748 yards. On May the 4th supplied 1,048½ yards at 6d; voucher No. 779. May 10th, 2,123½ yards at 6d. The total quantity asked for in the two years was 3,600, and that supplied was 3,856 yards. The supplies of May 4th and 10th were original bales as they came from the manufacturers. The supply for 1876 was 162½ yards short of the requisition when the contract price was 8d. per yard, against an excess supply of 418 yards in 1877, when the contract price was only 6d. per yard.
269. *Mr. Maclean.*] What authority would Messrs. Moore, Henderson, & Bowcher have for supplying this extra quantity? No authority, unless such as might be inferred from the practice of allowing contractors to supply unbroken bales, and it is probable they wanted to make good the short supply.
270. That is, the deficiency on the supply for the previous year? Yes; they had no authority to supply more than was ordered.
271. Did you send the orders to Messrs. Moore, Henderson, & Bowcher as they appeared in the requisitions? Yes.
272. Might that over-supply have happened as the result of any understanding with the Gladesville Asylum? No. In those days Dr. Manning requested me to let him have a set of samples to retain up there, and I retained a similar set of samples at the Stores. Dr. Manning said that as there was some little delay in opening and examining the goods at the Stores he would, if I had no objection, receive the goods direct from the contractors, and would see that the accounts were properly examined.
273. *Captain Hixson.*] It simply amounts to this—that the orders were sent by you to the contractor exactly as they appear in the requisitions, and that any variation therefrom was their act, not yours? Yes.
274. The fault in supply was the action of the contractor, and was without your authority? Yes.
275. *Mr. Maclean.*] In sending the extra quantity? Yes.
276. *Captain Hixson.*] Do you think it was done as a matter of convenience, so as not to break the bales? I think so.
277. *Mr. Maclean.*] The contractors did supply the excess quantity stated? Yes.
278. Are they authorized to make up deficiencies in that way on their own account? Dr. Manning insists upon the full quantity he asks for.
279. *Chairman.*] Dr. Manning ordered a specific quantity? Yes.
280. You sent an order containing that specific quantity to Messrs. Moore, Henderson, & Bowcher? Yes.
281. And afterwards the requisition was altered by some clerk in your office to fit the excess quantity supplied? Yes.
282. Then I want to know what officer made that *ex post facto* alteration? It was either Mr. M'Veigh or Mr. Hill.
283. *Mr. Maclean.*] It is alleged by Mr. Nash that that was the practice of the department? Not to such an extent as that.
284. *Captain Hixson.*] This *ex post facto* alteration in the requisition was made after the receipt for the delivery of the goods had been sent in to your department from Gladesville? Certainly.
285. *Chairman.*] Or was it when the acount was rendered to be checked that the requisition was varied to fit the account? Yes; the alteration was made when the account was returned for payment.
286. *Captain Hixson.*] Would these alterations be made to suit payments without a sight of the receipts at the Stores? I sign no receipts.
287. It is stated by you that the alterations are made when accounts come in, and there is no mention about the receipts. I want to know if any alterations are made in the requisitions without reference to the receipts, so as to meet the claims of the contractor? The goods are sent away by the contractor direct, with the receipt on the account.

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288. *Mr. Maclean.*] What assurance was there of the actual delivery of the goods before the quantities were altered in the requisition? We get the receipt from the departments receiving the goods. The head of the department certifies to the receipt before payment.
289. Might it not have happened that when the short supply was furnished to the Gladesville Hospital the contractors had not then enough material to fill the order, and they might have said that they expected more out, and would then fulfil the order? That is just what it would be.
290. Might it not have happened that Dr. Manning accepted the short supply, on information from the contractors that within a certain time they would be able to complete the supply? Yes.
291. But that did not authorize the contractors in making up the supply in this way without permission? No.
292. *Captain Hixson.*] It sometimes happens that the goods in contract are not to be obtained? Frequently.
293. Even though the contractor does his best to obtain them? Yes.
294. Sometimes importations are delayed by ships arriving from England behind the time expected, and in that way a contractor is not able to supply? Frequently.
295. In such a case as that what action is taken? If the parties requiring the goods can wait for a week or a fortnight they do so; if they cannot, the contractor does the best he can to supply them in town. He sends the goods to us, and if they are equal to sample they are passed on.
296. I suppose it sometimes happens that men who obtain a particular contract have to indent from England or elsewhere for the precise articles required? Yes; many articles could not be purchased in Sydney otherwise.
297. Oil burnt in the light-houses, for instance, is imported specially? Yes; you could not get it otherwise in Sydney.
298. So that there really are difficulties in the way of supplying things exactly as they are requisitioned for? Yes.
299. *Mr. Maclean.*] It is alleged that this over-supplying, one case of which we have in this Gladesville affair, has largely obtained? Yes.
300. I ask you to say whether in a general way it has largely obtained? No; I would guarantee that if you went through the requisitions for 1876, and took the over-supply with the under-supply, you would find that it is not so.
301. We must not mix up the two things—over-supply and under-supply? It acts in both ways.
302. *Chairman.*] We now come to No. 3,776 of the 11th October, 1878, which appears to be adduced in proof of a charge of not compelling Messrs. Sands & Co. to supply sealing-wax to the Post Office according to requisition? With reference to that allegation, the case referred to in proof is a most infelicitous one. We allowed Messrs. Sands & Co. two days to furnish the supply. I then telegraphed to Melbourne and procured a large quantity, and Messrs. Sands & Co., in consequence of their failure to supply, have to suffer the loss of a considerable sum.
303. Can you state what the sum is? £45 7s. 10d.
304. *Captain Hixson.*] In this particular case you took the recommendation of the Under Secretary to the Post Office? He told me they were in urgent want of the wax.
305. In this particular case did you take the recommendation of the Secretary to the Post Office, and purchase the article required at Messrs. Sands & Co.'s expense and risk? I did.
306. And Messrs. Sands & Co. will be the losers in consequence? Decidedly.
307. *Chairman.*] In other words, the surplus price charged for the sealing-wax, over and above the contract price, as you obtained it, has been deducted from Messrs. Sands & Co.'s account? Yes.
308. *Captain Hixson.*] So that in place of this being an instance in which a contractor was not compelled to supply the articles, it is a case in which the contractor has been compelled, as far as the conditions of the contract allow you to compel him? Yes.
309. *Chairman.*] The contractor has had to pay the penalty of not having supplied? Yes.
310. The penalty provided for by the conditions of his contract? Yes.
311. In point of fact, it was in consequence of the default of the contractor in not supplying the article required that it was bought on his account, and he became liable to the Government for the difference in cost. Is that it? Yes.
312. *Mr. Maclean.*] Is it the practice of the department, and has it been the practice of the department, to deal with contractors in other cases of default with the same promptitude and vigour as in this case of Sands & Co.? Isolated cases may have occurred where it has not been so.
313. It has been the practice of the department to deal in the same prompt and vigorous manner with cases of default as in the case of Messrs. Sands & Co.? Yes.
314. *Chairman.*] And it is one of the invariable conditions of contracts that where contractors fail to supply in reasonable time, the Government is authorized to buy at their risk? Yes.
315. And as a general rule that is done? Yes.
316. We now come to a paper of the 23rd November, 1876, as to the non-supply of weights to the Police Office, Dungog. Will you give us your explanation of that matter? The order was given. Mr. Nash says that he wrote "Cancelled" across the paper by my authority. It is not at all likely that I should give that authority.
317. Did you give the authority? Certainly not. It would be absurd to give such authority to cancel a requisition, because the end of the year had arrived and the goods had not been supplied. In the case of these weights and measures there are very few in the Schedule—I think only three sets; and I believe that in this particular instance the contractor had not got them. I could not get them in Sydney. I sent to the manufacturer in York-street, who failed immediately after he got the order. I do not know where to get them even now. I requested Mr. Mitchelson some time since to make inquiry, as he knew better where likely to get them than I, and I have not heard from him. The matter has escaped my notice. I have written to him to come and see me, and I hope to be able to give the Board further explanation.
318. *Captain Hixson.*] Is it a fact that these scales are still to go to the department requiring them as soon as you can procure them? Yes.
319. *Chairman.*] Is it the case that ever since November, 1876, to this date, you have been unable to get these weights? Is that 1876?—I thought it was in 1878.
320. Will you refer to the requisition? Yes; I find that these articles were ordered in 1876; but I also observe.

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observe that the requisition has been marked "Supplied"; from which I inferred they were supplied. I will make further inquiry.
321. *Mr. Maclean.*] Could it be about these particular weights and measures that you have been asking Mr. Mitchelson? No; about some others which were ordered in 1878. I have been confusing this with another case.
322. You have asked Mr. Mitchelson about weights and measures which you now find must be another case? Yes.
323. *Captain Hixson.*] Can you tell us whether these scales were ever supplied or not? I cannot tell you now. It does not appear that the receipt came back.
324. It would appear that some mistake had been made in this particular instance? Apparently there has been no supply. I have not been written to reminding me that there has been no supply.
325. I suppose unless your attention were called to a default of this nature, it is very probable that the whole thing would be forgotten? Yes; the number of orders given is something tremendous, and I could not remember everything. We send notices out to ask for the receipts to be returned.
326. *Chairman.*] We now come to the case of the weighing-machine—document 2,359 in 1877. Can you explain why the machine then ordered was not supplied? I am not prepared at present with the information necessary to explain this transaction, but will be prepared at the next sitting of the Board.
327. *Captain Hixson.*] In the Stores Department, are you in the habit of letting one year's transactions run into the following year? We have been doing it for some time; it does not obtain now; a contractor having an order not completed at the end of the year is to regard the order as cancelled, and a fresh order for the balance is given.
328. *Chairman.*] Are the goods delivered in the course of a year paid for at the rates of contract for that year? Yes; suppose a contractor gets an order for 500 pairs of boots in the year 1877, and the number is not fully supplied at the end of that year, that is on the 31st of December, the order is cancelled, and a fresh order is given for the balance, and the amount is chargeable at 1878 year's rates.
329. *Captain Hixson.*] In your experience, do you have trouble with contractors? Some of them.
330. Trouble in keeping them up to their *bonâ fide* agreement with the Government? Some of them.
331. Do people take contracts for goods when they are not in that particular line of trade? Frequently
332. In such cases, I imagine a good deal of trouble is experienced with these contractors? Yes.
333. And some of them try to make the best possible terms with the Government? Certainly.
334. Have you twice or thrice or oftener had to apply to contractors for particular things required from them? We have a good deal of trouble to get the goods supplied as wanted.
335. I suppose there is keen competition among tenderers to obtain the contracts? Very keen indeed.
336. I presume they very often offer to supply things at an unreasonably cheap rate, and when the articles are required there is sometimes a difficulty in getting them? Yes.
337. *Mr. Maclean.*] By way of illustrating this thing, what could have been the purpose of putting down a weighing-machine worth £6 or £7 at 10s.? In one year there may not be more than one or two weighing-machines required; and the contractors may say to themselves that no more will be required for the next year, or perhaps that none at all will be required. They therefore put it down at a low rate, in the hope that it will not be required.
338. Would that facilitate the getting of the general contract? Yes; it brings down the total; and that is the reason I suggested some time ago a change in the regulations for the system of contracts.
339. Are not these computed on last year's supply? Yes.
340. That would not meet this thing—it would be a speculation in the contractor's own mind? Yes.

Mr. J. F. Nash was further examined:—

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341. *Captain Hixson.*] Do you desire that I should put any questions to Mr. Brennand for you? No; but I desire to call the attention of the Board to this, 171 over 2,857, an official receipt, dated the 1st of February, 1877, from the Surveyor General's Department. This was posted on the 31st of January, 1877, returned on the 30th of May, 1877. On comparing this receipt with the requisition to which it appertains, you will see that twenty-five leather straps, 14s. 7d., and one dozen Indian ink, 9s. 6d., are added on to the requisition, and paid for, and that the official receipt was actually filed minus these articles, which were never ordered upon the requisition—there is nothing on the requisition to show that they were ordered. Further, another account was charged to this same requisition, and handed to me to pass, and on my writing a minute on the account, demonstrating this error, and refusing to pass it, the First Clerk, Mr. M'Veigh, tore it up. I would have taken it to Mr. Brennand, but he tore it up and threw it away.
342. This gentleman of whom you speak, Mr. M'Veigh—what has become of him? I do not know.
343. *Chairman.*] Is he still in the Government employment at the Stores Department? No, he is not.
344. *Captain Hixson.*] He has left the department? Yes.
345. Do you know under what circumstances he left? Yes; I am conversant of all the correspondence down at the Stores relative to his dismissal.
346. *Chairman.*] He was dismissed, was he? He was allowed to resign.
347. Then this transaction to which you have referred, relative to the tearing up of this document by Mr. M'Veigh, has no connection with the present arrangements at the Stores? Only that I am compelled to mention it explanatory of my work, to make myself clear, to show how I have acted.
348. *Mr. Maclean.*] You instance it as one of the things which have occurred? Yes, as one of the things which have annoyed me.
349. *Captain Hixson.*] Can you tell us anything of a similar nature in connection with any other gentleman now in the department? Yes; I have to show you requisition 2,857, of December, 1876, from the Surveyor General's Office. Here you will see an addition made by Mr. Hill, later on, after the receipt was filed.
350. *Mr. Maclean.*] One dozen sticks of Indian ink, is this it? It was those straps I took particular notice of. They were paid for on the 15th of August, 1877, and the receipt was filed in May. There is nothing to show that they were ordered.
351. *Chairman.*] Do I understand you to say that this is a double payment for the same article? No; there is nothing to show that the article was ever supplied.

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352. *Mr. Maclean.*] Who drew the money for this? I cannot tell—it is for you to sift it out.
353. *Captain Hixson.*] Have you any reason to believe that any fraud was connected with this transaction? I have no reason to commit myself—no reason to say what might commit me to gaol. I try to do the best I can for the service of the country. You have more experience than I have. I show you these things, and you can deal with them with impunity.
354. You must know that irregularities are one thing and fraud is another; if any evidence of fraud exists I want to get at it? I cannot prove fraud—I have said so repeatedly.
355. *Mr. Maclean.*] In this case you allege that things have been inserted in the requisition afterwards, and that money has been paid for articles not supplied to any one? Yes.
356. *Chairman.*] By whom has that interlineation on the requisition been made? This addition to the requisition was made by Mr. Hill; the second one also—1 dozen, at 9s. 6d. 357.
357. *Mr. Maclean.*] These things never appeared in the receipt? No; it was put away, filed, before the interlineations were made.
358. Were these paid for on one voucher or on two? They were paid for at different times; 14s. 7d. was paid on the 15th August, long after the leather straps. I know that Mr. Pinhey will protect me in this, because I showed him that requisition, and begged him to point it out to Mr. Brennand.
359. Mr. Pinhey was aware of the facts? I showed Mr. Pinhey that.
360. *Chairman.*] Is Mr. Hill, the gentleman you have referred to, a clerk in the Stores Department? He is.
361. Have you any further case to produce? Yes; I desire to put forward this paper, 1,974 over 1,801, official receipt dated 24th October, 1876. This receipt has reference to a requisition dated the 1st of August, 1876, coming from the Treasury. When this receipt came back to me I noticed written at the bottom, after an asterisk,—"These two knives were not ordered from the Correspondence Branch." I have added underneath,—"These articles are added to the requisition by Mr. Hill; I do not know by whose authority." I produce now the requisition No. 1,801, with the knives added, in red ink, by Mr. Hill: "2 at 8s. 6d.—17s."
362. The receipt from the Treasury shows that the knives were received, although you say they were not ordered? Yes.
363. *Captain Hixson.*] So that in point of fact this case is similar to that which you have brought forward in regard to over-supply at Gladesville—a case where the things have been supplied in excess of the original requisition, but where receipts have been produced to show that the articles actually reached their destination. Is that not it? Yes.
364. *Chairman.*] We now come to allegation No. 4—five-sixths of goods supplied not in contract. Will you have the goodness to tell us how you arrive at this calculation? Simply from a number of accounts then before me. I counted the alterations in the accounts, and made the arithmetical calculation. The copies of the accounts are in the papers before you, and you can look at them for yourselves. The remark only applies to those accounts which you have before you.
365. You do not then allege, as the result of a general research on your part, that five-sixths of all the goods supplied during the year were not in contract? No; I only made the statement in regard to the few accounts which you will find among the papers.
366. Your allegation refers to certain accounts now produced, and to which your calculation is confined? Yes.
367. Will you point out the accounts to which you refer? I produce three accounts rendered by Mr. John Sands, then contractor, in the year 1876.
368. Then your calculation appears to have been confined to the dealings of the Government with one contractor only, and to three accounts of that contractor rendered in the year 1876? Yes.
369. The total amount comprised in these three accounts is £90 11s. 8d.? Yes.
370. Will you point out the items supplied which were not in contract? Yes. (*Witness pointed to certain items in the accounts.*)
371. In these three accounts the total amount of the items supplied not in contract is £35 17s. 2d.? Yes.
372. Then in fact your allegation that five-sixths of the goods supplied for the year are not in contract is not correct? I admit that I have made a mistake—that my calculation is erroneous.
373. Your next allegation, No. 5, is that in clause V conditions of contract are utterly disregarded; no action taken to compel supply, nor to charge contractors with excess of price above contract rates if supplied by others. Clause V is as follows: "If the contractor neglect or refuse to supply the articles contracted for, or fail to deliver the quantities ordered within a reasonable time, the Government shall have power to purchase in any way that may be deemed best a supply of similar articles to meet the difference, and to charge the contractor with the excess of price if there be any that may have been paid for such articles over and above the price fixed in the contract, such excess to be either stopped or abated from any money payable to the contractor under this or any other contract, or if demanded by the Government must be paid within fourteen days, and in default of payment shall be recoverable with costs of suit." Now what have you to show us in support of clause 5? If you will kindly turn to my manuscript regarding that, I think it will help me. There are some enclosures spoken of there beneath your hand.
374. Do you allude to paper No. A 1? Yes.
375. I find in that paper, under the head of clause No. 5, the following words: "The allegations contained in this will receive irrefragable proof from the evidence already adduced." By this I suppose that the evidence tendered by you under the preceding charges are intended to support this? Yes, I can go no further.
376. We now come to charge No. 6, which is in these terms: "So-called receipts upon which accounts were passed for payment *never examined* nor checked with accounts. Payments merely scratched on to requisition, undecipherable frequently, and the account sent on for payment." What evidence have you to support that? You will have only my bare statement for that, except that this evidence will come out by and by. You will find that things have been marked paid, have been paid for, and yet afterwards when I sent my official receipts round they have not been supplied. That will come out in time.
377. Then we are to understand this is merely an allegation on your part? Yes.
378. We now come to charge No. 7, which is stated in these words: "Departments solicited for requisitions to legalize payments for goods supplied in excess of their original requirements." Will you please to state what you have to say on this head? I produce requisition 3,021 of 21st August, 1878.
379. Will you state what are the facts of the case there? This is a requisition obtained from Parramatta Gaol to cover an extra supply. The requisition was asked for.

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380. What does the requisition prove? That the department has been supplied with more than they really wanted.

381. *Mr. Maclean.*] In this case you produce a letter from the Gaoler at Parramatta, stating that he has received an over-supply of sixty sides of sole leather, and asking if there was a mistake in the requisition? Yes.

382. The Foreman of Stores suggests thereon that the Gaoler be requested to send a requisition to cover the over-supply? Yes.

383. The Superintendent of Stores refers to the Gaoler in these words: "Can you use the sixty sides shortly? if so, you might furnish a requisition for it, stating in the margin 'already received.' Return letter attached"? Yes.

384. The Gaoler responds by furnishing requisition 3,021 for these sixty sides of sole leather? Yes.

385. Which is marked with the Treasury approval? Yes.

386. *Chairman.*] Will you produce another instance of alleged solicitation? I now produce official receipt No. 123 over 1,827, of date 4th February, 1878, from the Protestant Orphan School. (*Witness not being able to produce the documents readily, the Board decided to adjourn this part of the inquiry until the next sitting.*)

387. We now come to No. 8, "Additions made to requisitions of past years to procure payment of accounts. These additions were never posted in the journal or ledger." Will you now state what the Board is to infer from this charge or allegation? I mean that accounts have been rendered to the Stores Department by the contractors, and that the person who has been dealing with the accounts has in many instances which I shall show attributed the payments to dead and gone requisitions of years past; and these additions necessarily have never been posted into the journal or ledger, because there were no blank spaces left to render such action possible.

388. *Mr. Maclean.*] How do you say that these additions were made to the requisitions—were they written on the requisitions themselves? Yes; and never put forward into the journal or ledger to which they belonged.

389. *Chairman.*] Will you produce one of your cases? I produce requisition No. 1,633 of 1873, dated 5th January, 1873—requisition for the Government Stores. (*As this is a class of cases which require reference to the journal, which is not here, the Board postpones the investigation on these cases until the next sitting, when the books are to be produced.*)

390. We now come to charge No. 9—sums of money paid for goods never supplied, see correspondence relative to doeskin supposed to have been furnished for the aborigines at Camden. Will you produce what evidence you have in support of that charge? I now produce 2,227 over 2,058, of 29 January, 1877. This is an official receipt sent to Camden for 352 yards of treble width doeskin, which was paid for on the 26th of September, 1876. It came back unsigned, with this memo.: "January 30, 1877. To the Clerk of the Stores. Explanation by the C.P.S., Camden. About July last the Camden Bench unexpectedly received two cases, one containing fifty suits of clothing and fifty fine felt hats, the other fifty shirts and fifty brab hats for aborigines. Nothing being known of the object of the consignment, they were left unopened for some time, and when opened the articles were found to be too good for the aborigines. On the 21st October, 1876, the Bench wrote to the Colonial Secretary, asking leave to return them, and suggesting moleskin and serge as more suitable. That letter was referred to the Colonial Treasurer. Soon afterwards they were advised of the despatch of 352 yards of wide doeskin. This, however, never arrived. Your letter of November 8, 1876, authorized the return of the clothing, and offered to supply other more suitable. As there was so much confusion with regard to these goods, the Bench decided to issue suits of those on hand to all the aboriginal men and youths, and to stop the 352 yards of doeskin. Consequently they issued nineteen suits and hats, and returned to you all the rest, with a letter of advice, December 19, 1876, in which you were requested not to send the doeskin, which had not arrived here. You have not acknowledged its receipt." Of course I could not put that away as a receipt. That went back two or three times, to and fro, and there was further correspondence about it. Not getting a clean receipt, I sent a triplicate for the same articles, and I received this: "In reply to note dated the 9th June inst., calling our attention to this form of receipt, the Superintendent of Stores is informed that he has been repeatedly advised that the doeskin had not been received. For instance, a duplicate form of receipt sent by him on the 24th of January last was returned unsigned, with a statement to that effect. A similar reply was made to his inquiry of the 26th of February last." These were my inquiries really sent with Mr. Brennand's signature: "Besides, the non-receipt of it was instantly mentioned in a letter to the Honorable the Colonial Secretary, December 19, 1876. It may be as well to repeat that nothing has been received here for the aborigines besides blankets, but two cases containing made-up clothing, shirts, and hats, which have been acknowledged. The original form of receipt has been kept in anticipation of the possible arrival of the goods, although they have been declared to be superfluous, and to have been ordered without communication with this Bench." I now put in a memo. in my handwriting:—"Will Mr. Carlisle be so good as to inform what has become of this tweed or doeskin, as I am assured it never reached its consignees." That was dated 9th February, 1877. Then follows a memo. dated 9th February, 1877, in which the Superintendent of Stores writes—"On requisition No. 2,058, 352 yards of doeskin were paid for on the 26th September, 1876, to be supplied to the Bench of Magistrates, Camden, for the use of the aborigines in that district. The forwarded receipt has been returned to me unsigned and 'not received' written on it. Will Mr. Moore kindly inform me where the material has been sent, in order that I may be able to get a receipt for it, and oblige." That note was sent to Messrs. Moore, Henderson, & Bowcher, and they replied by forwarding the railway receipt.

391. Is this the receipt? Yes.

392. This is a railway receipt forwarded by Messrs. Moore, Henderson, & Bowcher, as a receipt for goods No. 891, sent to Campbelltown for the Bench of Magistrates, Camden, on the 31st of July? Yes.

393. Was there any inquiry made, to your knowledge, in respect of this case? Yes, I wrote this memorandum on the 12th of June, 1877: "I have sent five times to ascertain if the material named in the receipt No. 2,277 over 2,058 has been supplied, but can obtain no information respecting it. Therefore I have filed the receipt with Mr. Martin's explanation; *sans* signature."

394. Where did you make these five-fold inquiries? To Mr. Martin, the Clerk of Petty Sessions at Camden.

395. Did you ever take that railway receipt in your hand and make inquiries at the Railway Office? No.

396. Did you recommend such a course? No, I never dreamed of it.

397. Are you aware whether such a course was taken? No.

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398. *Mr. Maclean.*] Are the Board to understand that these articles were paid for before they were despatched? They were paid for, but I do not know whether they were paid for before they were despatched.
399. They were paid for without any acknowledgment that they had been received by the persons to whom they were sent? As far as I know there is no acknowledgment in the world.
400. *Chairman.*] But you produce a receipt showing that they were sent to the railway for transmission to the Bench of Magistrates at Camden, and that receipt was forwarded to the Stores Department by Messrs. Moore, Henderson, & Bowcher? A receipt for a case.
401. *Mr. Maclean.*] Can you give us any idea of the cost of this case? £52 16s.
402. *Chairman.*] You kept inquiring of the Clerk of Petty Sessions at Camden, instead of taking the obviously reasonable course of inquiring of the railway authorities, who were liable for the goods? Yes.
403. *Captain Hixson.*] Do you instance this case in proof of your allegation that sums of money have been paid for goods never supplied? That is what I believe.
404. I presume that goods are sometimes sent by the Government to remote places, such as Fort Bourke, and they are a long time in transit? Yes.
405. In cases of that sort, do you know whether the goods are paid for when it is known that the contractor has delivered them to the railway for transmission? They used to be paid directly they could produce a railway receipt. It seemed to me that that slip of paper was not enough to pay £52 16s. upon.
406. Supposing that goods were to be sent by ship, when do you think the contractor should be paid? When he gets the mate's receipt.
407. *Chairman.*] Then, if bills of lading are signed on the first mate's receipt, surely a payment might be made upon such a voucher as the acknowledgment of receipt by a Government Department? ——
408. *Captain Hixson.*] Do you think a contractor would be satisfied to send his goods by a steamer if he were only to be paid when a receipt came back from the office at the place of destination? No.
409. Suppose the steamer to be wrecked on her voyage, do you think the contractor would be prepared to lose thereby? No.
410. Then do you think there is any impropriety in paying a contractor as soon as the goods are in the actual possession of the Government in Sydney? In this case they were not in possession apparently.
411. Do you think it wrong for the Government to pay for goods that have been actually shipped by a contractor to some department along the coast? No.
412. Is not that analogous to what has been done in this case? Yes.
413. *Chairman.*] By this allegation, No. 9, you mean that in this particular instance the case was not received by the Bench of Magistrates at Camden; but you cannot say they were never supplied to the Government, in the face of that receipt? No, I cannot prove it.
414. You cannot say they were never supplied, when you produce a receipt from the railway for the property? No.
415. *Mr. Maclean.*] Did you bring under the notice of the Superintendent of Stores the continual disacknowledgment of the receipt of these goods by the Camden Bench? Necessarily so, because he signed every paper for me.
416. What further information can you give regarding this matter? There was a correspondence for some time with the Audit Office about it.
417. Did the Audit Office make a query about it? Yes.
418. What led them to raise a query—was it the non-production of a Camden receipt? When the accounts went on to them they wanted the receipt, and they asked for it.
419. Do they see all the receipts of the Stores? No; but in that case they asked for it.
420. Why? Well, I asked Mr. Pinhey to take it in hand, and he talked to Mr. Hall of the Audit Office about it.
421. *Chairman.*] You wrote Mr. Pinhey the note which you have placed with these papers, and which I have now before me—dated 12th November, 1876—which is in these words:—"Saturday evening. Dear Pinhey,—Representations having been made to the Audit Office to the effect that material for the Bench at Camden for the payment of £52 16s. made to M.H.B. last September has been supplied, I am prepared to incur the risk of proving that it *has not*. This matter is, I opine, too serious to be permitted to sink into subsidence, and the representation tantamount to fraud. You tell me that the Audit Office authorities have been assured that the Bench have acknowledged receipt of this stuff. Those who gave this information *lie*. Yours ever, NASH"? Yes; they never had it.
422. *Mr. Maclean.*] Do you recollect what was the end of the Audit Office inquiry? All I know is there before you.
423. Then, you do not know? I do not know what they did in it.
424. Have you any further cases which you represent as being cases where sums of money have been paid for goods never supplied? I produce a requisition from the Treasury, No. 496, dated the 3rd February, 1877, for a Sands' Directory for that year, which is noted as paid on the 28th of April, 1877.
425. What is the evidence that that was never supplied? I produce the official receipt which came back with this pencil memo.: "I can find no trace of this directory having been received." Mr. Reid, then the Corresponding Clerk at the Treasury, was requested in the following terms to make further investigation: "It will be evident from the accompanying requisition, No. 496, which please return, that the directory in question was paid for on the 28th of April last, consequently either has been or ought to have been supplied previous to that date. Presumably, a so-called contractor's receipt must have been presented here for it, otherwise the account should not have been passed on for payment." This note was returned in the usual formal manner with this minute upon it: "Perhaps Mr. Brennand will let us see the receipt upon which the claim was paid. We cannot find any trace.—G. H. REID, 25 Sept., 1877." It came back to us for us to find the receipt upon which our payment was made. That receipt has never been found. The paper went up to Mr. Reid the third time, and was finally returned with this on it: "As the probability is that the directory was furnished, I sign the receipt."
426. *Capt. Hixson.*] When the contractors deliver directories or other goods at the Treasury or elsewhere, are they in the habit of getting a receipt for them? They are supposed to get it, and that has to be presented before payment.
427. Then it appears to me that you deal with two classes of receipts in the Stores Department, the one that is delivered by the departments which receive the stores to the Stores Department, and the other by the department which receives the stores which is given to the contractors;—is that so? Yes.

Mr. J. F. Nash. 14 Mar., 1879.

428. Then the probability is, I suppose, that this particular payment was made on the receipt that had been procured by the contractor from the Treasury? Yes.
429. Can you tell us whether this pound, which appears to have been the price of the directory, was paid to the contractor without his showing a receipt? I cannot tell; it was not I who authorized it or passed it for payment.
430. What are they in the habit of doing with these receipts at the Stores? That is one of the mysteries I have never been able to solve. I keep mine very carefully.
431. You can give us no information? It is one of the parts of the office work that I could never get any light upon.
432. *Mr. Maclean.*] I think you said that the contractor's receipt was the means of obtaining payment? Yes.
433. Are there any other means of obtaining payment besides the contractors' receipts? Not that I am aware of.
434. *Captain Hixson.*] Can you tell us whether as a rule payments are made on the contractors' receipts, or on the receipts from the departments of the Government? The accounts were paid upon the production of the contractor's receipt, under the old system, but it is not so now; they are paid on invoices as they are called, which accompany the goods, and which are signed by the recipients.
435. Can you produce another case in support of your allegation that money has been paid for goods never supplied? I produce official document 1,034 over 939. On the 19th March, 1877, the Land Agent at Armidale applies for a fresh supply of oil paper and blotting paper for his press copying machine. The Superintendent marks the order to supply on the 28th of the same month. On the 8th of August payment for the goods was made to the contractor, and on the 19th of March the Land Agent at Armidale wrote complaining of the non-receipt of the goods.
436. *Chairman.*] What was the value of the articles? 4s. 9d.
437. *Mr. Maclean.*] When were they paid for? In August, 1877; and a further communication from the Land Agent dated the 28th of May, 1878, represents that he had not on that date received the articles.
438. *Captain Hixson.*] Do you know whether these articles were delivered to anybody at all? I do not.
439. Do you know whether they were delivered at the Stores? I do not.
440. Do you know whether for non-delivery the amount has been deducted from the contractor's account? I do not.
441. Do you know whether the contractor would be content to wait for the payment until the goods were received by the Land Agent at Armidale? I should think he would not be likely to wait so long.
442. I presume he would send in his account as soon as the goods were in the possession of the Government? It is natural.
443. What has the Government to do in such a case? To pay the contractor as soon as the goods are delivered, and to send them on.
444. *Chairman.*] You do not allege the non-delivery of the goods at the Stores? I cannot say.
445. *Mr. Maclean.*] Would these articles have been sent direct by the contractor, or through the Stores Department? I fancy they would come to the Stores, and the stationer would pack them.
446. There is nothing to show that these goods were not properly despatched, or to rebut the inference that the goods have been lost on the road, or that they are still lying at Murrurundi for instance? I do not know where they are; I only know that it is my duty to tell you that I have no receipt for those goods.

TUESDAY, 18 *MARCH*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
MR. MACLEAN.

L. I. Brennand, Esq., Superintendent of Stores, was present by invitation of the Board.

The evidence of Mr. J. F. Nash taken at the last sitting was read over to the witness.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 18 Mar., 1879.

447. *Chairman.*] You have heard the evidence given by you at the last sitting read? Yes.
448. And it is correct? Yes.
449. We adjourned in relation to the seventh charge—Departments solicited for requisitions to legalize payment for goods supplied in excess of their original requirements—We dealt with the supply of sole leather to the Gaol at Parramatta, and we came to No. 123 over 1,827 of 4th February, 1878, Protestant Orphan School. You were not able to produce the case readily, and we decided therefore to adjourn this part of the inquiry to the next sitting. I now ask you on behalf of the Board whether you are prepared to go on with this case. (*The book of requisitions required by the witness was not accessible, and further inquiry into this case was postponed until a later hour.*)
449½. We will now resume our inquiry into charge No. 8—"Additions made to requisitions of past years to procure payment of accounts. These additions were never posted into the journal or ledger." The inquiry into this charge was adjourned to enable the journal to be produced. Do you now produce the journal? (*The journal to which the witness desired to refer not being available, inquiry on this head was again adjourned.*)
450. We now come to charge 10—"Goods in stock in large quantities put in contract at ridiculously low prices because not likely to be wanted, those not in stock at a high figure." Will you please explain the nature of that charge? I can say nothing fuller in regard to the nature of it than what you read there.
451. *Mr. Maclean.*] Will you state the effect of it? The year before last penholders were in at 2½d. per gross. It happened that there was a great number in stock, but in the following year stock having been worked out the price was considerably augmented. That of course would be beneficial to the contractors.
452. How? When there is a large quantity of goods in stock they can put them at a low figure, because they know they will not be called upon to supply them from their own establishment.

453.

453. Then you mean that their tender will by this means be likely to gain an advantage in the general competition? It will be an advantage to them if they know that there is a large quantity of things of a certain name or kind in stock. They know that they will not have to supply them, so they can put them at a low figure to keep the tender down, knowing, as I say, beforehand that they would not have to supply them. Mr. J. F. Nash. 18 Mar., 1879.

454. *Chairman.*] May I ask you how contractors acquire any knowledge of the quantity of goods in stock in the Stores? With regard to that I can say this—it became very evident in the early part of last year, I think it was, that by some mysterious agency they did procure the knowledge, because it was the subject of conversation at the Stores; and Mr. Hemming, the Accountant, considered it desirable and necessary to have the building altered so that they should not be allowed—contractors or their emissaries—should not be allowed to go up-stairs and see what was in stock. The door in front of the building by which they used to obtain access to the stationer's room was closed, and a passage was constructed at very considerable expense to the Government through Mr. Hemming's room—the Account Branch as it is designated—so that any contractors or any of their employés who might have occasion to come through the building could not gain access to the stationer's room without his knowledge; and on one occasion, shortly after the stationer who left,—he was employed by the contractor Sands, and he came to the office and went upstairs, and I happened to mention it to Mr. Hemming, knowing that it was against his wish, and he went and ordered him down. That may show you substantially that there is some, or there has been some, ground for what I have stated. Of course it is utterly impossible for me to produce anything like the whole of the evidence which may be discovered—I only profess to show you a few instances. Go through the books and the working of the department thoroughly, and it will be all obvious enough. The other day I produced an instance in which the amount was only 4s. 9d. I brought that forward, but it was a mere accident that such a trivial sum comes before you in preference to others of greater magnitude. In the same manner, in instancing another branch of the examination,—I had to place before you a case where 418 yards had been supplied in excess. I know of another—and you can easily insist upon seeing it—where 1,100 yards were supplied in excess, and I know that it created some difficulty at the Government Stores. I cannot point to the numbers of the correspondence—I believe it was never registered—because I have never seen it; but I do know that it happened that those 1,100 yards of twill were supplied in excess; and that Mr. Hemming discovered it, and that some correspondence passed between him and the Superintendent relative to this matter.

455. Supplied to what establishment? From Messrs. Moore, Henderson, & Bowcher. I think it was supplied to the Parramatta Lunatic Asylum, but I am not sure. Not having had the papers to deal with in any way, I cannot give particular information regarding them, but of course it is in your power to ask for these papers and to see them. It was in 1878 I think.

456. You desire the Board, as far as I can gather, to understand that up to the early part of last year the contractors had, as it were, the run of the premises down at the Stores? It was up to the early part of 1877.

457. I again ask whether you allege the contractors had the run of the Stores up to that date? They seem to me to have had a great deal more freedom than should have been allowed. I do not mean to say that they had the run of the Stores generally.

458. Have you not already stated that they had the run of the stationer's room? No, I have not.

459. Did you not say that the place was barricaded? No, I did not use the word barricaded.

460. Certainly the impression which I think you desired the Board to form was that this knowledge of goods in stock in large quantities, which enabled them to put such goods in contract at ridiculously low prices, was obtained by that means on the part of the contractors? I think so.

461. That is the impression you want to produce on our minds? That was the impression on my mind, and I frankly state it.

462. How could the contractors acquire this knowledge without having the run of the premises? I cannot tell you that; I do not know what means they may have had of obtaining knowledge.

463. You merely judge by the result? I judge by the result.

464. *Mr. Maclean.*] Might it not happen that a contractor himself would know that he had put something in stock which had not been issued? I have thought of that, but some of these cases were so glaring.

465. I am asking you might it not be so? It might be so.

466. How does this surplus of stock arise—how does it come about? I cannot tell you that.

467. Has it been the custom of the Stores Department to obtain stock not wanted for immediate issue? Most certainly yes.

468. What has been the occasion of that? I cannot answer that. There are 13,000 pairs of boots stacked up there now that will last for ten years if no more are made.

469. Are those mostly prison-made boots? Yes.

470. But we are not now talking of stock manufactured in the prisons, which is capable of full explanation, but of other stock obtained from contractors? I have never had any work connected with the stock to admit of my obtaining a full knowledge of it.

471. You cannot explain why the surplus stock came to be there? No.

472. *Chairman.*] Might not a knowledge of the requirements of the Government be obtained in this way: that contractors, having had several years' experience in supplying goods to the Government, could, from their own knowledge of actual supplies, form a pretty correct estimate of what was generally wanted and of what was not generally wanted? If you think so, I do not wish to contradict your opinion.

473. I ask you to give the Board your opinion? I cannot tell.

474. I put the question for these reasons: First, it may be assumed that the contractors had the general run of the premises, and so have acquired a knowledge of stock by actual inspection; or second, that information might be supplied collusively. But there is this third mode by which the knowledge might be readily obtained without any imputation of fraud at all, and that is where one firm has a contract for a number of years, they might in the course of their business obtain such a general knowledge of the probable requirements of the Government as would give them an advantage over other persons in putting in their tenders. Is not that the case? I do not know what more I can say than I have said.

475. *Captain Hixson.*] You say that goods in stock in large quantities are put in contract at ridiculously low prices: will you tell us the particular class of goods you refer to? Stationery goods are the only ones that have come under my knowledge particularly.

476. Stationery? Yes; those penholders for example which first aroused my suspicion. It seems a strange thing that when they were abundant in stock they were 2½d., and directly stock was worked out they

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they were up considerably. I did not search for that nor for any of these things—they have all come under my observation casually. Mr. Hemming made the discovery, and there was a great bobbery about it at the time. He had the building altered. That part of my suspicion has only dawned upon me since Mr. Hemming came there. If he will tell you all he knows, he will tell you lots of things.
477. The class of goods you refer to is stationery? Yes.
478. Is there a large quantity of stationery called for to be supplied at the Government Stores for issue from there to the different departments as they are requisitioned for? Yes, I think half-yearly stock is procured, taken to the Stores, and then doled out as required. That is as I have understood it. Then, again, to the remote places in the Colony, I believe stationery is despatched directly from the contractor, but as to that I am not quite sure.
479. Have you known the contract price of stationery to vary very much from the particular cause you have placed before us now? Yes. May I look at some notes I have made?
480. Certainly? There are some accounts I have noticed—3,000 demy envelopes, contract price 9s. 2d., which would come out at 7s. 6d., charged 20s. on the account.
481. *Mr. Maclean.*] Is that because they are out of contract? It was on an account 322 of 1877.
482. *Captain Hixson.*] I should be glad if you would confine yourself to my question. You say that goods in stock in large quantities are put in contract at ridiculously low prices. I asked you the kind of goods to which you referred, and you then told me stationery. I want you now to show the Board how much the price of stationery has varied to your knowledge? Here is a case in which it has varied from 9s. 2d. to 20s., that is 100 per cent.
483. Will you kindly tell us when the article cost 9s. 2d., and when it cost 20s.? 9s. 2d. in the early part of 1877, and when the probable quantity was worked out it was 20s.
484. Then in point of fact that is a case where a contractor has been called upon to supply articles after his estimated quantity has been supplied? Yes.
485. Then this is a class of cases which properly comes under the second charge? Yes.
486. What I want you to give me are the prices which have ranged from time to time in consequence of the contractor, by some means or other, knowing the quantity held by the Government? I cannot give you particulars, but I know these variations have been very great. I know it from hearsay and from study, but I have not taken notes of everything.
487. I gleaned from one of your answers just now that some officials in the Stores Department had taken steps to prevent outside people, strangers to the department, from passing through different rooms in the Stores Department for the purpose of noticing what supplies were there? I cannot prove that any one person ever did so; but it was my belief, from inference.
488. Who do you believe then has endeavoured to stop the objectionable practice? There is not the slightest doubt that it was Mr. Hemming who found it out. Let it be distinctly understood that I do not impute that the Superintendent knew anything of this; it was all done *sub rosa;* it was Mr. Hemming, with his shrewd, sharp intellect observed these things, and put his foot down upon them to strengthen Mr. Brennand's position.
489. Do you imply that Mr. Hemming is the only person in the Stores Department who has endeavoured to prevent improper information being obtained? No; but being a sharp business man, he saw these things and took measures to stop them.
490. *Chairman.*] Did Mr. Hemming make these changes without the intervention of the head of the department? No; if I were to say that, I should be going in contradiction to my own language in the letter there. Mr. Hemming saw these things which had escaped Mr. Brennand's attention.
491. *Captain Hixson.*] In your tenth charge you say—"Goods in stock in large quantities put in contract at ridiculously low prices." Have you any reason to believe that any employé in the department has been guilty of giving information to the contractors to enable them to tender for such things at ridiculously low prices? No, I cannot say that.
492. Are you of opinion that the contractors are in possession of the information? Not now; that has all been stopped—they do not get information now.
493. Do you think that they used to get information? I cannot prove it, but I did think so, and I always thought so.
494. Do you consider that a better state of affairs prevails now than used to prevail there? Yes, infinitely better; but still there is a great deal which requires to be corrected.
495. *Chairman.*] Will you look again at the terms of your allegation. It must apply to the contract system, for you say that goods are put in contract at ridiculously low prices, because they are not likely to be wanted, and those which are not in stock at a high figure. You must mean then that the contractors so regulate their tenders as upon a computation of prices to be more successful than their competitors, by a knowledge of what is in the Stores? That is my suspicion; I cannot prove anything.
496. *Mr. Maclean.*] Can you give any instance within your knowledge in which a contractor obtained an advantageous contract by reason of his knowledge of the stock in store? I cannot.
497. You cannot give an instance? No.
498. *Captain Hixson.*] In regard to the contracts to which you refer, are the goods advertised for by public tender? Yes, in the Government Gazette.
499. *Chairman.*] And also in the *Herald*, are they not? They are copied into the *Herald* and the *Evening News.*
500. *Captain Hixson.*] Do you happen to know the practice which obtains in the acceptance of tenders by the Government? I have done all that work for the last two years, and I ought to know a little about it.
501. Do they accept the highest or the lowest tender? They generally accept the lowest tender.
502. *Chairman.*] Do you not know that the lowest tender is always accepted? I cannot swear to it.
503. Do you know whether they always accept the lowest tender? No.
504. *Captain Hixson.*] Do you presume that when tenders are called, sharp business people do all they possibly can to procure the tenders? Yes.
505. And therefore, if some advantage is apparently gained by one tenderer over others, it may be owing to his keen business habits, or to other reasons than the acquiring of information from the Stores Department? They must be exceedingly keen then; because there is one firm gets £28,000 this year for tenders—one lucky firm gets £28,000 out of £78,000.
506. Do you happen to know whether the contracts are accepted at the Treasury or at the Government Stores Department? At the Treasury.
507. There is no reference made to the Government Stores Department until the order is given to supply—

no

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no reference, in fact, until the Government Stores Department is informed that certain people have the contract? If I appear reluctant to answer this question it is from want of knowledge. I am not sure that you are speaking of the same subject that I am.
508. I should like to have it clearly stated, if possible, whether you happen to know that the contracts are taken at the Treasury apart altogether from the Stores Department? They are accepted by the Board at the Treasury.
509. And the business of the Stores Department with the contractor does not commence until the contract has been taken at the Treasury? No.
510. *Chairman.*] I think you said that the practice you complain of ceased in the early part of 1877? I get confused as to dates.
511. The practice ceased after the introduction of the new system? I do not believe there is any chance now of contractors cooking their contracts.
512. To what new system do you allude? To the time when Mr. Hemming was appointed Accountant.
513. Did Mr. Hemming introduce any new system? It seemed to me that he did.
514. Are you aware that about the middle of 1877 Mr. James Thomson, under authority from the Colonial Treasurer, instituted a very searching inquiry into the Stores Department? Not a very searching inquiry. I am aware that he was there.
515. Then possibly the new system was Mr. Thomson's, not Mr. Hemming's? That is as it may be.

THURSDAY, 20 *MARCH*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
MR. HAROLD MACLEAN.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., Superintendent and Clerk of Stores, was present by invitation of the Board.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 20 Mar., 1879.

516. *Chairman.*] The Board now turn to question 386, at which point the adjournment of the inquiry took place to admit of documents being produced. Are you now ready to produce the paper marked 123 over 1,827, of 4th February, 1878? I produce No. 123 of 4th February, 1878, and also 1,827 of date 13th July, 1877.
517. What do you propose to show by this document? That considerable quantities have been supplied to the Protestant Orphan School in excess of those asked for. Correspondence passed between the Stores Department and the lady who is the Superintendent of the Asylum, asking her to sign the corrected receipt.
518. *Mr. Maclean.*] That is the receipt for the additional quantity? Yes. I must now read the letter sent to the Protestant Orphan School. It is—"With reference to the various discrepancies shown upon the official receipt 123 over 1,827, the contractor has been requested to send the 150 caps, 400 yards of coburg, and three shawls, all of which were ordered on the 2nd of August, 1877. In other respects the requisition has been altered to agree with the quantities delivered. A clean receipt is now forwarded, which can be retained until the caps, &c., are supplied. Should this not be done within a reasonable time, please return this memo. with an intimation to that effect, and the contractor will again be urged to complete the order." That was signed by Mr. Brennand on the 2nd of March, 1878. On the 3rd of April, 1878, Mr. Brennand sent the following memo. to the Superintendent of the Orphan School with reference to the official receipt 123 over 1827: "14/2/78 of requisition number 1,827—13/7/77. There being several alterations in the original, a clean copy was posted to you for examination and signature, but has not been returned; may I request your attention to it at an early date." On that note there is the following minute initialled by A. Witling:—"Receipt, No. 123 over 1,827 is still here, and is kept in accordance with your memo. attached to it until the boys' caps are supplied. When the caps arrive the receipt will be at once forwarded."
519. Is that the reply from the Superintendent to Mr. Brennand's minutes? Yes.
520. Will you tell us what you allege by all this—will you show us where is the solicitation to take surplus quantities? ——
521. As a common business transaction, where is the solicitation? The Superintendent is asked to sign a receipt, which has been altered to agree with the enlarged requisition. That appears to me to embody the act of solicitation. It is for you to decide whether I am right or wrong.
522. But you raise no question as to the extra quantities having been supplied by the contractor, and received by the institution to which they were sent? No, none whatever.
523. In other words, the institution acquiesced in the further supply? Yes.
524. *Captain Hixson.*] It appears to you to be an act of solicitation to procure a receipt for goods which have been positively supplied? Yes. It is not a good instance which I happen to have produced. There are others which I wish to be allowed to show; there is No. 3,764 of 10th October, 1878.
525. What I would like you to show the Board, if you can, is a case where a direct application has emanated from the Stores Department to some department under the Government to solicit that they should be supplied with goods? If my memory serves me, 3,764 will do that. I now produce 3,764, which shows that on the 11th October, 1878, Mr. Brennand notified by letter to Mr. Forbes, the Gaoler at Bathurst, that he had some grey cloth on hand, and asked him if he had any hands to make up clothing, and if so to forward a requisition for what he could have made up.
526. *Chairman.*] This is your example of solicitation for supplies in terms of your charge? One of them.
527. One of your examples of solicitation in terms of your allegation? Yes.
528. Do you know anything more about this case? No, not about that.
529. Have you anything more to show us? I should like to be permitted to repeat a remark which I made the other day; that is, I think that every department can ask enough for its own use without being told to ask for more.

Mr. J. F. Nash. 20 Mar., 1879.

530. *Mr. Maclean.*] Are you aware that material from the Stores is much sought after by the gaolers for the purpose of getting it made up? Yes.
531. Might it not have been from a desire to furnish work for the prisoners that Mr. Brennand sent this communication about this cloth? It might.
532. *Captain Hixson.*] Can you tell us whether this particular cloth was lying in the Store, or would the supply of it necessitate a purchase from a contractor? The latter. It had to be ordered.
533. *Mr. Maclean.*] It had to be ordered? Yes.
534. Mr. Brennand, in his memorandum, says that he had it on hand? There you see it was ordered.
535. It was ordered from the contractor on what date? On the 23rd of this month; that is, October, 1878.
536. *Chairman.*] Would you look at the requisition again, and say if it appears on the face of it whether the goods were ordered from the contractor or were in stock? I now see that it is marked as being in stock.
537. *Mr. Maclean.*] So there could not have been any possible advantage to a contractor in that material being supplied to Bathurst Gaol? I am not able to say.
538. It was already on hand? Yes.
539. *Chairman.*] Have you another case of what you term solicitation? You may have others noted in the papers before you perhaps.
540. No; the only one I observe is 123 over 1,827? I produce paper No. 479, of 20th December, 1878—a requisition from the Government Stores. This was sent on the 23rd December, 1878, to obtain approval for goods said to be supplied in 1869. These are things which are said to be supplied in 1869 by Messrs. Elliott Brothers, and this requisition was made to authorize the payment of the account, charging those amounts.
541. *Mr. Maclean.*] This is not an instance of solicitation? No. (*Inquiry into this matter was postponed, and to be resumed under charge* 8.)
542. *Chairman.*] Have you any more cases of alleged solicitation? No.
543. We will now pass on to charge No. 8, which was postponed from the meeting of the 14th instant:—"Additions made to the requisitions of past years to procure payment of accounts; these additions were never posted in the journal or ledger." I now call upon you to produce 1,633 over 1,873? I produce the document referred to, which is a Government Stores requisition, dated 5th January, 1873. There are several things upon this requisition made in the year 1875 which do not appear in the journal, and consequently not in the ledger.
544. Do you now produce the journal? I do.
545. From the examination of the journal now made, it appears that the following articles, comprised in the requisition under notice, are not entered contemporaneously in the journal with the other articles upon the requisition:—One Mordaunt's pencil, one pearl-handled knife, two diaries, one drawing-board, two boxes of elastic bands, one ream of 8vo. post, 28lbs. of soft soap, 21 bushels of stone lime, one despatch box, the total value of these articles being £6 8s.? Yes, and what is more, they were never entered in any journal.
546. Then the gist of your charge is this: that payments have been made in the years 1874 and 1875 for goods added on to a requisition of 1873? Yes.
547. And not entered in the journal or ledger? Yes.
548. I suppose that disposes of the case? I want to say this: I can prove from my own knowledge that the way in which these requisitions were made or treated was this: Items were never entered on them in the left-hand column until copied from the accounts charging for these items; and the dates in 1875 prove that the accounts were passed in 1875, and also that the articles charged for were added in 1875.
549. *Mr. Maclean.*] What do you mean by the left-hand column? The column in which the articles have to be designated.
550. *Chairman.*] Do you allege that the goods so paid for were never supplied? No, I cannot say that. I wish to allege further, if you will allow me, that we always had one of those requisitions floating until done away with in 1878; so that why could we not have had these things added on to a requisition then current instead of to a dead and gone one?
551. But still no question arises as to the delivery of the goods? I cannot raise any question, neither do I wish to go beyond what I have raised.
552. Have you anything more to say upon this matter? Not a word.
553. *Mr. Maclean.*] By saying the left-hand column was not filled up until after the articles were supplied, I suppose you refer entirely to Government Stores requisitions? Yes.
554. Requisitions from the departments must state the goods which are wanted? Yes.
555. You say that Government Stores requisitions are filled up to suit the account after it is rendered? Yes.
556. *Captain Hixson.*] If it was patent that certain goods were supplied to the Government and received, that is goods other than those named in the requisitions in the usual form, they were afterwards added on to a floating requisition? Yes.
557. Does such a state of things prevail in the Government Stores Department now? No, it does not.
558. There is no floating requisition kept there now? Not since March, 1878.
559. Can you tell us up to what time these requisitions were used in the department? Some time in 1878; that is, the Government Stores requisitions.
560. Do you think that the alteration in the system was consequent upon an inquiry that was held in the establishment? It was not wholly abolished until March, 1878.
561. You tell us that there was a requisition kept there for the purpose of squaring accounts? Yes.
562. You say that the plan does not prevail now? No; nor has it prevailed since some time in 1877 after that examination.
563. *Chairman.*] Have you reason to suppose that the goods entered upon the requisition in August were received or not by the Government? I do not know. I would like the receipts to be produced.
564. Will you give us your next case? I now produce No. 1,269, a document signed by the Superintendent, and dated 3rd June, 1876. This is what I term a floating requisition. The things were added on as the accounts came in. I say these requisitions were manufactured from the accounts upon the supposition that receipts were shown.*
565. Will you tell us the process of manufacture? One of these printed requisition forms was taken, and

* Note (*on revision*):—The former (1,633) was a mere light repast of clerical cookery; this is a heavy 7 o'clock dinner of seven courses offered for your delectation.—J.F.N.

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and when an account came from any contractor charging for goods supplied on Stores account, the items were written under this heading, "Names of articles required," in the left-hand column. From the account were copied the prices charged for the items, and in the margin "Pd." was written in red ink, and the date when marked paid. All those which were paid on one day were bracketed. That would show first, that the account was rendered marked in the requisition in the way I have described, and then I suppose it went on for payment; but that I cannot prove. It was marked for the purpose of sending the account on—it was the authorization for payment. This requisition was submitted for approval in Schedule No. 31, of 1876, and approved on the 7th September, 1876, consequently all the payments prior to that date were approved of; but there is no approval for the additions which I now show.

566. *Mr. Maclean.*] Which are the additions? All these things have been added on and paid for, although after the new system in June, 1877. These items were paid for in June, 1878.

567. How many items were there? Sixteen items were added on subsequent to the approval and filing away.

568. *Chairman.*] You are speaking of transactions in 1876, completed under a new system,—transactions under a system which was set aside in June, 1877? This was done in 1878.

569. Is not this an exception? This is an exception.

570. Have you any other cases? There is a paper amongst those already before the Board which I wish to see now.

571. I find among the papers for which you ask the following memorandum: "Dear Pinhey, I have examined journal 5,362, and find that 1,269 is now up to 551, 3-10 only, and no space left for additions, not even the folios of 1876. I send you copy of 2,359 of 1877. What a swindle! Please put under the 10s. what was actually paid, if you can recollect the amount. Requisition 942, when examined, and my remarks perused, kindly enclose with any papers of mine, and tell 'old Blowhard' to leave the envelope over at the 'Fortune of War' for me." Is that a copy of a document sent by you to Mr. Pinhey? It is, or it ought to be, the original document; he returned them to me altogether.

572. Among the papers I find this also:—"For 1,269 of 1876. Dear Pinhey,—Curiously enough, it happens that another account for a magnifier is prepared for your gaze to-morrow, ascribed to the famous 1,269. Come right down and take them by surprise before any alterations can be effected. Look also at 1,633 of 1873, and turn to journal 3,163, and you will see that several hundred pounds have been paid upon it over and above what appears in the journal and ledger—at least I think so; but judge for yourself. It would be an interesting study to take all the Stores requisitions one by one and compare the amounts paid upon them with the amounts appearing in their respective journal and ledger entries. One sheet only of 1,269 was sent for approval; others added since, according to convenience. In fact I think you will admit my simile of the boiling pot, into which to drop an egg, at any time more happily than now imagined. I do not think that any of the accounts said to have been due prior to July, 1877, passed through Hemming's books or came under his cognizance in any way. Dear friend, you are sadly wanted to take that place in hand, but if you do, you will have to dismiss Scratch Tamsen, the Spectre I mean—not our long-legged loafer. With all our loves, I remain yours most faithfully, NASH. P.S.—You will find the card and magnifier stuck on to the back of the requisition, where no one would be likely to think of looking for it. I am afraid I shall go mad over this business yet." Is that the original letter you sent to Mr. Pinhey? Yes; and he returned it to me.

573. These are part of the original papers you put in? The note which you have just read was not in the original papers; it was given to Mr. Rolleston, and he gave it back to me, in case I might wish to withhold it; but as it was given by Mr. Pinhey to me to use in this way, of course I use it. I should like to point out that only one of those three sheets have been approved—only one has been sent to the Treasury.

574. You have given us some cases in which additions have been made to the requisitions and not posted in the journal or ledger, and if there are others they have the same general bearing? Yes, they are parallel cases.

575. We will now turn back to cases of excessive supply which were under inquiry at our sitting on the 11th instant, and in respect of which I suppose you are now prepared to produce the documents? Yes.

576. Will you produce No. 1,106, relating to Gladesville Hospital? I produce requisition 1,106, of date 10th May, 1876.

577. What does it show? The prices have been increased.

578. *Mr. Maclean.*] Ten gallons of oil were asked for and the contractor has supplied twenty gallons, and that accounts for the alteration in the price? Yes.

579. *Chairman.*] The over-supply shown in this requisition consists of what? The requisition shows an alteration; that ten gallons were asked for, and it has been altered to twenty gallons.

580. Will you now produce No. 1,124? Yes. It is dated 11 May, 1876; it shows an excessive charge upon duck rather than an excessive quantity, 3s. paid where 1s. was estimated; the estimated price was £5, and the price paid was £16 4s., which is a vast difference in the amount.

581. Will you produce another case? I produce 1,154, of April 27, 1876.

582. *Mr. Maclean.*] Where is the over-supply there? I do not see any.

583. *Chairman.*] What paper do you next produce? No. 1,198, which is a requisition dated the 22nd of May, 1876, belonging to the Survey Office; two reams were asked for and three supplied.

584. *Captain Hixson.*] Two reams of what? Two reams of close-ruled foolscap were asked for, and three were supplied and paid for.

585. *Chairman.*] You do not mean to say that they were not supplied? I cannot; you can see if they were supplied from the receipt.

586. Perhaps you will turn up the receipt? I find they were supplied. I now produce 1,102, which is a blank sheet in the requisition book which has been treated as a requisition. The requisition it purports to represent is not here. An account has been rendered to the Stores Department for £24 4s. 9d., and the clerk who deals with this matter has passed on the account without seeing the requisition, and has treated that blank sheet as a requisition, with a note "to be added to the requisition when found."

587. *Captain Hixson.*] You find now an item in this requisition book, for an article not placed on a requisition form? Yes; this sheet has been used for the purpose of forwarding an account on for payment. So that I could—I do not say that it would be allowed—I could take any piece of paper, make a requisition of it, and send the account on for payment.

588. *Mr. Maclean.*] Where is the account? I do not know.

589. What do you allege in regard to it? It has been paid, but no article is named in this piece

of

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of paper which has been treated as a requisition. The payment was made on the 20th October, 1877. I pass on to requisition 1,253, of date 30th May, 1876, from the Lunatic Asylum, Parramatta. Here in one line there are 19½ yards of calico supplied in excess of what was ordered.

590. *Captain Hixson.*] Was a whole bolt sent? It does not say. The alteration in the total price is from £14 to £15 3s.

591. Is there any other alteration shown on that requisition? The next line shows a variation downwards. There were 1,000 cotton handkerchiefs applied for, and 903 were supplied. You will observe that they are in at a very low price—7d. each. Then there are a great many interlineations here which I ask you to look through. There are 500 woollen rugs marked in this requisition as having gone from stock at some time or other, but they are struck out afterwards.

592. *Chairman.*] We now come to 1,257—will you produce that? Yes; it is dated 31st May, 1876, and is from the Hospital for Insane, Gladesville.

593. What does it show? The top line, canvas, 26½ yards in excess, the second line 26 yards in excess, making a considerable difference in excess of price.

594. What do you call a considerable excess—perhaps you will state the exact figures? From £12 16s. the cost has been increased to £13 13s. Lower down a tarpaulin was asked for, to cost £1 4s., but £2 were paid for it.

595. *Mr. Maclean.*] Is that an over-supply? An over-supply of money I should say.

596. *Chairman.*] Have you anything more to say as to that? No.

597. What is your next case? 1,950, from the Lunatic Asylum, Parramatta, of 18th August, 1876.

598. What does it show? That 300 yards of huckaback were asked for at 10d., and 392 yards were supplied at 11d., making a difference in the total cost of from £12 10s. to £17 19s. 4d.

599. *Captain Hixson.*] Is 10d. the contract price? I cannot remember.

600. Can you tell us whether that 10d. was the contract price? I think it would be. I suppose these requisitions are based upon the contract prices.

601. You suppose that those who have prepared these requisitions have copied the rates from the book of contract prices? Yes.

602. But you do not know whether they have stated them correctly or not? No.

603. *Chairman.*] We now come to your next case, 1,951, of August 15, 1876? Yes; this is a case that I must designate over-supply of money, or excess of contract price, as marked. The goods, 2 dozen metallic memorandum books, are in contract at 6d.; it makes a difference in the total of 4s.

604. Are you certain the contract price was 6d.? No, I am not. The next line shows an increase of from 18s. to 24s., and the next again from 18s. to 24s. Then the bottom line, desk knives, are in contract at 37s., and a dozen were paid for at £2 8s.

605. You are not in a position to state that the contract price was as named? No.

606. Your next case is 1,991, Gaol at Bathurst, of date 27 August, 1876? Yes.

607. What does that show? That 160 yards of coburg were asked for at 6d., but that 155 yards were supplied at 8d. per yard. The increase in the total cost is from £4 6s. 8d. to £5 3s. 4d., although there is a diminution in the quantity supplied.

608. You are not prepared to say that the higher rate was not the contract rate? No.

609. Your next case is 1,994, of 25th August, 1876? Yes.

610. What does that show—an excess in quantity or price? Price. Twelve foolscap letter-clips at 1s. 6d. are paid for at 2s.; 6d. increase on each.

611. Is it not the business of the Audit Office to deal with cases of excess in price? As to that I am not sure. If they see that I suppose they do it.

612. Your next case is 2,076? Yes; it is dated 5th September, 1876, from the Roman Catholic Orphan School.

613. What does that show? It shows that oil-cloth for the hall was asked for which was to cost £2, but £3 was the sum paid.

614. In this case it is excess of value, not quantity? Yes.

615. Your next case is 2,077? Yes.

616. Of what date? September 5, 1876, from the same institution. 100 yards of printed calico were asked for, at a cost of £2 18s., but 114 yards were supplied at 8d. per yard instead of 7d., making the total cost £3 16s.

617. As against what? £2 18s.

618. Is that all you have to say about that? No. I see here—half hose, 150 pairs asked for at 8d. per pair, and 144 pairs were supplied at 10d., increasing the total expense from £5 to £6.

619. Here there is a reduction shown in the quantity but an excess in value? Yes.

620. Then we come to No. 2,314? Yes.

621. What is the date of it? 10th October, 1876—Her Majesty's Gaol at Berrima.

622. What does that show? That 750 yards of Scotch twill appear to have been asked for, and only 4½ yards supplied in excess, but the advance in the total charge is from £18 16s. to £25 3s.

623. Will you now turn to 2,316 and give the date of that? It is dated 13th September, 1876.

624. What does it show? I bring this forward only to show that an interlineation has been made here which is an addition to the quantity or over-supply.

Of what value? 3s. 9d only.

625. *Mr. Maclean.*] What was the article? Black thread.

626. *Chairman.*] Is that all you have to say about 2,316? Yes.

627. Now will you turn back to 1,102? Yes; all I wish to show here is that a plain sheet has been treated as a requisition.

L. I. Brennand, Esq., was further examined:—

L. I. Brennand, Esq. 20 Mar., 1879.

628. *Chairman.*] Will you turn to the case indicated by 2,227 over 2,058 of 29th January, 1877? Yes.

629. We were unable to discover that the package of doeskin had reached the Bench at Camden, and there was cast upon you the obligation to show what had become of the property? Yes.

630. Are you now in a position to make any statement about it? Yes.

631. Will you state what steps you have taken in regard to it? In the first place I telegraphed to the Bench of Magistrates at Camden, requesting them to inform me if they had received a bale of doeskin at that particular time, namely September, 1876. The Clerk of Petty Sessions replied that he had not received it.

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it. I then saw the contractor who supplied the doeskin, and he informed me that he had received instructions not to send the parcel to Camden, but to forward it to the Bench at Picton. I then telegraphed to the Bench of Magistrates at Picton and received this reply: "The tweed was received and distributed; it was very bad."
632. Have you a copy of your telegram to the Bench of Magistrates at Picton? I have not.
633. You can supply a copy? Certainly.
634. Does it appear then from further inquiry that the railway receipt, which was understood to be that for the tweed or doeskin, and which was produced the other day, would be for the case of clothing for the aborigines sent to Camden? Yes.
635. Did you place yourself in a position to obtain any proof from the Railway Department that the goods had been sent to Picton at the time alleged? Yes; and I now produce a copy of the railway way-bill. It is dated 20 September, 1876, "To the Bench of Magistrates, Picton; one bale; addressed."
636. *Captain Hixson.*] In point of fact then, this bale which, according to Mr. Nash's view, should have gone to Camden, really went to Picton? It went to Picton.
637. And the contents of it were issued to the aborigines by the local Bench there? Yes.
638. *Mr. Maclean.*] Was it the Camden Bench who applied for the goods? Yes; but the two Benches of Camden and Picton appear to be amalgamated, the Police Magistrate at one place acting equally at the other.
639. *Captain Hixson.*] Did Mr. Nash ever refer to you to say that he could not get the receipt he wanted at the time? He must have done so, inasmuch as he got me to sign three or four notes on the subject; but I have no particular recollection of the transaction apart from that.
640. If a proper application had been made to you about the time, do you think you could have explained the whole matter? What I blame Mr. Nash for is that he did not push the matter further, and insist on the return of the receipt.
641. Mr. Nash was content to post up replies from the Clerk of Petty Sessions at Camden, whereas if he had gone further he would have found out that the goods were actually supplied to Picton? Yes; or if he had insinuated the slightest fraud it would have been my duty to have thoroughly inquired into it.
642. Was the usual receipt procured from Picton? No, it was not.
643. *Mr. Maclean.*] There has never been a receipt produced? No, not an official receipt.
644. What was the account paid upon? Upon the railway receipt.
645. I thought you said that the railway receipt produced the other day turned out not to be the receipt belonging to these particular goods? That receipt had reference to the clothing supplied in July, and this way-bill to the doeskin supplied in September.
646. The account was paid on the original copy of the way-bill? Yes.
647. *Chairman.*] I think you ought to produce a letter in writing from Mr. Antill, the chairman of the Picton Bench, identifying the case by a statement of its contents, and indicating when it was received? I will write to him.
648. Are the Benches at Picton and Camden under the one C.P.S.? Yes.
649. Does it not appear strange that if Mr. Martin, the Clerk of Petty Sessions, does duty also at Picton, that he was not aware of the delivery of these goods? It does.
650. If he were aware that the goods had been received at Picton, it is remarkable that he should still deny the receipt at Camden? Yes.
651. The Board will require more specific information from Mr. Antill, or other responsible person at Picton, as to the date of receipt and the quantity and description of the goods received? I will obtain the information for you.
652. With reference to case No. 1,034 over 939—supply of oil-paper and blotting-paper to the land agent at Armidale, the value of the goods being 4s. 9d.—can you give the Board any information? I have looked through the old receipts at the stores, and I have found the stationer's receipt which I produce.
653. That proves the receipt of the goods at the Government Stores? Yes.
654. The goods being delivered to the Government, I presume the contractor would be entitled to be paid? Yes.
655. Can you account for the non-receipt by the land agent at Armidale? I cannot. I have made inquiry in the Stores, and have not obtained any information as to what became of the goods after they were received there. The parcel would be a very small one; and it is just possible that it may have been laid aside and not sent at all.
656. *Captain Hixson.*] Was your attention ever called to this matter until you heard Mr. Nash speak of it in this room? No.
657. *Mr. Maclean.*] Did you not receive the letter from the Land Agent remonstrating about it not having been sent? Yes; up to that time I knew nothing about it.
658. *Captain Hixson.*] Your impression is that this parcel was received at the Stores Department, where it was mislaid, or that it was lost in transit—one or the other? Yes; I think I shall be able to find out more about it.

FRIDAY, 21 *MARCH*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
MR. HAROLD MACLEAN.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., Superintendent of Stores, was present by invitation of the Board.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 21 Mar., 1879.

659. *Chairman.*] I think in the evidence which you have given before the Board you have stated oftener than once that you made no charge against individuals—that you made no charge of collusion or corruption on the part of any of the staff of the Stores Department? Yes; I have certainly not.
660. Then what are we to understand by statements of this kind with which your Prolegomena (*Appendix* A 1)

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A 1) commences: "Exposition of the systematic misuse and malversation of public moneys practised at the Government Stores previously to the action of the Examiner of Accounts"? I meant that it was the result of carelessness or inattention.

661. What do you mean by the assertion that there has been systematic misuse and malversation practised at the Government Stores? I mean that the malversation and misuse, which has the same meaning, was the result of mismanagement—the result of a want of care. I do not mean that there was any dishonesty.

662. Then if you do not impute dishonesty, may I ask you with what consistency you can speak here of a systematic misuse and malversation of moneys,—with what consistency can you do that compared with the statements in your former evidence? It may be a misuse of language if it be inconsistent.

663. I ask you what consistency there was between your former statements, that there was no corruption or collusion on the part of any individual in the Stores Department, and your prolegomena here, which purports to be an exposition of systematic misuse and malversation of public moneys. I want you to reconcile your two statements, which appear to me to be conflicting? ——

664. Will you say whether there was or was not systematic misuse of public money—whether there was or was not systematic malversation of public money? I mean that there was misuse, but it was not intentional.

665. What do you mean by "malversation"? Sending into the wrong channel. That word does not convey the meaning of dishonesty; if it does I have used it wrongly.

666. Malversation and misuse, I take it, imply dishonesty;—do you stand by that meaning or not? No, I certainly do not; I do not intend to imply dishonesty.

667. You do not, by the use of these terms "misuse" and "malversation," imply any dishonesty on the part of the officers of the Stores Department? No; I mean a misdirection by want of care and that sort of thing—I mean error of system. You will see that I wrote that word "system" in large letters on purpose to lead off the whole thing.

668. You say that systematic misuse and malversation was practised at the Government Stores previously to the action of the Examiner of Accounts, entered upon at your instigation;—will you please to explain what you mean by that? Shortly after I was employed regularly at the Stores I took notice of the inadequacy of the probable quantities, and in course of conversation I mentioned this to the Examiner of Accounts, Mr. Pinhey. I did not intend to make any charge against the Stores Department or any person there; but it was simply this—that in conversation we drifted on from one remark to another, and at last he began to pay deep attention to what I stated about these probable quantities, and I made a tabulated statement—I do not know if it is among those papers—showing several instances where the probable quantities had been worked out during the early months of the year, and thereupon Mr. Pinhey took action in the matter. I know that it was he who caused the addition to be made to the second clause, which precluded the possibility for the future of the contractors charging excessive rates after the exhaustion of the probable quantities. The latter portion of clause 2 was inserted with a view to meet the objections urged by Mr. Pinhey to the demands of the contractors to charge prices in excess of the contract-rates after the supply of the probable quantities had been completed.

669. Did you recommend the appointment of Mr. William Hemming as Accountant? No.

670. Then what are the Board to understand by this observation in your prolegomena—"Gross mismanagement, the result either of intentional partiality to contracting parties, or of equally reprehensible ignorance and culpable negligence." Perhaps you will explain that? That is only a sort of explanation of what has gone before.

671. What do you mean by gross mismanagement, the result either of intentional partiality to contracting parties, or of equally reprehensible ignorance and culpable negligence? That remark applies firstly to this probable quantity business; secondly to the alterations of the requisitions to fit the accounts; and thirdly—thirdly would be embodied in the second—contractors being allowed to supply in excess of what they were asked for.

672. What do you mean by this further allegation in your prolegomena: that the Stores Department has been worked solely in the interests of the contractors, and with a palpable and obvious desire or intention to contribute to their aggrandisement rather than with a view to protect the interests of the community at large? I am afraid that that language is too forcible.

673. Then do you desire to withdraw the language? No; I would rather that it should stand, and I will take the consequences. I am not ashamed of what I have written, but the language is no doubt too florid.

674. Perhaps you will explain what you mean by the phrase that the Stores Department has been worked solely in the interests of the contractors? Is not that the same language?

675. I wish to know how it is that the Stores Department has been worked, as you say, solely in the interests of the contractors? If they wished to supply in excess they were allowed to; if they wished to supply beneath what was ordered, or not to supply at all—I have shown instances where they have been permitted to act according to their own desire, and then again, the probable quantities were, as it appears to me, so imperfectly arranged that the contractors derived great benefits. They drew large sums of money during the year over the amounts for which they had accepted the contract.

676. That is what you mean by your allegation that the Stores Department has been worked solely in the interests of the contractors? Yes.

677. *Captain Hixson.*] Are you aware if any action was ever taken by the Superintendent of Stores to coerce contractors—to force them to supply articles required,—any action intended to keep them up to the terms of their agreement with the Government? I am aware that it has been done recently, but no instance of the kind came under my observation during 1876, or until after the inauguration of the new system.

678. Can you state that such a course was not taken? No; I have not sufficient knowledge to make such a statement as that.

679. *Chairman.*] What do you mean when you say that the terms of contract have been shamefully disregarded? I refer to that one down below, No. 5; that if the contractors do not supply within a certain time they are under a fine for not supplying, and that the penalty has not been required. It seemed to me that extraordinary leniency and indulgence had been granted to contractors generally. That is not intended to convey any imputation upon Mr. Brennand, but simply this, that he turned his face away rather than see any evil.

680. Will you explain the meaning of this allegation: that the grand object of the Stores Department was the

Mr. J. F. Nash. 21 Mar., 1879.

the effectual and expeditious baling of money out of the Treasury into the hands of a favoured few—will you please explain the baling process? When I wrote that, I was thinking particularly of the plan of passing accounts on for payment to the Treasury upon the sight of those primary receipts, as I term them, to distinguish them from the official receipts which I wrote afterwards. There seemed to me to be such a desperate hurry to pay these contractors, when they could just as well wait until the official receipt was procured, or some invoice sent by them actually showing that the goods had been signed for and the receipt returned. That is all I meant.

681. You meant that accounts were paid hurriedly? Yes, hurriedly and without sufficient and tangible proof that the goods had been supplied. I believe in my heart, as I stand here, that the goods represented by that £52 16s. never have been supplied—that they have been lost somewhere. I do not say they were stolen, but that they have gone God knows where; and the account ought not to have been paid until the *bonâ fides* of the transaction had been proved.

682. Then this expeditious baling of money out of the Treasury into the hands of a favoured few, as you put it, amounts to this, that accounts have been paid too hurriedly? That is all.

683. There is no question as to the goods having been supplied? I have always found since the work of writing and despatching official receipts was entrusted to me that if the goods had been supplied the receipts came back immediately. I have here a paper in which all the numbers written down in red ink designate that official documents are missing—there is no knowledge of them. Had the goods have been punctually supplied or supplied in their entirety, surely those receipts would have been returned as well as the receipts which you have seen bound up in the books here.

684. That scarcely follows. Was it not found so difficult to get in receipts, particularly from the country, that a special notice was put into the Government Gazette threatening officers with pains and penalties if they did not send back the receipts? That had reference to time. I am referring to receipts since 1874; this book will show what I mean. In this book I point to three blanks in two pages of May, 1874. Had these receipts been returned in due course they would have been marked off too.

685. *Captain Hixson.*] Will you just count the number of accounts that are entered there as against the three which are not entered? Yes.

686. There are three blanks as compared with seventy-six receipts? Yes; but this is scarcely a fair average.

687. *Chairman.*] I observe that in this prolegomena of yours you go on to say that in times past Moore, Henderson, and Bowcher, the misnamed contractors, were permitted to enjoy the privilege of charging from 50 to 500 per cent. over and above contract rates. That is a very serious statement. Can you give me a single case where 50 or 500 per cent. was charged over and above contract rates? I believe so.

688. Can you give me a single case? Not from memory.

689. Can you give me a single case in which an amount has been charged varying from 50 to 500 per cent. over and above contract rates? Here is a case in which £2 16s. was the contract price, and the price paid was £8 15s.

690. The case you have quoted is where, on the 4th of October, 1876, the Gaol at Darlinghurst asked for 56 yards of merino at 1s., the contract price as you suppose, and where the article was supplied at 3s. 6d. Can you tell us whether the contract price of that article was 1s.? I think I may safely say it was, because 1s. is the rate marked in the requisition.

691. Can you say positively that the contract price was 1s.? No.

692. Therefore you cannot positively say that a large percentage over and above the contract price was paid? No.

693. You have had two years during which you have been engaged in picking out all these matters; since this inquiry began you have had access to the books, and every means of informing yourself while this inquiry has been in progress, and I therefore again ask you if that is the contract price? I have no doubt it is.

694. I want your answer, yes or no? ——

695. Is it the contract price or not? The contract book showing the rates could easily be produced.

696. The Board will take means to satisfy themselves; but you have made these serious allegations, and we are entitled to know from you whether the contract price for the article was 1s. when 3s. 6d. has been charged? No, I cannot say.

697. Looking down your prolegomena, I come next to a statement in which you say that, prior to the early part of 1877, the accounts had been carefully and scrupulously kept out of your sight, and a report circulated that you were unfit or incompetent to deal with them, that in fact you could not put two and two together. The Board will hear anything you have got to say on that score? That was the character that you gave me.

698. I gave you that character? Yes; you said I was neither fish nor flesh.

699. Did I say that to you? No, but I was told of it.

700. Then I never said it to you? Other men were put above me.

701. Did I ever make that remark to you? No.

702. It was a mere matter of report that reached your ears? Yes, that I was amphibious.

703. That was a report which reached your ears? Yes.

704. But I never said that to you? No.

705. Your statement is that prior to the early part of 1877 the accounts had been carefully and scrupulously kept out of your sight, and a report was circulated that you were unfit or incompetent to deal with them, that in fact you could not put two and two together. Have you anything more to say under that head of your prolegomena? That is what I have written.

706. By whom was the report circulated? I have already said that that was your opinion of me.

707. By whom was that reported? I am not going to draw other people into it.

708. Prior to the early part of 1877 the accounts had been carefully and scrupulously kept out of your sight;—what do you mean by that? Was it your business to deal with accounts which were kept out of your sight? Mr. M'Veigh always manifested an objection to letting me see the accounts, until Mr. Hill had to compile some voluminous returns, and then it was that the work passed into my hands and I made discoveries.

709. Mr. M'Veigh had certain duties to do which eventually came into your hands for certain reasons? Yes.

710. Then under those circumstances it does not appear that anything was kept out of your sight, for

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you show that it was Mr. M'Veigh's duty to keep the books you refer to and not yours. Is not that the case? There was more than that.

711. It was no part of your duty to deal with those accounts until after Mr. M'Veigh ceased to deal with them, until he handed them over to you, and then you dealt with them and made your notes. Is not that the fact? Yes.

712. In your prolegomena you go on to say, that having at last been allowed by the First Clerk to deal with the accounts, you got so disgusted at the exorbitant charges and the alteration of quantities that you positively refused to pass them, and drew the Superintendent's attention to the matter. Will you say anything further you have to say on that? I should like to mention one case.

713. Did you get disgusted at the exorbitant charges and the alteration of quantities; did you refuse to pass them, and did you draw the Superintendent's attention to the matter? I did.

714. What followed? I had no more to do with it. Here is the case I wish to mention—requisition No. 533, from the Roman Catholic Orphan School. They asked for 150 yards, and the account came into my hands to pass. I should have had to alter 150 yards into 222 yards, and to alter the money from £5 up to £7 8s. This excess in quantity I was told by the First Clerk to pass, but I refused. I put it back on his desk.

715. Then you go on to say in your prolegomena that, finding your remarks had no more effect upon the Superintendent than water poured upon a duck's back, you importuned Mr. Pinhey until at last you induced him to interfere. As a matter of fact, is it true that your remarks had no more effect upon the Superintendent than water poured upon a duck's back? He seemed to think me a nuisance; he said I was always fidgeting about something.

716. *Captain Hixson.*] Did you ever remonstrate to the Superintendent in writing? No; I should not take that liberty. I merely placed the paper before the Superintendent to show him these things.

717. If, in your capacity as an employé in the Stores Department, you found that no attention was paid to your verbal remonstrance, was it not your obvious course to send a written remonstrance to your superior? Yes; I have done so in several instances, and I have one here. This is a copy of a memorandum which I wrote to Mr. Brennand: "With reference to the memo. from the Superintendent of the Gladesville Hospital, stating that various articles asked for in requisition No. 570, dated 24th February, 1876, not having yet been supplied by the contractors, and that consequently six barrels were purchased and paid for out of the Gladesville incidental vote, I would respectfully point out that the sum of £9 18s. was paid through this department on the 4th of October, 1876, for the same, charged to us. Also, that six socket chisels were paid for, 12s., which have not been supplied, and which indeed were never asked for or ordered upon the requisition. Again, one measuring-glass appears upon the same requisition marked paid, 10s., and Mr. Betts assures me that it has never been furnished to the institution. Obediently—J. F. Nash. To L. I. Brennand, Esq." The original of that is among those papers somewhere.

718. Can you tell us whether or not any notice was taken of that memo. by the Superintendent? Yes; Mr. Brennand sent it on, and there was an interchange of notes and memos. respecting it for months, and at last I spoke to Mr. Betts about it verbally, and we never could arrive at any conclusion.

719. Then the remonstrance you put in to the Superintendent had the desired effect—the effect you intended? Yes; this written one, decidedly.

720. *Chairman.*] It accomplished your object, which was to bring about inquiry? Yes; in making the inquiry.

721. Was it at that time that you found your remarks had no more effect upon the Superintendent than water poured upon a duck's back, and that you importuned Mr. Pinhey, until at last you induced him to interfere? That is the truth as regards Mr. Pinhey.

722. Then you go on to say in your prolegomena that early in 1876 you pointed out to Mr. Pinhey that the famous "P.Q."—probable quantities, I suppose—were extravagantly and ridiculously understated, and in most cases worked off in January or February, leaving in the hands of the contractors the privilege of charging iniquitously exorbitant rates during the remainder of the year. This is a very important statement, and it would be very desirable if we could ascertain the number of cases where the supply fell short in the early months of the year. The Board would be glad if you would give us the whole number of cases of which you are possessed where the probable quantities have been short, or the supply has given out in the early months of the year. You can take your time about it? Will you let me have that bundle of schedules?

723. Certainly. Are these the papers you want? Yes.

724. Will you then give us the cases where you say the supply based on probable quantities gave out in the early months of the year. I should like to note the specific contracts which gave out early in the year? Principally linen-drapery and stationery. Kerosene oil gave out in February, 1877.

725. Can you give us the year or years in which these contracts gave out early;—linen-drapery, what year was that? 1876 and 1877.

726. And stationery in what year? 1876 and 1877.

727. And kerosene oil in what year? 1877.

728. Can you of your own knowledge, with your research spread over a lengthened period of time, give us more than these three contracts in which the probable quantities gave out? Not of my own knowledge. That word research is misused. These things passed under my eyes.

729. *Mr. Maclean.*] Can you give us the names of the contractors in these cases, and the periods for which they held them? Messrs. Moore, Henderson, and Bowcher for linen-drapery.

730. For what year? 1876 and 1877. Mr. Cohen for kerosene oil, and Mr. Sands for stationery. They were all for one year. Might I read this memorandum?

731. *Chairman.*] Yes? This is a memorandum addressed to C. H. Townley Pinhey, Esq.

732. Of what date? There is no date on the paper. It was written early in 1877. "With a view to demonstrate as clearly as possible the inadequacy of the provision made to guard against the actual demand being in excess of the supposititious requirements for the year as presented in the columns of the probable quantities, the accompanying tabulated statement has been prepared.—J.F.N."

733. *Captain Hixson.*] Are you now quoting from the papers we have in our possession? Yes.

734. *Mr. Maclean.*] That is a duplicate statement in your hand? Yes; the writing in red ink denotes the quantity demanded on one requisition only. 3,000 yards were asked for on one requisition. That absorbed the whole. Another requisition asked for 3,400 yards, another for 448 yards. Bathurst Gaol asked

asked for 1,000, and another requisition covered 2,500 yards. More than half the probable quantities for the year were applied for by one institution only. Mr. J. F. Nash. 21 Mar., 1879.
735. What material was it? It is shown there. No. 1,374 will show you that there were 1,100 yards of Scotch twill asked for in excess of the probable supply.
736. *Chairman.*] Will you state whether more than the contract price was paid for the larger quantity? It was not, and I believe it was through Mr. Pinhey that it was not—that such was not the case.
737. *Mr. Maclean.*] Does that answer apply to all the cases? No, I have a recollection of that Scotch twill. They had to go on supplying that at the same price. I cannot remember any of the others. As to kerosene oil, I know that the accounts charging 3s. came to me, and I scratched the whole lot of them.
738. *Chairman.*] In your paper marked A 1, inferentially you accuse the Superintendent of Stores of having neglected to revise faithfully the schedules prior to annual publication. Do you still do so? No, I apologize for that statement. I did not then know that it was not Mr. Brennand who is responsible for them.
739. Then you go on to say, in illustration of Mr. Brennand's negligence, that in the linen-drapery contract for 1877–8, 3,000 yards Scotch twill was the quantity given, and 3,400 yards were demanded and delivered to the Berrima Gaol in February; that Gladesville swallowed up another 3,000 yards, and Bathurst Gaol 1,100 yards; so that the probable quantity was exceeded by 4,500 yards in the first two months of the year. This statement has reference mainly to the giving out at too early a period of the quantities contracted for, and you do not allege that larger prices were paid? No, I do not.
740. As a matter of fact, you say that action taken by Mr. Pinhey compelled the contractors to accept the contract rate for the larger quantity supplied? Yes, that is what I say.
741. Then you go on to say in your prolegomena that the probable quantity of kerosene oil for 1877 was stated to be 1,000 gallons, and that in February the contractor rendered his account, charging 3s. per gallon, or 50 per cent. over contract price, which was 2s. per gallon; and in this paper you insinuate that Mr. Brennand had some underhand work in connection with the transaction? I am sure I do not.
742. You make no insinuation against Mr. Brennand? Certainly not. They told me to slap it on.
743. Who told you to slap it on? When I objected to pass the accounts Mr. Hill said that Mr. Brennand knew all about it, and Mr. M'Veigh said: "Oh! slap it on." I placed the matter before Mr. Brennand, and there was a very considerable reduction made—they took 3d. a gallon off. The Audit Office tried to make them bring it down to 2s. I do not insinuate anything against Mr. Brennand.
744. Then this matter of the supply of kerosene oil at 50 per cent. above the contract rate was taken in hand and settled by the Audit Office? Yes, through me.
745. In your paper from which I am quoting, you say that contractors have been allowed to supply largely in excess of orders when profitable to do so, the requisitions being altered by the Store employés so as to agree with the quantities charged in their accounts. This matter has been fully gone into in the evidence which we have taken? Yes, I can say no more about that.
746. *Captain Hixson.*] Referring to your statement that Mr. Pinhey prevented the overcharge, will you kindly tell us what Mr. Pinhey did? I could not give a detailed account of his action.
747. I do not want a detailed account;—perhaps you can state generally what Mr. Pinhey's action was? He wrote no end of memoranda about it.
748. To whom did he write his memoranda about it? He sent a great many to Mr. Brennand about various things. I have reason to believe he did, but I cannot state it positively.
749. Would it be Mr. Pinhey's duty to do that officially? I believe he did it in a semi-official manner—that he used his influence the best way he could.
750. Did the memoranda come through the Under Secretary for Finance and Trade? I would rather that Mr. Pinhey should answer that for himself; he managed it somehow.
751. *Chairman.*] You have not shown us exactly how he compelled the contractors to accept contract prices for the excess supply? It was through his good management somehow—he worked it somehow.
752. *Mr. Maclean.*] Had there been any question as to the contractors charging more than the contract rate in regard to this particular business? Never before Mr. Pinhey took it up.
753. Had the contractors endeavoured to obtain the payment of a larger rate than that named in the contract? ——
754. You say that Mr. Pinhey interposed to prevent them from getting a larger amount than their former contract rate, and I ask you if there was any endeavour made by the contractor or anybody else to obtain a higher rate for the goods supplied in excess of contract quantity? I cannot answer that positively. I believe Mr. Pinhey's action intervened in time to prevent it.
755. *Chairman.*] Then in fact no actual overcharge was made? Because they dare not make it.
756. No extra charge was made because they dare not make it? That is my conviction.
757. Then, in proof of your statement that contractors have been allowed to supply largely in excess when profitable to do so, you go on to give the numbers of eighteen requisitions which you say are some of thousands of instances, and are sufficient to show how the business of the Stores Department has been managed for the benefit of Moore, Henderson, Bowcher, & Co.—*et hoc genus omne.* Do you still persevere in that statement that the business of the Stores Department has been managed for the benefit of these people? I am not in a position to prove that it has been done intentionally.
758. I ask you what has been done to show that the business of the Stores Department has been managed for the benefit of Moore, Henderson, & Bowcher? ——
759. Do you still stand by that? Yes, as I mean it; not in the sense of any forced construction put upon it by those who wish to injure me.
760. Perhaps you will state how you do mean it? That their benefit and aggrandisement has followed as a natural consequence from the way in which things were managed.
761. In your evidence you have stated that you cannot quote a single instance where supplies have been made for the benefit of contractors. How is that statement consistent with the enlarged view you have taken in your prolegomena? ——
762. You said distinctly that you could not produce a single instance where supplies in excess have been shown to be for the benefit of the contractor, and then you say now that the business of the Stores Department has been managed for the benefit of Moore, Henderson, & Bowcher. How do you reconcile these conflicting statements? I do not admit that they are conflicting.
763. You have given the numbers of eighteen requisitions in proof of your allegations. Are those the requisitions to which you have turned in the course of your examination? I dare say they are.

764.

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764. Are those the eighteen requisitions which you have submitted, and we have examined? Yes, I see they are.
765. The eighteen requisitions to which you here allude, are those in respect of which the Board took evidence at their sitting yesterday? Yes.
766. Then in your prolegomena you go on to say that contractors are allowed not to supply if inconvenient for them to do so, and in support of this statement you refer to a memo. made by Dr. Manning. Does that refer to a matter which has been before the Board already? Yes, which has been dealt with.
767. You go on to say that a weighing-machine, ordered whilst in contract at 10s., was supplied, you think after the expiration of contract, at £10;—will you produce further evidence on that point? Mr. Pinhey can give you full information regarding it. He showed me the account, and asked me to see about it.
768. You go on to state in your prolegomena that upon examination of the enclosures, numerous and painfully glaing examples of this kind of chicanery will be seen. Have you given us these numerous and painfully glaring examples of chicanery to which you refer? I say if you will go through the books you will find them; I cannot give you any more.
769. Will you take your enclosures in your hand, and now point out any of the numerous and painfully glaring examples of the chicanery which you say will be seen there? I am only able to point out the special case of Cohen & Co., in regard to the supply of the weighing-machine, but the following are instances in which the short supply has arisen from not pressing the contractor:—On the 10th April, 1875, dowlas was ordered for the Protestant Orphan School, and it was not supplied up to the 21st November, 1876. On the 12th February Mr. John Keep was directed to supply two standards and two union-jacks for the Gladesville Asylum. They have not been sent.
770. Do you know the value of the articles? A standard is worth £8 or £9 I suppose.
771. On this memorandum Dr. Manning makes the following minute: "I have signed the receipt, though I consider the course objectionable, and consider that contractors should be made to supply all articles required. I shall take an early opportunity of requesting an authority from the Treasury to purchase at contractor's risk articles not supplied—15/2/77"? Yes.
772. That you put in as an instance under this head? Yes.
773. On the 22nd February, 1878, application was made to the Clerk of Petty Sessions at Dungog to return receipt for goods sent, upon which the Clerk of Petty Sessions makes this minute: "The measures have not yet been received—7/3/78"? Yes.
774. Well then, in point of fact, the cases which you have just quoted are the whole of those which you are prepared to submit in support of your allegation that numerous and painfully glaring examples of this kind of chicanery are to be seen? Yes.*
775. I notice among these papers submitted by you, as well as among papers previously submitted by you for the consideration of the Board, that there are several original documents of the Stores Department? I do not regard them as such—they were only treated as waste paper before.
776. Many of them are original documents? ——
777. Will you state, if you please, if this is an original document? Yes, it is.
778. It is a circular of 22nd February, 1878, 75 over 2,676? Yes.
779. The Board would like to know how these original documents came into your possession? They were handed to me by Mr. Brennand.
780. Handed to you to be kept as your private property, for your private use? No, they were supposed to be torn up; they were never put for registration; they were not considered of any account.
781. By whom were they not considered of any account? I considered them of no account.
782. What did the Superintendent think of them? If he had wanted them to be kept or registered, he would have put them in the registration pigeon-hole.
783. Does it follow that the fact of registration constitutes the difference between public and private documents? It constitutes the difference between a document that requires to be preserved and one that is waste paper.
784. And as a matter of fact you took these original documents from the Stores Department? I gave them to Mr. Rolleston.
785. Did you give them to him personally? I left them for him with his servant.
786. Did you give them personally? I left them with his servant.
787. At his office? Yes.
788. By servant, I presume you mean messenger? It may be so.
789. Then in point of fact you took public or official documents—original documents—from the Stores Department, to hand them to the Auditor General? But I did not know that these were amongst them.
790. You know as a matter of fact that a large number of the papers produced here by you are original papers? Where are they?
791. We will count them. Having counted them, I ask you if there is not a large number of original papers in those submitted by you? There are twelve original papers.
792. And these original papers you took from the Stores Department? I did; and I gave them to Mr. Rolleston. I am responsible for the action. I did not remember that the original papers were amongst the others. They were all bundled up together.
793. But the fact is that you took original documents, and made use of them? Yes.
794. All the painfully glaring examples of this kind of chicanery which you say are to be seen from the enclosures attached to your prolegomena are the cases which you have just cited? Yes; but I beg to state that my remark was intended to apply to the whole mass of evidence which was placed before you.
795. You then go on to say that five-sixths of the goods supplied were not in contract? I have withdrawn that. I admit that that is wrong.
796. Not only is it wrong, but if I understand the evidence you have given, you have clearly admitted that you made a calculation affecting perhaps £75,000 worth of property on the basis of three accounts furnished by a particular contractor, those three accounts amounting in value to about £90 odd? It was an error of calculation—it was a mistake.
797. You have gone on to say that clause V in conditions of contract has been utterly disregarded—that no action has been taken to compel supply, nor to charge the contractors with the excess of price above contract rates if supplied by others. Upon this point have you put before us already all the evidence you are able to give? I have.

798.

*Note (*on revision*):—Others are to be found in the books of the Stores Department.

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798. Then you say that so-called receipts upon which accounts were passed for payment were never examined or checked with the accounts—that payments were merely scratched on to the requisitions, undecipherable frequently, and the accounts sent on for payment. Has all the evidence you have to bring forward on this head been placed before us? Yes. The people at the Stores, if you ask them—Mr. Hill, if you ask him—knows all about it; he will have to corroborate that statement, if he tells the truth.
799. We now come to a very grave allegation against a respectable man who has been a long time in the Public Service. In this prolegomena of yours you charge Daniels, the foreman, with drunkenness and being in that condition twenty-seven or twenty-eight days out of every month, and you say that he was the individual who signed the receipts for goods delivered? Yes, in 1875 and 1876.
800. Do you adhere to your statement that foreman Daniels was drunk twenty-seven or twenty-eight days out of every month? He was very seldom sober. You know that he has been suspended once or twice.
801. Do you persist in your allegation? Yes. I am very sorry to hurt him. It was with regard to the receipts I put that in, not wishing to injure him. He signed those receipts when he was in a condition not personally fit to be entrusted with that duty or to be responsible.
802. You go on to say that those receipts which you have referred to as having been signed by Daniels—those primary receipts—were sent to you in bundles in substantiation of accounts which were never untied, but tossed aside to await the Millenium or the battle of Armageddon. You stated that that was the case? I did.
803. I have been used to read compositions, public, private, official, and literary, but I should be glad if you would tell me what the Millenium is, and what the battle of Armageddon is? ——
804. What is the Millenium, according to your views? Some assert that Our Saviour is to reign in personality upon the earth as a living king for 1,000 years, and the battle of Armageddon is supposed to be the battle which it is supposed will finally wind up the affairs of the earth altogether—the battle of all the races of the earth—an all-round row.
805. Is that a theory which is held by sane or insane persons? You must have read it.
806. I confess I have not. I suppose we must take this allegation of your prolegomena as a sort of rhetorical flourish meant to imply that these bundles of accounts never were untied and never will be? Yes, that is what I mean.
807. Then you go on to say in your prolegomena, that departments have been solicited for requisitions to legalize payments for goods supplied in excess of their original requirements. Have you any additional evidence to submit on this head—any beyond that already before the Board? Were there not some more numbers attached to the MSS. besides those which you gave me?
808. Perhaps you will look for yourself? I do not see that there are any more.
809. Have you any evidence to give in addition to that already before the Board? Not that I am aware of.
810. Then you go on to say that the previous practice was to add to the requisitions—an abomination which was swept away in March last, consequent upon information forced upon the Examiner by you. You say that the previous practice was to add to the requisitions, and from that I suppose the Board may infer that it is no longer the practice to add to the requisitions? No.
811. Does that practice now exist? No.
812. When did it cease to exist? In March, 1878.
813. We will hear anything further you have to say upon it? I have only shown you one or two instances of this asking for requisitions; but I can assure you, if you will look through the books, you will find that the practice has been very generally adopted, and that where an excess of supply is made a supplementary requisition is procured.
814. The supplementary requisition superseded the practice of altering the original requisition? That is it.
815. And that commenced in March, 1878? Yes, I have been able to point to only one or two cases, but there are plenty of them.
816. Then you say this was consequent upon information forced upon the Examiner by you? Yes; I say forced so as to clear him from blame. He did not ask me for them.
817. Then you go on to say in this paper that additions were made to requisitions of past years to procure payment of accounts; and that these additions were never posted in the journal or ledger. Have you any additional cases over and above those already before the Board? In point of fact the journal work has not been posted up properly for the last four or five years, not until the new system was introduced, and now it is done every day. I point to the arrears of work which were accumulated until the new system began. I produce the ledger showing that the accounts are still left open, and totted up in pencil. £1,432 18s. 8d.
818. In what year was that? In 1873-4.
819. Your paper marked A 1 then proceeds to deal with sums of money paid for goods which were never supplied? Yes.
820. May I ask if, under that allegation, you have any evidence to bring other than that already before the Board? Yes, I have the following additional cases:—10 January, 1877, shows receipt missing under requisition 2,424 over 1,627, of 13/7/1876.
821. Receipt missing—for what? The receipt for the requisition.
822. For the whole requisition? They would not send the receipt back because they did not get all the goods.
823. What amount of goods does it concern? £4 12s.—short supply by Moore, Henderson, & Bowcher.
824. £4 12s. was paid on the 11th December, 1876. You say the goods were not supplied to that date? They were supplied some time after they were paid for.
825. If these goods were supplied some time after they were paid for, as you now allege, how is it that you say in your prolegomena that they were never supplied? At the time that I wrote those words they might not have been supplied. I produce paper No. 159 of 1,761 requisition.
826. By requisition 1761 of 28th July, 1876, 1 quarter and 13 lbs. of bar iron, value 5s. 10½d., was ordered for the Maitland Gaol? Yes.
827. Was this iron received at the Maitland prison? Ultimately—about a year afterwards I think.
828. Is this receipt 159 over 1,761, of date 31 January, 1877, and signed by the gaoler, a receipt for the bar-iron in question? Yes.
829. Then the goods were supplied? They were supplied ultimately, after much correspondence.

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830. *Captain Hixson.*] Would the receipt which has just been quoted by the Chairman, be the only receipt which the Government would receive, showing that the goods were delivered? I cannot remember.
831. I want to know if the receipt just quoted is the receipt which the Stores Department are in the habit of getting from the contractors to show that the goods have been supplied? No, there is the first receipt.
832. There is the primary receipt? Yes.
833. What about the primary receipt? I do not know.
834. *Chairman.*] Are you aware whether a primary receipt was given for these goods? ——
835. *Mr. Maclean.*] Is it shown in the papers at what time payment was made for these goods? Yes.
836. When was it? It was paid on the 6th of January, 1877.

WEDNESDAY, 26 MARCH, 1879.

Present:—

CAPTAIN HIXSON, R.N., | MR. HAROLD MACLEAN.

CAPTAIN HIXSON, R.N., IN THE CHAIR.

[The evidence given by Mr. J. F. Nash on March 18th, March 20th, and March 21st, was read over to the witness.]

Mr. J. F. Nash. 26 Mar., 1879.

837. *Chairman.*] Mr. Nash, you have heard the evidence given by you before the Board on the last three days of sitting read? I have.
838. Will you state whether it is correctly recorded? It is quite correct.

THURSDAY, 3 APRIL, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
MR. HAROLD MACLEAN.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., Superintendent of Stores, was present by invitation of the Board.

Mr. J. F. Nash was further examined:—

Mr. J. F. Nash. 3 April, 1879.

839. *Chairman.*] We left off, Mr. Nash, at No. 9 in your prolegomena, the question being sums of money paid for goods never supplied, and you quoted a case in which you alleged goods were paid for and never supplied, and yet receipts were produced to show that they were supplied afterwards. Have you any further cases to produce? No; from memory; I believe if all the papers are gone through others may be found, but I cannot remember any.
840. What do you mean by all the papers? I mean the manuscript papers.
841. *Captain Hixson.*] But we have referred to almost all the instances you have given here in the synopsis? I think I can give you one.
842. *Chairman.*] You think you can give one other? Yes, I think so; here is one. I put in official receipt of the 20th February, No. 258 over 1,964.
843. That is a receipt for what? That is a receipt for 365¾ yards of grey cloth.
844. What do you propose to show by the production of this receipt? That a considerably less quantity was supplied to the institution than what was credited and paid for. I wish to show that a larger quantity has been paid for than was supplied.
845. In other words, that is one of your cases of goods paid for and never supplied? I think you may term it that. The one before it is the same thing.
846. We will now deal with number 258, of the 20th February, 1868;—what does that show? It shows that 1,000 yards of grey cloth were asked for by the requisition number 1,964, of the 10th August, 1877, for prisoners' clothing at Darlinghurst Gaol, and I produce the official receipt 258 over 1,964, of the 20th February, 1878, from which it appears that 365¾ yards only were delivered.
847. Were the 1,000 yards paid for? That I cannot say, not having a knowledge of the accounts.
848. Then in fact your statements are based upon a very partial view of the business of the Stores? I do not think I can make that admission.
849. But you say you cannot tell whether the 1,000 yards were paid for or not? No, because the plan of writing the payments here was abandoned in July, 1877, therefore the information does not appear upon the face of the requisition.
850. Did you say that the 1,000 yards were for stock? They are marked as going to stock, and also as ordered. That looks as if 2,000 were supplied.
851. Do you know whether they went from stock, or whether they were ordered? No, I cannot say.
852. In other words, that is part of your want of knowledge of the working of the Stores? You may say that, but I am not obliged to indorse your opinion or admit it.
853. So you are unable to tell us whether the supply actually made went from stock, or whether it was ordered, or whether it was paid for? I have not the slighest doubt it was paid for, or it could not be marked.
854. In other words it is a matter of inference, and not a matter of personal knowledge? Yes.
855. We will now proceed to the next case? I produce requisition number 1,963, of August 10th, 1877, for 5,000 yards of grey cloth, ordered for Her Majesty's Gaol, at Berrima. I also produce official receipt 257 over 1,963, of the 20th February, 1878, which shows that 3,184½ yards of grey cloth only were received at that establishment.
856. Was this delivered from stock, or was it ordered? It is marked as having gone from stock.

857.

Mr. J. F. Nash. 3 April, 1879.

857. And the inference you wish to draw is what? That the stock-book is wrong.
858. *Captain Hixson.*] Are you positive that only 3,184½ yards went to Berrima Gaol? Up to the date of that receipt I am positive.
859. Can you tell us whether it ever went afterwards? No, I cannot; I had never any means of knowing; it would be a separate account altogether.
860. *Chairman.*] But after all, supposing the quantity to have been short sent, it still remains in stock. What evidence have you that the quantity short sent did not remain in stock? I cannot say it did not remain in stock, but do you not see it would put the books wrong. A certain amount is given credit to the Stores Department as supplied to another department. If 3,000 is supplied instead of 5,000, there must be a deficit somewhere.
861. Can you produce the stock-book which shows that 5,000 yards have been credited as sent to Berrima Gaol? No.
862. *Captain Hixson.*] Can you produce us a case now where a less quantity of goods than was ordered was ever supplied by a contractor, and the contractor was paid for the quantity ordered? I cannot say at the moment, but I believe there are cases. You have seen where I have pointed to the figures on the requisitions. I think you have seen some cases of that nature, where the figures have been altered. Those things supplied to the Treasury itself for instance.
863. *Chairman.*] Two penknives? I cannot remember.
864. *Captain Hixson.*] You have not answered my question. Can you produce any case where a less quantity of goods than what was ordered has been supplied by a contractor, and yet the contractor has been paid for the whole quantity ordered? I cannot.
865. *Chairman.*] Have you any other case about that? No, sir.
866. We now come to your allegation No. 10, where you say "goods in stock in large quantities put in contracts at ridiculously low prices, because not likely to be wanted." Then you comment upon that, and say after Mr. Hemming came that gentleman found it necessary to alter the conformation of the Stores building, in order to exclude contractors and their emissaries from that part of the building containing stock. Do you still adhere to that allegation? I do, especially the stationery room.
867. Did you allude solely to the stationery room, or not? As regards the alteration of the building I did, yes.
868. But you say here that Mr. Hemming found it necessary to alter the conformation of the Stores building in order to exclude contractors and their emissaries from that portion of the building containing stock: "stock" means the whole of the supplies? The alteration of the building only affected the stationery room, but I know they were peremptorily kept down from upstairs altogether.
869. From what date? Somewhere in 1877, when Mr. Hemming took it in hand.
870. Then you make the following statement:—"The place previously to Mr. Hemming's advent was a perfect bear-garden. Three or four of the employés were nearly always in a state of partial drunkenness, and when not in their normal condition totally inebriated. Papers, letters, accounts, requisitions, Audit Office queries, &c., &c., &c., were strewn broadcast over the various rooms or offices of the building. No attempt at classification or arrangement was made. The accompanying 'copy' of a letter from the 'Hunter River Company,' and the tabulated statements of neglected documents may serve as a very slight and inadequate illustration of the disgraceful state of things existing prior to the partial regeneration ensuing upon Mr. Hemming's appointment." Now let me ask you was Mr. Hemming's appointment subsequent to an inspection by Mr. James Thomson into the Stores Department? It was.
871. What do you mean by the place being a perfect bear-garden? I produce memo. 3,668, 3rd October, 1878:—"Yesterday I happened to enter the Account Branch, and found it to be in a perfect state of confusion, strangers present, and the officers or some of them not at their respective desks. Such confusion, I need hardly say, is highly irregular, and must not exist, and I must insist upon more official decorum or behaviour during office hours for the future. Request Mr. Hill to see that such irregularities do not occur again.—L. I. BRENNAND."
872. And from that single document do you make a general statement? Oh, no; I merely mention this as bearing upon it.
873. You give as an instance where Mr. Brennand called some of his staff to order? Yes.
874. Do you still adhere to your statement that some of the employés were inebriated? I do; from 1875 to 1876.
875. Can you give the names? Two of them are gone out of the place.
876. Who are the other two? One is Mr. Hill; he has been reported to the Superintendent.
877. Who is the other? I do not know whom I meant by the fourth. Mr. Hill was beastly drunk, not once, but scores of times. If I had been the Superintendent I would have put him in irons.
878. Did you ever report Mr. Hill to the Superintendent? Frequently. Mr. Brennand treated my remarks with contempt; he told me they were frivolous.
879. Had you not frequent quarrels? I could not love a man who insulted me so frequently—I am not such a Christian as that.
880. You had frequent quarrels? We had. If I could have punished him I should not have borne malice against him.
881. You say here, still on number 10, the time-book was a miserable accumulation of lies; as a rule the gentlemen came at 10 or a quarter past, and signed it for 9 and 9·5? So they did.
882. Have you any evidence? None, but it is a fact. I could state it on oath. I do not say every man did, but I say it was the generality.
883. Is the time-book kept by any officer of the department? Humbugged about; sometimes in one room, sometimes in another.
884. Was it in charge of any officer responsible for it? I connot tell you.
885. Is it proper to ask you whom you describe as the heavy villain of the drama, who has received his *congé?* Mr. M'Veigh I meant. I did not mean he was a villain, but it is merely a theatrical expression.
886. What was the account you refer to? An account which was rendered in 1871, due to Davidson Nicholl, marked requisition number 957, to be sent to the Treasury for payment. Seven years that has been lying in the office. I produce requisition Stock Branch Department of accounts number 957, 30th May, 1871. You will see payment marked in 1878, as I have told you. The amount is bracketed as having been paid in 1878, £1 10s. 3d. It was due for seven years. If you will refer to the journal in which this particular requisition is entered, you will see that this has been posted in since it was paid.

887.

Mr. J. F. Nash. 3 April, 1879.

887. May I ask who is the premier financier of Australia? Yourself. I have always understood that you were.
888. Then the premier accountant is understood to be myself? Yes.
889. You say here, if the books are carefully examined, it will be seen that "many thousands of pounds have been marked off as attributable to dead and gone requisitions during recent years." Now, what evidence have you about these thousands of pounds? I cannot give you minute particulars about that. I have not had time to take notes of all I have seen—not a thousandth part of what I have seen with my own eyes.
890. Notwithstanding that you were two years at it, you had no time? Sometimes for months I have not noticed anything.
891. However, the fact is plain enough that you are not in a position to show many thousands of pounds? I want you to show that. These papers were only intended to induce an inquiry—it does not profess to be an inquiry itself.
892. *Mr. Maclean.*] Do you mean by these statements that there are irregularities in the supplies, and that the discrepancies were cured by altering the requisitions? I had rather not say any more. I did not mean that there was any dishonesty in it.
893. You say back requisitions are made to fulfil later supplies? What you term adjusting them.
894. By altering the requisitions afterwards? And it always was for the benefit of the contractors—so it appeared to me. I produce the following document with regard to the want of discipline in the office, No. 2,592, with enclosure 1,842, 12th December, 1877. I produce this as another instance to support my allegation that previous to Mr. Hemming's advent the place was a perfect bear-garden: "In forwarding these papers to the Under Secretary for Finance and Trade, I beg to express my regret that I have to trouble him with a matter of so unpleasant a nature as disclosed by them. For some time past the office relations between Messrs. Nash and Hill have not been such as they should have been, and I had upon several occasions to reprimand Mr. Hill for unseemly conduct during office hours. Mr. Hill's report, I respectfully submit, so far from being a satisfactory reply to Mr. Nash's charge is in fact an acknowledgment of its truthfulness. I am convinced, however, that Mr. Nash's temper is easily ruffled, and that he occasionally becomes very excited under the impression that he is especially made the object of ridicule. I should certainly like him to exercise a little more forbearance, but at the same time I consider he should be protected, and I think Mr. Hill's conduct in the present case is deserving of severe censure. I leave the matter in your hands, again regretting the necessity I have had to trouble either the Honorable the Treasurer or yourself on the subject.—L. I. BRENNAND, 9th August, 1877."
895. Did that bear-garden system continue after Mr. Hemming's advent? No, sir. Things were very much ameliorated by his arrival.
896. *Chairman.*] To go back to where we were. You say the Chief Inspector of Public Accounts was employed in an examination of the books and accounts of the Stores Department during three months of last year, meaning 1877, and yet he failed to discover what was afterwards forced upon his observation. I allude to No. 1,269 of 1876, on which payments are cooked in every conceivable fashion. Having a great respect for the judgment and energy of Mr. Thomson, as well as his integrity, I should like you to produce No. 1,269, and show where payments are cooked in every conceivable fashion? I produce requisition No. 1,269, of the 3rd June, 1876.
897. I ask you to show where payments are cooked in every conceivable fashion? In this manner: These requisitions are intended to be used only in the front. Moreover, one sheet only is approved of—all the others are added afterwards. Payments were continued into the latter part of 1878 upon these requisitions, in violation of the rules laid down that no goods should be supplied except upon an approved requisition. Numerous additions are made upon the back of all these sheets. Here is a cart, £15; a magnifier, 12s.; a brass Codringham; and altogether thirteen lines of payment on the back of the sheet.
898. Will you explain how that implies cooking of the accounts? These payments were being made after the introduction of a new system of accounts, and therefore there was not the slightest reason for the payments to be marked upon these requisitions. Invoices should have been procured, signed by the recipient, and the accounts passed through the voucher books.
899. Then how were the accounts cooked? That is what I call cooking the accounts. Things were put here to be out of sight.
900. Then your idea is that putting things out of sight is cooking the accounts? Yes, I think so.
901. Can you say that these indorsements on the back of these requisition sheets represent payments for goods never received? I cannot.
902. *Captain Hixson.*] In reference to Mr. Thomson, do you know whether Mr. Thomson made a report to the Treasurer as the result of his three months' investigation? No, I do not know; I never saw it. In the ordinary course of things he would, but I never saw it.
903. Then you cannot tell us whether he detected irregularities of this sort and reported them, or not? I do not know. I suppose he did not, or else he would have stopped it.
904. *Chairman.*] That is what you mean by cooking the accounts? Yes.
905. *Mr. Maclean.*] I want to ask whether you are aware that the cart was requisitioned for separately? I do not know. The fact of writing on the back of these papers was authorization for payment.
906. *Chairman.*] A mere indorsement like this on the requisition will procure payment? That is what I mean.
907. Is that the case since the 1st July, 1877? Up to November, 1878, and then it was stopped by me.
908. *Captain Hixson.*] How was the money that you speak about now obtained? Over the counter I suppose.
909. Do you mean to tell us that any person that had a claim on the Government could get money over the counter without the usual procedure of the Government system? To the extent of which I have told you.
910. Can you tell us how stores are paid for? There were two utterly distinct ways of paying the accounts until that way was stopped. One was by sending the invoice with the goods.
911. Can you tell me how Government stores are paid for? By the Treasury.
912. Is the Treasury in the habit of giving money for stores without the check of the Superintendent of Stores? No, I suppose not.
913. *Chairman.*] I want to know how payment was got for the amounts indorsed on these papers? The indorsements on the requisition are rendered into a voucher for payment.

914.

914. *Mr. Maclean.*] Are the contractors paid through the Stores Department? No, here. Mr. J. F. Nash.
915. You mean at the counter here? Yes.
916. *Captain Hixson.*] Do you know whether an account for stores is ever paid at the Treasury without the signature of the Superintendent? I know it is not. 3 April, 1879.
917. So in point of fact every payment of stores must go through the Superintendent's hands, apart from the ticking off that you have explained to us in the requisitions? Mr. Brennand signs the vouchers.
918. *Chairman.*] Would he not sign for these items on the back of the vouchers? Yes.
919. *Captain Hixson.*] Do you know that all stores paid for by the Treasury the accounts have to be audited before they are finally disposed of? Yes, I know they go to the Audit Office.
920. Did you ever hear of surcharges being made against the Superintendent if things are found irregular? Yes.
921. *Chairman.*] Do you allege that the goods here charged were never received? I do not.

FRIDAY, 18 *APRIL*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
HAROLD MACLEAN, ESQ.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., was present by invitation of the Board during the examination of Mr. Nash.

Mr. Joseph Frederick Nash was further examined:—

922. *Captain Hixson.*] We will now read over the evidence given by you at the last meeting of the Board, and we shall be glad if you will pay attention, so as to verify or amend it as the case may be? Yes. (*The evidence was read to the witness.*) Mr. J. F. Nash.
923. You have heard the evidence read? Yes. 18 April, 1879.
924. Is it correct? Yes; but I wish to add to the answer which I gave to question No. 917, by explaining that Mr. Brennand signed the vouchers which came to the Treasury to procure payment, but I believe he signed them on the good faith of the officers submitting them. It was not possible for Mr. Brennand to go through all the minutiæ of the preliminary work.
925. *Mr. Maclean.*] In signing the vouchers he was not aware that they had been made partly up from the backs of the requisitions? That is what I mean.
926. *Chairman.*] I would like to ask you whether you are aware that Mr. Thomson and his staff of inspectors have only to do with the collection of revenue? No, I am not aware.
927. Are you aware that the expenditure of the Country is checked by the Audit Office? Yes.
928. In your prolegomena you put in a paper to give instances of Mr. M'Veigh's neglect of duty; also letters found in Mr. M'Veigh's desk, with instructions as to the necessary action inscribed on each document; also further discoveries of neglect of duty on the part of Mr. M'Veigh at the Government Stores. You are aware, I suppose, that all these facts were disclosed on a Treasury inquiry? Yes.
929. These are copies of documents submitted to the Treasurer in Mr. M'Veigh's case? Yes, they are.
930. So that if, as they are represented here, they assume the appearance of having originated with you, or of having been the result of your discoveries or your suggestions—if that were the impression derived—it would be a wrong impression? No; not at all. It was I who placed the papers before Mr. Brennand and drew up those tabulated statements for him.
931. Upon instructions from the Treasury? No.
932. Not upon instructions from the Treasury? Not upon instructions from the Treasury.
933. I see a letter here addressed to Mr. Pinhey, and dated Woollahra the 17th of April, 1878. Is that a copy of a letter sent by you to Mr. Pinhey? That is a copy of a letter sent by me to Mr. Pinhey.
934. Referring to the fifth paragraph of that letter, are the Board to understand that as conveying a threat of personal violence against Mr. Thomson? May I ask you what it is.
935. It is this: in this fifth paragraph, addressing Mr. Pinhey, you say—"Yesterday you dismissed me from your room without the customary smile of kindness which I look for and love so well. This withdrawal of confidence I suppose was tributary to the slight stoop of acknowledgment due as you conceive to your confrere the Spectre Tamsen. *Bien.* Let him wait. He who rides shall pay for his saddle. For the concession you made to him at my expense he shall pay me some day. You have seen my hand leave its mark upon an enemy ere now, have you not? Diminutive as is the body which swings the arm it hangs upon, for the pain I experienced in the unaccustomed coolness of your parting salutation, our chivalrous Scot, who pities poor women and damns with secret tongue poor men their bread-winners, shall receive a thrust, unless the Power paralyse my heart, my hand, and my brain?" Yes; I remember the letter now.
936. The question I ask you is, do you intend by that a threat of personal violence to Mr. Thomson? Not at all.
937. Are you prepared to tell us who was the friend by whose agency you sent the papers to the Auditor General? He has given me permission, if I like to do so; but I decline to do so.
938. You decline to give the name of your friend? Yes, I decline.

Charles H. T. Pinhey, Esq., was called in and examined:—

939. *Chairman.*] Your name, Mr. Pinhey? Charles Hart Townley Pinhey.
940. At present you are one of the Inspectors of Public Revenue Accounts? Yes. C. H. T. Pinhey, Esq.
941. Prior to obtaining your present appointment, you were Examiner? Yes; Examiner of Public Accounts.
942. Up to what date did you occupy that position? To May, 1878. 18 April, 1879.

C. H. T. Pinhey, Esq. 18 April, 1879.

943. Mr. J. F. Nash, an employé in the Government Stores Department, has preferred certain charges against that department, and in the course of his evidence your name crops up rather frequently. It would be satisfactory to the Board if you would state what knowledge you have of Mr. Nash? At the present moment?
944. What you know of him from the time of his joining the Stores Department? Am I to give you any information of the way in which I became acquainted with Mr. Nash, or merely official information?
945. What you know of him officially? Officially I know nothing of Mr. Nash.
946. Do you happen to recollect whether it was by your recommendation that he was taken into the Stores Department? I represented his case to you, and you were good enough to take it in hand, and it resulted, I believe, in his appointment to the Stores Department.
947. Have you any knowledge of Mr. Nash since he has been attached to the Stores Department? I scarcely know how to answer that general question. I have met Mr. Nash a number of times since his appointment to the Stores Department. He has spoken to me often, and written to me occasionally.
948. On official matters? He has sometimes introduced official matters in his private communications.
949. Would you tell us what those official matters were? So far as I recollect they were in connection with his duties at the Stores. I have unfortunately not retained any of the original letters he sent to me; or as many were unread, I destroyed them.
950. Were there relations of this kind subsisting between you and Mr. Nash—that he furnished you from time to time with information as to the conduct of the business of the Stores Department, which you acted upon in some way or other? No, certainly not.
951. No such relations existed between yon? No.
952. Neither up to the time you ceased to be Examiner nor subsequently? I do not say that he did not at times give information in his communications, but he gave me no information which I acted upon in my official capacity.
953. Perhaps you will take a little time to refresh your memory, and then be good enough to say whether Mr. Nash at any time supplied you with information as to the conduct of the business of the Stores Department which you made use of in any official way? To the best of my recollection I made no official use of the information which was, I presume, contained in the communications addressed to me by Mr. Nash.
954. Did you make any use of them? I have no recollection of having done so. If any special case were referred to, or if any papers were put before me, I could possibly refresh my memory and be able to speak more positively. The information which I really required, in order to take official action, came before me officially on the papers which were submitted.
955. That is from the Superintendent of Stores, through me? Yes; through you.
956. Then if Mr. Nash has made a statement of this sort,—that for nearly two years and a half he has constantly supplied you with information which you have used in an official way,—would that be an erroneous statement? It would be an erroneous stasement. It may be his impression, but it is erroneous so far as I am concerned.
957. Then in fact you plainly disavow the receipt, over a period of two years and a half, of information supplied from time to time by Mr. Nash which you made use of for any public or official purpose? I am afraid that in the absence of any papers I am scarcely in a position to disavow, definitely and distinctly, as emphatically as you put it, that I have ever in any one case made use of information which I may have obtained from him. Any communication which Mr. Nash has addressed to me, I have never looked upon as information forwarded to me. I have, as a matter of fact, looked upon them as the outcome of a very distorted brain; and I have again and again desired him to cease communicating with me.
958. Now if Mr. Nash has shaped his evidence in this way, that on the strength of the information supplied to you, as he alleges, privately, and for a lengthened period of time, you had grown to be a great reformer in the Department of the Stores, would that be a truthful statement? Undoubtedly not. It is untrue, or it is wrong, to represent that by means he had afforded me I had become a reformer.
959. Then in fact any action you may have taken prior to giving up the office of Examiner, in reference to the Stores Department, has been based upon public and official information through papers conveyed in the usual manner? I believe so, in every case.
960. *Captain Hixson.*] In the course of your duties as Examiner, did the Stores accounts come through your hands? Invariably; they could not be paid without my signature.
961. *Chairman.*] Your evidence is so much at variance with statements made by Mr. Nash, that we think it only a matter of justice to yourself that we should go through the various statements made by Mr. Nash in his evidence, so as to give you an opportunity of explaining or refuting them. Mr. Nash, in his answer to question No. 25, referring to certain papers, says that they were the papers which he sent up to you. He stated that all the unmarked papers were sent up to you. Will you look through these papers and state if they were sent to you by Mr. Nash? Having looked through these papers, I have no recollection of any of them, excepting this particular one, which relates to his official duties, and which is dated the 6th of June, 1877.
962. *Mr. Maclean.*] Was Mr. Nash in any official position at all to come to you with the papers? No.
963. *Chairman.*] In a portion of Mr. Nash's evidence the question arises as to the alteration of certain requisitions, as to which Mr. Nash alleges that there was wholesale forgery going on by that man Hill altering the requisitions. At question 56, Mr. Nash was asked—"How many times did you report to Mr. Brennand?" and his answer was—"about twenty or thirty, about altering the requisitions to fit the bills to make them agree with the contractors' accounts." At question 57 he was asked—"You are quite clear that you reported them to Mr. Brennand?" and his answer was—"I was continually telling Pinhey of it." He was then asked—"Who is Pinhey?" and he answered—"Mr. Chas. H. T. Pinhey." He was then asked—"Do you mean one of our late Examiners of Accounts?" and he said—"Yes, I do. I have his permission to say that. A great many of the papers there he has returned to me for the express purpose of being used in this way." He was then asked—"You continually reported during those two years to Mr. Pinhey?" and he said—"Yes, we were continually having conversations about it." He was next asked—"Was Mr. Pinhey your superior officer, or was he an officer of the Stores Department at all?" He replied—"I understood so." He was asked—"Mr. Pinhey, an officer of the Stores Department under Mr. Brennand"? And his answer was—"No, not in that way." He is asked—"you reported to him continually"? And he answered—"Yes." He was asked—"You never thought of reporting to the

C. H. T. Pinhey, Esq. 18 April, 1879.

the permanent head of the department?" And he answered—"No, because I thought you would think it impertinence or interference." The next question was—"Was it not an interference to report to Mr. Pinhey?" His answer was—"No, because we were friends." He was asked—"You reported to him because he was a friend of yours?" He answered—"He and I were in friendly conference, and I pointed matters out to him. There is a declaration that I am willing to swear to." He was asked—"You had continual conferences with Mr. Pinhey?" And he answered—"Yes." He was asked—"But you never thought it necessary to go beyond Mr. Pinhey?" He answered—"I thought he would do it." That is what Mr. Nash has stated to the Board, and you can tell us whether that is the state of the case or not? Will you permit me to glance at that evidence? I can scarcely retain so many questions in my memory.

964. Do so? I see that the first question in which my name appears is No. 57, in which Mr. Nash says—"I was continually telling Pinhey of it." He has again and again told me of various matters in connection with the Stores Department. In answer to question 59, he says—"I have his permission to say that. A great many of the papers there he has returned to me for the express purpose of their being used in this way." That is simply untrue. In answer to question 60, I observe that he says—"We were continually having conversations about it." The conversations consisted in his making very wild and constant complaints—statements which, as far as I gave them thought, I regard as having some start in truth; but as I stated before, as far as I can recollect, I took no action upon them whatever. I see that in answer to question 63 he says that he reported to me continually. I think the term "reported" may be misunderstood, and has been misunderstood in this case. Mr. Nash never reported to me, nor did I ever accept any of his communications as reports. These were addressed to me privately, and when I read them I read them as private letters. Mr. Nash says here, "I thought he would do it." I do not know what he means by that.

965. May I ask if you know by what agency any papers of Mr. Nash's may have reached the Auditor General? Of my own knowledge?

966. Yes? No, I have no knowledge. Since I have returned to town I have heard indirectly.

967. We only want your personal knowledge? I know nothing of it.

968. Do I understand clearly, in reference to these communications which it is admitted passed between you and Mr. Nash and to be of a private nature, that there was nothing of a sufficiently definite character to induce you to consider it necessary to report to myself? I think that in those parts of the communications which I have occasionally read there was nothing which I had not at some time or other brought officially under your notice.

969. Nothing new in fact was disclosed? Nothing as far as I am aware.

970. There was nothing arising out of those communications which made it necessary for you to take any immediate or instant action to prevent a wrong being done to the public? Undoubtedly not. All the action I considered it necessary should be taken in the interests of the public, or for the bettering of the Stores Department, I had already placed under your hands.

971. Had you at any time conversations with Mr. Nash in reference to the mode of estimating the probable quantities and the schedules to contracts? He may have spoken to me on that subject.

972. But still you cannot at present say anything specific about that? No; but I am of opinion that I had already officially brought the matter under your notice on more than one occasion.

973. What the Board want to understand is, whether in the ordinary course of your business you reported to me, or whether you were set in motion by information you received from Mr. Nash? I was not set in motion by information I received from Mr. Nash; and if I had the papers before me on which any particular action was taken by me, I think I could show that to the satisfaction of the Commission.

974. Will you take Mr. Nash's evidence in your hand and read from question No. 349 to question 359, and state to the Board if you have any recollection of the circumstances there alluded to? Yes. Having read this evidence, I cannot at this distance of time say whether this individual case was brought under my notice; but I have a recollection that on one or two occasions Mr. Nash either showed me a requisition, or made a statement in regard to one, which I at once communicated to Mr. Brennand when I happened to be down at the Stores, and I asked him if he would make inquiry; but as to whether or not it was in regard to this individual case I cannot say.

975. If you refer to questions 420 and 421 you will see that they relate to a query as to the non-production of a Camden receipt for goods sent to the Camden Bench. Mr. Nash was asked, "Do they see all the receipts of the Stores?" and he answered, "No, but in that case they asked for it" (meaning that the Audit Office asked for it). Question 420 is, "Why?" (meaning why did the Audit Office ask especially for that particular receipt?), and he replied, "Well, I asked Mr. Pinhey to take it in hand, and he talked to Mr. Hall of the Audit Office about it." Question 421 is, "You wrote Mr. Pinhey the note which you have placed with these papers, and which I have now before me, dated the 12th November, 1876, which is in these words:—'Saturday evening.—Dear Pinhey,—Representations have been made to the Audit Office to the effect that material for the Bench at Camden for the payment of £52 16s. made to M. H. B. last September has been supplied. I am prepared to incur the risk of proving that it has not. This matter is, I opine, too serious to be permitted to sink into subsidence, and the representation tantamount to fraud. You tell me that the Audit Office authorities have been assured that the Bench have acknowledged receipt of this stuff. Those who gave this information lie. Yours ever, NASH?'" Then Mr. Nash says—"Yes, they never had it." Have you any recollection of that matter? Before reading this letter, the mention of the Camden receipt brought to my recollection that on more than one occasion he mentioned the Camden receipt, and he was so persistent about it that I told him I would ask Mr. Hall to see that the papers were regular. He spoke about it several times, and that was the only instance in which I ever acted in this way. I did speak to Mr. Hall about it, but as to the result I am not aware.

976. Did Mr. Nash send you the note of which this is a copy? I cannot say whether he wrote to me, or only spoke to me on the subject of this Camden receipt.

977. Will you be good enough to read questions 571, 572, and 573, and the answers to them, and then make any explanation you may think it necessary to give? Yes; I have no recollection of having read these letters.

978. You have no recollection of having received them? I have no recollection of having received them. In answer to question 572, I see that Mr. Nash states that I returned it to him. If I did receive that letter, I feel certain that I did not read it, and that I returned it as I did many other papers and communications he sent to me, unread.

979. Unread? Yes.

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980. Then the statement at the end of his answer to question 573, that it was given by you to him to use in this way, is wrong? It is entirely false, and I think the terms of the letters themselves are quite sufficient refutation of that—quite sufficient to show that I should be unwilling to render myself so ridiculous.
981. In the high position you held in the Treasury you would not think it right to encourage a correspondence of this kind? I have again and again endeavoured to prevail upon Mr. Nash to abstain from corresponding with me.
982. Apart from its official impropriety, you would, as far as you were concerned, consider the receipt of such correspondence as an ungentlemanly thing? To have encouraged such a correspondence, or to have willingly received it, would undoubtedly have been so.
983. Will you have the goodness to turn to question and answer No. 667, which refer to some alteration made in the probable quanties, as Mr. Nash insists, upon representations made by him to you. Have you anything to say on that point? I forget at what precise date I had taken action in regard to these probable quantities; but it was certainly at a date long anterior to my acquaintance with Mr. Nash. It was a matter which came before me day by day, in the ordinary course of my duties in investigating the various accounts, and a matter which I have on more than one occasion brought under the Under Secretary's notice.
984. In what way did the question of probable quantities come under your notice? It was part of my duty to examine the whole of the accounts of the expenditure submitted for payment. This necessitated the investigation of each item, and it was in that way that I became aware, from 1872 onwards, of the fact of the existence of many charges which were noted as being for articles beyond the probable quantites.
985. I think you said you had placed one or two documents before the Under Secretary embodying your views upon these points? Yes.
986. May I ask if this document of 4th April, 1877, is one that you submitted with reference to the probable quantities? Yes, it is. [*Vide Appendix* B 1.]
987. Then, I think you also put in about the same time this document, of 9th April, 1877, which points out that for goods supplied in excess of probable quantities non-competitive prices were charged? Yes; these non-competitive prices were charged for excessive quantities, that is, for goods in contract, but in excess of the estimated "probable quantity" beyond which the contractor was not bound by his tender to supply at contract rates.
988. Do you know of any other papers you have put in besides these? I have put in numerous memoranda on various special occasions.
989. That is upon the accounts themselves? Upon the accounts themselves.
990. Which have gone in in the usual course to the Audit Office? Yes.
991. Then, in point of fact the course of business since you have been Examiner has been this,—that objections have been noted by yourself on the voucher? In each individual case.
992. And that these required to be satisfied before payment was made, and the voucher sent on to the Audit Office? Yes; and the objections are satisfied before the accounts are paid.
993. *Mr. Maclean.*] Have you reduced the charges of contractors for articles supplied after the exhaustion of the probable quantities? I have not myself done so.
994. Have you suggested it? Yes, I have suggested the reduction of excessive charges, and ultimately the charges have been reduced by the contractors themselves.
995. *Captain Hixson.*] I presume that when articles have been charged higher than the contract prices you have invariably drawn attention to the fact? If the articles were in contract, and the probable quantities were still unexhausted, I certainly would reduce them at once or call for an explanation, but when charges are slightly in excess in the case of articles where the probable quantities had been exhausted, it would not be a part of my duty to draw special attention to that. But in those cases where I have considered the prices charged to be so excessive as to be glaring, I have drawn official attention to it; and, as I have before stated, the prices have been in some instances reduced.
996. How long were you in the habit of doing as you have described? Since I first took office as Examiner of Accounts.
997. *Mr. Maclean.*] That was in 1872? Yes.
998. Your first comprehensive action was in submitting these papers in 1877 (*Appendices* B 1 *and* B 2)? That is the first I recollect.
999. *Chairman.*] Again directing your attention to question and answer No. 667, may I ask whether the reports just referred to were or were not prepared at the instigation of Mr. Nash, as his statement in that answer would seem to imply? They were neither suggested by anything which he informed me of nor were they founded upon any information I received from him.
1000. Would you look at question and answer No. 735, and say if you recollect your action in the case there referred to? This refers to a special case of 1,100 yards of Scotch twill. I have acted upon so many cases from the Stores Department—hundreds, and I may say thousands of cases—that I cannot remember particular cases. I cannot possibly say whether I took action in that case.
1001. If you did take any action, would it be in the ordinary course of your duty? Any action I should take would be from a reference to the contract prices which I should have before me.
1002. Then again at question and answer No. 740, in relation to the Scotch twill delivered to Berrima Gaol, Mr. Nash says, in answer to a question just before—"As a matter of fact you say that action taken by Mr. Pinhey compelled the contractors to accept the contract rate for the larger quantity supplied?" "Yes, that is what I say." Have you any observation to make in reference to that? If I had the papers before me, I could show the foundation for any action I may have taken, but after the lapse of time which has taken place it is impossible for me to say what action I have taken.
1003. However, whatever action you may have taken was quite within the scope of your duty? Yes, and I have taken action in similar cases which brought about the same result.
1004. Will you turn to questions from 745 to 753, and after having read the questions and answers there, make any explanation you may desire, or which you may think will throw light upon it? I see that this again refers to an individual case. I know that I have taken action of that kind which has been followed by the same results as are mentioned here; but whether I took it in this individual case I cannot say.
1005. Was whatever you did, as comprised within this question, done by you as a matter of daily routine and public duty? Yes, as a matter of daily routine. If the papers in this case were obtained from the Audit Office, I could show any action I may have taken and the grounds upon which it was founded.
1006. Whatever action you took was within the scope of your office,—or in other words what you did in the

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the case specially mentioned here is what you did generally; and your action was not confined to particular matters brought specially under your notice by Mr. Nash? Most certainly not; my action as Examiner has not been in any way affected by any information I have ever received from Mr. Nash.

1007. *Captain Hixson.*] You do not remember that Mr. Nash spoke to you about this particular case? He has spoken to me on many occasions on Stores matters; but whether he has spoken to me about this I cannot say.

1008. *Mr. Maclean.*] Did he come to your office? He was employed by Mr. Brennand on various errands to the Treasury, and he used to take advantage of his being at the Treasury to come into my room to make statements and produce documents.

1009. *Chairman.*] You say that there never was anything of sufficient importance in his representations to you as to make it necessary that you should report to me specially? No; there was nothing beyond the fact that I thought he was trying hard to do his duty, and I thought that he was bringing the matters of which he spoke to me also under Mr. Brennand's notice, in the hope of having a better administration of the Stores Department. I have done nothing in regard to his representations excepting in the case of that Camden receipt; and in a case in which he brought what I considered wrongful additions to previously approved requisitions under my notice, of which I informed Mr. Brennand and Mr. Thomson. These were the only cases in which I took any action official or otherwise.

1010. Had you reason to believe that Mr. Nash officially reported the matters to Mr. Brennand? I was under the impression that Mr. Nash was bringing the whole of these affairs under the notice of Mr. Brennand.

1011. But you are not aware whether it is a fact that he did so or not? No.

1012. And you think Mr. Nash was inspired by an ardent desire for the improvement of the department? I was under the impression from the way in which he spoke to me about these matters that he had the welfare of the department at heart; that he had discovered among the subordinate officials there certain maladministration, which he was bringing under the notice of Mr. Brennand with a view to amendment.

1013. But you do not know whether he was or was not bringing the matters referred to under the notice of Mr. Brennand? No.

1014. *Captain Hixson.*] And you did not interfere except in being the recipient of his communications? No; I did not, except when I have spoken to Mr. Brennand on the subject; and since the term communication has been used, I may say that, as far as I am aware, I have never addressed Mr. Nash on those subjects.

1015. In point of fact, whatever you may have heard from Mr. Nash, you have never gone out of your particular routine of duty in reference to any matter about which he has spoken to you? I have not.

1016. *Chairman.*] Do you recollect this letter which Mr. Nash wrote to you on the 17th of April, 1878 (*vide Appendix* A 1)? I do not recollect the letter; there are certain terms in it of which I have some slight recollection of having heard or read before, but I do not recollect receiving or reading this letter.

1017. You never received this letter? I cannot say; I have no recollection of having read it.

1018. As you have now perused the copy of this letter submitted by Mr. Nash among his papers, how do you account for his communication? It is not unlike several other communications which I have received from Mr. Nash from time to time.

1019. Do you know anything of Mr. Nash's disposition or temperament? I know Mr. Nash to be of a very hot, excitable temperament; he has been often strangely, and, as I have thought, mistakenly under the impression that he was the victim to others' dislike; and in writing he constantly uses very strong expressions, far beyond what the circumstances or subject of his letter might demand; for that reason I have laid but little stress or paid but slight attention to the communications which he has from time to time addressed to me.

1020. *Mr. Maclean.*] In the early part of your evidence you stated, I think, that there were certain features in the allegations of Mr. Nash which you thought had been well founded. To what did you then refer more particularly? I do not recollect making that statement.

1021. *Captain Hixson.*] Is it possible that you might have received that letter of the 17th of April 1878? It is possible that I may have received it, for I have received extraordinary communications from Mr. Nash again and again—communications to which I have paid no attention, and many of which I have not read at all. Presuming that I had received such a letter, and that I had read it, my only action would have been to have torn it up, as I have done in regard to almost all his other communications.

1022. In view of Mr. Nash's letters and his evidence, to which the Board have called your attention, does it occur to you to make any observation? As a wrong impression might be conveyed to the Board as to the nature of my relations to Mr. Nash, I desire to say that from the day of my first acquaintance with him, the statements which he has made have led me to sympathise with his condition, and from time to time I have been able to show it in a practical way. His communications to me, at first entirely private, have gradually merged into the style of communication the Board have had before them. Sympathising with his destitute condition, I recommended him to the Under Secretary for employment in the Stores Department; and he appears to have presumed upon that to address communications to me which were extremely distasteful and exaggerated in their terms, but which I have always looked upon as private, and to which I have attached no official importance.

TUESDAY, 22 APRIL, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
HAROLD MACLEAN, ESQ.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

Christopher Rolleston, Esq., was called in and examined:—

C. Rolleston, Esq. 22 April, 1879.

1023. *Chairman.*] Your name, Mr. Rolleston? Christopher Rolleston.

1024. You hold the office of Auditor General? Yes.

1025. I think you are aware that some charges have been preferred by Mr. Nash against the Stores Department? I am.

1026.

C. Rolleston, Esq. 22 April, 1879.

1026. Perhaps you will identify these papers as letters and minutes which passed between yourself and the Colonial Treasurer? Yes, these are they. (*Vide Appendix* B.)

1027. And I think these papers called Synopsis and Charges against the Government Stores are the papers which you handed in? This batch of papers looks very like them. Yes; I think I may say these are they.

1028. I think these were accompanied by a number of other papers lettered according to a list transmitted by you? They were.

1029. May I ask whether Mr. Nash delivered them to you personally? Yes, he did.

1030. Personally? Yes, personally.

1031. Could you state about the time he delivered them to you? I suppose it must be nearly three months ago—I cannot say precisely. Perhaps I may explain that there were two series of papers. One series, which I think were pressed copies of these, were delivered to me by a friend of his; they were either given to me or sent to me by the gentleman who first introduced the matter to my notice. This set, to the best of my recollection, were given to me by Mr. Nash himself.

1032. Is it fair to ask the name of the gentleman who first introduced the matter to your notice? It is quite fair to ask it; but the gentleman said—I do not know why—that he wished I would not use his name in the matter. He is a well known man; a man of thorough reliability; but he said that he did not want to be mixed up in it, and I said "Very well." That being so, I should not like to give his name without his permission; but I do not see why he should withhold his name.

1033. What action did you take when you received these papers from Mr. Nash? I looked through them; and they seemed to me to disclose matters which had somewhat of a serious complexion, so much so that I was doubtful what to do. When Mr. Nash came to me I advised him to go to the Treasurer, and relieve his mind to him by saying what he had to say. I told him that was the proper course to adopt, but he said that he could not do that, that he would not be allowed to see the Treasurer, and that it was as much as his place was worth to attempt it. He begged me to look into the papers, which I did; and upon looking into them I thought it was desirable to ask the Crown Solicitor whether some of the statements contained in the papers were such as involved any criminality. I took this course rather than come to the Treasurer, because I wanted to ascertain from the Crown Solicitor whether there was anything in the matter or not which might become the subject of legal proceedings. He returned them to me a few days afterwards and he said that, although he saw nothing in them that he could take notice of or initiate or advise any proceedings upon, yet the charges were of so serious a nature that I ought to make a report on the matter to the Treasurer, who was the only Minister who could move in the matter.

1034. I think you made that report in the letter which you addressed to the Under Secretary for Finance and Trade on the 3rd of February, 1879? Yes.

1035. Is this the letter? It is.

1036. That report contains the following passage: "In reply to your letter of the 30th ultimo asking me to make in writing certain charges of a very serious nature against the Department of Stores, I do myself the honor to state that, of my own knowledge, I have no charges to prefer other than as to the irregularities as to the accounts which from time to time have been brought under the Treasurer's notice." Is the Board right in inferring from that, that in your capacity as Auditor General you had no charges to prefer except those contained in your various queries? I have no charges to prefer.

1037. May I ask if any of the queries which from time to time you made on the accounts from the Stores Department involved anything of a criminal or fraudulent character, or whether they were merely irregularities in the accounts, or complaints of the absence of receipts from different parts of the country? Great irregularities; but I cannot say that there was anything of a fraudulent character.

1038. In fact the greater number of queries have been answered? Yes.

1039. Of course I desire to be excused from saying anything appearing in the slightest degree disrespectful to yourself or your office, but I should like to ask this question—Whether you considered it came within your function, as the head of the Audit Office, to make inquiry into this matter behind the back of the Minister, and to go to the Crown Solicitor upon the subject; because on reading the Audit Act I see no power given to the Auditor General to initiate legal proceedings, but, on the contrary, his function appears to me to be of an *ex post facto* character, and that his duty is to check the public expenditure? I considered that when charges of that kind were placed in my hands it was my duty not to put them behind the fire, but to investigate them as far as I could, having previously had great reason to complain of the irregularity with which the financial business, at all events, of the Stores Department had been conducted.

1040. I should like to call your attention to your letter of the 26th September, 1876, which is addressed to the Under Secretary for Finance and Trade, and is in these terms: "The evidences of carelessness, irregularity, and over-payments with which the accounts of the Stores Branch of the Treasury abound render the examination of them a matter of serious embarrassment to this department, and numerous queries arise which under ordinary care would be prevented, and I have reason to be dissatisfied with many of the explanations afforded to those queries. To detail the individual cases of which I complain would necessitate a reference to vouchers furnished by the Superintendent of Stores during the last two or three years, and would occupy more space than can be given to the matter in a letter. Whether the system is at fault, or the officers concerned in carrying it out, I cannot say; but I would strongly recommend the Colonial Treasurer to appoint a Board to make a searching investigation into the whole business of the Stores Department, with a view to its being placed on a more satisfactory footing. When the Board is appointed I shall be prepared with the necessary papers and vouchers to support this recommendation." On that letter Mr. Cohen wrote this minute: "As Mr. Thomson has had this department under examination for a considerable time past, I should like to have his report upon the Auditor General's suggestions." That was on the 30th September, 1878; and Mr. Thomson's report was furnished on the 9th October, 1878. I ask you if you remember receiving a report which showed that a thorough investigation had been made by Mr. Thomson, that a new set of books had been introduced, that the whole system had been recast, and so on? Yes.

1041. Now, that the Board has been appointed, would you have any objection to furnish any cases against the Stores Department which you may consider to be of a doubtful character? I shall be happy to furnish you with any evidence which the vouchers can afford; but I should wish that you would allow the matter

to

C. Rolleston, Esq. 22 April, 1879.

to remain in abeyance until Mr. Hall returns from his leave of absence. Mr. Hall is seised more particularly with all these questions which we have had with the Stores, and he will be back in about ten days. He will be able to devote the whole of his attention to it, and to get you all the papers we have bearing upon the subject.

1042. What the Board I think would prefer would be specific cases? The cases which we have had in dispute can of course be referred to, and all the papers produced.

1043. I think you have already stated that, although you believe there have been great irregularities in the accounts kept at the Stores Department, yet, as far as your close investigation has gone, you have discovered nothing amounting to fraud? I cannot say that I have—I do not think so—I have no reason to think there has been fraud.

1044. I should like to call your attention to the various questions and answers put to Mr. Nash in which your name occurs. Mr. Nash was asked at question 48: "Did you see Mr. Rolleston personally?" and his answer was—"Yes, I had long talks with him." He was then asked: "Had you many conversations with him?" and he answered—"I suppose three or four. I had long conversations with him before he had the papers." Mainly with a view to test the credibility of Mr. Nash, I ask you if these statements are true? I think he brought the papers with him when he came to see me, but I am not quite clear about it.

1045. Did he come to see you on more than one occasion? He came to me on two or three occasions; I do not think more.

1046. *Captain Hixson.*] I think that you said there were two sets of papers which came into your possession? I think so; the pressed copies, and the papers you have before you. These, I think, were given to me afterwards by Mr. Nash.

1047. Is it the case that one set came to you by other hands, and one was delivered to you by Mr. Nash? I rather think so—I think that was the proceeding.

1048. You say that you had two, if not three, conversations with Mr. Nash. Did you form any opinion as to his character? I think he was a little flighty, certainly.

1049. Would you pay as much attention to him now as you did on the occasion of the first interview he had with you? I have no reason to think otherwise.

1050. You do not think he is inclined to exaggerate—is he a plain matter-of-fact sort of man? I think he is not a plain matter-of-fact man—I think he is a little flighty. He was described to me (if I may be allowed to say so) as a man to be thoroughly relied upon—as a hardworking industrious man who, as it was put to me, had been rather sat upon because he had endeavoured to correct irregularities. It was represented to me that he had been kept down, that people had been put over his head, and that he was suffering a good deal of irritability on that account. That was the description of him given to me.

1051. Would you think that he was rather an imaginative man? Judging from what I have read, I should say he was rather imaginative, that is from what I have read of his papers.

1052. You do not think he would be likely to view things in a matter-of-fact light? I could not pretend to say.

1053. *Chairman.*] You still think you would not like to give up the name of the intermediary, the friend? I will ask him if he has any objection—I will ask him and let you know at once. I do not myself see why he should have any objection.

1054. *Captain Hixson.*] Do you not think it irregular for a man in a Government Department to go outside of his own particular groove as it were to make these complaints? Yes, he ought to have gone to the head of the department no doubt; I told him so.

Mr. Edward Andrew Hill was called in and examined:—

Mr. E. A. Hill. 22 April, 1879.

1055. *Chairman.*] What is your name? Edward Andrew Hill.

1056. How long have you been in the Stores Department? Since February, 1875.

1057. What is the nature of your duties there? Generally now with reference to the accounts.

1058. What were your duties in 1876 and 1877? I had something to do with the accounts then, I think, but I am not sure. The chief clerk at that time transferred a portion of his work over to me, which I performed to the best of my ability.

1059. What do you mean when you say something to do with the accounts? Mr. M'Veigh had, perhaps, other business on hand, and he asked me to be good enough to pass some accounts, which I did to the best of my ability at that time.

1060. What do you mean by passing the accounts? Checking them to see if they were correct before they were passed on to the Treasury for liquidation.

1061. Checking them with what? Checking them with the rates.

1062. Was that the only check? I would not be certain; I do not recollect any other at present.

1063. Did you check them with the requisitions? They were marked on the requisitions.

1064. Did you check them with the requisitions? Yes.

1065. Among other things which have transpired in the course of this inquiry, it has been represented that there have been considerable alterations in these requisitions, and it has been stated that they were made by you, and are in your handwriting? Yes.

1066. Is it a fact that alterations have been made by you? If they have been made, it has been with the sanction of the officer above me; otherwise they would not have been made.

1067. Did you, as a matter of fact, make any alterations on the requisitions? I may have done so, but I would not have done so unless I thought it was right.

1068. You can identify your own handwriting? Yes.

1069. You have now before you a book of requisitions—the second volume for 1876? Yes.

1070. Will you look at requisition 546, and explain those cases in which the quantities have been enlarged? Yes.

1071. Is the enlargement in your own handwriting? Yes; as far as I can see I think it is all in my handwriting.

1072. Will you explain why 250 yards of calico print ordered has been increased to 275½ yards? The contractors would not cut a piece to make the exact quantity. They had a piece which measured a certain number of yards, and they would rather not supply at all than cut the piece. It is therefore marked off as an excessive supply, 25½ yards being the difference above the quantity ordered.

1073.

Mr. E. A. Hill. 22 April, 1879.

1073. Does that statement apply to the case in which 250 has been increased to 302? Yes.
1074. And to the 250 yards of unbleached damask increased to 252½ yards? Yes.
1075. And to the 100 yards of pillow linen increased to 121 yards? Yes.
1076. Then your statement is that in cases where there has been an enlargement of that kind it is owing to the indisposition of the contractors to cut pieces? Yes.
1077. Does that apply in every case where there has been an enlargement? In every case. They say it spoils the sale of their goods to cut whole pieces.
1078. Can you tell me whether these increased quantities were stated at the time, or were they written there when the accounts came in for payment? They were on the accounts when they came in for payment, I presume.
1079. And from the accounts you took the enlarged quantities, and wrote them on the requisition? Yes.
1080. Does that not seem as if the contractors supplied what they liked, and you only found out on the presentation of the account for payment what they really did supply? When the account was sent to the Treasury Store Department it was found out that they had supplied an extra quantity over what was asked for, and the question was then asked why they supplied the extra quantity, and they said that they would not cut pieces, because it would spoil the sale of their goods.
1081. But is not that exactly what I state—they delivered what they liked, and you did not know the surplus amount until the account was sent in for payment? Yes.
1082. *Mr. Maclean.*] Did you get any receipt for the extra quantity? Yes; receipts for every quantity.
1083. For the quantity in excess? Yes.
1084. Before the account was passed? Yes.
1085. *Chairman.*] Then it appears that you did not mark these alterations on the requisitions in red ink on the order of your superior officer, but simply to make the requisitions harmonise with the accounts? The head of the department was aware of that, I presume.
1086. You did not receive directions from the head of the department to make these specific alterations? I could not say.
1087. Did you not, as a matter of fact, alter them after you got the account in? After consulting my superior officer I altered them, as he told me. He had information from the contractors that they would not cut the article.
1088. It was after the account was rendered, and when it was compared with the requisition for the purpose of being checked that the larger quantity was discovered, and the alteration was then made upon the requisition to make it conform to the account? Yes, that was it.
1089. Do you know what books were kept at that particular time—in 1876? We had between four and six journals, a ledger, and a cash book only.
1090. Where did you mark off these accounts as they were paid? When the account came in it was marked off on the requisition, and when finished it was entered in the cash book as having gone to the Treasury.
1091. The accounts when paid were marked off in the requisition against the items supplied? Yes.
1092. *Captain Hixson.*] You have shown us cases in which increases have been made to the requisition to suit the convenience of contractors. Was the same system carried out in reference to reductions, that is in cases where a less quantity was supplied than that ordered? I could bring you any amount of requisitions to prove that things have been reduced, and the contractors have supplied a less quantity than that which was asked for.
1093. So that the system which prevailed allowed of decreases as well as increases? Yes.
1094. *Mr. Maclean.*] Who made the decreases? If a line came to ten dozen, and Mr. Brennand thought the quantity was excessive, he would reduce it according as he thought fit.
1095. *Captain Hixson.*] What I want to know from you is whether reductions were ever made to meet the convenience of contractors as well as increases? Yes; just the same. Here is a case in point: the department asked for 2,000 half men's hose unbleached, and they received 1,091.
1096. *Mr. Maclean.*] Can you explain why the contractors were permitted to supply so much under the requirements of the department? The only explanation I can give is that so many pairs were ordered; the contractors supplied a quantity of them, and they had no more on hand; the department that required them never asked a second time for them, and they were never supplied.
1097. Have there been many cases of that kind? Not that I know of. Here is another case, in which 250 women's dresses (print) were asked for, and the contractors supplied 243—seven less than the quantity asked for.
1098. Are you able to say whether such cases would arise in this way: the contractor would say that he was nearly out of a certain kind of stock, that he expected more immediately, and that he would supply the rest of the order subsequently? That is not within my knowledge.
1099. It has appeared in one requisition that 418 yards of Scotch twill were supplied in excess of the quantity ordered, would that 418 yards be a quantity which could be accounted for in the way you have said; that is, the extra quantity was delivered because the contractors wished to avoid breaking a parcel? I could not answer that question without I saw the requisition.
1100. *Chairman.*] You have before you requisition 1,269, of date 3rd June, 1876, on the back of which there is indorsed a number of items, apparently for the purpose of obtaining payment, as recently as 1878? Yes.
1101. Will you have the goodness to explain why these recent items are placed upon an old requisition of that character? These goods, I presume, were supplied in 1876, and when the accounts were rendered for payment, finding that there were no requisitions, I indorsed the amounts on the requisition to which I presumed they referred.
1102. Does that explanation apply in all similar cases? There is no other than this that I know of.
1103. Supposing there were other such cases, would your explanation apply to them? I do not know of any.
1104. You do not know of any beyond that? I have no recollection of any others.
1105. *Mr. Maclean.*] There may be more or not? I do not think there are more. There are requisitions which Mr. Nash himself has marked off on the back.
1106. *Chairman.*] Do I understand you to say that in making this indorsement at the back, you had any evidence that the goods were supplied—any evidence of their receipt? Yes.

1107. You made this indorsement after satisfying yourself that the goods charged for had been delivered? Yes; and that the account was correct. Mr. E.A. Hill. 22 April, 1879.
1108. *Mr. Maclean.*] And you did this under instructions? Yes; I would never attempt to do anything without I had instructions to do it.
1109. *Chairman.*] Were you, as a fellow clerk with Mr. Nash in the office, on good terms with him or otherwise? I was on good terms with him until the last day he left the office.
1110. Had you never any quarrels with him? I had one or two. He has a very bad temper, and I think the officers of the department could substantiate what sort of person he was.
1111. It is right to tell you that Mr. Nash has, in his evidence, accused you first of very extensive forgery as regards the requisitions, and next he says you are a drunkard? I had some idea that he was going to do that. I can bring proof from the department that the thing is utterly false.
1112. You say that you are a sober man? Yes.
1113. I presume Mr. Nash meant by wholesale forgery what we term the enlargement of the requisitions? I suppose so.
1114. Among other things, Mr. Nash has alleged that persons in the Department of Stores have systematically falsified the time-book. Are you aware of anything of that kind? No.
1115. Was the attendance of the staff pretty regular? Yes; if an officer were any way late there was always an apology or a written document sent to the Superintendent of Stores to show why he was absent.
1116. That was always done, was it? In every case that I know of.
1117. Who keeps the time-book? Mr. O'Donnell.
1118. The chief clerk? Yes.
1119. *Captain Hixson.*] Does each officer sign it? Yes.
1120. And puts down his own time? Mr. O'Donnell is there.
1121. *Chairman.*] Are you aware whether Mr. Daniels, the foreman, is a sober man or not? To take the department right through, I never saw a man the worse for liquor in it—any man not capable of performing his duties.
1122. Would you corroborate a statement of this kind, that foreman Daniels was drunk during three-fourths of every month? I can say it is an utter falsehood—if you will excuse me. I say it is not true.

George O'Donnell, Esq., was called in and examined :—

1123. *Chairman.*] What is your name? George O'Donnell. G. O'Donnell, Esq.
1124. How long have you been in the Stores Department? Twelve years last November.
1125. And how long have you held the office of chief clerk? Since November last.
1126. Are you the officer in charge of the time-book? I am. It was placed in my charge, I think in November last. 22 April, 1879.
1127. And you have had charge of it since that date? Yes.
1128. Will you tell the Board how the time-book is kept? The men are supposed to be there at half-past 8 o'clock, and the officers are allowed until ten minutes past 9—that is to say, any officer coming later than ten minutes past 9 o'clock has to write an explanation of the reason of his being late in the book, or to go and explain to Mr. Brennand. When they do not come before ten minutes past 9 they generally go to Mr. Brennand and explain the cause of their being late. The book is placed in my charge, and if an officer comes in late, I say "Well, you are late this morning," and he may say "Yes, I have explained to Mr. Brennand." He puts down the time of arrival, and I write "Explained," or he does so himself.
1129. Where is this book kept? In my custody; it is kept in my room, and I can see each individual as he comes in and goes out. It is signed in the morning at the time they arrive in the department.
1130. So that you actually see the book signed? Yes, as a general rule.
1131. What has been the character of the attendance? It has been pretty good. When I have called attention to late attendance I have had an explanation why. If an officer stays away for a day or half a day, when he makes his appearance the next morning I immediately say to him "You were away yesterday, or you did not sign the book;" and he then furnishes an explanation.
1132. Beginning from the time you have had charge of the book, could it be systematically falsified by any of the men inserting erroneous times of arrival? There has been only one instance. I noticed that Mr. Cohen on one occasion asked Mr. Brennand for half an hour to go up the town. Mr. Brennand granted his request, and instead of coming back he went away altogether. I called Mr. Brennand's attention to it at the time. However, he gave Mr. Brennand satisfaction for not turning up in proper time.
1133. What I mean is this: did the men or clerks on arrival state their arrival at an earlier time than they actually came? Never; I can give you my assurance that that has not been done.
1134. Do you know anything of the management of the time-book prior to November last? As far as my judgment goes, the time-book has always been kept properly—fairly *bonâ fide*.
1135. Of course you know foreman Daniels? Yes.
1136. You have had an opportunity of watching his conduct and demeanour during the last eleven years? Yes.
1137. What is your opinion of Daniels,—would you call him a sober man or a drunkard? I would not call him a drunkard nor a sober man. He is in the habit of taking a little occasionally, but I have never seen him in that state that would justify me in reporting him to Mr. Brennand, or Mr Brennand in reporting him to you.
1138. He is an old man, and infirm? Yes.
1139. So much so that, in the absence of any means of pensioning him off, his work is done by Adams? It is done by Adams.
1140. Then you certainly would not call the old man an habitual drunkard? No; far from it.
1141. *Captain Hixson.*] If it were said that the time-book were a miserable accumulation of lies, would that be true? I can give you my assurance that it is not. I can prove to the contrary, if you wish to go minutely into the matter.
1142. If that has been asserted, it is false? If any doubt exists in your mind, I would not have you accept my statement, but I would refer you to any officer or other employé in the department; and I am almost certain that they will bear me out in saying that the time-book, since I have kept it and previously, has been as well kept as in any other office in the Service. 1143.

G. O'Donnell, Esq. 22 April, 1879.

1443. If it were said that as a rule gentlemen came at 10 or half-past, and signed 9 or 9·5, would that be true? No, it would not.
1444. I am speaking of the whole period during which you have been at the Store? No, it would not.
1145. Not previous to your having charge of it? No; it has always been Mr. Brennand's desire to have the time-book kept as correctly as possible. I have heard him impress upon the chief clerk that the book must be kept as correctly as possible; and where an officer did not attend at the proper time, there was always an explanation required. The time-book was generally taken away from where it was left to be signed, and placed under Mr. Brennand's notice, so that an officer coming late would have to make an explanation.
1146. *Mr. Maclean.*] If it had been alleged that Mr. Hill, of your department, was a man of habitually intemperate habits, would that be true? It would not.
1147. What is Mr. Hill's character in that respect? I would not look upon Mr. Hill as belonging to the Temperance Society, but I have never seen him in that state which would justify me in reporting him to Mr. Brennand, or Mr. Brennand in reporting him to the Under Secretary. As far as I have seen, he has always been capable of performing his duties to the satisfaction of Mr. Brennand. Any one who might come to the office would always find him capable of understanding and carrying out the duties imposed upon him.
1148. *Chairman.*] Have you any reason to think that there have been quarrels between Mr. Hill and Mr. Nash? On one occasion there was. Mr. Nash was generally of a peevish disposition, a man who would quarrel with you almost for looking at him. Mr. Hill being of a similar temperament, they came into collision. I recollect that about twelve months ago they had some words, but I do not remember what it was about.
1149. *Mr. Maclean.*] Have you had any opportunity of judging whether contractors have had any knowledge of the stock in hand which would enable them to frame their tenders in a way which would be to their own advantage? As far as my knowledge goes, no contractor has any clue to the requirements of the Government in any way, previous to the acceptance of his tender. Having the contract for a year, he knows the requirements of the service in that way.
1150. *Chairman.*] I suppose you are aware that there was a practice of enlarging the requisitions? Yes. That practice was carried on some years ago, at the time when Mr. Lane was Under Secretary. Approval was never given until after the requisition was, as it were, completed. The system we have now is to submit a requisition previous to the supply being ordered. Then the requisition was submitted afterwards.
1151. In by-gone times the requisition was submitted afterwards? Yes; the articles on the requisition might be ordered to-day, and, if afterwards something else were required for the department, it could be obtained, added on to the requisition, which was submitted afterwards for approval.
1152. *Mr. Maclean.*] Would that be confined to the Stores requisitions? Not to the Stores only. It grew into a habit, and referred to other departments. An officer would come down and say, "The department requires a certain thing; may I not add it on to the requisition which is now in?" In that way the practice was growing up, and becoming so frequent that I supposed it was looked upon as an irregularity.
1153. *Captain Hixson.*] Was there an order at one time that Government Departments should only send in requisitions twice a year? It has been the practice to send in half-yearly.
1154. In that case, if an article were required in the interim, how would it be obtained? I am speaking of the practice before July, 1877, when I say that if a department required an article in that way they would send down to the Stores, and ask that it might be put on the requisition. In some cases where the matter appeared to be urgent, Mr. Brennand granted the request; but if it appeared that the department could wait until such time as a supplementary requisition could be sent in, a supplementary requisition was always obtained to cover the supply.

William Hemming, Esq., was called in and examined:—

W. Hemming, Esq. 22 April, 1879.

1155. *Chairman.*] What is your name? William Hemming.
1156. And the office you hold in the Stores Department? Accountant.
1157. When did you commence your duties? In August, 1877.
1158. You are aware that about July, 1877, Mr. Thomson made a very exhaustive inquiry into the Stores Department? Yes.
1159. And, if I mistake not, your appointment was one of the results of that inquiry? It was.
1160. Can you speak generally as to the management and condition of the Stores Department from the time of your joining it? It has been satisfactory.
1161. Are you acquainted with Mr. Nash? Yes.
1162. Did you come much in contact with him in the course of your business? Unfortunately too much at first, because I was too lame to move about.
1163. And what impression did you form of Mr. Nash? I must be candid. At first I thought the man seemed to have just cause of complaint; but, as I told him, he must beware of me if I found the impression was not right. I afterwards formed a very different impression. Unable to see much myself, I was obliged to hear what he said. It was after I got to move about that I became differently impressed altogether.
1164. What was your subsequent impression of Mr. Nash? The last impression of him?
1165. Yes? Why, that he was a most dangerous individual.
1166. Dangerous in what sense? Dangerous as far as pettifogging, intermeddling, and inquisitiveness are concerned. He exhibited such characteristics as I should be very sorry to have to deal much with.
1167. Did you come much in contact with the staff down at the Stores? Not at first.
1168. Did you see much of Mr. Hill? Yes; he sat right opposite my window.
1169. Did you consider him a sober man? Not a drunken man. He was perhaps not always without a glass of beer when I first went there, but as a rule he is a sober man.
1170. Have you seen much of old Mr. Daniels, the foreman? Not at first. Latterly I have.
1171. Was he a sober man? At first he appeared to be excited. The place was beyond him when I first went; but latterly he has been very sober, and I believe is a teetotaller or nearly so.
1172. He is a feeble man? Yes; and I think, to use a vulgar expression, the new system floored him at first—it was too much for him.

1173. You think that he has gradually recovered? Yes; and he attends to what duties he has. W. Hemming, Esq.
1174. Are you conversant with the time-book at all? No; I never sign it.
1175. Has it been regularly kept? I think it has, for this reason: when they used to be paid overtime the time-book was always produced to me to mark their vouchers as to the hours of attendance. Since overtime has been discontinued, I believe it has been kept in just the same way. It is in the care of Mr. O'Donnell. 22 April, 1879.
1176. You took over the Account Branch of the business there? Yes.
1177. Did you see anything in the condition of the accounts or the system followed that would lead you to think that there had been fraud, or anything wrong in the dealings between the Stores Department and the contractors? No.
1178. Did you take any particular action yourself to prevent contractors getting a knowledge of the stock which might enable them to frame their tenders to their own advantage? When I first went there the staircase from the front door was continuous to the top, and I suggested to Mr. Brennand that the samples and things of that description ought not to be placed in a position where the contractors could be brought into contact with people at the store. He acted upon that suggestion immediately and had it carried out. The samples were placed in two large repositories in the passage opposite the door, and another staircase was made from the account branch to the stationer's room. That disconnected it from people coming there, and thereby removed any grounds of suspicion, if suspicion could be said to exist. I advised Mr. Brennand in that matter; that is all.
1179. Did you attach great importance to that matter? I said that it would prevent suspicion. He concurred that it would do so, and had it carried out.
1180. *Captain Hixson.*] Suppose that an impression has gone abroad that there was a great amount of fraud perpetrated on the Government by the irregularities of the Stores Department, would you believe that there was a good foundation for that from your experience? No. I do not see how there could be fraud. I have no reason to suspect it.
1181. Neither since you have been there nor previously? I knew nothing of the Stores before I went there. I have known the Superintendent a great many years, and I do not believe that such a thing could be laid to his charge. I do not believe it is possible. As for other people I know nothing of them; as far as I know anything of the busines of the Stores, I should say it was not a decent thing for any one to say that.
1182. *Mr. Maclean.*] Do you know how the purchase of articles not in contract could be regulated? It is not in my department.
1183. You compare the accounts with the contract rates? They are all done by the system of checking adopted.
1184. *Chairman.*] Under the new system, you think fraud is impossible? I do not think fraud is possible.
1185. *Mr. Maclean.*] Suppose you find an article not in contract, is it passed just at the price charged? It is submitted for approval.
1186. It is not within your province to challenge the charges? The moment the Superintendent sees that a thing is not in contract he challenges it of himself. He examines the account, sends it up to the Under Secretary, and if he sees any just cause to complain, he would point it out.
1187. *Captain Hixson.*] From your knowledge of Mr. Nash, do you think he would be likely to give an exaggerated account of the Stores Department? I would not trust him.
1188. You would not trust him? No; he is not so much a maniac as a demoniac in my opinion. At first I told him, from what I saw of him, to be careful. When I became aware of the character of the man I watched him closely. I noticed his peculiar habit. He would come into the Superintendent's room if I were there, and remain about to listen. I say he is not so much a maniac, for he has a wonderfully good memory.
1189. *Mr. Maclean.*] Do you think he is a vindictive man? I do not see how otherwise it could be that he could remember in this room to tell Mr. Evans of a particular page that was torn, and that he was to be careful the pieces did not fall out. If he could remember for three years that a particular paper in a book was loose, he must have a good memory; and I think his nature is vindictive.

WEDNESDAY, 30 *APRIL*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
HAROLD MACLEAN, ESQ.

L. I. Brennand, Esq., was called in and examined:—

1190. *Chairman.*] You have been present during the time that Mr. Nash gave his evidence, and the Board desire to ask you whether, from your general recollection of what took place, you are prepared to offer any specific explanations? Mr. Nash's charges are exaggerated. I propose to rebut them. L. I. Brennand, Esq.
1191. Do you propose to do that by making any statement yourself, or would you rather that we proceed in the usual way, by examination? I would prefer to answer such questions as you may think it desirable to ask me. 30 April, 1879.
1192. In that case, we will go through the "synopsis of charges," and take any explanation you have to give on each head. I reference to the question of probable quantities, I think we have had it in evidence that the character of the probable quantities was entirely altered at a particular time? Yes.
1193. Will you give us the date when the change took place? It was about the middle of 1877, about the time we were preparing the schedules for 1878,—it would therefore be early in the year 1877.
1194. Will you state the nature of the change? The third clause, I think it was, was so worded as to compel contractors to supply any quantity required by the Government, and not to limit the probable quantities to the schedule.
1195. If I understand rightly, that enlarged condition applies to the contracts of 1878 and 1879? Yes.
1196. And still prevails? Yes.

1197.

L. I. Brennand, Esq.

30 April, 1879.

1197. *Mr. Maclean.*] In your former evidence, on the subject of probable quantities prior to the change to which you have now referred, you stated that for all important branches of the service you got your data for the probable quantities from the heads of the departments to which the goods had to be supplied? Yes, from the departments principally concerned.
1198. Are you quite sure that there was not some error in that statement? No, I think not.
1199. I have been informed that, as far as Darlinghurst Gaol is concerned they have not been called upon to give probable quantities? I think that the course of referring to the departments has been followed almost invariably. Mr. Robson reported or expressed regret that I had not enclosed the schedule for his information, but I had previously sent it to Mr. Read and to the gaol at Berrima.
1200. Mr. Read reports that he did not receive the schedule? As a rule the schedule has always been sent to Darlinghurst Gaol. I am not aware of any instance where it has been otherwise.
1201. Did you receive a letter from Mr. Read, dated the 22nd January, 1879, and adressed to yourself, of which I hand you a copy? Yes, I gave it to Mr. Street, one of the clerks in the office, whom I directed to include all these things in the next schedule. These articles are not at present in contract; Mr. Robson suggested that we ought to include them, and I said that I would do so.
1202. There are twenty-eight articles altogether enumerated in this contract, and some of them appear to be important. Could you explain how it is that they were not in contract? At the different gaols you are frequently altering the style or material of the garments; and in the preparation of a schedule it is impossible to foresee what you will require.
1203. Take the item of blue pilot cloth for warders' cloaks for instance? That is in contract now and has been in contract for some time under the head of military cloaks.
1204. Would this letter be in time to be acted on for this year? Not for this year. I have suggested to Mr. Robson that we should call for a supplementary tender for the remainder of the year.
1205. *Captain Hixson.*] Do I understand you that although these articles are not in contract for Darlinghurst Gaol, yet that some of them are in contract for another department? Yes; the cloaks.
1206. If supplied for Darlinghurst Gaol would they be supplied at contract rates? Yes. Some years ago the military cloaks were imported under the head of cloth and dowlas schedule. Mr. Maclean has asked me several times to endeavour to utilize the prisoners' labour at the different gaols. I therefore withdrew all but about fifty cloaks from the schedule, and now we get them all made in Darlinghurst Gaol. I think Mr. Robson refers to the material.
1207. Blue serge for warders' jumpers is not included in the schedule is it? Yes; that is included in contract—many of these articles I think you will find are in contract. I know that the blue serge is included in the linen-drapery contract.
1208. *Mr. Maclean.*] Then in the most important items of this list it has been the substitution of material for the garments in contract that accounts for the impression that the articles were not in contract? Yes, precisely.
1209. The material was substituted for the garments with a view to employ the labour of the prisoners in making them up? Yes.
1210. And, further, do you say that some of these articles would not be likely to be included in contract at all? Yes; some of the smaller articles, such as silk twist, for example.
1211. *Chairman.*] The second allegation made by Mr. Nash is to the effect that contractors are allowed to supply largely in excess of the quantities ordered when profitable to them to do so. The Board have employed a competent accountant to go through all the requisitions with a view to determine how far this allegation is true or otherwise; but still I should like you to say in a general way whether this allegation is true or not? It is not true; I say that most distinctly.
1212. I presume there are cases in which contractors have supplied quantities in excess of what were ordered? Yes; small quantities.
1213. What general rule would govern your action in permitting quantities to be delivered in excess of what were ordered? Where the quantity ordered approached nearly to the quantity contained in the piece or parcel, we have allowed contractors to supply the excess quantity to avoid loss to them; and in like manner, if the quantity contained in a piece was slightly below the quantity ordered, we have permitted a short supply to that extent for the same reason. In such cases we have not insisted on the balance being supplied.
1214. With respect to charge 3—contractors allowed not to supply if inconvenient for them to do so,—are you in a position to say whether that statement is true or otherwise? It is not true—it is quite untrue.
1215. Mr. Nash has laid great stress in his evidence on the circumstance that in 1877 while the contract price for weighing-machines was ridiculously low, the contractor failed to execute orders for these articles when they were wanted for the public service? That is not correct.
1216. Mr. Nash has referred the Board to a requisition numbered 2,359 of 1877, in which he states that a weighing-machine was ordered at a time when weighing-machines were in contract at 10s., and was not supplied until the following year, when it was supplied at a cost of £10. The date of the requisition was the 15th of November, 1877. Can you explain why delivery was not at once insisted upon, why it was delayed, and why the country paid the higher price? I gave the order on Mr. Cohen, who was contractor for that year. I gave the order in November, but I was not aware that the article was not supplied until January of the following year. Mr. Cohen then refused to supply, as his contract year had expired. I then ordered the article at Cohen's risk from Mr. Keep, whose selling price for it was £10, which Cohen had to pay. I may state that the probable quantity stated in the schedule when Mr. Cohen was the contractor in 1877 was six weighing-machines, and the price at which they were in contract was 10s. Three of these weighing-machines were supplied by Mr. Cohen as required, and a fourth was obtained from Mr. Keep at his risk.
1217. What would the ordinary market value of these weighing-machines be? £10.
1218. Then Mr. Cohen would sustain a loss of £38 6s. on the four weighing-machines which were supplied? Yes. I should like to state a parallel case in which gauging-rods were in 1876 contract at 5s. per set, the actual value of them being £5 5s. Mr. Cohen was the contractor. He contracted to supply five sets at 5s., and had to supply them, and that I estimate involved him in a loss of £25 on that item.
1219. Referring to question No. 316, as to the non-supply of weights and measures to the police office at Dungog, you were not able to produce any receipt for those articles. Can you now say whether the weights and measures were delivered or not? I produce a memo. from the Clerk of Petty Sessions at Dungog to show that the weights were delivered, but not the set of measures and the strike, which the contractors informed me could not be got either in Sydney or in Melbourne.

L. I. Brennand, Esq. 30 April, 1879.

1220. I presume the measures are standard measures? Yes.
1221. Are they difficult to obtain in the Colony? Yes, they are; in fact they have to be specially imported for the Government.
1222. *Mr. Maclean.*] Under these circumstances was the Stores Department content to let the responsibility of the contractors rest without further action on your part? Had the matter been reported to me, it would have been my duty to have purchased the articles at the contractor's risk.
1223. *Captain Hixson.*] Do you remember whether your attention was called to this particular transaction at the time? I do not remember that it was—I have no recollection of it.
1224. You think it was not? Yes.
1225. *Mr. Maclean.*] Can you say in a general way if there have been many instances of contractors failing to supply goods which have been ordered? Not many.
1226. Not such as to materially affect the public service? No.
1227. *Captain Hixson.*] As a rule do you have much trouble with contractors in getting the supplies you need? Sometimes. One or two of them have given us some trouble, especially when there is difficulty in purchasing the articles in town. We have to hunt them up a bit.
1228. I suppose your department is to a certain extent restricted by the state of the market? In a great measure; but the contractors are supposed to look forward and obtain proper supplies.
1229. *Chairman.*] Referring to question 341 put to Mr. Nash, it would appear that 25 leather straps and one dozen of Indian ink were supplied which were not included in the requisition? Yes; twenty-five straps were ordered upon the requisition of 19th September, 1876, for the Survey Department. An officer of that Department called at the Stores and represented that the straps had not been supplied. The stationer thereupon, on the 10th of May, 1877, prepared a duplicate order for the 25 straps, supposing that the first order had been mislaid. The contractor erroneously made a second delivery in the duplicate order. I now produce copies of receipts from the Surveyor General's Office, one dated 27th December, 1876, for 25 straps, and the other the 11th May, 1877, for 25 straps. The originals will be produced by Mr. Tebbutt the contractor.
1230. And as regards the Indian ink, what is your explanation? The Indian ink was asked for by requisition 2,816, of 3rd December, 1876; and when the contractor applied for payment of the account accompanied by the proper receipt, he quoted erroneously the number of the requisition, giving the number as 2,857 instead of 2816. The item was in consequence of that entered upon the latter requisition, and marked off for payment.
1231. *Captain Hixson.*] Were there two payments made for this dozen of Indian ink? No.
1232. You are sure of that? Yes.
1233. How do you arrive at that conclusion? Because the item is not marked off as paid upon the first requisition, only upon the second.
1234. *Chairman.*] With respect to Mr. Nash's fourth charge that five-sixths of the goods supplied were not in contract, I presume you are able to say that that is not a correct statement? In general terms, I can say it is not true.
1235. Do you regard it as an unfounded statement? Yes, a most unfounded statement.
1236. In charge five, Mr. Nash alleges that clause five in the conditions of contract has been utterly disregarded, that no action has been taken to compel supply nor charge contractors with excess of price above contract rates for goods supplied by others. Can you say from your knowledge of the business of the Stores Department whether this statement is true or otherwise? In all cases of default on the part of the contractors that have come before me I have at once written to them officially, and insisted upon compliance with the order. Mr. Nash's statement is not correct.
1237. In charge six Mr. Nash alleges that receipts upon which accounts were passed for payment were never examined or checked with the accounts—that payments were scratched on to the requisitions, undecipherably frequently, and sent in for payment. Is that a truthful statement? It is not, and I should like to call your attention to the flippant way in which Mr. Nash makes these assertions. The fact, so far from being as Mr. Nash represents, is this—that every account is subjected to three distinct checks. In the first place, one clerk checks the receipts with the accounts to see that the goods charged for have been supplied. The next step was to compare the rates charged with the contract prices, and the third was to mark them off on the requisition to prevent double payments. No account is allowed to pass until the requisition has been referred to, and if it was marked off as paid in red ink it would at once be seen that the account had been sent on to the Treasury for payment. Such an account would be withdrawn.
1238. Unless the accounts were open on the requisition, they would not be paid? No.
1239. We now come to the seventh allegation, in which Mr. Nash states that departments were solicited for requisitions to legalize payments for goods supplied in excess of their original requirements. Has that been your course of business in the management of the Stores Department? No, certainly not. Slight increases have been permitted to prevent breaking of bulk, but beyond that I have no knowledge of anything of this sort.
1240. You have never solicited departments for requisitions to legalize payment? Certainly not.
1241. *Captain Hixson.*] I think you admitted in the early part of the inquiry that you had written to one of the gaols in the country asking the gaoler if he could take a certain quantity of grey cloth? Yes.
1242. You admit that you wrote a letter to that effect? Yes.
1243. Was that grey cloth in the store or had it to be purchased from the contractors? It was then in stock.
1244. Did you ever write soliciting Departments to send in requisitions for goods which you would have had to purchase? Certainly not.
1245. *Chairman.*] Coming to the eighth clause, Mr. Nash alleges that additions were made to requisitions of past years to procure payment of accounts, these additions never having been posted into the journal and ledger. Can you give any explanation on that point? I think he instanced two long requisitions which were not posted in the journal, but certainly I was not aware of it; and Mr. Nash was as much to blame as any one else for not calling my attention to it. Mr. Hill blames him for taking these out of the papers.
1246. What are we to understand by the allegation that additions were made to the requisitions of past years to procure payment? The floating requisition referred to was used for keeping a record of large supplies coming to the Stores. The cloth tender was not sent in for approval. It was advertised and the contractor supplied the whole quantity to the Stores in bulk. Before the account of the contractor

T. I. Brennand, Esq. 30 April, 1879.

could be paid he had to give me a requisition number. The goods would be entered upon these Store requisitions, and the number would be put on the account, otherwise I should have no requisition.
1247. We come to No. 9—sums of money paid for goods never supplied. There was some correspondence relative to doeskin supposed to have been furnished for the aborigines at Camden. As far as comes within your knowledge, do you know of any case in which goods never supplied have been paid for? No, not one.
1248. Are you now in a position to furnish more definite proof of the receipt of the doeskin by the Bench at Camden? I produce a document showing that the bale of material referred to was received by the Picton Bench in September, 1876.
1249. We come to charge No. 10, in which Mr. Nash alleges that goods in stock in large quantities were put in contract at ridiculously low prices because they were not likely to be wanted, while those not in stock were put in at high figures. What have you to say as to this? If by this allegation it is meant that information has been supplied from the Stores to intending contractors as to the stock of particular articles with a view to influence their tendering, it is entirely false.
1250. *Mr. Maclean.*] Is there, or has there been, such an amount of goods kept in stock as would influence contractors in tendering even if they had a knowledge of the stock? Certainly not—not for years past.
1251. *Chairman.*] With reference to the contract for teil and kerosene oils with Mr. Sidney Cohen for the service of the year 1877, it appears that the probable quantity of kerosene oil was exhausted in the month of April of that year? Yes.
1252. Can you give the Board any reason why the probable quantities for those articles were so much under estimated? There must have been a miscalculation in the quantities given. The demand was increased principally by the extension of the telegraphs causing new stations to be opened, and an increase in the requirements for the lighthouses. The estimate of probable quantities was based on information obtained by reference to the other departments of the service.

FRIDAY, 2 MAY, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,
HAROLD MACLEAN, ESQ.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., was called in and examined:—

L. I. Brennand, Esq, 2 May, 1879.

1253. *Chairman.*] Among other statements made in evidence by Mr. Nash, he alleges a serious charge of drunkenness against Daniels the foreman, in respect of whom he states that he was in a condition of drunkenness twenty-seven or twenty-eight days out of every month; are you prepared to say whether that is a truthful statement or not? It is utterly false.
1254. Can you tell the Board what has been Daniels's general character since he has been in the employment of the Stores Department? Up to a recent date he occasionally gave way, but as a general rule he has been as steady as I could wish. I reported him about three years ago, and the Treasurer suspended him for a fortnight, and stopped his pay. Before the expiration of the fortnight he asked to be allowed to perform his duty without pay.
1255. Was he reinstated by the Treasurer's orders at the end of fourteen days? Yes.
1256. Although there may have been some special instances in which Daniels has drunk to excess, you say that this allegation implying that he was not generally a sober man is not true? I do.
1257. It is alleged of Daniels also, that being in an unfit condition for such an office, he nevertheless signed the contractors' receipts on which payments were passed during the years 1875 and 1876. Did he sign the contractors' receipts? As Foreman of Stores, it was part of his duty to sign the contractors' receipts.
1258. Does he still continue to sign them? Yes; he continued to sign them until about eighteen months ago, when changes were made in the office under which the duty was devolved on another person.
1259. During the time that he signed the contractors' receipts, was he, as a rule, in such a state as to be, in your opinion, unfit for duty? Certainly not.
1260. *Mr. Maclean.*] You say that he occasionally gave way to drink? Yes.
1261. The allegation is that he was in a muddled state all his time. Do you deny that to be a fact? I deny it *in toto.*
1262. If you had seen him in an unfit state for his duties would you have suspended him? At once.
1263. Did you see him daily? I saw him daily.
1264. *Chairman.*] And there has been only one occasion when you thought it your duty to suspend him? That is all, as far as I remember. The fact of his signing the receipt did not give an acquittance to me, because I looked to the Departments afterwards.
1265. *Mr. Maclean.*] The receipts which he signed were merely an acknowledgment of the delivery of the goods at the Stores? Yes.
1266. And it did not complete the process by which payment was obtained? No.
1267. *Chairman.*] So that in point of fact the accounts were not passed on Daniels's receipt? In a few cases they were; but in the majority of cases they were not.
1268. *Mr. Maclean.*] Would Daniels's receipt be sufficient for the payment of goods received into stock? Yes.
1269. But not for goods supplied on their way to other departments? No. If he signed for goods coming into stock and they were not there, I should hold him accountable for them.
1270. What you received for the Stores Department he signed for? Yes.
1271. And as to what were received on their way to other departments? The receipts of the departments were obtained for them.
1272. *Chairman.*] Mr. Nash in his evidence makes a serious charge of drunkeness against Mr. Hill, and he also quotes instances in which he has been reported to yourself for misconduct arising out of that allegation.

Will

L. I. Brennand, Esq. 2 May, 1879.

Will you say what your experience of Mr. Hill's conduct has been? About eighteen months or two years ago Mr. Hill came to the office for two or three days in succession in a state of semi-intoxication. I think it was on the third day that Mr. Nash reported him. I then spoke to Mr. Hill, and if I mistake not I reported the matter to the Treasury. With that one exception, I have had no cause to complain of Mr. Hill's conduct in that respect. There has been a constant feud between Mr. Hill and Mr. Nash. Mr. Nash's complaints about Mr. Hill have been so frequent and so frivolous that at last I took no notice of them.

1273. Do you recollect when Mr. Hill was reported to the Treasury for his three days' semi-intoxication what the decision of the Treasurer was in the matter? I think he was suspended for a fortnight.

1274. Have any other reports respecting Mr. Hill been made to the Treasury? No.

1275. And you were satisfied generally with the conduct of the business entrusted to him? Yes.

1276. *Mr. Maclean.*] On the occasion that Mr. Nash reported Mr. Hill, did Mr. Hill come under your observation at all before Mr. Nash reported him? No; he was in a different room.

1277. What condition was he in when he was said to be in a state of semi-intoxication—could he write? Yes; but he was excitable and quarrelsome at that particular time. I ought also to say that I consider Mr. Nash the most ill-tempered and excitable man that ever I had to deal with. He was quarrelsome to a degree.

1278. Did Mr. Nash ever represent to you that Mr. Hill was in the habit of giving way to drink other than on the occasion you have referred to? Never, only on the one occasion. Mr. Nash has at times, in a spiteful manner, made incidental remarks of which I could take no notice officially—remarks implying that Mr. Hill was hardly in a state to perform his duties.

1279. Have you seen Mr. Hill on those occasions? Yes.

1280. And did you concur with Mr. Nash about him? No.

1281. Did you ever remonstrate with Mr. Hill about his drinking habits? I have spoken to him of what Mr. Nash has reported.

1282. That is apart from the time when you reported him? Yes; three or four times about the habits imputed to him.

1283. If you did not consider that he was under the influence of liquor when Mr. Nash called attention to him you could not find fault with him then? No; but it was more by way of caution that I spoke to him.

1284. *Chairman.*] There is a further allegation by Mr. Nash of a serious character; his evidence is to the effect that the time-book was systematically falsified. His words are: "The time-book was a miserable accummulation of lies. As a rule, gentlemen came at 10 or 10.5 and signed for 9 or 9.5"? That statement has not the slighest foundation in fact.

1285. You keep a time-book? Yes.

1286. Will you explain how it is managed and by whom? Up to within about two years ago I had it in my own office, I then gave it to Mr. M'Veigh to take charge of. He brought it to me at a quarter past 9 o'clock, and any one who came after that time had to explain. The time-book is now in the charge of Mr. O'Donnell, who keeps it in a similar manner.

1287. *Mr. Maclean.*] You say that the book was closed at a quarter past 9 o'clock? Yes.

1288. And if an officer came after that time he had to give an explanation? Yes.

1289. Did that frequently happen? No; as to Mr. Nash's statement that they came at 10 o'clock and wrote down 9·5, it is perfectly false.

1290. You say that they came in infrequently after 9? Yes; very infrequently; if they came at a quarter to 10 they had to make a note in the book and explain.

1291. *Chairman.*] As a general rule was the attendance good? Yes. Mr. Nash used to come at half-past 8 o'clock; and I learn that he used to be in the record room ferreting out information when he represented to me that he was attending to his own duties.

1292. Mr. Nash also makes the following statement:—He says that he believes that previous to Mr. Hemming's advent, the place was a perfect bear-garden, that three or four of the employés were nearly always in a state of partial drunkenness, and when not in their normal condition totally inebriated. Papers, letters, accounts, requisitions, Audit Office queries, &c., &c., &c., were strewn broadcast over the various rooms or offices of the building. Can you give the Board any information as to that allegation? I give the statements my most flat denial.

1293. The statements are not true? They are not true.

1294. How does that consist with a paper of the 3rd October, 1878, signed by you, and given in evidence by Mr. Nash. The paper is in these words:—Yesterday, I happened to enter the account branch and found it in a state of perfect confusion; strangers present, and the officers, or some of them, not at their respective desks. Such confusion I need hardly say is highly irregular, and must not exist, and I must insist on more official decorum of behaviour during office hours in future. Request Mr. Hill to see that such irregularities do not occur again? That was one solitary instance.

1295. It was a solitary instance? It was. As to talking about a bear-garden, any disturbance in the office originated through Mr. Nash's bad temper and disposition. He was quarrelling with everyone.

1296. Reverting to the question of Mr. Hill's conduct, Mr. Nash makes this statement:—"Mr. Hill was beastly drunk, not once, but scores of times. If I had been the Superintendent I would have put him in irons." Is that statement as to Mr. Hill's drunkenness true? No, it is false.

William Hemming, Esq., was called in and examined:—

W. Hemming, Esq. 2 May, 1879.

1297. *Chairman.*] In Mr. Nash's Synopsis of Charges he makes a statement in relation to yourself on some rather important matters, and we are anxious to have your evidence on the point? Yes.

1298. First of all, Mr. Nash states that so-called receipts upon which accounts were passed for payment were never examined or checked with the accounts, payments merely scratched on to requisitions, undecipherable frequently, and the accounts sent on for payment. And then, in amplification of that statement, he says, "For this you must take my bare word, but Mr. Hemming can, if disposed to do so, corroborate my assertion. He has seen many instances which I have put before him. I declare that the contractors' receipts so-called upon which payments were passed were in most cases signed by a person at the Stores, poor old Dan, nicknamed by the first low comedian, bard, wit, and poet, and punster of the community—the

W. Hemming, Esq. **2 May, 1879.**

the prophet, because he could not stand alone—a sort of antithetical nomenclature." Mr. Nash then makes other remarks with respect to Daniels. The Board wish to ascertain from you whether it is a fact that contractors' receipts upon which payments were passed were in most cases signed by Foreman Daniels when he was not in a fit condition to sign them? I will not corroborate such a statement, neither can I.

1299. There is no truth in the main assertion? I could not corroborate the statement—not under any circumstances whatever.

1300. Then in fact the receipts were not signed by this man when he was in an unfit state to sign them? I do not believe the old man was so unfit as Mr. Nash says he was to sign anything. He says that I can corroborate that the accounts were passed on this man's signature. I can corroborate nothing of the kind.

1301. *Mr. Maclean.*] Mr. Nash says that he brought under your notice many instances in which receipts were signed as he alleges? He sometimes endeavoured to put papers before me, and I would not listen to him. In endeavouring to place papers before me, he would state that certain things had taken place, and would endeavour thereby to get some admission out of me, but I would not pay attention to such things; and I do not remember, now I come to think of it seriously, that poor old Daniels's signature was put before me at all or called in question by Mr. Nash—I do not remember it being placed before me at all.

1302. *Chairman.*] Then the Board would be quite justified in discrediting this assertion of Mr. Nash? Certainly; I would deny it anywhere. I may state from my own experience of the office, and my knowledge of Daniels, that he has been most attentive to his duties, willing to do everything he was requested to do. A very great change was made in the arrangements in 1877; and I believe that at his old age he did feel rather overweighted at first, and that he was not able quickly to adapt himself to the new arrangements. I would wish that you should see the old man and judge for yourselves.

1303. *Mr. Maclean.*] How long has he been there? Very many years. He is a very old and faithful servant, almost a part of the place.

James Thomson, Esq., was called in and examined:—

J. Thomson, Esq. **2 May, 1879.**

1304. *Chairman.*] Your name? James Thomson.

1305. And the office you hold? Chief Inspector of Public Revenue Collectors' Accounts, and Consulting Accountant to the Treasury.

1306. Ordinarily your duties are to supervise the collection of revenue? Yes—to see that the moneys which have been collected have been duly accounted for.

1307. Was your attention called some time in 1877 to the condition of the Stores accounts, or any branch of it? Yes; in 1877 a memo. was sent to me by yourself, requesting that I would inquire into the matter. You intimated that Mr. Stuart, who was then Colonial Treasurer, desired that an inquiry should be made in connection with the Stores accounts. I have Mr. Stuart's memorandum here, and will read it if the Board wish.

1308. Read it if you please, and also tell us the date of the document? The paper is dated the 18th December, 1876, and the subject is—Store Department—Expenditure of Stores and Stock on hand. The minute is in these words: "I wish to know what check there is upon the expenditure of the large sum, about £70,000, of vote for Stores. I wish the matter inquired into, and a stock account to be made up." That is initialled "A.S." The minute was marked off by the Examiner, Mr. Newcombe, who happened to be acting for the Under Secretary at the time, and it remained in his hands to the 26th of February, 1877, when it was returned to the Under Secretary without having been acted upon. The Under Secretary then marked it off to me to take the necessary action upon it.

1309. Did you begin your investigation then, or subsequent to that date? It was considerably subsequent to that, in consequence of a change of Government having taken place shortly after that date.

1310. In what way would the change of Government delay the inquiry? I had to prepare new Estimates of Revenue and Expenditure for the Treasurer, and that and other duties occupied my exclusive attention for several months.

1311. Will you state the date upon which you commenced the inquiry? I commenced the inquiry on the 2nd of June of that year.

1312. 1877? Yes.

1313. Over how long a time did your inquiry extend? My inquiry extended over several months; but it was only occasionally that I could get down to the Stores Department to prosecute the investigation.

1314. It resulted, I presume, in a report? It did not result immediately in a report, because I was anxious to see how the new system which I brought into operation worked before I drew up a report; and, besides that, Mr. Stuart had retired from office.

1315. And I presume another Minister came in? Yes.

1316. Would you be good enough to tell us a little in detail what action you took on the authority of the minute you have produced? I first of all commenced to check the cash collections made by Mr. Brennand, to see that they were all duly accounted for. These I found to be correct. After that, I began to examine into the system of receiving and issuing stores, which I found very unsatisfactory. I next examined the system of check upon the receipt and issue of stores, which I found very imperfect, and therefore almost wholly unreliable. I had the whole system remodelled. The particulars of the changes which I introduced will be found embodied in the report which I now put in. (*Vide Appendix* C 1.)

1317. What is the date of this report? 8th October, 1878.

1318. Before this report is read, may I ask why it bears so late a date? My reason for not sending in a report at an earlier date was that I wished to watch the operation of the new system which came into effect on the 1st July, 1877, and to give the Superintendent of Stores and his staff an opportunity of showing how far they were capable of managing the department under the system which I had introduced.

1319. What was the immediate occasion of your furnishing this report? A letter from the Auditor General, dated the 26th September, 1878 (which I also put in), making complaints against the Stores Department for carelessness and irregularity, and requesting that the Treasurer would appoint a Board to make a searching investigation into the whole business of the Stores Department, with a view to its being placed on a more satisfactory footing, was referred to me. On this letter the Treasurer made the following minute:—"As Mr. Thomson has

has had this department under examination for a considerable time past, I should like to have his report upon the Auditor General's suggestions." The report now before the Board is the reply to that reference. My report or memorandum with respect to the Store Department in connection with the Auditor General's letter of 26th September was submitted to the Treasurer in the first place, and he made the following memo. thereon :—" Mr. Thomson has narrated fully the comparatively recent reforms introduced into the working of the Stores Department, and expresses views which have my concurrence, so that I cannot now see the necessity for appointing a Board as suggested by the Auditor General, to whom Mr. Thomson's report may be forwarded for perusal." That report was forwarded to the Auditor General on the 30th October, 1878, and he returned it on the 4th of November following, noted: "Read and returned." [*The Report—Appendix* C 1—*was read.*] J. Thomson, Esq. 2 May, 1879.

1320. This is the document which the Auditor General noted "read and returned"? Yes.

1321. And as a matter of fact, you are aware that he made no visit to the Stores, and undertook no investigation such as was suggested in the last paragraph of your report? Yes, he made no visit that I am aware of.

1322. And as a matter of opinion, I suppose you would conclude that he was satisfied with the report of the changes initiated? I should have thought so.

1323. From time to time since June, 1877, you have kept up your interest in the Stores Department, and have visited the department occasionally and made inquiries into its working? I have frequently examined the books, and have seen that the system which I introduced has been worked out in the manner which I intended.

1324. And you continue to do so? Yes; when I have the time I look down to see how things are going on.

1325. Having regard to the newness of the system, and perhaps to the want of aptitude of some of the employés, are you satisfied that the system is being fairly carried out? I am.

1326. In the course of your inquiries, had you any reason to suspect fraud on the part of the Superintendent of Stores? I never came across anything which would lead me to suspect fraud on the part of the Superintendent of Stores or of any officer of the Stores Department.

1327. And as a result of your occasional investigations, do you still hold to the same opinion? I do.

1328. Are you acquainted with Mr. Nash, an employé of the Stores Department? On several occasions I met him. It was necessary that I should ask him some questions, and I met him for that purpose, but I do not think I spoke to him more than a dozen times, and then on business only.

1329. You are of course aware from your official position of certain charges brought by Mr. Nash through the Auditor General? Yes; I have read the papers.

1330. Are you prepared to state to the Board any opinion you have formed with respect to these papers, as to their accuracy, as to the veracity of the person who drew them up, or as to whether they relate to a state of things prior to July, 1877, or subsequently? They appear to me to relate to matters prior to July, 1877; but I feel perfectly satisfied that Mr. Nash was not in such a position at the Stores as would enable him to rightly understand whether the charges he was making were well founded or not. He saw certain work at a certain stage, and from the imperfectness of his information at that time he jumped to the conclusion that there was something egregiously wrong.

1331. *Captain Hixson.*] Then I presume you do not attach very much importance to his statements? I attach no importance to them whatever—not the slightest. He entered the department only as a labourer, and he was not competent to form an opinion upon the management of the department generally.

1332. *Chairman.*] With reference to the allegations of drunkenness made by Mr. Nash against certain officers of the department, may I ask if in the course of your inquiry or occasional visits you ever noticed any signs of intemperance on the part of any of the officers? For a period of three months I was visiting the Stores almost daily, and I can safely say that during the whole of that time I never noticed any of the officers in the slightest degree intoxicated, or in a condition which would lead me to suppose they had been drinking.

1333. I presume you saw most of them? Yes, I saw many of them every day.

1334. You had to refer to them in the conduct of your inquiry? Yes, in many cases.

1335. Do you know anything of Foreman Daniels? Yes, I came into contact with him occasionally. I considered that he was a rather stupid man, and that he had little or no business capacity, but I never saw him under the influence of drink. As I believed he was unfit for the important position of foreman, at my suggestion, a change took place shortly afterwards.

1336. *Mr. Maclean.*] As far as your observation went, was the office conducted with that decorum proper to a public office, or was it in a confused state? It was in a confused state up to the time that Mr. Hemming went there. Contractors, I may say, seemed to have the run of the place. I gave Mr. Hemming a hint that, as far as he was concerned, he should try and put a stop to that, and it has been stopped completely.

FRIDAY, 16 *MAY*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPT. HIXSON, R.N.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

The Chairman informed the Board, that Mr. Maclean would be absent for some days on official duty in the country.

The Chairman also informed the Board that having heard that Mr. R. T. Hall, of the Audit Office, had returned from his leave of absence, he thought it would be desirable to invite him to give evidence on matters relating to the inquiry. The following letter was accordingly addressed to the Auditor General on the 15th instant :—

Sir,

I do myself the honor to enclose a copy of your evidence before the Board appointed to inquire into the management of the Government Stores Department, and to request that you will have the goodness to instruct Mr. Hall, who has, I understand, returned from Tasmania, to be in attendance upon the Board to-morrow forenoon at eleven o'clock, to give evidence and furnish cases against the Stores Department which you may consider to be of a doubtful character.

I have, &c.,
GEOFFREY EAGAR,
Chairman.

The Chairman further stated that he received this morning a letter from the Auditor General in reply, enclosing a memorandum from Mr. Hall. These communications were as follows :—

Sir, Department of Audit, 15 May, 1879.

In attention to your letter of this date, I have the honor to enclose a memorandum from Mr. Hall asking to be excused from attendance at the Board on account of ill health.

The documents and information required will be looked out and forwarded as soon as possible,

I have, &c.,
C. ROLLESTON.

[*Enclosure.*]

MINUTE PAPER.

Subject :—Papers and evidence required by the Board of Inquiry into the Colonial Stores Department.

HAVING but recently returned to duty (on Tuesday last), and in very delicate health, after an attack of bronchitis, from which I am not yet free, I am quite unfit to attend at "The Board appointed to inquire into the management of the Government Stores Department," to give evidence as requested in the Under Secretary's letter of this date ; but I will at once begin to collect the papers in this department bearing upon the inquiry, for the purpose of preparing a *précis* thereof for the information of the Board.

I consider that this work will occupy my exclusive attention for about ten (10) days.

I trust that in consideration for my delicate health and my highly nervous condition, my personal attendance at the Board may be dispensed with.

The Auditor General. R. T. HALL.

The Board deliberated.

It was resolved that the Board do not consider Mr. Hall's excuse satisfactory, and are of opinion that the information which they require should be supplied by the *viva voce* evidence either of the Auditor General or of Mr. Hall, supported if they think proper by any necessary documents. The Chairman is requested to communicate with the Auditor General accordingly.

It was resolved that application should be made to the Auditor General for the name of the gentleman who is said to have introduced Mr. Nash to the Auditor General.

Owing to the non-attendance of Mr. Hall, the meeting stands adjourned until 2 o'clock p.m., this day.

The Board resumed their sitting at 2 o'clock p.m., the same members being present.

L. I. Brennand, Esq., Superintendent of Stores, was called in and examined :—

L. I. Brennand, Esq. 16 May, 1879.

1337. *Chairman.*] It appears that an impression has got abroad that Mr. Nash was treated unfairly in the department—that he was deprived of his just rights of promotion ; and in fact it is stated in the evidence of Mr. Rolleston in these terms :—"He was described to me, if I may be allowed to say so, as a hard-working and industrious man, who, as it was put to me, had been rather sat upon because he had endeavoured to correct irregularities. It was represented to me that he had been kept down, that people had been put over his head, and that he was suffering a good deal of irritability on that account." Now, the Board wish to ascertain from you whether it is the fact that Mr. Nash has been kept down or deprived of his ordinary chances of promotion? It is not the fact.

1338. Would you have the goodness to read to the Board a statement made in reference to Mr. Nash's position which was sent by you to the Treasury in February, 1879, in which you stated his various increases of pay until he was at last placed upon a fixed salary? This is my report on the date referred to :—"Mr. Nash has been employed in the Stores Department since the 18th November, 1874, in the following capacities :—From November, 1874, to August, 1876, performing clerical duties at 6s. per diem. From August, 1876, to December, 1876, at 7s. per diem. From December, 1876, to December, 1877, employed as labourer, though performing clerical duties, at 8s. per diem. From January, 1878, to date employed as extra or assistant clerk at a fixed salary of £140 per annum. From June, 1877, to August, 1878, Mr. Nash received for overtime payment the sum of £73 9s. 6d." I wish to add to that statement this fact : that the remuneration received by Mr. Nash amounted to something like £202 a year, and that the extra pay which he received was a source of discontent amongst the other employés of the department.

1339. Then, in fact, instead of having been kept down, and having had persons put over his head, he was so far favoured as to give reason for complaint to the staff officers? Yes ; he was actually receiving more than the chief clerk of the office.

1340. With his pay and overtime together? Yes ; and I have been informed, although it did not come to my knowledge until Mr. Nash ceased to be in the office, that it was a practice with him to prepare deeds for the Department of Mines, and upon the entrance into the Account Branch of either Mr. Hemming or myself Mr. Nash would hurriedly place the parchment under his desk. This can be corroborated by several officers of the department.

1341. Then, besides his pay from the Stores Department, you have reason to believe that he received remuneration from some other public department? Yes.

1342. *Captain Hixson.*] Do you know to what extent this practice of doing work not belonging to the office went? I have no knowledge myself.

1343. You have only heard of one instance? I am led to believe that it was carried on for some time.

1344. Although you know that he was detected in only one case? I am told that it was frequently done ; but I was not told of it until after he left.

1345. There appears to be an impression that the whole contract business goes through your department, whereas in point of fact you deal with stores and general goods, outside the provision and forage contracts, which are dealt with at the Treasury? Yes ; I have nothing whatever to do with the provision contracts.

1346. The Board would like to know with a little more particularity the practice which prevailed in regard to the payments for goods and the obtaining of receipts for the same. What was the practice which prevailed during 1876 and 1877, until the change in the general system was effected? All goods ordered were delivered at the Stores, and the Foreman's receipt obtained. Upon the production of that receipt the accounts were passed and paid. When goods were despatched into the country, the official receipt was forwarded for the signature of the party receiving the goods. In many cases that receipt was delayed, and did not come into the Stores until long afterwards.

1347. *Captain Hixson.*] Which particular receipt was it that Mr. Nash dealt with? The official receipt.

1348. The receipt given by the foreman at the Stores did not come into his possession at all? Certainly not. The official receipt was recorded, and the foreman's receipt was regarded as a temporary receipt.

1349. *Chairman.*] I take the opportunity of asking you some questions in reference to a letter received from Mr. Nash, on the 5th instant, addressed to the Treasurer. That letter is :— L. I. Brennand; Esq. 16 May, 1879.

Sydney, 5 May, 1879.

Scribo et mendico.

Sir,

Sataspes, a Persian nobleman, condemned by Xerxes to force a passage round the Cape to India, thence home by the east, preferred crucifixion to circumnavigation. I prefer beggary to extinction. This is a begging letter. During the last four years I have been begging of Newton, Stephen, and others to supplement my miserable pittance of salary. To this painful and shameful course I have been coerced by persistent malicious persecution and the deprivation of my just earnings. Because I worked hard at the Stores instead of maundering from one public-house to another,—because I possessed powers of observation to detect irregularities,—and because I also knew how to describe what I saw, I was not wanted there, and they tried to hunt me out and break my mind, or to cause me to commit some act which would provide a plea for my expulsion. Holes were bored in the ceiling over where I sat, to rain down pens on my head ; dead rats were secreted in neatly packed brown paper parcels in the pigeon-holes of the desk near ; human soil mixed with carbolic acid, Lavers's fluid, and various other things, in a utensil, in such a manner as to escape observation for months before discovered ; and all these things when reported to the Superintendent were made nothing of, or perhaps encouraged. At any rate, I had to suffer all without redress. All these things failed to dislodge me, and so other means were adopted. Every attempt on the part of my friends to obtain any advancement for me was frustrated ; and lastly, the most arbitrary and cruel blow came, £70 a year taken from me at one swoop."—

and so on. You have already shown that Mr. Nash's complaints as to his being passed over when opportunities occurred for promotion, were quite untrue? They were quite untrue.

1350. Will you say if there is any truth as to the other allegations which he has made respecting nuisances which he alleges have been inflicted upon him? There is no truth whatever in the allegations made in that letter.

1351. Did Mr. Nash make any complaints to you of any nuisances which he alleges that he had to suffer? On one occasion he complained that some ink had been allowed to pass through the floor overhead. I went up stairs and saw that in moving the ink one of the bottles had been broken accidentally. On another occasion Mr. Nash complained of a nuisance, but I did not see that there was any ground on which any reasonable man could complain. Some chemicals were stored in his room, and one of the bottles had been broken. As to the statements about rats, and other matters contained in that letter, there is no truth in them whatever.

James Adams was called in and examined :—

1352. *Chairman.*] What is your name? James Adams. J. Adams. 16 May, 1879.

1353. What is your present position in the Stores Department? Acting Foreman of Stores.

1354. How long have you been in the department altogether? About two years and nine months.

1355. For how long a time have you been acting foreman? About fifteen months.

1356. It is part of your business I believe to take in goods from the contractors, and to give receipts for them? Yes.

1357. Before you became acting foreman, you were with Daniels the then foreman,—were you not? Yes.

1358. You were associated with him in receiving goods? Yes.

1359. Have you any reason to suppose that Daniels did his business other than in a regular way? No.

1360. Then, you would not attach credence to a statement of this kind, for instance,—that Daniels made a practice of signing receipts for goods when he was drunk and unfit so to sign. Is that a credible statement? It is not.

1361. From your experience of Daniels during the time you were with him, would you say that as a rule he conducted that part of his business properly? I do say so.

1362. As a rule, was Daniels a sober man? Yes—generally speaking.

1363. And you have no reason to allege any irregularity against him? None whatever.

1364. Do you know Mr. Nash? Yes.

1365. Have you come much in contact with him? Not much.

1366. Can you tell me what character he bore in the establishment? Not a very pleasant one.

1367. Is he a man whose statements you would consider perfectly reliable? Not at all.

1368. If, for instance, he stated that ex-foreman Daniels were drunk some twenty-three days out of the month, would that be a reliable statement? Not at all.

1369. Had you ever any communication, written or otherwise, on the subject of the stock account of the department? No.

1370. Did you ever show Mr. Nash a letter in which you had been deprecating a part of the system under which the account was kept—do you recollect anything of that kind? A letter was written by me in reference to some goods and it was filed, but what the date was I could not tell you from memory.

1371. I presume you mean a public minute addressed by you to the Superintendent of Stores? Yes.

1372. Can you tell the Board the nature of that paper? I could not.

1373. However, the paper exists and can be produced? I believe it can.

1374. You are speaking now of what year? 1878.

1375. Were you there in 1876? In the latter end of it.

1376. Do you know anything of the transactions of 1876 as a whole? No.

1377. You cannot speak of the state of affairs existing at that time? I can only speak from the 8th November, 1876.

1378. You do not recollect any opinion you expressed about the mode of keeping the stock account? I cannot say that I do.

1379. Was the paper which it appears you handed in to Mr. Brennand a paper reflecting upon the system? No, it was not.

1380. Do you remember whether you showed it to Mr. Nash or not? I could not say. I believe Mr. Nash did see that paper after it was filed.

1381. *Chairman.*] I may say that Mr. Nash puts the matter in this way : he represents you as having written a paper reflecting on the stock system in very condemnatory terms, as having shown it to him, and as to the fact of the paper having been filed, and then he desires to make it appear that if that paper were produced, and you were examined, some damaging evidence against the stock system would be elicited—Are you prepared to make condemnatory statements? No.

1382. From your experience as acting foreman you are not prepared to do that? I am not.

J. Adams. 16 May, 1879.

1383. Since the middle of 1877 there has been a reorganization of the Stores Department under Mr. Thomson, has there not? Yes.
1384. And you are now working under the improved system? Yes.
1385. You are not prepared to allege any incapability on the part of the new system to work well in the public interests? It is impossible to find any.
1386. All the checks are well established? They are.
1387. You are in a position to emphatically deny any allegation of Mr. Nash's which represents you as condemning the stock system? Yes.
1388. *Captain Hixson.*] It has been alleged that stock has been taken into the Store for the benefit of contractors, that is to say, stock which was not required for issue out—Has such a practice come under your notice? Goods are taken into stock, as a general rule, and re-issued again for the purpose of saving time and labour in ordering them constantly from the contractor. Nothing unnecessary has ever been received into the Stores.
1389. Have you ever had any suspicion that any officers of the department were in collusion with the contractors? No, certainly not.
1390. *Chairman.*] Then, your idea of the working of the stock account appears to be this: that you take occasional supplies from the contractors and hold them in an intermediate account ready for issue, and that this is done to avoid the necessity for making constant orders? Yes.
1391. And you have no reason to suppose that the working of the stock account is to accommodate contractors—but you take in stock in large quantities to avoid the inconvenience of continually giving small orders? Yes.
1392. *Captain Hixson.*] Has Government ever been put to a disadvantage by the practice? No; not during my knowledge, or under the present system.
1393. *Chairman.*] I suppose you have been frequently in contact with your fellow officers down there—Have you reason to believe that they are an intemperate or a sober body of men? As a rule, I should take them to be sober.
1394. Are you aware of any mal-practices with regard to the time-book—have you any reason to suppose that there are officers down there who falsify the book by putting down incorrect hours of attendance? I do not think so.
1395. For a large department of the kind, do you consider that upon the whole it works fairly well? Very well indeed.
1396. You have not had in your position any reason for reporting cases of drunkenness? No, I have not, nor have any come under my knowledge.

WEDNESDAY, 21 *MAY*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPT. HIXSON, R.N.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

The Chairman laid before the Board the following copy of a letter addressed to the Auditor General on the 16th instant, pursuant to the resolution of the Board passed at the last meeting:—

Sir, 16 May, 1879.

I have the honor to acknowledge receipt of your letter of the 15th instant (received this morning), which has been submitted to the Board of Inquiry upon the Stores Department, and I am requested to inform you that Mr. R. T. Hall's reason for desiring to avoid giving his evidence in matters which have been stated to come within his special and personal knowledge is not considered satisfactory.

I am to remind you that, in your communication to the Treasury of the 26th of September last, you made allegations against the Stores Department of such a character as to lead you to recommend a searching investigation into its whole business—and you stated that you would be prepared (on the appointment of a Board) with the necessary papers and vouchers to support your recommendation.

The Board having been appointed, you were invited to attend and give evidence; and when questioned as to the nature and extent of the cases which you were prepared to bring forward against the Stores Department, you requested that the matter might remain in abeyance until the return of Mr. Hall, then on leave of absence.

Having these facts before them, the Board cannot accept Mr. Hall's excuse for non-attendance, nor can they undertake to pick out and construct from papers proposed to be furnished by you a category of charges which it would almost appear your own officer is unable to supply. The Board consider that they are bound to call for the *viva voce* evidence of Mr. Hall, supported by papers, if necessary; and if Mr. Hall is unable or unwilling to attend and furnish this evidence in a matter where great public interests are concerned, the Board will then require a further examination of yourself in relation to the matters at issue.

I am also to ask, in reference to question 1053 in your evidence, whether you have ascertained if the gentleman therein referred to has any objection to give his name. The Board consider that the Government and the public have a right to have this information—and it may also be necessary for the purposes of the inquiry to examine him.

I have the honor to be,
Sir,
Your obedient servant,
G. EAGAR.

The Chairman also handed in the following reply from the Auditor General to the foregoing letter:—

Sir, "Department of Audit, 20 May, 1879.

In reply to your letter of the 16th instant, I have the honor to state that Mr. Hall had no intention of shirking the inquiry, as your letter very unfairly seems to imply. He is suffering from nervous exhaustion, the effects of a severe attack of bronchitis; but he is engaged in looking up the papers, and so soon as they are ready a communication to that effect will be made to the Board.

With regard to my informant, I submit a full copy of his note in reply to my inquiry:—

"I would rather not let my name be mixed up with Nash's matter. If it would do any service to the inquiry or to the Board I might not object, but I can't see what earthly good it can be.

"I hoped to do Nash a good turn, but there is no need to get into hot water with my old friend G. Eagar, who I fancy is the member of the Board who is so anxious to know.

"It was *a very wrong* thing putting Eagar on the Board at all."

I have the honor to be,
Sir,
Your obedient servant,
C. ROLLESTON.

The

The Board deliberated.

It was resolved that the Chairman be requested to make a further communication to the Auditor General, to the effect that his letter of the 20th instant does not disclose any intention on the part either of himself or of Mr. Hall to attend the Board and give *vivâ voce* evidence in connection with the papers which it is stated they are preparing. The Board, therefore, now require to know distinctly whether Mr. Hall will be prepared to attend with the papers on Tuesday, the 26th instant; and failing this, whether the Auditor General will be prepared to attend on that date. The Chairman was also requested to intimate to the Auditor General that the want of Mr. Hall's evidence keeps open the Inquiry, which the Board are ready to close and report upon as soon as that gentleman or the Auditor General has been examined; and to say that the Auditor General must be held responsible for any further delay which may occur. The Chairman was also requested to state that the inquiry as to the name of the Auditor General's informant was not made on the suggestion of the Chairman, but by the Board, on public grounds, with a view to exhaust every source of information.

TUESDAY, 27 MAY, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.

THE HON. GEOFFREY EAGAR, IN THE CHAIR.

The Chairman laid before the Board the following copy of a letter addressed to the Auditor General on the 22nd instant, pursuant to the resolution of the Board passed at the last meeting:—

Sir,

22 May, 1879.

I have the honor to acknowledge receipt of your letter of the 20th instant, which I have laid before the Board appointed to inquire into the Stores Department, at its meeting of yesterday, and I am requested to point out to you that your said letter does not disclose any intention, either on the part of yourself or of Mr. Hall, to attend the Board and give evidence in connection with the papers which it is stated Mr. Hall is preparing. The Board therefore now requires to know distinctly whether Mr. Hall will be prepared to attend, with the papers referred to, on Tuesday, the 27th instant, at 11 o'clock a.m.,—and failing this, whether you yourself will be prepared to attend on that date,—which is the day fixed for the next meeting of the Board.

I am also to intimate to you that the want of Mr. Hall's evidence (which the Board considers to be unnecessarily delayed) keeps open the inquiry—which the Board is ready to close, as soon as Mr. Hall's or your own further evidence is obtained,—and that you must be held responsible for any further delay that may take place in the matter.

I am to add, that the inquiry for the name of your "informant" was at the instance, not of the Chairman, but of the whole Board, who desired on public grounds to exhaust every source of information.

I have, &c.,
G. EAGAR,
Chairman of the Board.

The Chairman also handed in the following reply from the Auditor General to the foregoing letter:—

Sir,

Department of Audit, 26 May, 1879.

In reply to your letter of the 22nd instant, *re* "Stores Inquiry," I do myself the honor to state that there is not the slightest probability of Mr. Hall being prepared to attend the Board Meeting on Tuesday next, the 27th instant.

The evidences of irregularity of which I have had occasion to complain are distributed through the accounts of the past three years, and are not traceable at a moments notice.

Mr. Hall is engaged, at much serious departmental inconvenience, solely upon the duty of looking up the papers; and I will venture to say that the Board can have no knowledge whatever of the labour involved in the search, which can justify the expression of their opinion that the evidence is unnecessarily delayed.

Until the papers are complete, it will be utterly futile to pursue the inquiry, in so far as any complaints of mine are concerned, and I am quite ready to accept any responsibility which may attach to the delay.

I have, &c.,
C. ROLLESTON.

The Hon. Geoffrey Eagar, Treasury.

The Board deliberated.

It was resolved to refer the Auditor General's letter to the Colonial Treasurer, with a request that he would cause steps to be taken to secure the attendance of Mr. Hall to-morrow, the 28th instant, at 11 a.m.

The Board then adjourned to a later hour of the day.

On resuming,—

The Chairman reported that the Colonial Treasurer had made the following minute on the Auditor General's letter of the 26th instant:—

I am surprised at the position taken up by the Auditor General in this case, and more particularly so as it was on allegations made to me by the Auditor General that I appointed the Board to inquire into certain charges made against the Stores Department, and from him I expected every assistance to prosecute such inquiry. When Mr. Rolleston was lately under examination he referred to Mr. Hall, an officer of his department, who could supply the Board with information; but although Mr. Rolleston has been twice applied to for the attendance of Mr. Hall to be examined, he has failed to attend. Papers are not required from Mr. Hall, but his evidence is required on certain charges, and as the Board cannot conclude the inquiry without the evidence of Mr. Hall, the Colonial Secretary may be requested, after the facts are stated, to direct the attendance of Mr. Hall, so that the inquiry may be closed and the Report presented to Parliament.—J.W., 27/5/79.

The Chairman also laid before the Board the following copy of a letter addressed by the Under Secretary for Finance and Trade, under the preceding Minute, to the Under Secretary, Colonial Secretary's Department, and of the reply to the same:—

Sir,

Treasury, 27 May, 1879.

I have the honor, by desire of the Colonial Treasurer, to state, for the information of the Colonial Secretary, that it has been reported to Mr. Watson by the Board now sitting in reference to charges against the Stores Department, that it is necessary for the purposes of the inquiry that Mr. R. T. Hall, an officer in the Audit Department, should attend the Board and be examined in relation to matters now before it.

It is further reported to Mr. Watson that the Auditor General appears disposed to place difficulties in the way of the attendance and examination of the gentleman referred to,—in fact has declined to permit Mr. Hall to attend, as requested by the Board, this day at 11 o'clock a.m.,—and as the Treasurer is further informed that the Board is only waiting for Mr. Hall's examination to close the inquiry so far as to admit of a Progress Report, I am directed to ask that you will have the goodness to move the Colonial Secretary to the effect that Mr. Hall be directed to attend the Board at their next meeting, namely, to-morrow (Wednesday), at 11 a.m., at the Treasury.

I have, &c.,
G. EAGAR.

The Under Secretary, Colonial Secretary's Department.

The

Sir, Colonial Secretary's Office, Sydney, 27 May, 1879.

In reply to your letter of this day's date, communicating the substance of a report made to the Colonial Treasurer by the Board now sitting to investigate charges against the Stores Department, in the matter of the request for the attendance of Mr. R. T. Hall, of the Audit Office, I am directed to state, for Mr. Watson's information, that the Colonial Secretary has caused it to be signified to the Auditor General that he approves of the giving of direction to Mr. Hall to attend and give evidence before the Board at its next meeting, which is to be held to-morrow (Wednesday), at 11 o'clock a.m., at the Treasury.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary for Finance and Trade.

After reading these letters, the Board adjourned to Wednesday, the 28th May.

WEDNESDAY, 28 *MAY*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPT. HIXSON, R.N.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

Richard Thomas Hall, Esq., was called in and examined:—

R. T. Hall, Esq. 28 May, 1879

1397. *Chairman.*] Your name, Mr. Hall? Richard Thomas Hall.

1398. And your position in the Audit Office? My duties are the general inspection of the work of other offices.

1399. But particularly the inspection of accounts? Yes.

1400. That is accounts of receipt and expenditure? Yes.

1401. I presume you are aware of the nature of this inquiry. Certain charges have been preferred against the management of the Stores Department by Mr. Nash on a series of documents which came through the Auditor General to the Treasurer? I did not know that that was the inquiry as it concerned Mr. Nash. I thought it was on the question of the Auditor General's report of the Stores.

1402. May I ask to what report you allude? The report to the Treasurer, I think it was, sometime back, recommending that an inquiry should be made.

1403. I presume you allude to the Auditor General's letter of the 26th September, 1878, addressed to the Under Secretary for Finance and Trade in these terms:—"The evidence of carelessness, irregularity, and overpayments with which the accounts of the Stores Branch of the Treasury abound render the examination of them a serious embarrassment to this Department, and numerous queries arise which under ordinary care would be prevented; and I have reason to be dissatisfied with many of the explanations afforded to those queries. To detail the individual cases of which I complain would necessitate a reference to the vouchers furnished by the Superintendent of Stores during the last two or three years, and would occupy more space than can be given to the matter in a letter. Whether the system is at fault or the officers concerned in carrying it out, I cannot say, but I would strongly recommend the Colonial Treasurer to make a searching investigation into the whole business of the Stores Department, with a view to its being placed on a more satisfactory footing. When the Board is appointed I shall be prepared with the necessary papers and vouchers to support this recommendation." Is that the report to which you allude? Yes; that was in my mind.

1404. Are you aware of the minute made by the Colonial Treasurer upon that report? I am not; I do not remember it, although I have doubtless seen it.

1405. Are you aware that the Colonial Treasurer's minute was in these terms: "As Mr. Thomson has had this department under examination for a considerable time past, I should like to have his report upon the Auditor General's suggestions?" I remember that.

1406. Are you aware that Mr. Thomson's report was furnished to the Audit Office on the 9th October, 1878? I am aware that it was furnished, but I cannot answer to the date.

1407. Are you aware of the nature of that report? Yes; in general terms.

1408. That, in point of fact, Mr. Thomson's investigation beginning with 1877 disclosed a series of circumstances which induced him to remodel the whole system, to institute an entirely new set of books, to establish a correct system of checks upon the receipt and issue of goods, and the expenditure of public moneys, and that effectual provision was made to remedy known irregularities which existed prior to the year 1877. Are you aware of that? Yes; that was in his report.

1409. I shall leave this subject for a moment to ask you one or two preliminary questions. Are you personally acquainted with Mr. Nash? Yes.

1410. Did Mr. Nash at any time have any personal or written communication with you on the affairs of the Stores Department? Personal communication.

1411. Often? But once.

1412. Would you state the date and the circumstances? That I cannot. I do not remember the date. I will state to you my recollection of the visit. Mr. Nash on one occasion, the date of which I do not remember—and by the way you will pardon me if from my recent illness I am not able to tax my memory in that way—called upon me at the Audit Office. He told me that he had been sent to me. He told me that he was very anxious that I should look into some papers that he had, and that I should listen to his statements concerning the misconduct of the Stores Department. I told him that it was not my place to receive any information of the kind, nor did I consider it my duty to look into the papers, and I advised him if he had any charges to make to put them in writing and to send them to the head of his department. I understood him to say that he had made representations.

1413. You had better give us a distinct statement. Don't tell us what you understood, but what he said? You see I am looking back now after this period of time. In effect he said he had represented the state of affairs.

1414. Did he say to whom? To the head of his department, but without effect. Other remarks were made; I do not remember them properly to enable me to repeat them; I advised him to take no steps whatever unless he was thoroughly satisfied of his proofs. Incidently, I may say, I asked him if he were a single man. He told me that he was a married man with children; and I said—"Can you afford to take the

consequences

consequences of the step you think you ought to take?" He said that he could not afford it, and that he was a poor man. I repeated to him that it was his bounden duty for himself and his children to be very sure of the ground on which he trod before he moved another step.

1415. You say that he was sent by some person—Do you know who sent him? I cannot say that I do; I only know what he told me. I must decline to give the name. You must not ask me for that.

1416. Why? Because he was sent to me privately.

1417. What right had you as an official to receive him privately—was he an official person who sent Mr. Nash to you? As Mr. Nash reported to me he was an officer in the Civil Service.

1418. And yet you refuse to give his name in a public inquiry of this kind? I decline to give it.

1419. Did you introduce Mr. Nash to the Auditor General? He necessarily came through my room, and I generally introduce persons to the Auditor General; he came through my room when he came to see the Auditor General, but I did not introduce him further than by passing him through; I did not introduce him as bringing any information; I merely introduced him as I should any other person in the ordinary course.

1420. Then I understand you to say that although the Board, in the prosecution of a public duty, have requested you to state what member of the Civil Service sent Mr. Nash to you, you distinctly decline to answer the question? I do. I do not think it would answer any good purpose, either to the Board or to the Government, and I believe it might militate seriously against an individual.

1421. Looking back to the Auditor General's report of the 26th September, 1878, I found it there stated that for certain reasons a Board is desired to be appointed, and when appointed, the Auditor General would be prepared with the necessary papers and vouchers to support his recommendation; and then, turning to the evidence given by the Auditor General on the 22nd of April, I find that when he was asked to state what charges he had against the department, he refers to you as being specially seised with all these questions. He states that you were then on leave of absence; and also, that on your return you will be prepared with these charges. Can you explain the reason of the delay, and why you were not prepared: as far back as September it is stated that you would be prepared, and in May you are not prepared—can you state why? Because the information required to be given to the Board was based on papers and vouchers, and these were distributed through the department for the whole period under inquiry.

1422. I think you rather misunderstand the function of the Board. It is not to get information from you by means of written documents, but to examine you in reference to the alleged charges? With all due deference, I thought the Auditor General's letter had reference to documents, and that he said he would be ready to support his recommendation by documents.

1423. But we have not the charges. You do not mean to say that we are to take your papers and construct a number of charges against the Stores Department? No.

1424. I apprehend that our duty is first to call for charges, then examine yourself and the Auditor General, and next look at your papers. That I take to be the proper course? I think I have categorically answered your first question, as to the reason why the papers were not ready, or the evidence not forthcoming. I said that the papers were distributed. I will answer you anything that I possibly can, and to the fullest extent.

1425. I find in this letter or report of the 26th of September, 1878, one of the allegations of the Auditor General is this,—that by reason of certain things serious embarrassment had arisen to the department. Am I to understand that the sum total of your charges against the Stores Department is that they have caused you serious embarrassment? No.

1426. Then do you make a statement now contrary to the Auditor General's letter or report; am I to understand that? I do not see how I do that.

1427. I will again refer you to the Auditor General's letter. He says the evidence of carelessness, irregularity, and over-payments with which the accounts of the Stores Department abound renders them a matter of serious embarrassment to your department? Yes, they doubtless do that.

1428. Does the matter end there? No.

1429. Have you, in point of fact, any charge of fraud to make against the management of the Stores Department? I have none of fraud.

1430. Has the Audit Office? Not that I am aware of.

1431. Have you, during your three years examination of accounts, any case which you can submit to the Colonial Treasurer, as indicating fraud in the management of the Stores Department? Not of fraud.

1432. Will you give us some idea of what you call the irregularity of the Stores Department, in general terms? To do that I must inform the Board that the evidence is over the papers, and I have been summarising the papers since my return, to put the matter before the Board in a complete shape.

1433. May I ask you whether the irregularities were something of this kind—delay in answering queries—non-satisfactory answers to queries—delay in the receipt of official receipts for goods delivered to distant places—do these things come within the category of irregularities? Yes.

1434. Then I presume cases occur where from want of sufficient care and diligence over-payments or double payments have been made? Yes.

1435. But in all these cases the Superintendent of Stores or other officer has been surcharged and the money recovered; is not that so? Not in all cases.

1436. But still a surcharge has been made which could be recovered in the mode provided by the Audit Act? Yes.

1437. These being the irregularities, or the bulk of them, I presume, no charge beyond these has been made against the Stores of the nature of fraud, by the Audit Department? Not of the nature of fraud; but with reference to surcharge there are some cases in which you say I must not use the term suspicion, in which there is suspicion of irregularity of an extraordinary kind.

1438. Have those cases, or any of them, been reported to the Treasurer? Not that I am aware of specially, but in general letters.

1439. That is to say in general terms such as those which characterize the report of 26th September, 1878? Yes.

1440. And it is a fact that no special report has been made to the Treasury of any case involving grave suspicion? I cannot say that.

1441. You cannot say that any report has ever been made? You used the term grave suspicion. I do not remember. There have been several letters, some ten or a dozen letters written to the Treasury on the subject of the delinquencies, as the Auditor General has sometimes called the action of the Stores Department.

R. T. Hall, Esq. 28 May, 1879.

1442. But was any special delinquency brought to the notice of the Colonial Treasurer to deal with? Not that I am aware of.

1443. The Auditor General, I take it, has great powers under the Audit Act of making queries against public officers and accountants of all kinds, of getting answers to his queries, powers of surcharge, and of recommending the Minister at the head of any department to take certain action in special cases. Is it not a fact, and is it not a reasonable inference from the Auditor's position that, in the making of queries, and in accepting replies to queries, in condoning any supposed offence, his action is taken without reference to the Minister? I cannot say that.

1444. Under any circumstances, it would be the duty of the Auditor General if dissatisfied with any query in a grave case to report to the Minister, would it not? I cannot say that.

1445. *Captain Hixson.*] Can you tell me the time that Mr. Nash went to see the Auditor General? It would be some short time before. When I declined to receive any information from him, I suppose he went elsewhere.

1446. Your action in introducing Mr. Nash to the Auditor General was the mere action of passing him into the Auditor General's room? Yes.

1447. *Chairman.*] Turning back to the question as to the person who introduced Mr. Nash to you, or who sent him with the papers, I may say that we have some evidence from Mr. Nash upon the point; and I wish to ask you whether Mr. Pinhey sent Mr. Nash to you? I must decline to answer that question.

1448. We have some evidence here to the effect that Mr. Pinhey did send Mr. Nash to you? I decline to say. [*At this stage of the proceedings Mr. L. I. Brennand, Superintendent of Stores, was present by invitation.*]

1449. As it appears from your evidence that you have no case of fraud against the department, I would be glad to take one or two prominent cases of irregularity? I may refer you to the case of the Bega safe, and to several other cases of the kind in reference to iron safes. In the Bega case it took about eighteen months before the inquiry was finished.

1450. And in the other case exception is taken to the mode in which the safes were supplied in relation to the prices charged for them, there being no contract? Yes; and there was a considerable loss on iron safes.

1451. Were these transactions specially reported to the Treasury? Not specially reported.

1452. Then in point of fact, without being specified they were included in the general charge of irregularities? Yes.

1453. Are the cases to which you refer, the Bega safe case and others, of old date, or is what you object to still occurring? All the cases have occurred from 1877 to the present time.

1454. They are still going on? That I cannot say because of my three months' absence.

1455. Does this practice of purchasing safes without contract still go on? Yes.

1456. Can you fix the date in your memory about the time you first saw Mr. Nash? I cannot.

1457. Was this interview we are speaking of before Mr. Nash saw the Auditor General? Yes; it must have been some short time before he saw the Auditor General.

1458. Have you had an opportunity of observing the work of the Stores Department during 1878, the year after the changes were made? Yes.

1459. Do you find your work easier under the system which Mr. Thomson then introduced? No; the work itself has multiplied.

1460. Do you find the business more accurately done under the new system than under the old system? Yes, I think so.

1461. As a whole you think the business is more accurately done? Yes; as a whole it is.

1462. Do you consider that there is a greater check upon fraud than previously existed? Yes.

1463. You have given us papers about the safes—have you any other papers to produce? I have not the papers with me, but there is one case in my mind particularly which I can allude to from memory. It was a case for the supply of blankets for the aborigines and others, but chiefly for the aborigines.

1464. In what year? In 1878 I think it was, but I am not sure. It was a case in which the vouchers coming forward struck us as covering a very large amount for blankets for the aborigines—a very large number of blankets. Finding that some of the invoices contained the numbers of the bales and that other invoices did not, we asked the Superintendent of Stores to obtain the numbers of the bales in all cases, and the invoices were returned to him for that purpose. The Superintendent replied that there was no means of furnishing the numbers of the bales. We sent a clerk from the Audit Office to inquire if the numbers could be traced in any subsidiary books. The greater number of the numbers of the bales were traced and inserted in the invoice. We then asked for other numbers on other invoices, and the Superintendent returned the paper with the reply of the contractor appended, which was to the effect that they could not give the numbers of the bales. Not having the numbers of the bales we were unable to pursue our check as to quantities, but so far as we went in the inquiry, I believe that some surcharge was established,—but here again I want the papers to speak more definitely—for a less supply than was charged for. I mention this to show a want of good practice and consideration on the part of the Superintendent of Stores. We have to deal with him and not the contractors, and when we point out to him what we consider a defect he should take it up rightly, and not in any way with a view to protect the contractor. I do not say that he would, but we have had to take exception to his returning the contractor's explanation without his own approval of that explanation, or otherwise. In point of fact it would appear that he wishes us to deal with the contractor instead of himself as to surcharges.

1465. Was the surcharge in this case recovered? I think so.

1466. Are you pretty certain that that occurred in the year 1878? Yes. I bring this to your notice, and to Mr. Brennand's where I think there is a weak point in the management of the Stores, and I think that a contractor should not dare to say that he could not or would not give what is the established custom of the trade. [*At this stage of the proceedings Mr. Hall obtained the papers from the Audit Office.*]

1467. Having refreshed your memory by reference to the papers, will you state the date? It was in 1878. A surcharge of £198 19s. 2d. was raised in November, 1878, against the contractors, in consequence of its having been found that some of the bales of blankets had been twice charged for. This arose from the fact that certain bales had been charged for in two or three accounts. When the case was reported to the Superintendent of Stores, he replied that the correct numbers of the bales were now inserted by the foreman on the invoice, erroneous numbers having been previously given.

R. T. Hall, Esq. 28 May, 1879.

1468. Without reference to the numbers on the bales, was the total quantity represented to be charged and paid for received by the Storekeeper? That we cannot say.
1469. Then your enquiry ended where it should have begun. Did you report the transaction to the Treasury? No.

Mr. Stephen Steele was called in and examined:—

Mr. S. Steele. 28 May, 1879.

1470. *Chairman.*] What is you name? Stephen Steele.
1471. What is your position in the Public Service? I am Storekeeper to the Police Department.
1472. You receive either from the contractor direct or from the Government Stores such articles as are required for the use of the Police Force in Sydney and all the other districts? Yes.
1473. I find on reference to the Store requisitions of 1876 that, as was then the practice, there has been an enlargement of police clothing over and above the original requisition? Yes.
1474. That was in January, 1876. Can you explain the reason of the larger supply? In every preceding year since 1875, I gave you a statement of the probable quantity of clothing that would be required in the year following. In making up the probable quantity for the year 1876, I was not supposed to be aware that there would be an increase in the number of the police for that year; but it so happened that in 1876 there were 201 additional policemen taken on—77 mounted and 123 or 124 foot-policemen. In consequence of that increase a large additional quantity of clothing had to be obtained from the Stores Department.
1475. I think you have had an opportunity of looking into the requisitions referred to, and of refreshing your memory. Am I right in saying that the additional clothing was of the value of £1,879 4s. received into the police stores for the use of the Force? Yes, it was. We have a master tailor attached to the police, and we always have a certain percentage of material over the actual requirements, to meet casualties.
1476. Do you think it possible that you granted a supplementary requisition for these articles? I think so.
1477. The fact is clear that you received the larger quantity? I did receive it.

FRIDAY, 30 *MAY*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON R.N.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

L. I. Brennand, Esq., was called in and further examined:—

L. I. Brennand, Esq. 30 May, 1879.

1478. *Chairman.*] You were present at the meeting of the Board on Wednesday during a portion of Mr. Hall's examination? Yes.
1479. Certain matters were then stated, on which we shall be glad to have your explanation. And first as to the Bega safe case—what have you to say as to the irrregularity alleged in respect to that? A safe of a certain sort was ordered for the Bench at Bega, and it was delivered at the Stores. The label became displaced, and, through inadvertence, a safe of a smaller size was sent to Bega, the other safe being detained in the Stores Department, where it is now in use. A question was raised by the Auditor General as to the size of the safe sent to Bega, and a surcharge of £6 odd was raised against the contractor, but it had to be abandoned by the Audit Office.
1480. Why was it abandoned? Because safes of the size ordered were supplied by the contractor, and the prices charged were according to the approved price list, the only difference being that the safe ordered for Bega was kept at the stores, and the smaller safe was sent to Bega.
1481. Why did it take the Audit Office, as it has been represented to us, eighteen months before the inquiry into the Bega safe was finished? I cannot hold myself answerable for the delays in the Audit Office, but I am at all times ready to give them any reasonable explanation. They were carrying on a correspondence about it behind my back, and unknown to me.
1482. It has been stated by Mr. Hall that in consequence of there not having been any contract for the safes, considerable loss to the public has accrued therefrom. Can you explain this matter? The safes are supplied under an arrangement entered into with Mr. Wearne when Sir James Martin and the Honorable G. Lord were in office who, with a view to the fair encouragement of local industry, decided in writing that Mr. Wearne's safes, being of colonial manufacture, should be taken when they could be obtained at prices not above those of the imported article according to Milner's list. This is the reason why no new contract has been taken.
1483. There is at present no other contract for safes? No.
1484. Are you in a position to say that considerable loss has accrued by the purchase of these safes? I am in a position to say that no loss has accrued.
1485. So that Mr. Hall's statement in this case is incorrect? Yes.
1486. There was a further case alluded to by Mr. Hall on Wednesday in reference to blankets supplied by the contractors for 1878, Messrs. Moore, Henderson, & Bowcher. The allegation there is that a quantity of blankets was paid for twice over, and that a surcharge was raised against these contractors by the Audit Office to the amount of £198 19s. 2d. I ask you first of all to say whether any surcharge was made? There was not.
1487. Were the blankets referred to those intended for the aborigines for 1878? Yes; and without reference to the numbers on the bales I can positively affirm that no more blankets were paid for than were delivered at the Stores; and the proof of this is that no surcharge was sent by the Auditor General to the Treasury.
1488. A great point has been made of the contract for kerosene oil for the year 1877. It has been stated that the quantity contracted for at 2s. per gallon was used up in the first quarter, and that after that, presumedly, for the rest of the year, the supply of that article was at much higher prices than could have been obtained by a new contract. Will you state the facts in connection with that matter? With respect to the supply of kerosene oil, for 1877, I may state that the quantity for 1876 was 1,000 gallons. The estimate of a like

L. I. Brennand, Esq. 20 May, 1879.

like quantity for 1877 was based on the recommendation of the President of the Marine Board, to whom reference was made. The quantity estimated proved wholly insufficient for the service of the year, owing to the increased demands made by the Superintendent of Telegraphs for his department, and from the further fact that the President of the Marine Board introduced kerosene oil for the first time into the light-houses for the purpose of mixing with the teil oil, which up to that time had been solely used in those establishments, for the purpose of increasing the brilliancy of the light. The contract quantity of oil thus proved totally inadequate, and became exhausted in the month of March of that year. I then sent the Chief Clerk personally to obtain tenders from the principal importers. Kerosene oil at that time was in great demand. Mr. Keep refused to tender at all for a fixed period. In my difficulty I ordered from Mr. S. Cohen what was then urgently required, his offer being the lowest. The total quantity of oil supplied in excess of contract was 240 gallons, on which the difference in cost was £9. Public tenders were called for on the 6th of August, 1877, for 800 gallons, that being the quantity for the remainder of the year. Mr. Cohen was the only tenderer, the price being 2s. 2½d., and his tender was accepted.

1489. You recollect that a system of overtime payments was for some time in force in the Stores Department? I do.

1490. Can you produce the papers in relation thereto, with a minute by Mr. Cohen, abolishing overtime? Yes. I now produce the paper to which you refer. (*Vide Appendix* D1.)

1491. From this paper it appears that on the 6th of August, 1878, a return was laid before the Treasurer, Mr. Cohen, showing the amount of overtime paid to the clerks of the Government Stores Department from the 1st of January, 1878, and among the persons so receiving overtime was Mr. Nash, to the extent of £40 4s. I find also attached the Treasurer's minute directing that overtime payments should cease from that time, for reasons stated. I presume the contents of this minute were duly notified to Mr. Nash and the other persons concerned? They were.

1492. Is there anything further which you would like to state? I should like to mention the circumstance that from statements made in the Legislative Assembly, it would appear that the practice of appointing a Board to inspect the articles supplied by contractors to the Stores was only of recent introduction, whereas the fact is that from the time I was first appointed to the management of the Stores Department, I made a special request by letter to the Treasury, that in all important cases of the kind I should be assisted by the judgment of a Board, and so be relieved from undue responsibility.

1493. *Captain Hixson.*] Have goods frequently been returned to the contractors by the Board of which you speak? Yes, most decidedly—frequently.

TUESDAY, 10 *JUNE*, 1879.

Present:—

THE HON. GEOFFREY EAGAR, | CAPTAIN HIXSON, R.N.,

MR. HAROLD MACLEAN.

THE HON. GEOFFREY EAGAR IN THE CHAIR.

The Chairman submitted a Draft Report—which after discussion and amendment, was agreed to, as amended.

The Chairman was requested to forward the Report, with the Evidence annexed in the usual way, to the Colonial Treasurer.

The Board adjourned to 25th June, for the purpose of commencing the second part of their enquiry, at 4 p.m.

INQUIRY INTO THE GOVERNMENT STORES DEPARTMENT, UPON CHARGES MADE BY JOSEPH FREDERICK NASH.

APPENDIX.

[*To Evidence of Mr. J. F. Nash*, 10 *March*, 1879.]

A 1.

EXPOSITION of the systematic misuse and malversation of moneys practised at the Government Stores previously to the action of the Examiner of Accounts entered upon at my instigation, and the consequent appointment of Mr. William Hemming as Accountant.

PROLEGOMENA.

It is my intention in this paper to attempt a description of the system in operation at the Stores, as observed by me, and at the same time to give an account of the means I adopted to correct what appeared to me gross mismanagement—the result either of intentional partiality to contracting parties, or of equally reprehensible ignorance and culpable negligence.

It will be evident from what follows that this particular Branch of the Treasury Department, previously to the suppression of certain abuses by the energetic and masterly action of Mr. Pinhey, was worked solely in the interests of contractors—so-called, a misnomer, as will appear further on—and with a palpable and obvious desire or intention to contribute to *their* aggrandisement, rather than with a view to protect the interests of the community at large.

I commence this task with no preconcerted plan of progression or description, and intend to leave my raw material and crude remarks for some practised professional writer to reduce to order and prepare for publication.

Perhaps the simplest way will be to follow clauses in my synopsis, and proceed to show how far the Terms of Contract have been acted up to; I should say rather to what a shameful extent they have been disregarded. Prior to reconstruction of system by Mr. Hemming, there existed really no mutuality between the Government and Contractors: the grand object being the effectual and expeditious baling of money out of the Treasury into the hands of a favoured few, the "Stores" being a sort of funnel or sewer, flushed continually and persistently by those whose duty it was to economize the funds provided by Parliament for stationery, stores, &c., &c.

SYNOPSIS.

Schedule of Charges against the *system*, or plan of operations at the Government Stores.

1. Probable quantities understated.
2. Contractors allowed to supply largely in *excess* of quantities *ordered* when profitable to them to do so. $\frac{1165}{344}$, $\frac{1183}{1180}$-77. See 3885 of 78.
3. Contractors allowed *not* to supply, if inconvenient to do so. $\frac{75}{267}$, Par example. See 3776.
4. Five-sixths of goods supplied "*Not in Contract.*"
5. Clause V in "Conditions of Contract" utterly disregarded; no action taken to compel supply, nor to charge contractors with *excess* of *price* above "contract rates," if supplied by others.
6. So-called "Receipts," upon which accounts were passed for payment, *never examined*, nor checked with accounts. Payments merely scratched on to "Requisitions" (undecipherably frequently) and "Accts." sent on for payment. $\frac{150}{39}$, $\frac{595}{2280}$, $\frac{1183}{1180}$ of 77? $\frac{1034}{933}$-77. $\frac{737}{496}$? $\frac{559}{2326}$. 28/3/78, 14/11/77.
7. Departments solicited for requisitions to legalize payments for goods supplied *in excess* of their original requirements, 3,995/ 78. See $\frac{123}{1627}$ + $\frac{1168}{648}$, 2945. See 3021 of 78, Leather. 10,500 Reg. 13,536 supplied. $\frac{1168}{672}$, of 78. G. H. solicited. See 3,764.
8. Additions made to Requisitions of past years to procure payment of accounts. These additions never posted in "journal" nor ledger. See 1633 of 1873, and hundreds of others, 1269 of 1875; 1269 of 1876; $\frac{1316}{1317}$ of 1878, payment due since 1876. Reg. 1171 of 1877, payment marked on blank leaf. See 2,227 of 77, 2,058 of 76. 3,885 of 78. "$\frac{420}{2303}$" Gaol, Darlinghurst, 1878.
9. Sums of money paid for goods never supplied. See Correspondence relative to doeskin *supposed* to have been furnished for the aboriginals at Camden. Filed, $\frac{737}{496}$+? $\frac{1034}{933}$+? $\frac{1183}{1180}$? all of 1877, $\frac{3227}{2056}$.
10. Goods in "stock" in large quantities put in contract at *ridiculously low prices*, because not likely to be wanted; those "not in stock" at a high figure.

$\frac{1366}{1403}$ of 1877 shows 100 suits Cheviot tweed. Credited to "stock," £187 10s. Not supplied.

Vide No. 3.—"Contractors not compelled to supply, &c., goods in contract at low prices" would read better. I explain further on my motive for using the words as they appear.

J. F. N.

2nd Clause, 1877 *and preceding years.*—"II. The Contractor to supply the articles specified in the accompanying Schedule, at the prices affixed by him against the respective items, in such quantities as may be ordered from him, and within such time as may be allowed for the completion of the order."

Thanks to Mr. Stephen, this was the second clause until altered, first by Mr. A. Stuart, who caused the words seen here to be added:—"*But the Government does not bind itself to accept such supplies to the extent of the* 'Probable Quantities' specified against each item." And later on by the dictation of the "Examiner." I must here explain that forming a portion of each "Schedule of Tender" is a column supposed to show the "*Probable Quantities*" of each article included in the contract likely to be required during the term of such agreement, and that in times past when these were exhausted (good old times verily for M. H. B. & Co.) the misnamed contractors were permitted to enjoy the privilege of charging from 50 to 500 per cent. over and above "*Contract Rates.*"

Early in 1877 the accounts came under my notice in consequence of the person who had theretofore dealt with them having to prepare and compile several voluminous returns. Up to this time the accounts had been carefully and scrupulously kept out of my sight, and a report circulated that I was unfit or incompetent to deal with them—in fact I could not put two *et* two together. I trust that idea may have ere this evaporated. Now, the fact was, the First Clerk had either to perform the drudgery *himself*, or give it to his *bête noir*—myself; he chose the latter alternative, and *I did it.*

On several occasions I was so disgusted at the exorbitant charges, which it became my duty to mark upon the requisitions as *paid* (this being the process of authorization of payment), and the alterations of quantities it became necessary for me to make in order to manœuvre the accounts, that I positively refused to pass them, and pointed out to the Superintendent that the "probable quantities" being so soon exhausted, was in my opinion proof that something ought to be done *to obviate the necessity of paying these accounts at rates so different from those at which the contracts were accepted.* Finding my remarks of no more effect than water poured upon a duck's back, I importuned Mr. Pinhey, until at last I induced him to interfere. Indeed, early in 1876 I pointed out to Mr. Pinhey in conversation that these famous "P. Q's." were so extravagantly and ridiculously understated as in most cases to be "worked off" in January or February, leaving in the hands of the contractors the privilege of charging iniquitously exorbitant rates during the remaining ten or eleven-twelfths of the year. Consequently, upon receiving this information, Mr. Pinhey took the matter in hand, and caused the alteration or addition to be made of the words seen below, and after "Item." (*Proof of this in Enclosures.*)

"II.

1878 and in future years as dictated by "Examiner."

"II. The contractor must be prepared to commence the supply of the articles specified in the accompanying Schedule at the prices affixed by him against the respective items, in such quantities as may be ordered from him, not later than the 15th January next; but the Government does not bind itself to accept such supplies to the extent of the 'probable quantities' specified against each item; and it is also to be understood that, should the 'probable quantities' given in the Schedule prove insufficient for the requirements of the Government, the contractor will be bound to supply such further quantities as may be required at the same rates at which the contract had been accepted."

It was the duty of the Superintendent of Stores to revise the Schedules annually, prior to publication; and had this duty been faithfully performed, or had there existed any desire to do justice, the original wording of the clause would have answered well enough, as the "P. Q's." could easily have been computed from the experience of former years, and the words "*at such prices affixed by him,*" and "*in such quantities as were ordered from him,*" were sufficient to have enabled the Superintendent to have compelled the contractors to supply at contract rates.

As an instance in illustration of inadequacy of the "P. Q's." quoted, I will mention that in the "Linen-drapery Contract" for 1877-78, 3,000 yards Scotch twill was the quantity given, and 3,400 were demanded and supplied to *one Service* only in February, viz., to Berrima Gaol. Gladesville Hospital swallowed up another 3,000 yards (See 1022), Bathurst Gaol, 1,100 yards (703 of 77), so that the quantity stated as likely to be required during two complete years for the whole Public Service was absorbed in one requisition, and 4,500 yards were demanded in excess of the quantity yclept "probable," in the first *two months* of the year. Again, 1,000 gallons of kerosene oil were stated as likely to be ordered during 1877, and in February the contractor rendered his accounts, charging 3s. per gallon, or 50 per cent. over contract price (2s.) These accounts were handed to me to pass for payment in the usual way. I was informed by Hill that the extra charge was "all right," and to take no notice of it; not feeling satisfied I asked the First Clerk, who said "Slap it on, Mr. Brennand knows about the 3s. charge." For further information in respect to this matter, see my tabulated statements Nos. 1 and 2 with accompanying remarks relative to my action. I may mention here, that I attached a memo. to one of the accounts, which seems to have escaped observation at the Stores, and drifted on to the Audit Office along with the bill, drawing attention of the authorities there to the affair, as it came back again with "query paper" (copy enclosed). I do not know how the embroglio ended, but I fear the contractors got the best of it.

Paper No. 3 is to show how contractors utilized their golden opportunities. It will be seen that one line at C. P. reads £7 10s. as against £17 10s. PAID. Enclosure No. 4 shows how contractors have been allowed to supply largely in *excess of order* when *profitable* to do so, the original requisitions being altered by the employés (ours), and made to agree with the quantities *charged for in the accounts.* On the reverse side are given numbers of a multitude of requisitions, which upon examination will show this description of manipulation.

Nos. of reqs. showing *excessive supply* : Of 1876—546, 570, 1,106, 1,124, 1,154, 1,198, 1,253, 1,257, 1,950, 1,951, 1,991, 1,994, 2,076, 2,077, 2,289, 2,314, 2,316, 1,516. These are merely a few of thousands of instances I have observed, but sufficient to show how the business of this department has been manœuvred for the benefit of Moore, Henderson, Bowcher, and *Company, et hoc genus homo.* R. C. Orphanage, No. 533, asks for 150 yards blue check, *receives 222 yards*, or, at least, that quantity *is charged for* in the bill; accordingly, an obliging attaché makes the alteration, and on goes the account for payment. Again, No. 437, Registrar General, 390 yards, 420 supplied—and so on.

Before leaving this part of my subject, I must not omit to relate that, at the time the Honorable J. McElhone asked for a Select Committee to be appointed to inquire into the working of the Stores, a number of suppositious questions were framed, and some very *questionable* answers concocted to meet them. For example, read my red ink memo. No. 5,—"Contingency referred to does not often occur ! ! !" An examination into the books of the department and comparison of prices *contract* with prices *paid* would show this statement to be fallacious.

Coming to clause 3 in my Synopsis. Refer to "Official Receipt," No. $\frac{1}{2}\frac{8}{7}\frac{9}{6}\frac{1}{0}$ of 1876, and read the following on the reverse side of it :—"I beg to point out that the requisition for the articles enumerated in this "Receipt" is dated 24th February, 1876, and as yet a great many of them are unsupplied. It appears to be a custom with contractors to supply such things as *suit their convenience*, and to withhold such as they have taken at *a low price*"—and more to same effect.

N.B. Ed.—Yes, and the Superintendent makes no effort to remedy the evil.

These remarks are from the pen of Dr. Manning. See also letter 789, 5/3/77, on same subject, and various enclosures in No. 6.

Passing on to further consideration of clause 3, "Contractor allowed *not* to supply, &c." I am aware that a more grammatical construction of this sentence would read thus, "*Contractor not compelled to supply, &c.,*" but I prefer to leave the words as they are; because, the spirit in which the transactions of this place have been conducted is best delineated by them. "Yield—yield," has been the key-note of the music ever played to the listening ears of those fortunate few, yclept "contractors." I say few, because Messieurs. M. H. B., Cohen, Wearne, and Tebbatt, appear to have possessed a magical prescience, enabling them to secure contracts almost without opposition for years past. As to the first named "firm," and the "safe" man, surely they constituted the greatest monopolies in the southern hemisphere, excepting perhaps the P. and O. Company. I should exhaust the stock of Foolscap south of the line, were I to write all I could advance upon this melancholy topic, and must refer to my "Notes" attached to this paper for particulars in verification of my statements, merely mentioning No. 2359 as an instance. In this, you see a weighing machine ordered *whilst* in *contract* at 15s., I think supplied *after* expiration of contract at about £10.

Upon examination of enclosures, numerous and painfully glaring examples of this kind of chicanery will be seen. No. 6, with 8 enclosures. Clause 4 will be sufficiently illustrated by No. 7 and its contents.

Clause No. 5.

The allegation conveyed in this will receive irrefragable proof from the evidences already adduced.

No. 6.

For this you must take my bare word, but Mr. Hemming can, if disposed to do so, corroborate my assertion. He has seen *many instances*, which *I* have put before him. I declare that the "Contractors' receipts" (so-called), upon which payments were passed, were in most cases signed by a person *at the Stores* ("Poor old Dan") nicknamed by the first low comedian, bard, wit, and poet, and punster of the community, "The Prophet," because he *couldn't "stand alone,"*—a sort of antithetical nomenclature. This worthy was in a happy state of semi-unconsciousness approximating to syncope on an average 27 or 28 days out of every month, towards the end of which he had lucid intervals, and would have signed his own death warrant for a glass of rum or to avoid altercation. A tame old imbecile, good-natured and easy-going when sober, but when otherwise reminding one of a derelict ship, left with sails set, meandering about the ocean in passive obedience to the caprice of every flaw of wind or set of current. Moreover, I further declare, that these "receipts," sent to us in bundles, as substantiation of accounts, were actually *never untied*, but tossed aside to await the Milennium or the battle of Armageddon.

No. 7.

This forms a part of the present system, and is used in lieu of "*adding to requisitions,*" which latter abomination was swept away in March last, consequently upon information I forced upon the Examiner. See enclosure No. 8 and sub-enclosures.

Clause 8.

Overwhelming corroboration of this statement will be found in Enclosure No. 9, with sub-enclosures (7 in number). With regard to this, I aver that I have known Mr. Hill actually copy an account on to a *blank page* in a Requisition Book, the Requisition proper being missing, and send on the account for payment, with nothing, *absolutely nothing*, to show that the goods were either asked for or supplied. This was Requisition No. 1171, of 1871, and Mr. G. O'Donnell, the Record Clerk, brought the affair before Mr. Hemming *in my presence.* Again, look at $\frac{1}{1}\frac{2}{2}\frac{4}{7}\frac{3}{8}$ of 1877, 5 quires of emery cloth added by Hill, *paid for*, but *never supplied.* With regard to the "Old style Stores' Requisitions," this was the plan adopted, and *practised* until vetoed by Mr. Pinhey. As the accounts came in, all goods charged to "Stores" were copied from the bills on to a "Form" of Requisition; when one sheet was chock full, another tacked on behind. At some time or other the

mass

mass was sent to "Treasury" for approval, *after* payments had been made. On its return "approved," more sheets added, and more payments passed—in short (see 304 of 75) each treated as a carte-blanche approval for years to come. My enclosures will elaborate all this IF PERUSED.

No. 9.

"Sums of money paid for goods *never supplied*." This being so very serious a charge, I feel that more than ordinary care must be devoted to the task of proving the statement reliable.

Here, I beg to mention, apologetically, for the sketchy nature of my "paper," that this exposition is not intended to deal with the subject under consideration exhaustively, but merely to place before the public such information as may lead to a rigid investigation, and prove the basis of a more carefully constructed and elaborate "Report." In saying this, I have no desire to represent myself as incompetent to treat the matter exhaustively, but to state that all this tedious scribbling being performed at night, I am unable from sheer exhaustion of mind and body and actual want of time to do better. With this explanation, I submit my various enclosures numbered "10"; and here I would remark that great care must be taken to produce the *whole* of my manuscript in its integrity, in order to substantiate my very serious charges. I deprecate clipping.

No. 10.

This part of the play having been discovered by Mr. Hemming, I need only remark that to such an extent had the manœuvre been practised, that that gentleman found it necessary to alter the conformation of the store building, in order to exclude contractors and their emissaries from those portions of the building containing "*stock*."

In conclusion, I shall remark upon the general management of the Government Stores, that the place previously to Mr. Hemming's advent was a perfect bear garden. Three or four of the employés were nearly always in a state of *partial* drunkenness, and when not in their normal condition totally inebriated. Papers, letters, accounts, requisitions, Audit Office queries, &c., &c., &c., were strewn broad-cast over the various rooms or offices of the building. No attempt at classification or arrangement was made. The accompanying "copy" of a letter from the "Hunter River Company," and the tabulated statements of neglected documents, may serve as a very slight and inadequate illustration of the disgraceful state of things existing prior to the partial regeneration ensuing upon Mr. Hemming's appointment.

The "Time Book" was a miserable accumulation of lies, as a worthy old tar, who has drifted into the "Bastille" recently, pungently denominated it: "The lyingest damned book ever he'ed seed." As a rule the "gentlemen" came at 10 or a ¼ to that hour, and signed 9 or 9·5.

Since writing the above the "Heavy Villain" of the drama has received his congé; like "Legree" and the "Quaker," Fate said to him, "*Friend, thee is'nt wanted here.*" He had to *resign*. Several hundreds of neglected accounts and papers in addition to those tabulated have come from darkness into light, having lain *perdu*, some for months, many for years. To-day I saw an account which was rendered in 1871 due to Davidson, Nichol, marked off on requisition 957 of 1871 to be sent to Treasury for payment. Seven years this has been lying in the office.

J. F. NASH.

Premier Accountant and Financier of Australia:

Although utterly weary, painfully weary of this unsavoury subject, I must perforce add a few lines descriptive of the manner in which the "books" of this department were kept previously to the dawning of light, the rectification of error, concomitant with the appearance of the Commissioner of Stamps upon the scene.

All accounts passed to Treasury for payment were marked "*paid*" upon the requisitions to which these charges were attributable. These were supposed again to be copied from the requisitions and entered in the *Journal*, later on posted into the *Ledger*.

If the books are carefully examined, it will be seen that many thousands of pounds have been marked off as attributable to dead and gone requisitions during *recent years*, and of course, there *can be* no record of these amounts apparent in the *books* balanced contemporaneously with the "requisitions" referred to. No spare lines left even on which to make the additions.

It may well be asked, how possibly could these things be?—how such evils go on and prosper in a department under surveillance of the *Argus eye* of the *Premier Accountant and Financier in Australia*? And, even admitting the impossibility of that awe-inspiring optic stooping to take knowledge of the derelictions of duty here noticed, *what were the Inspectoral Staff doing*?—how was their time occupied, and why was no visit made to that snug repository, the *Stores*, during the last ten years?

The Chief Inspector of Public Accounts was employed ostensibly in examination of the books and accounts of the Store Department during *three months of last year*, and yet he failed to discover what was afterwards *forced upon his observation* by the "Examiner." I allude to the affair of No. 1269 of 1876, on which payments are cooked in every conceivable fashion. Neither did he discover that large sums of money had been paid on "942," never even signed by the Superintendent, much less sent for approval. Neither did he see No. 1633 of 1873, goods added on in 1875. In fact that officer, unlike the little girl in one of Farjeon's books, who always "wanted to know," *didn't want to know, hear, or see*. The Journals and the Ledger *are not posted* up properly for more than ten years; and scarcely 100 requisitions of 1876 and 1877 would be found parallel with the Journal versions of them.

EPILOGUE.

THE public generally owe a heavy tribute of commendation to Mr. Hemming for the zeal, patience, and talent he has bestowed upon the task of ameliorating the evils he found rampant at this place.

He has displayed the most exquisite tact in rectifying the angles of the ill-set sails found "hanging up to dry." The very atmosphere seems purified since his arrival amongst us. The "*moral stink*"* has diminished a thousand fold, though alas not quite disappeared.

A more delicate or difficult undertaking than that devolving upon the "Accountant" cannot well be imagined. Having in reality to take the reins of government in his own hands, and to bear the brunt of responsibility, besides the unpleasantness of warding off, and compensating for, the effects or consequences of others' stupidity and incompetence, he has yet contrived, with greatest delicacy of feeling, to avoid wounding the susceptibilities of the person whom he has been sent to relieve; and at all times has managed, whilst carrying unwaveringly and unswervingly his own point, to defer gracefully to the recipient of his advice and guidance. Appearing to be led whilst leading, to be under instruction whilst teaching and directing. If ever a "York" was *wanted* and *found*, he has been so required and obtained at the Government Stores.

Honor to whom honor, tribute to whom tribute is due. Amen.

J. F. NASH.

Hark back to Clause No. 7. See Req. 3,995 of 1878.

Requisition *solicited* and refused on the ground that conscientious scruples prevented the preparation of a demand for goods *not required*, and which had been supplied without order or authorization of recipient.

21/12/78. Elliott & Co. are now pressing for payment of old accounts due since 69 onwards, amounting to 3 or £400. One of their employés has been at work with Hill lately, and the whole or nearly all the amts. are found marked "Paid" upon the reqs. (I have before explained that this was the process of authorization of payment previously to July, 1877.) There is nothing to show that these moneys have *not* been paid, as so far as our books go they appear to have been paid, and yet they are all being *passed* again. And in case of those ascribed to "Stores" req., a new req. is prepared to be sent for approval on Monday, and to act as authority for payment, as if the goods were supplied recently or *to be supplied* at some future time. Cookery.

Colonial Stores, 31/1/78,

Re $\frac{1933}{3032}$ "Survey Office."

Not knowing what distorted version may be presented of that which has transpired to-day, or how it may operate to my detriment, I shall here endeavour to state the circumstances of the case, whilst fresh in my memory.

Some days ago, an "Official Receipt" (No. $\frac{1932}{936}$) came to me in the usual routine of business. It has been my duty, during the past 3 years, to write, note, dispatch, envelope, send away, and on return to compare with "Requisitions," then to investigate any queries or discrepancies upon these, and ultimately to "file" for binding. Upon examination of the

* His own form of expression.

the document under consideration, I observed that 5 dozen (60) portfolios (£5) which had been paid for in May last, were expunged from the "Official Receipt." According to custom, and in obedience to the general instructions of Mr. Hemming, accountant, I brought the discrepancy under that officer's notice. The matter was then referred to the Chief Clerk, who said the "delivery receipt" (*i.e.*, that signed by the recipient) could be immediately produced. After some days, I reminded Mr. Hemming of the missing paper, and he instituted inquiries respecting it. *It could not be found.* I was then directed to write a "duplicate," and send *that* for signature. I did so, writing a note requesting further information, which Mr. Hemming approved of, and signed. This came back, as the other, which had *disappeared*, the goods in dispute, denied, value £5. This I handed to Mr. Hemming, who ordered me to take it to Mr. O'Donnell for registration, but Mr. M'Veigh happening to see it, took it from me, and objected to its registration.

I should state that yesterday he said it was "all right," and Mr. H. had no need to interfere; that he *had the receipt*, and in future I was not to show these queries to the accountant. To-day he declared that the receipt could not be found, having been *abstracted*. I found it months afterwards among his papers given to me to classify and tabulate, as seen in report.

Later, Mr. M'Veigh took the paper to the Survey Office and procured the signature of some subordinate officer, afterwards indorsed by the person who had repeatedly ignored the receipt previously of the goods in question.

Mr. M'Veigh then summoned me, in a voice and manner somewhat resembling that in which I suppose a jailer *would* call a prisoner out to be whipped, and demanded to know what I meant by complaining of him paying without "receipt" to Mr. H., and altogether alarmed me very much.

In conclusion, I would ask, Why need silence or secrecy be observed towards one officer of the department? I was not previously aware that Mr. Hemming was to be kept in the dark regarding money matters, which surely come under the jurisdiction of the Accountant. And further, if these matters are to be submerged, why need "receipts" be written?

In fact, I am reprimanded for doing my duty thoroughly instead of letting things slide or allowing them to be suppressed.

J. F. NASH.

INSTANCES OF MR. M'VEIGH'S NEGLECT OF DUTY.

No.	Date.	Subject.	Remarks, &c.	How dealt with.
	1876.			
1285	June 3....	Corowa, C.L.A. Request for supplies.	Mr. M'V. to inform that demand is unusual.	Not answered; left unnoticed; handed to me to file 5/1/78.
1288	,, 6....	*Re* account, £37 13s. 10d., due to type warehouse, Melbourne, for material supplied.	Mr. M'V., have you this account? 10/6/76.	No reply. Filed 5/1/78.
1296	,, 6...	Gaol, Grafton. 12 vests applied for—2 only supplied.	Mr. M'V. inform.	Disregarded. Filed 5/1/78.
2023	Aug. 29...	*Re* Contract for printing material, apparently abstracted.	M'V., inform that no such tender was found, and box opened several times since, but no such tender found.	Disregarded. Filed 5/1/78.
	1877.			
2406	Nov. 28...	Supreme Court. Requesting Supply. Urgent.	M'V., acknowledge, and see that Purss sends stationery at once.	No. reply noted.—5/1/78.

These are but a few of hundreds of cases that have come under my notice. In each instance, Mr. M'V. should have obeyed Mr. Brenand's mandate, and have written a memo. to that effect *upon the document* bearing the latter's injunction. The papers should then have been filed in position proper to numerical order. Instead of which they were left in disorder, utterly neglected and forgotten, among several hundreds of accounts of 1873-4-5-6, and ultimately handed over to Mr. Hill to get rid of on M'V.'s departure for his holiday. Hill placed them before the Superintendent, who passed them on to me to file. Having commented thereon I file.

J. F. NASH,
Labourer, *Dei Gratia.*

5th January, 1878.

Enclosures, No. 11 (3).

LETTERS found on Mr. M'Veigh's desk, with instructions as to necessary action inscribed on each document—

LEFT UNATTENDED TO.

Req. Nos.	Date.	Name.	Subject.	Filed—Disregarded.
	1877.			
429	15/2/77	P.M., Bingera.	Vouchers.	19/7/78
518	12/3/77	L.A., Corowa.	Copying-presses.	Do.
514	10/2/	Gaol, Berrima.	Information.	Do.
550	9/2/	C.L.A., Albury.	Appropriation of goods.	Do.
560	10/2/	Gaol, Young.	Enclose 5s. stamps.	Do.
632	16/2/	Gladesville.	Breach contract.	Do.
679	21/2/	C.P.S., Bingera.	Application.	Do.
741	27/2/	Mr. Cohen.	Objections.	Do.
789	5/3/	Gladesville.	Complaints.	Do.
1309	11/5/	Lun. Asylum.	Lamps.	Do.
1484	6/6/	Customs.	Complaint.	Do.
1583	1/5/	Corowa.	Do.	Do.
1708	6/7/	Mr. Cox.	Contract broken.	Do.
1724	9/7/	G. Printer.	Paper Company.	Do.
1849	17/7/	Gaol, Bathurst.	Holland.	Do.
1878	7/8/	A. A. Company.	Account.	Do.
1894	9/8/	Police, General.	Accoutrements.	Do.
1923	14/8/	Gaol, Berrima.	Requisitions.	Do.
1924	14/8/	Police, Bingera.	2s. 6d. stamps.	Do.
1930	3/8/	Coonabarrabran.	Presses.	Do.
1963	23/8/	Berrima.	Carriage.	Do.
1977	23/8/	Col. Stores.	Voucher.	Do.
2060	13/9/	Lun. Asylum.	Boots.	Do.
2150	24/8/	L. A. Hay.	Stationery.	Do.
2152	8/10/	Gladesville.	Invoice.	Do.
2234	29/10/	Gunnedah.	Stationery.	Do.

The whole of these papers have been lying neglected until recently discovered by Mr. Brennand.

FURTHER Discoveries of "Neglect of Duty" at the Government Stores.

Nos. of Letters, &c.	Dates of Letters, &c.	Name of Service or Place.	Directions to Mr. M'Veigh.
	1876.		
1665	12/7/76	C.P.S., Orange.	Send stamps to pay the claim as desired.
1245	29/5/76	Gaol, Berrima.	Report, &c.
2033	31/8/76	M.R. Hargraves.	Inform, &c.
2275	25/9/76	Customs, Wilcannia.	Authorize purchase.
	1877.		
662	14/2/77	Sands, Mr.	What has been done?
745	5/2/77	Verdon, Mr.	Write for fresh samples.
866	12/3/77	Jordan's Crossing.	Report.
867	12/3/77	Post., Young.	Inquire, &c.
877	15/3/77	Gen. P.O.	Inform, &c.
908	16/3/77	Do.	This effect, &c.
947	24/3/77	M.R. Hargraves.	Request explanation.
967	20/3/77	Brigade Office.	Question not answered.
983	23/3/77	Police, Bingera.	*Write as usual "No. stationery."
1013	3/4/77	Moodie, Mr.	Request to call upon me.
1179	23/4/77	Condobolin.	Inform not allowed stationery.
1188	25/4/77	Brisbane.	Inform, &c.
1326	18/5/77	Wagga Gaol.	Send for requisition.
1344	21/5/77	Prisons.	Inform.
1357	17/5/77	Forbes Gaol.	Attend to this at once.
1669	21/6/77	Goulburn Gaol.	Report.

26 September, 1878.—These came to me in the usual way "to file," never having been dealt with. Discovered tied up in a bundle with heaps of waste paper and obsolete "*forms.*"
Filed to-day, J.F.N.—26/9/78.

My dear Pinhey,

Woollahra, 17 April, 1878.

In your holiday time (so precious to one living in an atmosphere of pleasurable excitation), hardly won relaxation from the odious, painful, daily toil and drudgery of office, I feel how cautiously I should approach an unpalatable topic, how studiously I must refrain from adding to the tedium you must necessarily experience in perusal of my mental meanderings, and how fervently seek your forgiveness for breathing black air "upon the elysium of the Adonis" reigning triumphantly amongst the houris at Manly and its environs. All these things having been by me more painfully contemplated than you can imagine, I yet cannot relinquish my purpose. You must learn, if the light has not already dawned upon you, that your regard and patronage have not been bestowed upon a fool, nor upon one who will pusillanimously or unresistingly abandon the "commingling of souls" Fate has accorded to him in your "*Life.*"

I shall be more than ordinarily careful to avoid writing *dis*respectfully of Mr. Thomson, out of deference to your opinion of him, but I regret my inability to do so with that feeling of veneration which would have been his tribute had he acted as an officer holding his exalted and influential position should have done. Do *you* not perceive that he has constituted himself the speaking trumpet or tool of the very man he has found it his duty to condemn? Has he not taken unto himself the dishonor of doing the dirty work of Brennand, my pronounced though deceitful enemy? Would it not have been possible for him to have taken his stand upon more elevated and honorable ground than that from which he denounced me to you as a "*spy.*" Let us be logical: Come let us reason together: He stigmatizes me "*a spy.*" Now by spying what have I detected? Those things which, had he properly and efficiently performed the duties of his office for the fulfilment of which he receives a munificent salary, he would have taken immediate cognizance of, and visited with condign condemnation. Those derelictions of duty which *he* has thought proper to denominate "fraud upon the Treasury" (4th April, 1878, at 11·35 p.m.), and *you* have designated "bribery," "robbery," and "jobbery"! Well done thou good and faithful "Torpedo," if you have contributed your mite of intellect, your strength of purpose, your small pull, pull all together to clear such a foul and filthy hawse.

You, dear Pinhey (who speak not without due consideration, whose utterances can always be verified by the mysterious gift, *God-given power* of logical exposition, the deductions of inference, and ultimate consummation elicited from circumstantial confirmation of facts),—have told me repeatedly that, in your estimation, I have performed a "*great public service*" by revealing to you the arcana of iniquitous chicanery which awakened your loathing, indignation, and disgust! Do you then attribute to me such bad taste as to suppose I care a jot what Mr. T. calls me, so long as you commend me? Moreover, was he not ashamed of that which he had uttered, when he wrote cringingly *begging* of you not to repeat his words to my friend Stephen?

In all I have done, remember, I have ever acted only upon your approval, *graciously given,* because the slightest appearance of disapprobation on your part of the course I had adopted, or the faintest shadow of reluctance to aid me in it, would have been more than sufficient to deter me from any further attempt to subdue the abominations existing and rampant at my place of torment.

Yesterday you dismissed me from your room without the customary smile of kindliness that I look for and love so well. This withdrawal of complaisance I suppose was tributary to the slight stoop of acknowledgment due, as you conceived, to your confrere the "Spectral Tamson!" Bien! let him wait; he who rides shall pay for his saddle. For the concession you made to him at my expense he shall pay me some day. You have seen my *hand* leave its mark upon an enemy ere now, havn't you? Diminutive as is the body which swings the arm it hangs upon, and for the pain I experienced in the unaccustomed coolness of your parting salutation, our chivalrous "Scot"—who pities poor women, and damns with secret tongue poor men, their bread-winners—shall receive a thrust, unless the "Power" paralyzes my heart, my hand, and my brain.

Now, dear friend, a request I make, with which you comply or deny, as your own clear judgment may decide: Come down to the Stores, bring Inspector Tomson, read this letter before him, and in the presence of Brennand; it will inspire me with confidence. I am supposing myself arraigned before you all as a culprit. Then will follow an *éclaircissement.* I am not, afraid—like the excitement and peril—have been accustomed to it in years gone by—remind one of blockade-running. Come! "Barkis is willin!" Only this,—don't *you* frown me down at the outset. You are my "Rarey," the only being before whom I ever quailed, don't do the majestic; give a fellow a chance. Shall I tell you *why* you overawe me? Because I recognize your superiority—mental, physical, intellectual, corporeal, and social superiority! My superior in stature, manner, tact, energy, personal presence, address, intellect, honor, principle, in all things and every way my superior, so I bow me down, not to worship,—that I owe to "Him" who made *you* what you are, my boy,—but to revere, respect, admire, and to love, as men love men, more truly and purely than we do women, I fear.

If you grant my request I trust you may find I shall not disgrace you, nor give you cause to regret the sympathy you have bestowed upon me during the painful weary years we have known each other. Take precedence at the interview. Tell me to state what I have "*spied,*" and to repeat what I have *described* to you: then we shall see.

In conclusion, let me remind you that, up to a certain point of time, I was actuated solely by a desire to render Brennand faithful and effective service, by a subtle unostentatious influence to subjugate abuses which had grown up under his weak maladministration. But when I found that, individually, I was to be treated contemptuously, that every effort of friend of mine to ameliorate my position was regarded with disfavour, and *as an offence,* that I was represented to you as

* In this instance, although the Superintendent directed the First Clerk to write informing the C.P.S. that *stationery* was *not* allowed, stationery *was* actually supplied. See 918, July, 1877.

as a spy, firebrand, thorn in men's sides, &c., &c., then I must confess to another motive operating upon me. I determined to accept the rôle *assigned to me.* So, my dear, good, kind friend, I remain to my foes,—A "Firebrand"—"Torpedo"—"Black Pirate"—"Sting-nettle"—"Snake"—"Thorn"—and "Spy," &c., &c., &c.—with true affection *for you*, and warm feelings of gratitude for the help you have given me.

Yours, ever sincerely,

J. F. NASH.

So shall your work be done.

This letter was originally intended only for the eye of the gentleman to whom it was addressed, but under the peculiar circumstances of the case, I feel compelled to place it as an addendum to my "Report," in order to make plain what might otherwise appear obscure, viz. :—my object in taking upon myself the task of revealing the "Mysteries of the *Tower of Disorder," yclept "Government Stores."

See 3,932, goods signed for by Superintendent instead of by the recipient. Read 1,285 of 1878, *re* blankets, 1,452? *Vide*, 4,112, rapid promotion—1,048? Requisitions not efficiently examined before being submitted for approval, see 969 and 3,268 of 1878, 210 boxes of pens allowed to Water Police Office. See 1,127 of '78, 1,369 of '78, 1,413.

Colonial Store Department, New South Wales, 8/10/78.

MEMO.—I beg most respectfully to report for your information that I examined twelve lines of Stock on the 1st inst., and find that scarcely two lines of same will agree with the Stock Book. I would suggest that Adams be requested to explain the cause of the deficiencies, &c.—1ST CLERK.

Adams' report attached.

$\frac{1526}{1213}$ goods, ascribed to "Stock," not sent, and afterwards ordered.

STOCK! STOCK!

THE "accounts" kept under this nomenclature are the most unprecedented and unmitigated farce and mockery ever conceived by the mind of man, or prepared by the hand of some for the deception of others. See $\frac{2317}{1965}$ of 1878.

Read the letter bearing the registration number "3885" of 1878, from the Chief Clerk, Mr. George O'Donnell, to the Superintendent, telling the latter that on taking stock he finds some thousands of pounds' worth of goods (procured from Moore, Henderson & Bowcher for their benefit) rotting on the shelves in the rooms above. The Superintendent sends the letter touting round the Colony, imploring various gaolers to take it off his hands. One and another write back to say they are surfeited with goods already which have been accepted "To oblige Benson" and "so on," and *don't want it.* "$\frac{817}{41}$" of '78 Stock not supplied. See "official receipt" No. "$\frac{1356}{1454}$" of 1877.

One hundred suits of "Cheviot tweed" are upon the requisition credited to "stock," which have *never been supplied.* Value, £187 10s. After endless wrangling of an epistolary character the affair is shelved, but nothing can be produced to show how the discrepancy can be accounted for.

When "stock" runs short, a quantity of goods are dragged in from the contractors, and issued from this famous "utility man" (in theatrical parlance), to make up the deficiency apparent in that mountain of misrepresentation, the "Stock Book." Only a few days ago the foreman Mr. Adams showed me a letter he had penned deprecating this system of ascribing to "stock," goods which had only just been received from contractors representing them as forming part of that property which *ought by rights*, and *would appear* from the *Book of Lies*, to have been upstairs for months or years. His words—"it was attempted to be shown that so and so (I forget the material in question) was issued from stock, whereas it had only that day come from M.H.B.!" &c., &c., &c., are sufficient to show the plan in operation. Let him be called upon to produce that paper, and if destroyed to describe verbally what I attempt to relate from memory.

Mr. Adams is an intelligent and truthful man, sharp and shrewd, and much valuable information may be elicited from him. He knows nothing of my writing this, is not a friend of mine, indeed once or twice has tried to injure me, in order to ingratiate himself with that monster of indolence and incapacity M'V., but I think the light has dawned upon him that I am kindly disposed towards him, and certainly by no means deserve his ill will; I have no other motive in mentioning this officer's name, than the desire to utilize his knowledge in the *exposé* I am bringing to light.

If the quantities of goods issued from "*stock*" during the last ten years, *for which bonâ fide receipts could be produced*, could by any means be compared with those quantities shown by the *accounts* as having been supplied to the various Departments and Institutions, I believe there would be a deficiency of something like ½ a million. I repeat, this place has been a prolific milch cow for the especial delectation and suction of contractors.

[Circular.]

Treasury, New South Wales, July, 1869.

Sir,

In drawing your particular attention to the annexed suggestions of the Clerk of Stores, as to the most effectual means of reducing the expenditure of his department for the supply of stationery, &c., for the Public Offices,—I have to inform you, that the Colonial Treasurer has approved the same, and directs that, in all future requisitions you will strictly confine yourself within the limits of the reduced Schedule of Articles of supply hereto appended: which, I may state, has been for the most part assimilated to that in force in the Imperial Service. *Should the exigencies of your department occasion a requirement not provided for in the amended Schedule, special requisition must be made, to be referred for the consideration of the Minister.*

(*)

2. You will also, in terms of Mr. Brennand's second suggestion, cause a "Stock Book" to be kept, in which shall be recorded receipts and issues, under the above-named head, at all times capable of ready inspection.

3. Attention must be paid to economy in use of writing paper suggested by the Clerk of Stores.

With scrupulous economy in the use of stationery, it is anticipated that a considerable reduction in the expenditure of the Government for that service may be effected; and Mr. Samuel trusts that you will assist in securing to the utmost practicable extent that desirable result with respect to the department in your charge.

I have, &c., &c.,

(t 39-70.)

U. S.

Annexure A.

1. In the first place, I think it advisable that a circular be forwarded to the Head of each Department impressing in the strongest terms the necessity of curtailing in every possible way their demands for stores, stationery, &c., and asking for a co-operation with the Honorable the Colonial Treasurer in economizing public expenditure. I should like to draw attention to the fact that in the "Schedule for Stationery" there are many more lines than in the list of articles supplied to Imperial officers. I would suggest that our Schedule be assimilated as much as possible to the English one, and *that no officer be allowed* to receive articles not enumerated therein. It appears to me that there is no just reason to grant to a Government officer articles which are not essentially necessary for the discharge of his official duties, and that the issues of stationery should be made as nearly as practicable, both as regards the articles and quantities, to those granted in banking and mercantile establishments.

2. I am of opinion that a saving of 3 or £4,000 would be effected, but if each Department in Sydney kept a Stock Book, and an Inspector were appointed to examine thoroughly and insist upon a proper account being given of every article, £5,000 or £6,000 would be saved yearly.

C. of S.

3. Etc., etc., etc.—Unimportant.

Now with regard to this matter: What was the effect, actually and truly, of this *curtailing business?* [For the years immediately ensuing upon the distribution of these circulars, I cannot answer; but this I know, that during the whole of the time I was at the Stores *previous* to the initiation of the *new system*, consequent upon the attraction of public attention to the department in July, 1877, the requisitions were supplied indiscriminately, and totally without revision: five-sixths of the goods charged for were *not in contract.* But I have already written much upon this topic, and merely wish to add that the most prominent and important clause, which I have emphasized and marked with an asterisk, was *entirely disregarded*, and the duty inculcated therein *absolutely ignored* and neglected. Not in one single instance did the Superintendent comply with the injunction contained in it, neither did he insist upon even an approximate adherence to the rules he himself suggested as being necessary for the benefit of the Service.] After this long parenthetical sentence, I must answer my own question propounded above.

In

* 3668 of 78 disorder.

In the room of an "Extravagant Schedule," at contract rates, to which the contractor was supposed to adhere, we had an *Economic Schedule* (?) which was a mere sham or pretence, the contractors being allowed to supply any and everything in or out of contract indiscriminately at *extravagant rates*.

For florid exemplification of this incongruity, let reference be made to the accounts rendered by "John Sands" for December, 1876 (those for £20 15s., £48 5s. 2d., £68 8s. 8d., and hundreds of others), and damnatory evidence will be apparent of the ultra-rottenness of "*system*" in operation previously to July, 1877.

List of accounts returned to "Stores" by the "Examiner" on March 18th, 1877, through my having placed these matters within reach of his cognizance :—

£	s.	d.
15	13	6
5	1	5
18	1	7
32	5	9
50	17	0
27	16	10
14	11	8
166	7	2
12	16	6
13	4	3
0	11	0
£357	6	3

All sent up again and *paid*, notwithstanding Pinhey's remonstrances, so soon as that gentleman's back was turned.

A 2.

COPY of declaration drawn up by me in 1877 to be placed before the Superintendent, in the event of my being charged with furnishing information to the Examiner, relative to the excessive charges made by the contractors for goods "not in contract" and "over contract probable" quantities.

I have pointed out to Mr. Pinhey that a saving of many thousands of pounds per annum would most certainly be effected by the adoption of a system different to that hitherto in practice.

For example, "Schedules of Tenders" have heretofore been prepared solely with a view to the aggrandizement of contractors; the "probable quantities" so understated as to be almost always exhausted in the first quarter of the year, leaving to the contracting firms the opportunity of charging exorbitant and ridiculously disproportionate rates or prices during the residue of term of agreement.

This I did with a desire to protect the Superintendent from ulterior and unpleasant consequences following upon the continuance of a system questionable in the extreme.

Obviously I could not presume to make these suggestions to Mr. Brennand directly; he would most probably have resented such a step, therefore I ventured to name them to Mr. Pinhey, who condescended to give the matter his consideration. The result of Mr. Pinhey's deliberations is apparent in the *new clause*, added to the "second article" in "Terms of Contract" recently by his dictation and direction.

In the "Memorandum" accompanying the "Schedules of Tenders" for 1878, enclosed to the Under Secretary for Ministerial approval, occurs this passage :—"The latter portion of Clause 2 is now inserted with a view to remove for the future the objections urged by Mr. Pinhey to the payment to contractors after the supply of the 'probable quantities,' of prices in excess of 'contract rates.'"

I have also told Mr. Pinhey that I wish he would put a stop to the license permitted to contractors of supplying largely in excess of quantities we order, when it suits them to do so, and to cause them to be *compelled* to supply goods "in contract" and ordered, when they won't do it.

Further, I have made known to Mr. Pinhey the plan in use of *adding on* to requisitions by Mr. Hill, in order to pass the contractors' accounts without any troublesome inquiry.

J. F. NASH,
Labourer, erstwhile Clerk.

[*To Evidence of C. Rolleston, Esq., 22 April, 1879.*]

B.

The Under Secretary for Finance and Trade to The Auditor General.

Sir, The Treasury, New South Wales, Sydney, 30 January, 1879.

Referring to your conversation of yesterday with the Colonial Treasurer, with respect to certain charges of a very serious nature which you had to prefer against the Department of Stores, I am now directed by Mr. Watson to request that you will have the goodness to make these charges in writing and forward them to me at your earliest convenience, so that steps may be taken to investigate them at once.

I have, &c.,
G. EAGAR.

The Auditor General to The Under Secretary for Finance and Trade.

Sir, 3 February, 1879.

In reply to your letter of 30th ultimo, asking me to make in writing certain charges of a very serious nature against the Department of Stores, I do myself the honor to state, that of my own knowledge I have no charges to prefer other than as to the irregularities in the accounts which from time to time have been brought under the Treasurer's notice.

Since my last communication on the subject information has been communicated to me personally of a nature which, after consulting the Crown Solicitor, I felt it my duty to bring under Mr. Watson's notice.

The representations that have been made appear to be supported by documentary evidence, and to require searching investigation; but I cannot consent to be placed in the position of prosecutor or accuser, as I am not in a position to prove the allegations which my informant is ready to bring forward.

I would venture to suggest that, in the event of the Colonial Treasurer ordering an inquiry, protection should be guaranteed to any officer volunteering evidence.

I have, &c.,
C. ROLLESTON

Treasury Minute.

The Auditor General's letter, *re* Stores Department.

The Treasury, New South Wales, Sydney, 19 February, 1879.

I HAVE perused the annexed letter from the Auditor General, of date the 3rd instant, and I am glad to find that, after having been requested by me to state in writing any charges which he had to prefer against the Store Department, he now admits "of his own knowledge he has no charges to prefer, other than as to the irregularities in the accounts which from time to time have been brought under the notice of the Treasurer." I am informed by the officers of the Treasury that these "irregularities" are of a trifling character, and such as might occur in any large department crowded with details, and liable for that reason to casual error. But on the other hand, I cannot but express my surprise that, in the face of this acknowledgment on the part of the Auditor General, he should confess himself to have been the recipient of information concerning the Store Department, which he states "appears to be supported by documentary evidence, and to require searching investigation," and which he thought of so much importance as to necessitate a consultation with the Crown Solicitor, with a view, I presume, to criminal proceedings; and that this should be done without any previous reference to me as the Minister under whom the Store Department is placed. The

The Auditor General states in the second paragraph of his letter that, "after consulting with the Crown Solicitor, he felt it his duty to bring the matter under my notice." The fact, however, is that at the interview when the Auditor General introduced the subject, he gave me no definite information in reference to the matter about which he had consulted the Crown Solicitor, nor is the information yet supplied. He proposed to make a report of a general nature, but I informed him that I could only deal with specific charges, and that if these were preferred they should at once be dealt with.

I am particularly anxious that the Store Department should be free from suspicion, and I shall be glad if the Auditor General will now supply me with the information which, in the protection of the public interests, he conceived it to be his duty to submit to the Crown Solicitor; so that, although the information may not be such as to enable criminal proceedings to be instituted, yet that I may institute an immediate and searching inquiry if found to be necessary.—J.W.

The Auditor General.—G.E., 19/2/79. Papers to be returned. B.C.

The Auditor General having received Mr. Watson's assurance of protection to his information, has great pleasure in placing Mr. J. F. Nash's papers at the Colonial Treasurer's disposal.—C.R., 21/2/79.

Treasury Minute.

The Treasury, New South Wales, Sydney 22 February, 1879.

Subject—Charges made by Mr. Nash against Store Department.

I HAVE received the papers as requested in my minute of the 19th instant, and have read the Auditor General's minute thereon, which is quite correct as to my assurance of protection against the party making the charge, whose name was not communicated to me at the time. When I gave that assurance, I inferred that the charges made would probably lead to a criminal prosecution, and I was led to this inference from the fact that the Auditor General had already conferred with the Crown Solicitor with a view to criminal proceedings; and the assurance which I gave was with a view to protection from legal proceedings in consequence of any information he might supply, and I presume this was the protection sought by the Auditor General, as I could not be a party to binding myself from taking any action against one of the officers of this department, if his conduct demanded any action being taken.

I shall be glad to know from the Auditor General when and how the papers alluded to came into his possession.—J.W.

The Colonial Treasurer's protection was sought in Mr. Nash's behalf, solely to secure him in the position he holds in the Service; and the assurance of that protection was frankly accorded by Mr. Watson (as the Auditor General clearly understood) in that behalf.

No allusion was made to criminal proceedings, and the Auditor General would be sorry to be thought guilty of such an impropriety as that of bespeaking the Treasurer's favour in respect of any such proceedings.

The papers were placed by Mr. Nash in the Auditor General's hands some few weeks ago.

If the allegations contained in them can be refuted, so much the better—but a searching and impartial inquiry would seem to be the only means of determining their reliability.—C.R., 24 Feb., 1879.

Treasury Minute.

The Treasury, New South Wales, Sydney, 4 March, 1879.

Subject—Charges made by Mr. Nash against the Store Department.

I HAVE perused the papers received from the Auditor General in compliance with my minute of the 19th February, and the charges made therein by Mr. Nash, an employé in the department, are such that an inquiry is indispensable.

I therefore direct that a Board, consisting of the Under Secretary for Finance and Trade, the President of the Marine Board, and the Comptroller General of Prisons, with Mr. Eagar as Chairman, be appointed to inquire into and report on the charges preferred by Mr. Nash.

I direct that Mr. Nash, pending such inquiry, be relieved from performing any duty at the Stores, but that his salary be paid him during the inquiry, and that he be afforded every facility, by reference to the books or documents in the department, to enable him to substantiate the charges so preferred.

It is desirable that the evidence of all witnesses should be fully and carefully reported, and with this view I direct that a shorthand writer be employed.

Although this inquiry is instituted with a view to investigate the charges preferred by Mr. Nash, yet I think it is desirable the inquiry, having been concluded under this head, should be prosecuted further, and I shall be glad if the gentlemen named will direct their inquiry with a view to the general management of the department, the system of tendering, the quantities of goods likely to be required, the receipt and delivery of goods, and generally such matters as may seem to suggest anything to the Board during the progress of the inquiry, with a view to an improvement if found necessary.—J.W.

[*To Evidence of C. T. Pinhey, Esq.*, 18 *April*, 1879.]

B 1.

Contracts for Stores and Stationery.

BEFORE passing these claims I think it necessary to bring under the notice of the Under Secretary the unsatisfactory provision made for supplies of stores under the present system of contract.

The large proportion of items which appear as "not in contract," and which, obtained without competition, are supposed to be charged "trade price," may be considered subversive of the principle upon which the Treasury stores are presumed to be supplied under public tender.

Again, in the matter of articles supplied beyond the "estimated probable quantity," where the price charged is almost invariably largely in excess of that under the exhausted contract, the Government lose the benefit of competition.

If it be decided that the contractor is not bound to supply beyond the "probable quantity," means might, perhaps, be taken to bring this estimate more into accordance with our actual requirements, or the conditions of the tenders so modified that the "probable quantity" may not be a positive limitation of the right of the Government to claim supplies under the contract.

A careful revision of the estimate by comparison with the supplies of previous years, should prove sufficient to remedy this serious defect.

CHAS. PINHEY,
12/4/77.

The Under Secretary.

The Superintendent of Stores.—W.R.P., 11/4/77. For report.—G.E., B.C., 12/4/77. Report now forwarded enclosed.—L.I.B., 26/4/77. The Under Secretary for Finance and Trade.

The Superintendent of Stores to The Under Secretary for Finance and Trade.

24 April, 1877.

MEMORANDUM.—In reporting upon this memorandum of the Examiner of Accounts, I beg respectfully to observe, that, with reference to the first paragraph of Mr. Pinhey's minute, the course at present in operation is the one which has been in existence for years, and has been found to work satisfactorily,—so much so, indeed, that the Auditor General of Adelaide and the Colonial Storekeeper of Brisbane both called upon me, duly accredited by their respective Governments (as you will perhaps remember), to gain information respecting the operation of the Stores Department, with a view to assimilate the management of their Store matters to ours.

With

With reference to the second paragraph, I consider it rather an advantage to abstain from suggesting to the various officers of the Government (by the insertion in the Schedules of an indefinite number of articles) an application for goods that are now never thought of, except certainly by some few officers—and those too, only—holding high positions in the Service. To insert in the various Schedules every article required during the year would not only be simply impossible, but, in my opinion, most unwise, as the increased expenditure would be very considerable, and the cost of stock to be taken over from the contractor at the termination of his contract, far in excess of the alleged loss to the Government under the present system,—in fact, I may state, that the late Under Secretary for Finance and Trade gave me positive instructions to withdraw from the Stationery Schedule every article that was not considered essential for the Service. I am preparing a Return to show that the items, if large in number, are small in value, and would form so moderate a percentage on the total contract as not to interfere injuriously with the principle of competition.

With reference to paragraph No. 3, it has been the practice for years to continue to give the contractors orders for goods above "contract quantities," so long as the prices charged are fair and reasonable and certainly not above retail rates, and I am quite confident that this privilege has not been abused. Where a demand is made sufficiently large to justify the invitation of tenders, tenders are invariably called for (see form annexed); but to invite tenders for a box of a particular kind of pens out of contract, or a few ink-glasses required or ordered at the special request of a Minister or Under Secretary, would be, I think, unnecessary.

Referring to paragraph No. 4, I beg to observe that it was my intention when calling for tenders for 1878, now in course of preparation, to have asked your sanction to the insertion in the "Conditions of Contract" to an additional clause cautioning contractors that, whilst the "probable quantities" given in the Schedule were to be considered only an approximation to our requirements, they were to consider themselves bound to supply such further quantities as may be ordered. Of this intention I informed Mr. Pinhey some time ago.

The course suggested by the Examiner, in his concluding paragraph, I would observe, has been the one adopted for years past,

L. I. BRENNAND,
Superintendent of Stores.

Government Stores,
Circular Quay,
_____187 .

M_____

Please state if you can supply

and at what price?

Superintendent of Stores.

To

Government Stores,
Circular Quay,
_____187 .

M_____

Please state if you can supply

and at what price?

Superintendent of Stores.

To

B 2.

Contracts for Stores and Stationery for the Public Service.

I AM constrained to bring specially under the notice of the Under Secretary the inefficiency of the present system of letting contracts.

It results in a loss to the Government and undue profits to the so-called contractors.

In the continuance of supply under the cover of a contract which has really ceased, it is not only possible that excessive prices may be charged, while those anxious to obtain contracts are debarred from competition; but in the expenditure of so considerable a vote, so lax a system becomes a positive danger.

I submit the accounts of Mr. George Murray, whose tender for printing papers for 1877 was accepted.

It will be seen that in the second and third months of the contract year, the estimated quantity of the undermentioned articles for 1877 had already been supplied, and the prices charged (without competition) are found to have increased from 20 to 35% upon the contract rates, thus:—

		£ s. d.		£ s. d.		£ s. d.
Double demy,	contract,	1 1 0;	charged,	1 5 8;	trade price,	1 3 10.
Pink ,,	,,	1 5 8;	,,	1 13 0;	,,	1 9 4.
Imperial cartridge	,,	1 13 6;	,,	2 0 0;	,,	1 15 5.

In the last column is given what I am credibly informed is the trade price of these goods.

It is without question that competition would to a certain extent reduce this current trade price, which is already considerably below that charged in these claims.

The Audit Office, I believe, does not check or even receive the original requisitions or receipts for goods; nor is there any control outside the Stores Department, over the prices charged for articles not in contract or in excess of contract quantities.

I would draw the Under Secretary's attention to my previous memorandum upon Sands's claims.

CHAS. PINHEY.

The Under Secretary.
Superintendent of Stores, W.R.P., 11/4/77. For report, G.E., 12/4/77.—B.C.

The Superintendent of Stores to the Under Secretary for Finance and Trade.

27 April, 1877.

MEMORANDUM.—I do myself the honor to return the Examiner's Minute, dated 9th April, together with a report from the Acting Government Printer (who furnishes the probable quantities), upon the subject complained of by Mr. Pinhey.

I also beg to enclose my memorandum to the Acting Government Printer.

From Mr. Potter's report it will be seen that the price paid for the papers referred to are reasonable, and that, in the preparation of the Schedules there has not been that laxity charged against this Department by the Examiner.

In my former memorandum, I think I have sufficiently shown that with reference to paragraph No. 7, competition is sought in cases where the demand is large enough to warrant tenders being called.

As regards the alleged want of check at the Audit Office, I would observe that the requisitions and receipts can at any time be furnished, and I may say that it is a fact I have frequently to furnish that department with them.

L. I. BRENNAND,
Superintendent of Stores.

The

The Superintendent of Stores to The Acting Government Printer.

23 April, 1877.

MEMORANDUM.—The Examiner of Accounts having made a special report upon several accounts, complaining that the "probable quantities" given in the Schedule of Printing Papers have proved quite insufficient for the requirements of your service, and having taken exception to the purchase of papers without competition, I am desirous of obtaining your opinion upon the matter, and, at the same time, inquiring how your estimate of the "probable quantities" has become exhausted at so early a period of the year. The following are Mr. Pinhey's remarks upon the subject :—

"It will be seen that in the second and third months of the contract year the estimated quantity of the undermentioned articles for 1877 had already been supplied, and the prices charged (without competition) are found to have increased from 20 to 35% upon the contract rates, thus :—

	£ s. d.		£ s. d.		£ s. d.
Double demy, contract	1 1 0;	charged,	1 5 8;	trade price,	1 3 10
Pink ,, ,,	1 5 8;	,,	1 13 0;	,, ,,	1 9 4
Imperial cartridge ,,	1 13 6;	,,	2 0 0;	,, ,,	1 15 5

"In the last column is given what I am credibly informed is the trade price of these goods."

The Examiner I fancy must have received his information from some disaffected tenderer, as from my knowledge of the trade, and from information obtained from two disinterested persons thoroughly qualified to give an estimate, the prices charged were reasonable. Was not the double demy required for a particular service?

I desire in making this reference to obtain your opinion upon the reasonableness or otherwise of the prices charged, and at the same time I shall feel obliged if you will point out the extreme difficulty in framing a perfectly correct estimate of the quantities required.

L. I. BRENNAND,
Superintendent of Stores.

See memorandum herewith in reply.—C.P., 26/4/77.

The Acting Government Printer to The Superintendent of Stores.

Government Printing Office, Sydney, 26 April, 1877.

MEMORANDUM.—There does not seem to have been any want of prevision in framing the Schedule of Printing Papers required for 1877 ; and the items to which Mr. Pinhey, the Examiner of Accounts, takes exception are easily explained.

Perhaps there is no article which the Government has to provide for the Public Service, of which the quantity required for a year in advance is so difficult to fix as Printing Papers. For other articles reliable data may generally be found ; but for these, additional requisitions arise from Parliamentary and Governmental action, and vary with the length of the Sessions, with the number and nature of the Commissions and Select Committees appointed, with the character and extent of the works published and the jobs executed, and with the permanent or temporary departments or services called into existence. All that can be done is to take the work proper of the previous year, add a liberal percentage for the certain increment, and super-add allowances for every probable demand that can be anticipated. Beyond this point considerations of economy forbid the addition of items dependent upon contingencies that may never arise or circumstances of which there is no present indication.

One difficulty with regard to paper is, that contractors must have in store the quantities of each kind mentioned in the Schedule, as otherwise they might not be able to fulfil their contracts ; and the Schedule being framed for maximum quantities of each kind, they must necessarily have a surplus stock. Fitful demands for large supplies of particular kinds of paper, in excess of the quantities mentioned in the Schedule, increase the difficulty of contractors. Consequently, when they are able to comply with these extra demands, they compensate themselves by making an additional charge ; and if the paper has to be bought in the open market, even longer prices than theirs must often be submitted to by the Government.

But these exceptional prices may be only apparently exorbitant. Demand alone regulates supply, and the demand for many of the papers used by this department is very limited. Consequently, the stock of these in the Colony, whoever may hold it, is also limited. And, as even small requisitions may exhaust the stock, it is hard to affirm that any particular price is too high, considering the state of the market at the moment.

Another difficulty with regard to paper is, that it is very hard to ensure perfect uniformity as regards weight, texture, surface, colour, and quality ; and it often becomes necessary to purchase large quantities of particular kinds of paper, even in an unfavourable market, in order to secure this uniformity.

Sometimes there is work of so urgent a character that great inconvenience and delay would arise from waiting for supplies of paper from the contractor, and recourse must be had to the market, the state of which at the moment determines the extent of the purchases made and the prices given.

Sometimes papers not mentioned in the Schedule have to be procured, for jobs for which they are peculiarly adapted. For instance, the Electoral Maps for the late Government are printed on royal (double)—not in contract—and a large supply of that paper was obtained for the purpose. This was a totally unanticipated item.

The knowledge that there is a large quantity of a particular paper which is sure to be required obtainable at a certain house, while there is a dearth of it at other houses, often determines purchases.

The facility to obtain supplies will increase with the extension of commerce and manufactures, and is improving every day. Meanwhile, the best that can be done under the circumstances is being done, both by this department and by the Superintendent of Stores.

With reference to Mr. Pinhey's remarks, it is to be observed that too much reliance is not to be placed upon the opinions of persons with rival interests, as they are liable to depreciate each other's transactions ; and it is improbable that, within the limited sphere of the Sydney paper market, there is any one possessing a real knowledge of prices so disconnected from the trade as to be able to give an impartial opinion.

The explanation as to the particular papers mentioned by Mr. Pinhey is as follows ;—

Double demy : The excessive supplies of this paper have been required chiefly for the "Pastoral Reserves," an unanticipated job of enormous proportions. A large parcel was taken, to secure uniformity in colour, and also with the view of using it for printing the Electoral Maps of the late Government ; but subsequently double royal was procured for the purpose, as being a more suitable paper.

Pink double demy : 100 reams are mentioned in the Schedule ; but two jobs (Letter Bills) for the Post Office will alone consume 144 reams. This is quite an exceptional order as to quantity, but is a fair sample of the description of orders that upset ordinary calculations.

Cartridge paper : 30 reams are mentioned in the Schedule, and only 8 have as yet been requisitioned for by this department. An extra price being charged for the paper indicates that the Schedule had been exhausted by some other department.

The prices to which Mr. Pinhey objects are not excessive, and, regarded in the light of the explanations herein given, it will be easily understood why they should not be so, however much they may seem to conflict with quoted rates.

CHARLES POTTER,
Acting Government Printer.

Memo. under reply herewith returned (dated 23/4/77).

[*To*

[*To Evidence of James Thomson, Esq., 2 May*, 1879.]

C 1.

The Auditor General to The Under Secretary for Finance and Trade.

26 September, 1878.

Sir,

The evidences of carelessness, irregularity, and overpayments with which the accounts of the Store branch of the Treasury abound, render the examination of them a matter of serious embarrassment to this department. Numerous queries arise which, under ordinary care, would be prevented, and I have reason to be extremely dissatisfied with many of the explanations afforded to those queries.

To detail the individual cases of which I complain, would necessitate a reference to numerous vouchers furnished by the Superintendent of Stores during the last two or three years, and would occupy more space than can be given to the matter in a letter.

Whether the system is at fault, or the officers concerned in carrying it out, I cannot say, but I would strongly recommend the Colonial Treasurer to appoint a Board, to make a searching investigation into the whole business of the Stores Department, with a view to its being placed on a more satisfactory footing.

When the Board is appointed, I shall be prepared with the necessary papers and vouchers to support this recommendation.

I have, &c.,

C. ROLLESTON.

As Mr. Thomson has had this department under examination for a considerable time past, I should like to have his report upon the Auditor General's suggestions.—H.E.C., 30/9/78. Mr. Chief Inspector Thomson.—G.E., 1/10/78. See memorandum herewith on separate paper.—J.T., 9/10/78.

Memorandum with respect to the Store Department in connection with Auditor General's letter, 26th September, 1878.

THE charges made in this letter by the Auditor General against the Superintendent of Stores, and his request that a Board be appointed to make a searching investigation into the whole business of the Store Department surprise me not a little, as I was under the impression the changes which were effected in the system of accounts last year, at my instance, after having given the matter much attention and great consideration, had brought the general management to a far more satisfactory condition than it had attained at any former period since the re-organization of the department in 1864.

As the Auditor General does not appear to be aware of the many important changes which have recently been effected in the management of the Store Department, it may be as well for me to detail some of these changes here, in case the Honorable the Treasurer should desire to point them out when replying to Mr. Rolleston's letter.

A short time before Mr. Stuart retired from office he wrote the following minute with reference to the Store vote, viz. :—"I wish to know what check there is upon the expenditure of the large sum (about £70,000) of vote for Stores. I wish the matter inquired into and a stock account to be made up." This minute was referred to me on the 26th February, 1877, but owing to press of business then, and a change of Government occurring shortly afterwards, I found it impossible to undertake the inquiry until about the latter end of May or beginning of June of that year. My investigation soon convinced me that the accounts were kept upon no intelligible system, and that there was neither a reliable departmental check upon the receipt and issue of stores nor any satisfactory audit of the expenditure of the Store votes. After a long, anxious and earnest endeavour to establish a satisfactory check upon the receipt and issue of stores and stationery in past years I had to abandon the task as hopeless, for in very few cases could any relisble result be arrived at. The accompanying memorandum, marked A, addressed to me by the Superintendent, on the 20th June, 1877, shows that the system of accounts then in use was devised by himself. Mr. Brennand also points out in that memorandum what I soon became aware of myself during the course of my inquiries : that the persons appointed to his staff were not qualified to aid him much in carrying out the system which he then brought into operation.

Finding that no benefit could arise from a continuance of this abortive attempt to unravel the accounts of the past, I considered it my duty to introduce an entirely new system at the earliest possible period, and thus give the department a fresh start and an opportunity of retrieving its character. With this object in view, I suggested that the Stores should be closed for three or four days at the beginning of July, and that no issues should take place during that period, in order that a careful inventory of the stores and stationery then on hand might be made. Mr. Piddington, who was Treasurer at the time, approved of my suggestion, which was duly carried out. It was my intention to have supervised the stock-taking myself, but unfortunately I had at that very time to undertake an investigation of the accounts of Mr. Pretious, the officer lately in charge of the Occupation of Lands Branch. I have, however, reason to believe that on the whole the duty was faithfully and carefully performed by Mr. Brennand and his assistants.

The stock thus ascertained was made the basis of the new stock ledger, and from that time up to the present the receipt and issue of stores and stationery have, I believe, been duly recorded. I also prepared at the same time all the books and forms necessary for carrying out the new system of accounts, which came into operation immediately after stock-taking.

I likewise introduced a thorough check upon stores delivered by contractors direct to the various public departments, and into the store, for stock, and issue therefrom, as requisitions for supplies came in. Previous to these changes the Auditor General had no check whatever upon the accounts sent in by contractors for stores delivered direct to departments. In proof of this I annex a paper marked B, containing answers by Mr. Brennand to questions I put to him with respect to the payment of contractors' accounts. See B No. 1, question 16.

Feeling satisfied that there were none of Mr. Brennand's assistants capable of keeping the principal books—the ledger and journal—of the system of accounts I had established, I recommended that a good accountant should be appointed. On the recommendation of the Under Secretary (Mr. Eagar), Mr. Piddington gave the appointment to Mr. Hemming, Commissioner of Stamp Duties, whose situation as such was virtually abolished in July, 1877. Having had frequent opportunities of judging of Mr. Hemming's qualifications as an accountant, as well as of his general business habits, I have no hesitation in saying that a more competent person could not have been selected for the position. Since he entered upon the arduous duties of his office, he has by good management brought the clerical staff into a state of comparative efficiency, and has himself kept the journal and ledger in a most creditable manner. Not having, however, made any detailed examination of his accounts since he took charge of the account branch, I cannot of course positively affirm that they are right as a whole, but I have every reason for believing that such is the case.

Almost concurrently with stock-taking and the new system of accounts, I prepared a code of "Instructions for the guidance of the Superintendent of Stores, with respect to the receipt and issue of Stores and Stationery, and the recording of the same in the books of his department," a copy of which was sent to the Auditor General on the 11th September, 1877. (See papers attached marked C.) From these instructions it will be seen that I provided in the most ample manner for the transmission of documents to the Auditor General, in a form which could not I think fail to satisfy the requirements of his department. As already stated, he had no check upon Store issues prior to that date. Seeing, however, that a check was indispensable, I deemed it my duty to endeavour to have one established by the proper officer, namely, the Auditor General, and therefore provided for the same in the Instructions.

Finding that large quantities of articles, manufactured in the gaols of the Colony by prisoners were received into the Store, and issued for the use of the Public Service as required, for which the gaols were not receiving credit, I suggested an arrangement under which the value of these supplies would in future be charged against the Store Vote, and the amount paid into the Revenue Branch of the Treasury as a receipt on account of prison labour. I attach copies of the papers in regard to this matter, which I have marked D. From these documents it will be seen that the value of the gaol goods was to be paid into the Treasury quarterly ; that is, the amount was to be debited to the Store Vote, and then taken credit for as a receipt, such as I have described. Notwithstanding the Auditor General was apprised of this arrangement, he has not, so far as I am aware, drawn attention to the fact that not a single quarterly adjustment has yet taken place. Some five or six weeks ago I pointed out this omission to Mr. Brennand, and I believe some steps have since been taken by him towards effecting

effecting the necessary adjustments for the first two quarters of this year. I may here mention that, in consequence of there having been no vote in 1877 for the purchase of all the materials necessary for the manufacture of articles in gaol (the cost of a portion of which had hitherto been charged to the Store Vote), I instructed the Superintendent to continue the old system of dealing with these gaol supplies to the close of last year, but to commence and continue the new arrangement from and after the 1st January, 1878.

Previous to my inquiry into the working of the Store Department, and until the close of 1877, stores and stationery were, as a general rule, issued to the public departments twice in the year, viz., in January and July. This arrangement was found most inconvenient, as it crowded far too much work into these two months. The result of such an arrangement could not fail to be unsatisfactory, and I am satisfied many mistakes occurred from this over-tasking the staff during those particular periods. I suggested therefore that the issues should be equally spread over the year, still adhering to the system of half-yearly requisitions, but supplying so many departments in one month, and so many in another, and so on, throughout the first six months, repeating the same arrangement during the last six. My suggestions were approved by the late Treasurer, Mr. Long, and the new arrangement has been in operation since the beginning of the present year. I attach copy of the Gazette Notice referring to this matter, which will be found marked E.

Feeling convinced from inquiries made that there existed no proper check on the local issues of stores supplied (frequently in large quantities) to some of the larger Government Establishments, I introduced a plan by which misappropriation of stores and stationery and extravagance would, partially at least, be checked. Papers relating to this plan will be found herewith, marked F. The responsibility of seeing that the Treasury instructions in reference to this matter are strictly carried out devolves of course upon the Superintendent of Stores.

In consequence also of the confused and unsatisfactory condition of the Cloth Account I recommended that the system of purchasing cloth, and contracting for making garments therefrom, should be discontinued entirely at the close of 1877, and that in future tenders should be called for, for supplying all the clothing required, ready made. This suggestion was also approved, if I mistake not, by Mr. Long, and is now in operation.

Besides these important changes, there are many others that were introduced by me affecting more or less the management of the department generally, but the accounts in particular.

As the Auditor General in his letter states that the evidence of carelessness, irregularity, and over-payments with which the accounts of the Store Department abound, render the examination of them a matter of serious embarrassment to his department, that numerous queries arise which, under ordinary care, would be prevented, and that he has reason to be extremely dissatisfied with many of the explanations afforded to those queries, I think it would be only fair to the Superintendent of Stores, before the request for a Board of Inquiry be granted, that the necessary papers and vouchers referred to in the last paragraph of Mr. Rolleston's letter should be submitted for the information of the Treasurer, in order that he may judge for himself whether the case is one where the extreme course of appointing a Board is necessary. Boards are not usually appointed where public officers are simply inconvenienced in the discharge of their ordinary duties; nor are they ever asked for unless in cases where the management of a department is so defective as to give general dissatisfaction to the public, who suffer loss thereby. I have no desire to screen any of the officers of the Store Department where blame attaches to them for "carelessness, irregularity, or over-payments," but it appears to me that the course to be first followed is for the Auditor General to submit for the consideration of the Treasurer, who is the Minister under whom the Store Department is placed, all the cases referred to, or at least those in which gross carelessness is, in his opinion, displayed. Should the Treasurer, after an investigation of these cases, and after affording the Superintendent of Stores an opportunity of defending himself from the charges of the Auditor General, feel that there has been culpable negligence or wrong-doing on the part of Mr. Brennand or any of his staff, he will then be in a position to grant or refuse the request of the Auditor General for a Board of Inquiry.

I am aware that delay has frequently occurred in furnishing the Auditor General with the necessary acknowledgments of country officers for stores and stationery forwarded to them; but if it can be proved, as I think it can in the most of cases, that the Store officials are not to blame for such delay, I hope the Auditor General will see the necessity for striking these out of his list of charges against the department. Some time ago I made a suggestion (now before the Under Secretary) which, if adopted, will, I feel satisfied, secure the return of these documents within a reasonable time. After all, the business of the Store Department is of such a nature—corresponding almost to that of a retail establishment—as scarcely to admit of its being subjected to the audit which is brought to bear upon other Government Departments. The Auditor General seems also to overlook the fact that the detailed audit now applied to the Store accounts only commenced from July, 1877, and that consequently some allowance should be made for working out a system which is of such recent introduction.

I can assure the Honorable the Treasurer that ever since I commenced my inquiries into the accounts of the Store Department I have taken every opportunity to watch and direct the working of the new system, and I think I am justified in saying that I consider it now in a state of thorough efficiency, and no one will be more surprised than myself if any of the charges brought against the department by the Auditor General can be shown to have arisen entirely from any defect in the system I introduced last year, at the expense of days and nights of hard work and anxious consideration.

In conclusion, I would suggest that the Auditor General be invited to visit the Stores, examine the books, and investigate the system of accounts now in operation as fully as he chooses, and confer on any matters relating thereto with Mr. Brennand, Mr. Hemming, or myself.

JAMES THOMSON,
Consulting Accountant.

The Treasury, N.S.W., 8 October, 1878.

Mr. Thomson has narrated fully the comparatively recent reforms introduced into the working of the Stores Department, and expressed views which have my concurrence, so that I cannot now see the necessity for appointing a Board as suggested by the Auditor General, to whom Mr. Thomson's report may be forwarded for perusal.—H.E.C., 30/10/78.
The Auditor General, for perusal and return, B.C., 30/10/78.—G.E. Read and returned.—C.R., 4/11/78.

(A.)

The Superintendent of Stores to James Thomson, Esq.

20 June, 1877.

MEMO.—With reference to the subject of the audit or examination of the accounts of this department and method of book-keeping hitherto observed, I wish to impress upon you the fact that the system adopted by me, quite unaided and without any instructions, has hitherto, so far as I am aware, met all requirements. I am quite conscious that it is defective. I have, however, not only thus been left upon my own resources, but the class of gentlemen appointed to assist me in this respect have not generally been such, from want of experience and other disqualifications, to even aid me in carrying out what you have designated a very defective system.

It would be invidious of course to particularize individuals; but your knowledge of the Store officers for the last few years, your examination of the books, and the result of your observation during the present inquiry, are I am quite sure sufficient to satisfy you that in the management of so large a department as this I am not properly or adequately supported. My attendances at the Treasury are frequent, and with Tender Boards, &c., sometimes prolonged, and with interviews both with contractors and public officers, my time is almost fully occupied. It is therefore utterly impossible without proper assistance to look so closely into clerical matters as is my duty and desire. I therefore trust that in your report to the Under Secretary you will kindly take these facts into your favourable consideration, in mitigation, or some palliation, of any laxity or want of care that may be evidenced upon your examination of the books of this department.

L. I. BRENNAND,
Superintendent of Stores.

(B No. 1.)

(B No. 1.)

Payment of Contractors' Accounts.

Questions.	*Replies.*
No. 1.—Are contractors' accounts rendered in duplicate ?	No, except in cases where the heads of departments have made special request to have them so rendered.
No. 2.—If so, is one copy filed in the department ?	Not in the Store Department ; the duplicate is retained by the officer to whom the goods are sent.
No. 3.—Who checks the accounts ?	Messrs. M'Veigh and Hill, and occasionally Mr. Nash.
No. 4.—By what records are they checked ?	In the first place they are checked by the contractors' receipts, to prove the delivery of the goods ; the rates are then compared with the contract price list, the extensions and addition checked ; and finally the payment, or rather passing of the account, is noted on the requisition itself.
No. 5.—What means are there of detecting double charges ?	A double charge would be impossible if the above checks are faithfully carried out. No account is passed until the articles charged for are marked off on the requisition. Should a second claim be made the requisition would be referred to, and the previous payment at once detected.
No. 6.—By whom is the certificate attached to the account signed ?	By the Superintendent of Stores.
No. 7.—Are accounts for stores taken into stock initialled by any officer of the department ; and if so, by whom ?	They are initialled by both Mr. M'Veigh and Mr. Hill, after examination of the foreman's receipt for the goods.
No. 8.—How often do contractors render their accounts in the year ?	The regulations provide for monthly or quarterly payments, at the option of the Government, but accounts are sent in weekly, and in some cases daily. A request is generally made by all contractors for payment before the departure of the home mails.
No. 9.—Are they informed when reductions are made in their accounts, and of the nature of those alterations ?	Yes, they have full particulars conveyed to them by a memo. specially printed for the purpose.
No. 10.—Is a register kept of the accounts received, showing when received, and when transmitted to the Treasury ?	No register is kept of the date of receipt, but a record is made of the date of transmission to the Treasury for payment.
No. 11.—What is the average time an account is kept in the department before transmission to the Treasury ?	As before observed, contractors are frequently so importunate for payment that their accounts do not remain here above a day or two, but upon an average I should say the bulk of the accounts remain for three or four weeks.
No. 12.—Are the accounts sent to the Treasury separately or in batches ?	Generally in batches, but many cases occur where they are sent singly and in lots of two and three.
No. 13.—Is the Superintendent of Stores informed by the Treasury when the accounts are paid ?	No.
No. 14.—Are there any personal accounts kept with the contractors in the Stores books ?	Only two I think, and they are for the purchase of old rags or stores.
No. 15.—Are the accounts forwarded to the Treasary supported by the certificate of the officers who have received the articles therein charged ?	No, their receipts are retained in the Store Department.
No. 16.—Does the Auditor General not require such certificates in support of every account paid ?	No, they are never asked for.
No. 17.—Does the Auditor General require the requisitions to be forwarded to his department ?	No, but there are occasional cases where both the requisition and receipts have to be produced.
No. 18.—Are receipts always obtained from the various receiving officers before the accounts are sent to the Treasury for payment ?	Yes, or satisfactory proof given that the goods were duly delivered.

JAMES THOMSON.

Government Stores, 28th June, 1877.

L. I. BRENNAND, Superintendent of Stores.

(B No. 2.)

Tenders or Contracts.

Questions.	*Replies.*
No. 1.—Are contracts all taken for the calendar year ?	No. 1.—The stores contracts, I may say, are all taken for the year ending 31st December, with exception of the linen-drapery contracts, which are now taken for two years. There are, of course, a great many supplementary contracts taken at different periods of the year for the supply of articles of a special character.
No. 2.—How many descriptions of contracts are required for stores and stationery supplies ?	No. 2.—About thirty, embracing the following :—Blankets, book-binding materials, boots, shoes, &c., brushware and materials, cloth, dowlas, &c., clothing for attendants in the Hospitals for Insane, clothing for Volunteer Artillery, Permanent Force, Engineers, do. Country Corps, earthenware, &c., grindery, ironmongery, Hyde Park Asylums, linendrapery, medicines, &c., teil and kerosene oils, Post Office bags, printing materials and printing papers, writing papers, saddlery, harness, shipchandlery, stationery, surveyors' materials, tinware.

Questions.	*Replies.*
No. 3.—Are there any fixed times for calling tenders?	No. 3.—There is no regular period of the year, but tenders are generally invited during the first six months of the year.
No. 4.—What are the conditions of contract?	No. 4.—Conditions in use enclosed.
No. 5.—Are the lowest tenders always accepted?	No. 5.—I think I may say invariably.
No. 6.—Is the lowest tender ascertained by adding up the prices of the probable quantities at the rates given in the tender?	No. 6.—Yes, the extensions and additions are checked, and the gross total is taken as the amount of the tender.
No. 7.—Are the tenders referred to the Superintendent of Stores, for the purpose of having the calculations checked?	No. 7.—Yes.
No. 8.—Are the tenders so referred initialled by every member of the Tender Board before such reference?	No. 8.—Not by every member. It is thought sufficient when the initials of two members have been obtained.
No. 9.—By whom are the calculations checked?	No. 9.—Either by Mr. M'Veigh or myself.
No. 10.—How long do these documents generally remain in the hands of the Superintendent?	No. 10.—Sometimes only for a day; at other times the calculations are long, and cannot be done in less than two or three days.
No. 11.—Could tenders be manipulated in any manner without such manipulation being discovered by the Board afterwards?	No. 11.—Not readily. There is a special instruction on each schedule that no tender is to have any erasure; should it have any, it is informal, and liable to rejection. Any alteration, therefore, of a tender at the stores would most probably be detected when submitted for the recommendation or consideration of the Board.
No. 12.—How are the probable annual quantities given in the schedules ascertained?	No. 12.—Principally by a reference of the several schedules to the officers most interested in the supply, thus: All schedules for printing papers, book-binding materials, printing materials, &c., are referred to the Government Printer; Volunteer uniforms, to the Brigade Major; linen drapery, to Dr. Manning; saddlery, boots, &c., to the Inspector General; shipchandlery, to Captain Hixson, &c.
No. 13.—Are the accepted tenders filed in the Store Department?	No. 13.—No copies of them are taken, but the originals are returned to the Treasury.
No. 14.—If not, where are they kept?	No. 14.—With the Under Secretary, I believe.
No. 15.—How, and by whom, are the successful tenderers informed?	No. 15.—By the Superintendent of Stores.
No. 16.—Who compiles the book of contracts?	No. 16.—Mr. M'Veigh, of this department.
No. 17.—When goods are required which are not in contract, how are they obtained?	No. 17.—If required in quantities sufficiently large to justify calling for tenders, the usual course of advertising in the Gazette is adopted. If in smaller quantities, the trade is invited by circular to tender; and for solitary or small articles, purchased at the most reasonable rates.
No. 18.—Are the prices thus obtained submitted for approval before purchase?	No. 18.—Only in cases where the amount is by public tender, or of sufficient importance to render it advisable to submit them for the Treasurer's approval.
No. 19.—When the probable quantities are supplied early in the year, are fresh tenders called for such other quantities as are likely to be required to complete the service of the year?	No. 19.—The contingency referred to does not often occur. The probable quantities do not generally run out until towards the end of the year; but the new condition in the schedules will meet cases of this nature.

JAMES THOMSON.

Government Stores,
5th July, 1877.

L. I. BRENNAND,
Superintendent of Stores.

(B No. 3.)

Requisition for Stores and Stationery.

Questions.	*Replies.*
No. 1.—Are all requisitions obtained through the Treasury?	The regulations of June the 18th, 1864, provide that all requisitions be forwarded to the Under Secretary for Finance and Trade, but in some instances they are sent to the Stores direct.
No. 2.—Are they always signed by heads of departments or other duly authorized officers?	Yes; and in many instances are countersigned by the respective Under Secretaries.
No. 3.—When received, are they at once registered?	Yes.
No. 4.—By whom are they registered?	By Mr. O'Donnell, the Record Clerk.
No. 5.—Are they acted upon before being approved at the Treasury?	Not as a rule, but only in cases of urgency.
No. 6.—Who examines them with a view to checking improper or excessive demands?	I generally perform this duty myself; but besides this I have given instructions to the officers who order the stores to call my attention to any demand which seems excessive or unusual, and which had escaped my notice.
No. 7.—As a general rule, are all goods requisitioned for supplied?	Yes.

Questions.	*Replies.*
No. 8.—Is there any regulation respecting the time or times for sending in requisitions?	The regulations of 1864 provide that requisitions be furnished half-yearly, viz., in January and July.
No. 9.—Is there any specified period allowed for attending to or fulfilling an order?	Not any.
No. 10.—Who looks out the stores which are supplied from stock?	The stationer looks out all articles of stationery, and the foreman or assistant foreman all other stores.
No. 11.—Are these goods checked off and entered by any of the clerical staff before despatch?	No. This duty devolves upon either the foreman or the stationer.
No. 12.—How are goods not in stock obtained from the contractors?	The requisitions for general stores are handed to the clerk, who prepares the orders for such upon a prescribed form. The stationery orders are prepared by the stationer.
No. 13.—Do the contractors furnish a priced invoice with every lot of goods ordered?	No; simply delivery notes containing a list of articles furnished. These are generally prepared in triplicate, the foreman of stores retaining one copy for his information, two are returned to the contractor for his future use, one being required to support his account when rendered.

JAMES THOMSON.

Government Stores, 28th June, 1877.

L. I. BRENNAND, Superintendent of Stores.

(C.)

Minute Paper.

Subject: Instructions for the guidance of the Superintendent of Stores and his Staff.

The Treasury, New South Wales, Sydney, 3 August, 1877.

I BEG to submit for the consideration of the Hon. the Treasurer, a Memorandum of Instructions which I have prepared for the guidance of the Superintendent of Stores with respect to the receipt and issue of stores and stationery, and the recording of same in the books of his department. If approved by the Treasurer, a copy of the memorandum should be forwarded to the Auditor General, in order that he may see the check which the system I have introduced provides on the payment of goods for immediate issue, &c.

It will be observed from clause 19 that I propose a longer time than has hitherto been allowed for examination of the monthly accounts furnished by contractors, because I am satisfied they cannot properly be done in a shorter period. The conditions to which contractors have subscribed, give the Government the option of making monthly or quarterly payments, and the arrangement I have suggested is something between these, and at the same time fair both to the Government and the contractors, who, in ordinary business transactions, give three or four months credit to their customers. I therefore trust the Treasurer will not see fit to alter this proposal, as from my intimate knowledge of the working of the department I am perfectly sure the accounts cannot be satisfactorily checked in a shorter period. See copy of conditions herewith.

JAMES THOMSON.

Approved.—W.A.L., 21/8/77. Mr. Thomson.—G.E., 22/8/77.

As I understand some inconvenience will arise by a strict adherence to the 19th clause of the Instructions, I beg to suggest that pending a detailed examination of their accounts, contractors be paid an amount on account of their claims on the certificate of the Superintendent of Stores. I submit for the approval of the Treasurer form of certificate prepared by me for the purpose.—J.T., 5/9/77. Approved.—W.A.L., 6/9/77. Mr. Reid.—J.T., 10/9/77. Letter to Supt. of Stores, Auditor Genl., Examiner.—H.R., 11. Chief Inspector.—J.T., for U.S., 11/9/77.

The Under Secretary to The Examiner of Accounts.

Sir,

The Treasury, New South Wales, Sydney, 11 September, 1877.

I do myself the honor to hand you for your guidance in connection with the passing of claims for stores and stationery supplied by contractors and others for the Public Service, copy of letter addressed by me this day to the Superintendent of Stores, together with copies of the enclosures therein referred to.

I have, &c.,

G. EAGAR.

INSTRUCTIONS for the guidance of the Superintendent of Stores with respect to the receipt and issue of Stores and Stationery and the recording of same in the books of his Department.

1. The new system of accounts is to take effect from the 1st July, 1877.
2. The books now in use are to be abandoned, except in so far as it is found necessary to write them up to the 30th June last, with a view to their being finally closed.
3. No stores of any description are to be issued in future unless under duly approved requisitions. Every deviation from this rule discovered by the Inspectors will be reported by them to the Treasurer.
4. The new stock-books are to be commenced with the articles found by stock-taking to have been in the store on the 30th of June last.
5. All goods purchased from contractors, or obtained from gaols for stock, are to be entered at once in the "Stores Received Day Book" and posted monthly into the "Stock Books."
6. No goods are to be received into the store, either for immediate issue or for stock, unless accompanied by a priced invoice.
7. Contractors must therefore be informed to this effect, and furnished with supplies of the forms of account to be used by them in future.
8. No issue of stores to take place until a priced invoice is made out, the goods checked off thereby, and full particulars of issue entered in the "Stores Issued Day Book."
9. On receipt of requisitions from the Treasury, they must be entered at once in the "Requisition Register," and numbered in the order of registration.
10. Requisitions must be carefully examined either by the Superintendent of Stores himself, or the officer next to him, for the purpose of ascertaining whether the articles required are excessive in quantity or of such a character as should not be furnished.
11. When this operation is performed, they must be returned to the Treasury with as little delay as possible, with the Superintendent's report thereon, so that the requisite approval to issue may be obtained. The date of transmission to the Treasury to be entered in the register.
12. On receiving them back, the date of return to be also noted in the register.
13. The requisitions are then to be examined by the officer whose duty it is to do so, for the purpose of noting thereon the goods which can be supplied from stock, and those which require to be obtained from contractors.
14. The order clerk will then prepare the orders on the contractors, which are to be numbered in consecutive order and press copies taken of each.
15. The requisition is then to be handed to the stationer or foreman of stores, as the case may require, who will look out the goods which can be furnished from stock, and make out invoice of same. The details are then to be entered from the invoice into the "Stores Issued Day Book," after the goods have been duly checked off.

16. The entering clerk must note on the invoice the page of the day book in which the entry is made, and initial the same.

17. When the goods are despatched, a list of them, accompanied by the priced invoice referred to, must be forwarded to the officer who requisitioned for them. This list he is to retain, but the invoice is to be returned to the Superintendent of Stores with the certificate attached thereto duly signed.

18. Lists and invoices of goods supplied by contractors to be similarly dealt with.

19. Contractors' accounts are to be rendered monthly, and payment made at the beginning of the second month following that for which they are rendered.

20. Immediately on their receipt they are to be registered in the register prepared for the purpose, and all the information indicated thereby filled in at their different stages.

21. After careful examination and comparison with the books of the department they are to be certified and forwarded to the Treasury for liquidation, supported by the priced invoices in all cases where these have been returned. Invoices which cannot thus be furnished must be forwarded to the Auditor General as soon afterwards as possible.

22. When stores, stationery, or other articles are delivered at the store, particulars of every package received must be entered at once in the "Register of Stores Received."

23. When goods of any description are issued from the store, particulars of every package despatched must be recorded in the "Register of Stores Issued."

24. An account is to be kept in the miscellaneous ledger with the firm who has the contract for the making of garments from cloth supplied from the Colonial Store. This account is to show on the debtor side the quantities and descriptions of cloth issued for the purpose, and on the credit side the details of the garments made, and the quantity of cloth used in their manufacture.

25. Accounts are also to be kept in the miscellaneous ledger of miners' rights, business licenses, unserviceable stores, and of flags and other articles that are usually issued on loan. No article is, however, to be lent without proper authority.

26. Once every month the Superintendent of Stores is to examine at least one dozen lines of articles in stock, comparing the quantity shown by the stock book with the quantity found on hand, and report the result of such inspection to the Colonial Treasurer on a form to be supplied for the purpose.

27. Any serious deficiency of articles found to exist on such occasions must be reported to the Colonial Treasurer, together with any explanations which the Superintendent of Stores thinks necessary.

28. On the occasion of every such inspection different lines must be taken; but the person in charge of such articles should not be informed beforehand of the lines to be inspected.

5th July, 1877.

The Under Secretary to The Auditor General.

Sir, The Treasury, New South Wales, Sydney, 11 September, 1877.

I do myself the honor to inform you that on the recommendation of the Chief Inspector of Public Revenue Collectors' Accounts, who has been for some time past engaged in systematising the accounts of the Colonial Store Department, the Treasurer has approved of the code of instructions drawn up by that officer for the future guidance of the Superintendent of Stores with respect to the receipt and issue of stores and stationery, of which I am directed to hand you a copy.

As the provision made by the 19th clause of these instructions for the payment of contractors' accounts might in some instances be attended with inconvenience to the claimants, it has been arranged to make them advances on the certificate of the Superintendent of Stores, pending the examination of their accounts in full detail. For your information, therefore, I enclose a copy of the form of certificate which has been prepared for the purpose.

I have, &c.,
G. EAGAR.

INSTRUCTIONS for the guidance of the Superintendent of Stores with respect to the receipt and issue of stores and stationery and the recording of same in the books of his department.

1. The new system of accounts is to take effect from the 1st July, 1877.

2. The books now in use are to be abandoned, except in so far as it is found necessary to write them up to the 30th June last, with a view to their being finally closed.

3. No stores of any description are to be issued in future unless under duly approved requisitions. Every deviation from this rule discovered by the Inspectors will be reported by them to the Treasurer.

4. The new stock-books are to be commenced with the articles found by stock-taking to have been in the store on the 30th of June last.

5. All goods purchased from contractors, or obtained from gaols for stock, are to be entered at once in the "Stores Received Day Book" and posted weekly into the "Stock Books."

6. No goods are to be received into the store, either for immediate issue or for stock, unless accompanied by a priced invoice.

7. Contractors must therefore be informed to this effect, and furnished with supplies of the forms of accounts to be used by them in future.

8. No issue of stores to take place until a priced invoice is made out, the goods checked off thereby, and full particulars of issue entered in the "Stores Issued Day Book."

9. On receipt of requisitions from the Treasury, they must be entered at once in the "Requisition Register," and numbered in the order of registration.

10. Requisitions must be carefully examined either by the Superintendent of Stores himself or the officer next to him, for the purpose of ascertaining whether the articles required are excessive in quantity or of such a character as should not be furnished.

11. When this operation is performed they must be returned to the Treasury with as little delay as possible, with the Superintendent's report thereon, so that the requisite approval to issue may be obtained. The date of transmission to the Treasury to be entered in the Register.

12. On receiving them back the date of return to be also noted in the register.

13. The requisitions are then to be examined by the officer whose duty it is to do so, for the purpose of noting thereon the goods which can be supplied from stock, and those which require to be obtained from contractors.

14. The order clerk will then prepare the orders on the contractors, which are to be numbered in consecutive order, and press copies taken of each.

15. The requisition is then to be handed to the stationer or foreman of stores, as the case may require, who will look out the goods which can be furnished from stock, and make out invoice of same. The details are then to be entered from the invoice into the "Stores Issued Day Book," after the goods have been duly checked off.

16. The entering clerk must note on the invoice the page of the day book in which the entry is made, and initial the same.

17. When the goods are despatched, a list of them, accompanied by the priced invoice referred to, must be forwarded to the officer who requisitioned for them. This list he is to retain, but the invoice is to be returned to the Superintendent of Stores with the certificates attached thereto duly signed.

18. Lists and invoices of goods supplied by contractors to be similarly dealt with.

19. Contractors' accounts are to be rendered monthly, and payment made at the beginning of the second month following that for which they are rendered.

20. Immediately on their receipt they are to be registered in the register prepared for the purpose, and all the information indicated thereby filled in at their different stages.

21. After careful examination and comparison with the books of the department they are to be certified and forwarded to the Treasury for liquidation, supported by the priced invoices in all cases whese these have been returned. Invoices which cannot thus be furnished must be forwarded to the Auditor General as soon afterwards as possible.

22. When stores, stationery, or other articles are delivered at the store, particulars of every package received must be entered at once in the "Register of Stores Received." 23.

23. When goods of any description are issued from the store, particulars of every package despatched must be recorded in the "Register of Stores Issued."

24. An account is to be kept in the miscellaneous ledger with the firm who has the contract for the making of garments from cloth supplied from the Colonial Store. This account is to show on the debtor side the quantities and descriptions of cloth issued for the purpose, and on the credit side the details of the garments made, and the quantity of cloth used in their manufacture.

25. Accounts are also to be kept in this ledger of miners' rights, business licenses, unserviceable stores, flags, and other articles that are usually issued on loan. No article is, however, to be lent without proper authority.

26. Once every month the Superintendent of Stores is to examine at least one dozen lines of articles in stock, comparing the quantity shown by the stock book with the quantity found on hand, and report the result of such inspection to the Colonial Treasurer, on a form to be supplied for the purpose.

27. Any serious deficiency of articles found to exist on such occasions must be reported to the Colonial Treasurer, together with any explanations which the Superintendent of Stores thinks necessary.

28. On the occasion of every such inspection different lines must be taken; but the person in charge of such articles should not be informed beforehand of the lines to be inspected.

5th July, 1877.

Butt.

Chargeable to the Vote for

187 .

No. The Colonial Store Department,
Sydney, 18 .

Sir,

I do myself the honor to inform you that

ha rendered accounts for delivered by my instructions, during the month of last, either to the Colonial Stores or to other departments of the Public Service, to the amount of £

As it will take some considerable time to check these accounts in detail and compare them with the books of this department, I beg to recommend that an advance of £ be at once made to which will leave unpaid a sum sufficient in my opinion to meet any possible errors or overcharges. I may add that the accounts referred to have been so far examined as to satisfy me they are correct in the main.

I have the honor to be,
Sir,
Your obedient Servant,

Superintendent of Stores.

The Under Secretary
For Finance and Trade.

Certificate Form.

Pay Voucher No.

Chargeable to the Vote for

187 .

No. The Colonial Store Department,
Sydney, 18 .

Sir,

I do myself the honor to inform you that
ha rendered accounts for
delivered by my instructions during the month of
last, either to the Colonial Stores or to other departments of the Public Service, to the amount of £

As it will take some considerable time to check these accounts in detail, and compare them with the books of this department, I beg to recommend that an advance of £ be at once made to which will leave unpaid a sum sufficient in my opinion to meet any possible errors or overcharges. I may add that the accounts referred to have been so far examined as to satisfy me they are correct in the main.

I have the honor to be,
Sir,
Your obedient Servant,

Superintendent of Stores.

The Under Secretary
For Finance and Trade.

The Under Secretary to The Superintendent of Stores.

Sir, The Treasury, New South Wales, Sydney, 5th September, 1877.

I do myself the honor to enclose, for your information and guidance in carrying out the system of accounts recently introduced by Mr. Chief Inspector Thomson, a code of instructions prepared by that officer which has been approved by the Hon. the Teasurer.

In transmitting this document I have to request that the instructions therein contained be strictly adhered to, and that you will lose no time in taking the necessary steps for giving them full effect. It might be advisable to place a copy of these instructions in the hands of every person employed in the Store Department, so that all may become acquainted with them.

As some inconvenience may be experienced by contractors and others in connection with the monthly payment system, provided for by the 19th clause of the instructions referred to, I have to inform you that, pending the examination of their accounts in detail, advances on account of their claims will be made on your certificate. I enclose a copy of the form of certificate to be used by you in cases of this kind. The Government Printer has been instructed to prepare you a book containing 200 copies of this form with a counterpart for a butt, the receipt of which you will please acknowledge together with the receipt of this communication.

I have, &c.,
G. EAGAR.

The Superintendent of Stores to The Under Secretary for Finance and Trade.

Sir, The Treasury, New South Wales, Store Department, 1st October, 1877.

I do myself the honor to acknowledge the receipt of your letter, dated 11th September, enclosing a copy of a code of instructions prepared by Mr. Chief Inspector Thomson, and to state that care will be taken that they be strictly adhered to. I also beg to acknowledge the receipt of a book of forms of advances to be made upon contractors' claims.

I have, &c.,
L. I. BRENNAND,
Superintendent of Stores.

Chief Inspector.—G.E., /3.

(D.)

The Chief Inspector of Public Accounts to The Under Secretary for Finance and Trade.

Sir, The Treasury, New South Wales, Sydney, 2 July, 1877.

In connection with my present inspection of the store accounts, and my inquiry into the system of check now in operation on the expenditure of the vote for stores and stationery, I do myself the honor to request that you will have the goodness to submit for the consideration and approval of the Hon. the Treasurer the following recommendations with respect to the future management of accounts between the Comptroller General of Prisons and the Superintendent of Stores for articles manufactured in the larger gaols of the Colony, supplied to the latter on account of the public service.

It appears that the gaols at Darlinghurst, Parramatta, Goulburn, Bathurst, Maitland, and Berrima, forward to the Colonial Stores from time to time large quantities of various descriptions of articles manufactured by prisoners. These goods are not paid for, although issued from the stores to Government departments as required, in the same manner as goods purchased from contractors are issued. With the exception of leather, which is charged to the store vote, all the materials used in the manufacture of articles in these gaols are charged to the vote taken for the purpose under the head of prisons, thereby increasing the cost of these establishments by a service which in reality is highly reproductive.

As I am desirous of securing in the arrangements I am now making for checking the receipts and issues of stores a better and more equitable system of dealing with the articles obtained from the gaols above-mentioned, I would recommend that the following plan be at once adopted:—

1. That the cost of all materials, leather included, used in the manufacture of articles in gaol be defrayed from the vote taken for the purpose under the head of "Prisons."

2.

2. That the articles supplied by the gaols to the store, including such as are used in their maintenance, be paid for at prices to be annually agreed upon by the Comptroller General and the Superintendent of Stores.

3. That every supply of such articles is to be accompanied by a priced invoice in duplicate, the particulars and amount of which, after being carefully checked, to be entered in the store books to the credit of the gaol from which obtained, and the several articles debited to stock.

4. At the close of every quarter the Superintendent of Stores to forward to the Treasury a statement supported by the gaol invoices of the amount chargeable to the store vote for all goods so supplied by the gaols, which amount is to be transferred to revenue as the proceeds of prison labour, inclusive of the cost of material.

5. That the receiver forward the receipts for such proceeds, either to the Comptroller General or the gaolers of the respective gaols.

I must not, however, omit to mention that the introduction of this system, which I feel satisfied is the right one, may result in the necessity for a supplementary vote for stores, and a larger amount than that now on the Estimates for the purchase of materials for the employment of prisoners. These supplementary votes would, however, be merely nominal additional expenditure, because a like amount would appear on the other side of the account as the proceeds of prison labour. Under this explanation I should imagine there would be no difficulty in obtaining the necessary supplies, the more especially as the new system, which it would admit of being brought into operation, would enable more correct statements of expenditure for stores being annually submitted to Parliament.

Before the Treasurer approves of these recommendations, perhaps it might be advisable to refer this communication to the Comptroller General of Prisons for report.

I have, &c.,
JAMES THOMSON,
Chief Inspector, &c.

Mr. Monday,—Register.—G.E., 4/7/77. The Comptroller General of Prisons, for report.—W.R.P., 3/7/77. G.E., 4/7/77.

Under Secretary for Finance and Trade,—submitting for approval certain recommendations with respect to future management of accounts between Comptroller General of Prisons and Superintendent of Stores, for articles manufactured in gaols, supplied to the latter for the public service.

I have already been in communication with the Chief Inspector of Accounts upon this subject, and think that his proposals may be adopted with advantage.—H.M., B.C., 7 July, 1877. Under Secretary Finance and Trade. Chief Inspector.—G.E., 9. Might be submitted to the Treasurer, who may now see fit to sanction the arrangements proposed.—J.T., 10/7/77. The proposed arrangements may be carried out.—W.R.P., 10/7/77.

Mr. Thomson.—G.E., 11/7/77. As the Comptroller General of Prisons is an officer responsible to the Honorable the Colonial Secretary, it might be advisable that his concurrence be obtained to the proposed arrangements before requesting Mr. Maclean to carry them out, in conjunction with the Superintendent of Stores.—J.T., 13/7/77. The Colonial Secretary.—W.R.P., 13/7/77. The Under Secretary, Colonial Secretary's Department.—G.E., 13/7/77., B.C. The Comptroller General of Prisons.—B.C., 14 July, 1877, H.H.

Under Secretary Finance and Trade, 7 July, /77,—Suggestions as to future management of accounts between Comptroller General of Prisons and Superintendent of Stores for articles manufactured in gaol and supplied to the public service.—Comptroller General, 16 July, 1877.

Under Secretary for Finance and Trade,—For papers *in re* suggestions as to future management of accounts between Comp. General of Prisons and Supt. of Stores, for articles manufactured in gaol, and supplied to the public service.

Memo. for the Under Secretary for Finance and Trade.

On the 2nd July last I reported to Mr. Eagar, for the information of the Treasurer, the arrangements then in existence for obtaining articles manufactured in the gaols for issue to the public service as stores, and suggested a new method of dealing with them. My suggestions were approved by Mr. Piddington, who, as the gaols were under the control of the Colonial Secretary, referred them to him for his concurrence. The papers were sent to Mr. Under Secretary Halloran on the 13th July, but so far as I am aware they have not yet been returned. As they are now urgently required by the Superintendent of Stores to enable him to carry out the new arrangements, perhaps Mr. Eagar will kindly request their return.

J.T., 21/9/77.

Mr. Reid,—Letter to U.S., C.S.D.—G.E., 11/10/77. Asked.—G.H.R. Mr. Thomson.—G.E., 15/10/77.

The Under Secretary for Finance and Trade to The Under Secretary, Colonial Secretary's Department.

Sir, The Treasury, New South Wales, Sydney, 11 October, 1877.

On 13th July last, papers were referred to your department from this office for the consideration of the Colonial Secretary, on the subject of the issue of articles manufactured in the public gaols for use in the public service. Perhaps you will be so good as to return the papers, as they are urgently required.

I have, &c.,
G. EAGAR.

The Comptroller General of Prisons, for return of papers to this office.—B.C., 12/10/77., H.H. Returned herewith.—H.M., B.C., 15 Oct., /77. The Principal Under Sect.—H.C., /17. Retd.—C.S.O., 17 Oct., /77. May be returned by letter to U. S. for Finance and Trade, 17/10/77. U. S. Finance, &c., 19 Oct., 1877.

The Under Secretary, Colonial Secretary's Department, to the Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 19 October, 1877.

In reply to your letter of the 11th instant, I am directed by the Colonial Secretary to return to you the papers which were forwarded by you to this office on the 13th of July last, relating to articles manufactured in the gaols, and supplied to the Store Department on account of the public service.

I have, &c.,
HENRY HALLORAN.

Will my honorable colleague the Colonial Secretary say whether he approves of this proposed arrangement.—H.E.C., 13/2/78. The Under Secretary, Colonial Secretary's Department.—G.E., 14/2/78. 77/5814. Chief Inspector.—G.E., 20. The proposal has already been reported upon favourably by the Comptroller General of Prisons, and may, it is presumed, be approved.—15/2/78. Approved.—M.F. The Under Secretary for Finance and Trade.—B.C., 16/2/78.—M.R.A. May now be carried out.—H.E.C., 19/2/78. Mr. Thomson.—G.E., 19/2/78, B.C.

The Auditor should be informed of the proposed future arrangements, and the papers afterwards forwarded to the Superintendent of Stores with instructions to have them carried out in their integrity.—J.T., 19/2/78. Mr. Reid.—G.E., 20/2/78. Auditor General infd.—G.H.R., 20, Supt. of Stores, for needful action.—G.E., 22/2/78, B.C.

Minute Paper.

Subject—Stores obtained by prisoners labour in gaols.

The Treasury, New South Wales, Sydney, 23 October, 1877.

To give effect to my suggestions respecting the future management of these Stores, which have already met with the approval of the late Treasurer, Mr. Piddington, it will be necessary to inform the Comptroller General, and give him the details of the plan as embodied in the five subdivisions of my letter of 2nd July last, commencing at page 3; at the same time requesting that he will be so good as to place himself in communication with the Superintendent of Stores, in order to arrange prices for the remaining portion of the year.

The Auditor General should also be supplied with a copy of these subdivisions and informed that, so soon as Mr. Maclean and Mr. Brennand have agreed upon the prices to be charged, he will be furnished with a list of them.

It might be advisable to refer these papers to the Receiver, the Accountant, the Paymaster, and the Examiner, for notation, and after that forward them to the Supt. Stores for his information and guidance.

JAMES THOMSON.

The

The Under Secretary for Finance and Trade to The Auditor General.

Sir, The Treasury, New South Wales, Sydney, 20 February, 1878.

I have the honor to inform you that the stores obtained for the public service by the labour of prisoners in gaol having been hitherto dealt with in a manner requiring alteration, the subject has engaged the attention of the Government, and I am directed to inform you that a new system has been adopted, of which the following is a summary :—

1. That the cost of all materials, leather included, used in the manufacture of articles in gaol, be defrayed from the vote taken for the purpose under the head of "Prisons."
2. That the articles supplied by the gaols to the Government Stores, including such as are used in the maintenance of the former, be paid for at prices to be annually agreed upon by the Comptroller General and the Superintendent of Stores.
3. That every supply of such article is to be accompanied by a priced invoice, in duplicate, the particulars and amount of which, after being carefully checked, to be entered in the Store books to the credit of the gaol from which obtained, and the several articles debited to stock.
4. At the close of every quarter the Superintendent of Stores to forward to the Treasury a statement supported by the gaol invoices, of the amount chargeable to the Store Vote for all goods so supplied by the gaols, which amount is to be transferred to revenue as the proceeds of prison labour, inclusive of the cost of material.
5. That the Receiver forward the receipts for such proceeds either to the Comptroller General or the gaolers of the respective gaols.

I have, &c.,
G. EAGAR.

(E.)

The Treasury, New South Wales, 15 December, 1877.

Issue of stores and stationery.

THE following regulations and instructions with respect to the issue of stores and stationery for the public service generally, from and after the 1st January, 1878, are published for the information and guidance of heads of departments and their officers duly authorized to draw their supplies from or through the Government Stores Department.

W. A. LONG.

REGULATIONS AND INSTRUCTIONS.

1st. From and after the first of January next, requisitions for stores and stationery must be addressed and forwarded direct to the Superintendent of Stores, who, after carefully examining the same, will submit them with his report thereon for the approval of the Colonial Treasurer.

2nd. Requisitions will not be required in duplicate as hitherto, but copies of them must be kept by the officers requiring the supplies. New requisition forms have been prepared, and supplies can be had on application to the Government Printer.

3rd. Requisitions for stationery must be written on the forms prepared for the purpose, headed stationery, and requisitions for general stores on the forms headed general stores.

4th. To facilitate the issue of general stores, the following classification must be strictly adhered to by the departments requiring the various descriptions of articles provided for them, viz. :—

Blankets, &c.
Bookbinding materials.
Boots, shoes, &c.
Brushware and brushmaking materials.
Clothing, dowlas, &c.
Clothing, Volunteer Service (country corps)
Clothing, Engineers and Sydney and Suburban Rifles.
Clothing, Volunteer Artillery.
Clothing, Attendants for the Insane.
Clothing, Permanent Military Force.
Earthen, glass, and crockery wares.
Grindery, &c.
Ironmongery.
Linendrapery.
Medicines, instruments, &c.
Oils, teil and kerosene.
Post Office mail bags.
Printing materials.
Papers, hand-made and machine-laid.
Papers, printing.
Saddlery, harness, &c.
Ship chandlery.
Surveyors' materials.
Tinware, &c.

5th. In preparing requisitions, care must be taken to describe the articles required in precisely the same manner in which they are inserted in the list of accepted contracts, copies of which will be furnished by the Superintendent of Stores. If the instructions herein laid down with respect to drawing out requisitions are not carefully attended to, it may be found necessary to return them for correction.

6th. On the delivery of the goods ordered, the receipt attached to the priced invoice, which will accompany such delivery, must be filled up as therein directed and signed by the officer duly appointed to receive the same.

7th. Any short delivery or any supply of inferior articles by contractors should be at once reported to the Superintendent of Stores, who will thereupon inquire into the matter, and direct the deficiency to be made good, or articles of proper quality to be supplied, as the case may require.

8th. Heads of departments and other officers authorized to send in requisitions for stores and stationery, are requested to confine their demands to such articles only as are absolutely required for the public service, and to see that a proper check is established upon their issue for use. To aid them in this a departmental order book has been prepared, supplies of which can be obtained from the Government Printer.

9th. Unavoidable delays having frequently occurred in consequence of all the Government departments sending in their half-yearly requisitions at the same periods of the year, the following arrangements have been made with a view to prevent inconvenience arising from this cause in future, as well as to enable the Superintendent of Stores and his staff to check more thoroughly the receipt and issue of the stores and stationery required for the public service generally, viz. :—

1. Officers in charge of departments provided for in the Estimates under the heads of Executive and Legislative and Colonial Secretary, excepting those referred to in the next paragraph, to have their stores supplied in the months of January and July in each year.
2. The Inspector General of Police and officers in charge of gaols, orphan schools, lunatic asylums at Gladesville, Parramatta, Newcastle, Callan Park, and Cooma, provided for in the Colonial Secretary's Estimates, to have theirs supplied in February and August.
3. Officers in charge of departments and others provided for under the head of Administration of Justice to have theirs in March and September.
4. The Treasury and the departments under the control of the Treasurer to have theirs in April and October.
5. The Department of Mines and the departments under the control of the Minister for Lands to have theirs in May and November.
6. The departments under the control of the Secretary for Public Works and the Postmaster General to have theirs in June and December.

10th. To prevent any inconvenience from the want of stores and stationery to those departments which will not receive their supplies under this arrangement in the early months of the first half-year of 1878, the Superintendent of Stores has been instructed to issue such supplies as may be found absolutely necessary until the prescribed time arrive for receiving their first half-yearly supply. After that stores will only be issued at the specified periods, except in cases of special emergency.

(F.)

(F.)

Minute Paper.

Subject—Departmental store stocks.

The Treasury, New South Wales, 23 July, 1877.

I find from the returns furnished by the departments referred to in the memo. accompanying, that the stock of stores on hand on the 30th June last was very considerable—in the aggregate exceeding even the stock in the Colonial Store, the value of which on that date was £14,097.

As the Superintendent of Stores exercises no control at present over the issue of stores in any of those departments, and has no means of checking their issues or stock, I beg to submit, for the approval of the Honorable the Treasurer, the following plan for establishing a check upon both, which, I believe, will secure correct accounts being kept, and at the same time prevent any misappropriation of stores.

1. Each department to keep a store stock book, in which must be shown under separate heads the dates and quantities of the articles received from the Superintendent of Stores, and the dates and quantities of every authorized issue.
2. That, as a general rule, no issue of stores should take place unless by the order of the head of the department, or other duly authorized officer. Orders must be given on the forms which have been printed for the purpose, (see specimen herewith), and must be carefully filed for inspection by any officer who may hereafter be appointed by the Treasurer on that behalf. When stores are urgently required, and the head of the department absent at the time, or so engaged that his signature cannot be obtained, they may be issued without an order, provided a covering order be obtained as soon after as possible, and the reason for issuing without an order written across the same.
3. Once every month the head of the department, or some officer acting on his behalf, is to examine at least one dozen lines of articles in stock, comparing the quantity shown by the stock book with the quantity found on hand, and report the result of such inspection to the Superintendent of Stores, on a form to be supplied for the purpose. On the occasion of every such inspection, different lines must be taken; but the person in charge of the stores should not be informed beforehand of the lines to be inspected. Any serious deficiency of articles found to exist on such occasions must be reported and explained to the Superintendent of Stores, who should be empowered to inquire into the matter should he consider it necessary.
4. At the end of every quarter, balance sheets, in the form accompanying, to be forwarded to the Superintendent of Stores, who, upon receipt of the same, will test the correctness of the debit side by comparing at least twenty lines taken at random with his own stock book and the previous balance sheet.
5. These balance sheets to be carefully filed in the office of the Superintendent of Stores for future reference, or, if thought desirable, for examination with the goods in stock at the several institutions.

JAMES THOMSON.

Approved.—W.R.P., 31/7/77. Mr. Thomson.—G.E., 31/7/77. Mr. Monday, register.—G.E.

The Under Secretary for Finance and Trade to The Superintendent of Stores.

Sir, The Treasury, New South Wales, Sydney, 29 September, 1878.

I do myself the honor to enclose for your information and guidance, copy of a letter forwarded on the date therein mentioned to each of the undermentioned officers, who, it will be observed, have been instructed to furnish you with periodical returns relative to the state of their store accounts.

Any failure in carrying out the arrangements detailed in the appendix to my letter must be reported by you within a reasonable time, in order that steps may be taken to enforce compliance therewith.

On receipt of this communication (which please acknowledge), you will have the goodness to furnish each of the officers mentioned with a sufficient supply of the necessary forms.

I have, &c.,
JAMES THOMSON,
(For the Under Secretary).

Copies of the accompanying circular to be sent to each of the undermentioned officers to-day, viz. :—

1. Inspector of the Insane, Gladesville, enclosing a copy for the officer in charge of each of the institutions under Dr. Manning's care—Lunatic Asylum, Cooma, Lunatic Asylum, Callan Park, and Asylum for Imbeciles, Newcastle.
2. Comptroller General of Police, enclosing copies for the Gaolers at Darlinghurst, Parramatta, Maitland, Bathurst, Goulburn, Berrima.
3. Inspector General of Police.
4. Acting Government Printer.
5. Secretary, General Post Office.
6. Superintendent of Telegraphs.
7. Medical Superintendent, Lunatic Asylum, Parramatta.
8. Matron of the Protestant Orphan School.
9. Matron of the Roman Catholic Orphan School.

J.T., 27/9/77.

Mr. Reid, 27/9/77.—G.E. All forwarded 27th.—G.H.R. Mr. Thomson, 27/9/77.—G.E

Circular.—No. The Treasury, New South Wales,
Sir, 27th September, 1877.

I do myself the honor, by direction of the Colonial Treasurer, to append for your guidance a copy of instructions with respect to the future management of your store account, and to request that you will have the goodness to give such directions as will ensure of their being strictly carried out.

The Superintendent of Stores has been instructed to furnish you with a sufficient supply of the forms referred to in the Appendix.

Please acknowledge receipt of this communication.

I have the honor to be,
Sir,
Your obedient servant,
G. EAGAR,
Under Secretary for Finance and Trade.

To_____

Appendix to foregoing letter.

1. A store stock book to be kept in which must be shown, under separate heads, the dates and quantities of the articles furnished by the Superintendent of Stores, and the dates and quantities of every authorized issue therefrom.

2. As a general rule, no stores to be issued unless by the order of the head of the department or other duly authorised officer. Orders must be written on the forms which have been printed for the purpose (books of which can be obtained from the Government Printer), and must be carefully filed for the inspection of any officer who may hereafter be appointed by the Treasurer on that behalf. When stores are urgently required, and the head of the department absent at the time, or so engaged that his signature cannot be obtained, they may be issued without a written order, provided a covering one, in the usual form, be obtained as soon thereafter as possible, and the reason for issuing without an order in the first place written across the same.

3. Once every month the head of the department, or some officer acting on his behalf, is to examine at least one dozen lines of articles in stock, comparing the quantity shown by the stock book with the quantity found on hand, and report the result of such inspection to the Superintendent of Stores by the 10th of the month, on a form to be supplied by him for the purpose. On the occasion of every such inspection, different lines must be taken; but the person in charge of the stores should not be informed beforehand of the lines to be inspected. Any deficiency of articles found to exist on such occasions must be reported and explained to the Superintendent of Stores, who has been empowered to inquire into the matter should he consider it necessary.

4. Within *fifteen* days of the close of every quarter, balance sheets, on forms to be supplied, are to be forwarded to the Superintendent of Stores, who, upon receipt of the same, will test the correctness of the debit side by comparing at least twenty lines, taken promiscuously, with his own stock book and the previous balance sheet.

No. Department.

MONTHLY Return, showing the result of the examination of twelve lines of articles taken promiscuously from the stores in stock on the day of 18 , in accordance with Treasury Circular Letter, dated 27th September, 1877.

Articles shown to be on hand, by the Stock Book.		Articles found to be actually on hand.		Cause of difference.
Quantities.	Articles.	Quantities.	Articles.	

Head of Department.

(Date) 187 .

To the Superintendent of Stores.

RETURN of Stores received and issued during Quarter ending 187 .

Stock Book Folio.	Description of Articles.	Description of Quantities.	Dr.			Cr.	
			On hand beginning of Quarter.	Received during Quarter.	Total.	Issued during Quarter.	On hand close of Quarter.

[*To Evidence of L. I. Brennand, Esq.*, 30 *May*, 1879.]

D 1.

Treasury Minute.

THE continuous applications for overtime allowances to the staff of the Stores Department are so frequent, and have assumed such proportions, that it is clear that the check I sought to impose upon this expenditure, by requiring a minute of the necessity for the work for which overtime was claimed, being performed by the regular officers after the usual hours, has failed.

I find that from January 1 to August 6, 1878, £146 3s. has been paid for such allowances. The sums of £40 4s., £28 2s., £26 11s., and £22 19s., having been paid to each of four of the clerks, and I am now asked to approve of further vouchers to the amount of £17 2s. As I consider that the overtime expenditure is now assuming a magnitude which calls for interference, I must decline to sanction any further payments, but will be quite willing to give the Colonial Storekeeper further clerical assistance if it be needed.

Occasionally, and under exceptional circumstances, overtime might, perhaps, be justified, though I think its general tendency is unwholesome. In this particular department, however, it appears to have gone into a system of which therefore I have now to express my disapproval.

As the officers claiming under the vouchers now before me may have reasonably expected that they would be paid for the work done and covered by them, I authorize the payment of such vouchers.

H.E.C.—14/8/78.

Mr. Monday,—Register as T.M. and return.—G.E., 14/8/78. The Superintendent of Stores, to note and return.—G.E.,B.C., 16/8/78. Noted and returned.—L.I.B., B.C., 20/8/78. The Under Secretary for Finance and Trade.

MEMO.—Let me know what amount has been paid for "overtime" to each of the clerks in the Store Department since January 1, 1878.—H.E.C., 5/7/78. The Accountant will please have a return at once prepared affording the information required by the Honorable the Treasurer.—L.I.B., 6.

MEMO.—Return enclosed.—L.I.B., Supt. of Stores, 6/8/78. Put by.—G.E., 6/9/78.

RETURN showing the amount of Overtime received by the Clerks of the Colonial Store Department from 1st January, 1878.

Name of Clerk:—	£	s.	d.
E. A. Hill	26	11	0
J. F. Nash	40	4	0
T. E. Boland	6	14	0
M. Thomson	22	19	0
D. McLachlan	28	2	0
J. R. Evans...	4	6	0
G. O'Donnéll	2	4	0
J. Adams	10	15	0
E. Tunks	4	8	0
	£146	3	0

Colonial Store Department,
6th August, 1878.

L. I. BRENNAND,
Superintendent of Stores.

[*To*

[*To Evidence of Mr. J. F. Nash*, 11 *March*, 1879.]

A 3.

Gladesville Hospital for Insane.

Requisition No. 1022, 27th March, 1877.

	£	s.	d.
Scotch Twill required—3000 yds. @ 6d.	75	0	0
Supplied... 246 ,,			
1048½ ,,			
2123½ ,,			
3418 yds. @ 6d.	£85	9	3

Copy of my Memorandum to Superintendent of Stores.

MEMO.—Before passing this Account on for your signature, I would respectfully point out, that 418 yards of Scotch Twill have been supplied *in excess* of the quantity asked for under the requisition bearing the above registration number to which the quantities are charged; also, that the excess is *not authorized* by any order from this department. Moreover the 3000 yards alone absorb the whole of the "Probable Quantity" stipulated for on the schedule of tender for the present year.

The third item on the Account—108¾ yards of damask, charged £10 17s. 6d.—does not appear upon the requisition at all.

Obediently,

J.F.N., labourer.

Sydney: Thomas Richards, Government Printer.—1879.

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. CHARLES OLIVER, INSPECTOR OF LAND OFFICES.

(VOUCHER AND STATEMENT RESPECTING TRAVELLING EXPENSES CHARGED BY.)

Ordered by the Legislative Assembly to be printed, 18 *February*, 1879.

Statement by Mr. Oliver.

No. 1 Notice of Questions to be put to the Minister for Lands on Tuesday next having been sent to me, I beg to make the following statement:—

I left Sydney on the morning of the 31st October last, and reached Albury about mid-day on the 1st November. Having concluded my inspection of the Albury Land Office, which was carried out by the direction of the late Premier in accordance with a decision of the Executive Council, and occupied me until the 4th of the same month, I proceeded to Melbourne *en route* to Deniliquin. I arrived in Melbourne on the evening of that day, and having obtained permission for the purpose, stayed there during the remainder of the Race Meeting. The actual number of *working days* I was in Melbourne were *four*. Apart from the fact of my having obtained permission to remain, had I left even *three days* before I did I should have had to spend a general holiday (Prince of Wales's Birthday) and the following day (Sunday) in Deniliquin, and consequently would have been unable to commence duty there any earlier than Monday. It will therefore be seen that the number of days not devoted to public business may be reduced for the reason above given to *three*, viz., Tuesday, Wednesday, and Thursday, the 5th, 6th, and 7th November.

The duration of the trip referred to was *three weeks;* and in that time I inspected the Land Offices at Albury, Deniliquin (two of the most important offices in the Colony), Moama, and Corowa, as shown by my reports thereon; travelling a distance in connection with this duty of 1,594 miles, being an average of 79 miles per day.

With reference to charging travelling expenses for the days I had leave of absence, I can only say that I furnished the voucher without the point ever occurring to me; however, the question having been raised, I think there is room for very considerable doubt as to whether there is any ground whatever for taking exception to my right to travelling expenses any more than my right to salary. I am allowed while absent from head quarters a fixed daily rate, and having received *unconditional* leave for a few days (amounting to, as before shown, three) while so absent, it is, I venture to observe, far from clear that it can be contended that such allowance should have been deducted for the time mentioned.

With regard to the leave of absence, I trust that it will be apparent that no exertion was wanting upon my part to make up for the indulgence, as it will be seen that I inspected three offices between the 5th and 21st November, and during that period travelled 1,210 miles out of the total distance traversed in the three weeks I was away from Sydney.

Perhaps it may be desirable to point out that the route I took was that invariably travelled by all persons visiting the border towns mentioned; and that during four days journeying by rail, I paid *in fares alone* the sum of £7 4s.; my allowance during the same period amounting to £6.

I make the foregoing statement with the desire to place the whole facts before the Minister as fully, but as briefly as possible.

CHARLES OLIVER,.
Inspector of Land Offices,
15th Feby., /79.

The Under Secretary for Lands.

NEW SOUTH WALES.

Series B.—Contingency Form No. 6. Pay Voucher No.

Payable from Vote of £20,093. Item No. 303 of Appropriation Act of 1878.

Head of Service—Lands. Travelling Expenses.—Department of Lands.

Sub-head of Estimate—Inspection of Land Offices.

Period of Service.		No. of Days.	Rate.	Amount.
				£ s. d.
1878.	Claimant—Charles Oliver, for the undermentioned travelling expenses as per authorized scale, or per special authority :—			
Oct. 31 to Nov. 20.	Travelling expenses in connection with the Inspection of Land Offices at Albury, Deniliquin, Moama, and Corowa ...	21	30s.	31 10 0
	Appd.—J.S.F. CHARLES OLIVER. Total...		... £	31 10 0

I certify that the amount charged in this voucher as to computations, castings, and rates is correct, that the service has been faithfully performed, and that the expenditure is duly authorized in terms of the Audit Act.

W. W. STEPHEN.

I hereby authorize the amount of the above certificate in my favour to be paid on my behalf to my credit in the Australian Joint Stock Bank, Sydney.

CHARLES OLIVER.

Received, on the 29th day of November, 1878, the sum of thirty-one pounds ten shillings.

(For C. OLIVER),
J. C. BROUGHTON,
For A. J. S. Bank.

GENERAL Scale of authorized charges for Officers travelling on Her Majesty's Service in the Colony of New South Wales.

Without Cost of Conveyance.

	£ s. d.
The Honorable the Attorney General, at per diem	2 0 0
The Honorable the Solicitor General	2 0 0
The District Court Judges, with the exception of the Metropolitan and Coast Judges...	2 0 0
The District Court Judges for the Metropolitan and Coast Districts	1 10 0
Heads of Departments, and other Officers ranked as First Class	1 10 0
Subordinate or Second Class Officers	1 0 0

With Cost, when paid, of Conveyance, Horse Hire, or Forage Allowance.

Officers of the First Class	0 15 0
Do. Second Class	0 12 0

All other subordinate employés at rates specially authorized.

Conveyance.

First Class Railway and Steamer Fares allowed to all Officers of the First and Second Classes.

Actual Expenses in place of a Daily Allowance.

In case of short journeys such as from Sydney to Parramatta and back the same day actual expenses only are allowed, the daily allowance being intended to cover absence at night from residence or head quarters.

NOTE 1.—When travelling does not form a regular and necessary part of an officer's duty, any expense incurred thereby, as well as the specific rate to be charged, requires to be supported by the authority of a Minister of the Crown.

NOTE 2.—In computing the daily rate, the time occupied on board steam-vessels, when the fare includes provisions, is not to be reckoned, nor the time lost through detention of such vessels by stress of weather or other cause. Special authority is also required for allowing the daily rate in case of prolonged detention at one place.

Submitted for the approval of the Treasurer to pay from Treasurer's Advance Account.—J.P., 26. The Under Secretary for Finance and Trade. Approved.—H.E.C., 27/11/78.

Sydney Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INSPECTORS OF CONDITIONAL PURCHASES.

(NAMES, DATES OF APPOINTMENT, AND PRESENT DISTRICTS.)

Ordered by the Legislative Assembly to be printed, 26 *February*, 1879.

[*Laid upon Table in accordance with promise made in answer to Question* 13, *Votes No.* 76, 26 *Feb.*, 1879.]

MR. LYNCH *to ask* THE SECRETARY FOR LANDS,—

(1.) The number of permanent Inspectors of Conditional Purchases employed by the Government their names, dates of appointment, and respective districts?

(2.) The number of temporary Inspectors of Conditional Purchases; their names, dates of appointment, and present districts?

No. 1.

Argent Thomas (16 April, 1874)—Dungog, part of Murrurundi, Paterson, Raymond Terrace, Maitland Stroud, Wollombi.
Carne T. B. (24 September, 1877)—Deniliquin, Balranald, Hay, Moama.
Cropper Charles (1 September, 1876)—Goulburn, Gunning, and Queanbeyan.
Evans Edwin (1 September, 1876)—Part of Gundagai, Yass.
Franks R. C. (9 March, 1875)—Dubbo, Mudgee, Cassilis, Rylstone, Wellington, Coonabarrabran.
Geary H. V. (11 October, 1875)—Part of Tamworth, do. Gunnedah, do. Narrabri.
Harper W. (17 March, 1877)—Armidale, Walcha.
McPhillamy J. S. (1 November, 1877)—Albury.
Page J. C. (17 September, 1875)—Grenfell, Forbes, part of Young.
Smith George (11 October, 1875)—Berrima, Campbelltown, Camden, Parramatta, Brisbane Water, Penrith.
Street P. H. (15 April, 1874)—Bathurst, Hartley, Carcoar, Cowra, Molong, Orange.
Trollope F. (1 September, 1876)—Grafton, McLeay River, Manning River, Richmond River, Port Macquarie, Tweed River, Glen Innes, Tenterfield.

No. 2.

Cullen P. (7 June, 1878)—Part of Wagga Wagga and Narrandera.
Davies S. A. (7 June, 1878)—Burrowa.
Handsaker J. H. (7 June, 1878)—Corowa, Urana.
Kendal S. H. (7 June, 1878)—Singleton, Muswellbrook.
Lawlor J. J. (14 June, 1878)—Scone.
Meyer S. (10 October, 1877)—Cootamundra.
Mulligan J. (15 January, 1879)—Braidwood, Kiama, Wollongong, Moruya, Dowling, Shoalhaven.
O'Hara J. S. (7 June, 1878)—Walgett, Bourke, and parts of Narrabri, Murrurundi, Tamworth, and Gunnedah.
Rogers N. E. (7 June, 1878)—Bingera, Inverell, Warialda.
Rowlandson J. G. (11 October, 1876)—Tumut, and part of Narandera, Wagga Wagga, and Gundagai.
Spicer W. (7 June, 1878)—Cooma.
Spring G. (7 February, 1878)—Part of Young.
Wallace W. (14 September, 1878)—Bombala, Bega, Eden.

[3*d*.] 500—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLERK OF PETTY SESSIONS, MUDGEE.

(REPORT AND CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 5 March, 1879.

Wm. Owen, Esq., to The Colonial Secretary.

Sir, Chambers, 10 November, 1870.

I have the honor to report that in compliance with your directions, contained in your letter of the 25th October last, I proceeded to Mudgee, and there made inquiry into the charges brought by the Police Magistrate against Mr. Ryan, the Clerk of Petty Sessions.

The principal charges are contained (1) in a series of questions put to Mr. Ryan by a document dated the 3rd October, 1870, and (2) in a letter from the Police Magistrate, dated the 20th October, 1870, (3) in a letter from the Auditor General's Office, (4) in certain papers forwarded to me from the office of the Secretary for Lands relating to a selection of land by Mr. Cadell, and (5) some further charges preferred before me during my investigation.

1. The charges contained in the document of the 3rd October are in fact only two in number—questions 1 and 2 being in substance the same, and questions 3 and 4 referring to the same charge.

Upon the charge contained in questions 1 and 2, I find that on the Tuesday referred to, Mr. Ryan was absent from office all day suffering from sickness, and that on the Monday night previous he was from 10 p.m to 2 a.m at a private dancing party at a public-house kept by one John Hill, but that there is not sufficient evidence of the charge that he was there in a state of intoxication.

Upon the charge contained in questions 3 and 4, I find that Mr. Ryan left the office shortly after 9 o'clock on the Saturday referred to, after Mr. Warburton had arrived, and without asking his leave or in any way communicating with him. That Mr. Ryan did not return to the office that day but remained till dusk at Hill's public-house. Mr. Ryan stated that his absence was caused by sickness. There was no evidence of his having been intoxicated on that occasion.

2. With respect to the first charge in the letter of the 20th October, it appeared that one George Willoughby had been some time previously indicted on a criminal charge and discharged on his own recognizance to appear when called on. Some time early in September last, Willoughby met Mr. Ryan in a public-house kept by one Little, and Willoughby stated that Mr. Ryan then told him that his case was coming on next Quarter Sessions, but that if he would furnish him with a £5-note he would square the case for him—Willoughby made a declaration before a Magistrate of the facts and details of this case on the 10th October last. I personally examined Willoughby, who adhered to the truth of the facts as set out in his declaration, and said that on the same evening he had reported the conversation to his solicitor, Mr. Clarke. Mr. Clarke corroborated this statement, and said that Willoughby told him the same story as is detailed in the declaration. Mr. Ryan denied the accuracy of Willoughby's statement, and said that Willoughby asked him if his case was coming on, and said that he had rather than £5 it did not come on as he wanted to go to Goulburn. Willoughby's case.

No one was present at this conversation except Willoughby and Mr. Ryan.

The charge is a very serious one, and the fact of Willoughby having repeated the story the same evening to his solicitor, and having subsequently sworn to the truth of it, renders his statement more reliable, but it is possible he misunderstood Mr. Ryan's remarks. I cannot therefore say I am satisfied this charge is proved.

Upon the second charge in the letter of the 20th October, I find that a payment of £6 for rent of Government land was made by one George Hosking to Mr. Ryan, and that no entry or memorandum whatsoever of the transaction was made in any of the books. Mr. Ryan at first forgot that any such payment had been made, and only admitted the payment upon finding in his drawer, some ten days after, the receipts of the previous year, which Hosking had given to him when he made the payment. Hosking's case

This omission to make any entry of the payment is contrary to the instructions given to Clerks of Petty Sessions by the printed Treasury letter of the 4th November, 1869—Rules 1 and 5; and in the present instance the omission might have been followed by serious consequences.

The third charge was withdrawn.

Upon the fourth charge in the letter of the 20th October, I find that Mr. Ryan not having had experience in keeping books as required by the new Treasury Regulations, made so many mistakes and erasures in the cash-book that he applied to the Government for a second cash-book into which he copied the entries made in the first cash book, and since then he has used the first cash-book as a memorandum book and to make rough entries in.

Upon

Upon the fifth charge in the letter of the 20th October, I find that Mr. Ryan's cash-book was not balanced between the 30th June last and the 3rd October, the day of Mr. Ryan's suspension; that no payments into the Bank were made from the 23rd September to the 3rd October; and that the last entry of payment to the Treasury was on the 2nd September.

Mr. Ryan stated that the reason of their being no payment into the Bank from the 23rd September, was that he had lost the key of the safe in which the money was.

3. With respect to the letter from the Audit Office, complaining that Mr. Ryan had not adjusted the attested accounts for the quarter ending 30th June last, it appears that two sets of vouchers for the months of April, May, and June were sent down by Mr. Ryan. The first set prepared for Mr. Ryan by an assistant, in which the fines were not properly adjusted between the Police Reward Fund and the Consolidated Revenue. This error was discovered by Mr. Ryan when preparing his attested accounts at the end of the quarter. He thereupon sent down amended vouchers for those months, of which Mr. Ryan showed me the rough copies. From these it appeared that the amended vouchers corresponded with the entries in Mr. Ryan's books; but that a sum of £2 17s. 5d., for the Police Reward Fund for the month of May, had not been paid to the Treasury. The amount by the amended vouchers appearing to be due to the Consolidated Revenue, appeared to have been properly paid.

4. My investigation into the case disclosed by the papers sent by the Lands Office in reference to Mr. Cadell's selection did not elicit much additional information.

After a careful consideration of the case as disclosed in the papers and the oral examination of the parties, I am inclined to believe the truth of Mr. Cadell's statement that Mr. Ryan told him that no form of application was required, and that Mr. Cadell could not deduct the amount of the forfeited deposit from the purchase money of his selection.

The selection was made and the money paid by Mr. Cadell on the 14th February, but the selection was not notified to the Government nor the purchase money paid into the Treasury until the 7th March.

Mr. Ryan does not appear to have informed Mr. Cadell of the Government telegram of the 2nd March, withdrawing the land from selection; but notwithstanding the receipt of that telegram he induced Mr. Cadell, junr., to sign a printed form of application as his father's agent on the 6th March, and antedated the form to the 14th February.

Mr. Ryan appears to have written to the Treasury on the 28th February, inquiring if the forfeited deposit could be got back for Mr. Cadell's benefit.

Mr. Ryan has, in my judgment, been guilty of very great carelessness and laxity throughout this transaction, and by his remissness has placed the Government in a false position with respect to Mr. Cadell.

5. I have further to report that Mr. Ryan brought an action in the District Court against John Hill, the public-house keeper, for a sum of £20, and that the defendant Hill pleaded that the money was won by gaming at dice, and swore to the truth of the plea.

Hill when called on to give evidence upon the matter admitted his signature to the affidavit verifying the plea, but refused to give any further evidence or to explain the circumstances. The action was settled before the Court sat, by the plaintiff allowing a set off of £12 12s. 6d. for drink supplied to him. On referring to the documents of the case, I found that in the plaint book the name of the plaintiff (Ryan) was carefully erased by a knife. This was proved to have been done before the sitting of the Court was over, and, in my opinion, must have been done by or with knowledge of Mr. Ryan himself.

6. Upon the charge of gambling, Mr. Warburton called Mr. Walker, the Mayor of Mudgee, who was shown to have been present with Mr. Ryan at Hill's public-house on the occasion referred to in the charges contained in questions 1 and 2.

Mr. Walker declined to give any evidence whatever of what took place on the Monday evening, on the ground that he was a friend of Mr. Ryan and Mr. Warburton. I pointed out that if he could deny the charge he ought to do so for Mr. Ryan; but that if he still refused, I must assume that he could not deny the charge.

7. It appeared that a sum of £6 11s. 6d. was paid by Mr. Ryan by a cheque, on the 9th September, in respect of an action, Kennedy *v.* Hilly, but no entry was made of the transaction in any of the books, and Mr. Ryan had forgotten the transaction.

8. It was also brought under my notice that Mr. Ryan owes Evan Richards, the Bailiff of the Court, about £12 for mileage and fees, and has not paid him anything for some five months.

I have the honor to report the above findings in the subject matter of my inquiry, and the minutes of the evidence taken by me thereon.

9. Since the conclusion of my report I have received a letter of Mr. Ryan, dated 31st October, 1870, forwarded to me, and I have the honor to inform the Colonial Secretary that I furnished Mr. Ryan with a copy of the charges brought against him before entering upon the inquiry; that no application was made to me for copies of the correspondence between the Government and the Police Magistrate, in reference to Mr. Ryan's case. Mr. Ryan appeared by his solicitor, and was afforded every information in reference to the charges against him.

During the inquiry Mr. Ryan and his solicitor had access to all the books, and during the investigation the books were nearly the whole time in the Magistrate's room. Previously to entering upon the inquiry directed by the Audit Office, Mr. Ryan was for some hours examining his books, and furnished his explanation by reference to the books then produced by him. I also understand that since his suspension, Mr. Ryan was allowed access to his books and papers in the presence of Mr. Miller, the constable.

I did not perceive anything whatever savouring of vindictiveness in Mr. Warburton's conduct during the inquiry. How far his charges were unfounded will be seen by my report, and the minutes of evidence annexed thereto.

The last complaint in Mr. Ryan's letter is best answered by a reference to the evidence taken in the charge arising out of the case in Ryan *v.* Hill.

I have, &c.,
WM. OWEN.

Inquiry into Charges by Mr. Warburton against Mr. Ryan.

28 October, 1870.

Mr. Warburton conducted the charges.
Mr. Ryan appeared with his Solicitor, Mr. Davidson.

First and Second Charges of First Series.

Ann Hill stated: My husband keeps a public-house; I remember having a dancing party on a Monday night at my house; I think Mr. Ryan was there; I am not certain; he was not to my knowledge in the room where the dancing was; I do not recollect seeing him after 12 o'clock.

John Hill stated: I remember the Monday night when the party was at my house; I saw Mr. Ryan then; it was a dancing party; it broke up at 2, or half-past, next morning; Mr. Ryan left about 2 o'clock; I could not say he was quite sober; I cannot say he had the appearance of drink; he was not perfectly sober, because he had some drink; he took very little at my place; he did not come till after 10 o'clock; he was at the bar that evening.

Cross-examined: I would not say he would be the worse of liquor if he took one glass; I don't think he danced; he got his own horse and rode home.

George Walker, called by Mr. Warburton, stated that Mr. Ryan and Mr. Warburton were friends of his, and he did not wish to give any evidence.

By Mr. Owen: Do you know whether Mr. Ryan was at Hill's public-house on Monday night, the 26th September? I decline to answer.

Mr. Davidson stated that he wished Mr. Walker to give evidence.

Mr. Walker is the Mayor of Mudgee.

Mr. Warburton stated that Mr. Ryan was not in office on Tuesday, the 27th September; during the day Mrs. Ryan called, and said her husband was very ill, and asked to have him excused; I said I was sorry he was ill, and would try to manage without him.

Edwin Ryan: I went to Hill's on Monday evening about quarter-past 10 o'clock at night; I left about 2 o'clock; I was not intoxicated; I had only two glasses of port-wine, which I drank in the parlour with a friend of mine; on Tuesday morning I got up about half-past 7; was preparing myself to go down to office early, knowing there was much business to be done; I felt so ill I commenced vomiting after I had been up a few minutes; I told them to delay breakfast half-an-hour; I sent Mrs. Ryan down to Mr. Warburton to state that I was too ill to come down; I never left my bed till dusk that day; I was ill all that day.

Cross-examined: I remember seeing Mr. Walker, the Mayor of Mudgee, at Hill's, on Monday night; Mr. G. D. Lane was there too; Harpur, of Maitland Bar, may have been there; I deny that I was gambling that evening; I was looking on at the parties dancing.

Paul Harford stated: I am Mr. Ryan's landlord; I was in court-house on the day, a Tuesday, when the people were fined for grog-selling; I missed Mr. Ryan from Court, and went up to my house to see what was the matter with him; I saw him in bed spitting phlegm, and coughing, and complaining; I went for Dr. Cutting.

Mr. Warburton: Admitted that the dancing party was a private party, to celebrate a family event.

Third and Fourth Charges of First Series.

Ann Hill: on Saturday, 1st October, Mr. Ryan came through the bar about quarter to 8, and asked where he should find the groom; I said in the stable-yard; I did not see Mr. Ryan again till about 3 o'clock, in the front parlour; I did not see him between those hours; he left about twilight; Mrs. Ryan came for him in the evening; Mr. Ryan came down stairs after Mrs. Ryan had left; Mr. Edward Jarreul and some other person were with him; they were there a few minutes; a man, whose name I do not know, came to inquire for Mr. Ryan, I told him he was not there; I cannot say if Mr. Ryan was there all day; I saw him at about 8 o'clock, about 3 o'clock, and about dusk; Mr. Ryan did not complain of being ill.

Cross-examined: I made Mr. Ryan a cup of tea after Mrs. Ryan left; he took the cup of tea and left; he was sober then, so far as I saw that day he was not under the influence of drink; Mr. Ryan had one glass in my house that day, that was all to my knowledge; I am not always at the bar.

John Hill stated: I remember a Saturday about three weeks ago when Mr. Ryan called; I saw Mr. Ryan first about 3 o'clock; no person was with him; I was away all the morning, and went away again after 3 o'clock; a man called to see Mr. Ryan, and saw him; Mr. Ryan was ill, vomiting, when I went to him; the man insisted upon seeing Mr. Ryan, and I brought him down.

Mr. Warburton stated: I was at the office that morning when Mr. Ryan left, a little after 9 o'clock; and he looked at me; he turned his head, and rode over to the "Belmore Hotel"; I called to Mr. Dick, the gaoler, and told him to call Mr. Ryan, but afterwards told him not to mind.

By Mr. Owen: As I came into my office, Mr. Ryan went out of his office, and mounted his horse, and passed me at the door within two or three yards of me, and rode over towards the hotel, and afterwards rode towards Hill's public-house; it was not later than ten to fifteen minutes past 9 when I arrived at the office; I remained till 10 o'clock; in the meantime a person had called, inquiring for Mr. Ryan—it was then about 11 o'clock; Mr. Ryan not having returned, I sent the man up to Mr. Ryan's house; I returned after 2 o'clock to the office, and remained for some hours; Mr. Ryan did not return.

John Dick stated: I remember Saturday morning, about three weeks ago, Mr. Warburton conversing with me in the court-house yard—asking me if I had seen Mr. Ryan; I replied that I had not; I saw Mr. Ryan getting on his horse opposite Tuckerman's Hotel with another person; this was a quarter to 10 o'clock.

Henry Tebbutt, J.P., stated: I remember Saturday about three weeks ago; it was about half-past 9 or a quarter to 10 o'clock; I saw Mr. Ryan leaving the office; Mr. Warburton was in the office; I only saw Mr. Ryan passing.

Cross-examined: I cannot tell whether Mr. Ryan saw Mr. Warburton.

James Dixon Little stated: I remember being at Hill's on Saturday about three weeks ago, the end of September; Mr. Holman went with me; I saw Mr. Ryan at the private door of Hill's—that was some time after dinner, from 1 to half-past 1 o'clock; I don't recollect speaking to Mr. Ryan; I did not take notice of his being ill; I remained perhaps half an hour; Mr. Ryan went away—he did not come in with us; I don't remember seeing Mr. Ryan the Friday night previous.

Cross-examined:

Cross-examined: I did not speak to Mr. Ryan; I came in by the door where he was standing; he appeared to be perfectly sober; I think I should have noticed if he were not.

George Marskell stated: I remember calling at this office on a Saturday, the 1st October; I inquired for Mr. Ryan; it was betwixt 11 and 12 o'clock; Mr. Warburton told me Mr. Ryan was not here; I asked him where he lived, and he gave me a direction; I went, but could not find him at home; I waited about an hour, I had my dinner, and after it I came to the office and told Mr. Warburton I had not seen Mr. Ryan; I waited an hour longer, and met a man who told me I could see Mr. Ryan at Hill's public-house—I went there; at first I could not see Mr. Ryan, but afterwards I did see him, and he told me Mr. Tindall would take my deposition as well as himself, as he was a Magistrate; when I saw Mr. Ryan he appeared as usual; he did not appear to be ill; he might have been; Mr. Ryan came down to the tap-room to me; the interview took about ten minutes or a quarter of an hour.

Cross-examined: The person who brought me over to Hill's was Edward Tarrent.

By Mr. Owen: I went to Mr. Ryan to make a declaration about a selection of 40 acres of land; I did not make the declaration that day, because Mr. Ryan said the land belonged to Benjamin Morgan; Mr. Tindall said he could not take the declaration, because Mr. Ryan had sent out no form; Mr. Ryan, on the previous Thursday, said I was not in time in making my declaration; I had to come in again on Saturday, and again the following Thursday, before the matter was completed; I live 30 miles from Mudgee.

Cross-examined: On the Saturday Benjamin Morgan came in with me.

Mr. Ryan stated: Marskell called on the Thursday week before the 1st October about making his declaration; I did not see Morgan on the Saturday; the selection is noted in the books as transferred to Morgan; I told Marskell that Morgan would have to make the declaration, and that I would send the proper forms out to Mr. Tindall, who lived near Morgan; I sent them out on the Monday following; I came to the office on Saturday; I came before 9 o'clock; I felt very ill; I heard something in this room; I did not know what it was; I went outside and returned; I walked to the door here thinking I would see Mr. Warburton but he was not there; I went out through my side door and got on my horse and rode away; I rode over to the "Belmore Hotel" first, tied my horse up, and went to Walker's office; I came back again, got on my horse, and went to Hill's; I rode round to the stable and was sick; I then put the horse in the stable; I went into the house but saw no person; I then went upstairs to lie down; I was sick again several times; I stayed there till about dusk; I was sober that day; the reason I was not at the office that day was that I was too ill; I did not speak or see Mr. Warburton that day.

Cross-examined: Your answer to the third charge is that it is a falsehood, how do you reconcile that answer with your evidence just given? I thought the charge meant lying drunk. On Friday night previous I was home in proper time; I cannot say what public-house I was in; I was not the worse for drink the Friday night previous.

By Mr. Owen: I left the office about 10 o'clock; I did not inquire or look for Mr. Warburton; I sent no message to say that I was ill and could not attend; I suffer from biliousness.

First Charge in Second Series—Willoughby's Case.

Henry Tebbutt: The declaration produced was made before me as a Magistrate; the signature is that of George Willoughby; I read over the statement before he signed it; the declaration was taken down word for word as he gave it.

Cross-examined: No one was present at the time.

George Willoughby stated: The signature to the declaration produced (marked A) is mine; it was read over to me by Mr. Tebbutt before I signed it; it is a correct statement of what took place between me and Mr. Ryan; I met Mr. Ryan in Little's public-house; I was charged with stealing a cheque about a year ago, and I was committed by the Bench and arraigned at Quarter Sessions, and pleaded not guilty, and I was let out on my own recognizance to appear when called upon; Mr. Ryan stated that he had got my papers up, and that I was to be called on next Quarter Sessions; we had a glass of grog apiece—two each, I think; Mr. Ryan said he could square it if I gave him £5; I said, "Well, I'll write to Mr. Dalley down in Sydney"; he said, "Don't mention my name in the affair"; I said, "I will not, Sir"; I then went to see my solicitor, Mr. Clarke, and I told him what Mr. Ryan told me.

Cross-examined: There were no persons present; I was talking with Mr. Ryan three-quarters of an hour altogether; I cannot recollect if there was other matters talked of; we were talking about Wells's selection; I remember talking about Mr. Tindall.

Mr. Ryan stated: I recollect seeing Willoughby at Little's public-house; I was coming out of Little's saddle shop; I saw Willoughby in the hall as I came out; he asked me was it likely his case would come on; I said I had no idea, I could not tell whether or no, I had no right to answer the question; he said, I had rather than £5 that it did not come on, as at that time he wanted to go down to Goulburn; I said no doubt you would, it was a very unpleasant thing for you; I left him; I had no further conversation on that subject with him; I had other conversation about land of Tindall's; I deny that I made the statement contained in the declaration, or any thing to the same purport and effect; I went to see Mrs. Little on business at the time when I saw Willoughby; I also say that I did not have anything to drink with Willoughby.

Cross-examined: I had some drink; I think Mrs. Little served me; I did not pay for those drinks; Willoughby may have paid for it; I cannot tell; I don't know that I paid for my own drink.

Fanny Little stated: She did not remember anything about Willoughby or Ryan being at her house on the 1st October.

Mr. Clarke stated: Willoughby saw me either on the 6th or 8th September coming out of church, about 9 p.m.; he informed me had seen Ryan that evening at Little's public-house; he told me that Ryan had drawn him on one side upon seeing him at the hotel, and informed him that his case was coming on next Court; the substance of what he states to me is contained in the declaration marked "A"; I told him it was a falsehood, that his case, I believed, was not coming on, inasmuch as he was discharged in the ordinary manner in which the Crown discharge prisoners when they abandon the prosecution:

"I, *George Willoughby*, do hereby declare that on a Tuesday evening, about five weeks ago, Mr. E. Ryan, the Clerk of Petty Sessions, was at Little's public-house at about 2 o'clock; he said to me, "Oh, by the by, I want to see you"; I went with him into the dining-room; he said, "Willoughby, I have got your papers up, your case is coming on next Quarter Sessions again"; I went out in the yard with him after we had a glass together; he said to me, "If you present me with a £5-note, I will square

the

the case for you"; I said, "It is not in my power to do anything of the kind, but I will write to Mr. Dalley about it"; he then said, "Do not mention my name"; I said, "I will not"; I then went to Mr. Clarke, solicitor, and told him of it; and I make this declaration believing the whole of the above to be the truth.

GEORGE WILLOUGHBY."

"Declared before me, at Mudgee, this 10th October, 1870,—

HENRY TEBBUTT, J.P."

Second Charge of Second Series—Hosking's Case.

George Hosking called: I remember coming to Mr. Warburton lately about some lease rent; he told me there was no entry of it; I paid £6 on the 30th September last to Mr. Ryan in his office about mid-day in notes, gold, and silver; I asked for no receipt, and got none; I told him I paid it for three leases; Mr. Ryan at first denied having received it, and said that if he had it was in the chest; this was about a week or ten days after the 30th September; I came to ask for the receipts and could not get them; in the meantime I had seen Mr. Warburton, who told me there was no entry; I then went to see Mr. Ryan, who told me that he had not received it, or if he had it was in the chest; Mr. Ryan took me into the office, and said, from inquiries, that he must have received it; he did not give me the receipts at that time.

Cross-examined: I paid Mr. Ryan before dinner, after the adjournment of the Court; Mr. Miller and Mr. G. H. Cox, Mr. Clarke, and Mr. Warburton were present; Mr. Miller did not say Mr. Ryan was required in the Court; I gave Mr. Ryan the old receipts (3) the payment of the previous year; Mr. Ryan said he had not time, could not attend to it just now; Mr. Ryan some time after came to my place to see about the payment for this land; he saw me and said, "What about this money that you say you have paid me"; I asked him if he meant to say I had not paid it; he said that I had not paid him, and that if I had paid him the money and the old receipts were in the chest; he afterwards came with me to the court-house; he came to me outside, and said it it was all right, that I had paid him the money; I believe Mr. Ryan had been on two occasions previously at my house; this conversation with Mr. Ryan was a week or ten days after I had paid the money; I had previously been inquiring for Mr. Ryan, because Mr. Warburton told me there was no entry of the money.

Mr. Davidson called *Donald Miller:* I came into Mr. Ryan's room; when Mr. Hosking was there talking something about leases; the Bench was sitting and Mr. Ryan was wanted; and I told him the Bench was sitting, and he told Hosking that he would have to call again in half an hour or so; I did not see them after the adjournment of the Court; about a week after that Mr. Ryan asked me if I had seen Hosking's receipts; Mr. Ryan found some receipts in the drawer; he was not allowed access to his papers at that time unless I was present.

Cross-examined: I remember Mr. Ryan some short time before he was suspended saying he had lost the key of the safe; after his suspension he unlocked the safe and took some money out, and I booked it in Mr. Ryan's name to his public account.

Hosking: Recalled by Mr. Owen; I was waiting while the Court was sitting; the interview with Ryan was after the Court had adjourned.

Edwin Ryan stated: I saw Hosking on the 30th September about 11 o'clock; it might have been after; I had been in Court doing the business of the Court; I came out into my office; I there saw Hosking; he said he came to pay for the leased lands; I said I had not a minute to spare, as the Bench was sitting; he said it was the last day, and did not want to have to come down again; I said, "Leave me your old receipts, I'll have the new receipts ready at the commencement of the week"; he said, "Very well, they are here"; I presume he paid me; Miller in the meantime came in; I immediately ran away saying, "I cannot stay"; I went back to Court; I was told that Hosking was looking for me respecting some receipts for leased lands; I was then suspended; I immediately went to Hosking's place and saw Mrs. Hosking; I went again and both times he was out; the third time I saw him and told him that I had heard that he wanted receipts for the land; I said I had no recollection of the matter, but that if he had paid me I would have the old receipts in my drawer, which I afterwards found in the drawer; I subsequently told him the money was all right; on the Monday following, I was in the office all day till a quarter to 6; I did not draw Hosking's receipt that day; I was suspended the following Tuesday; the payment was made on the Friday; I lost my key of the safe about a week—less than a week before my suspension; I never found the key; I afterwards found a key that I had previously lost and with that I unlocked the safe; after I had been suspended I had no access to the safe without Miller being present; I have got the key at home.

Cross-examined: I cannot recollect when I got the key by Mr. Warburton's orders from the Bank.

By Mr. Owen: I am not aware that I made any entry in the books of the payment (referring to the books)—there is no entry; the three old receipts were in my possession, and nothing could have gone wrong; they were on a file that I look at every morning to see what business should be attended to first; anything that required my attention would have been seen; I could not have omitted them; from being suspended, I was so agitated that I could not remember things distinctly; after I went to Hosking I saw Miller, and after speaking to him my memory was refreshed; after I found the receipts, I recalled the circumstance.

By Mr. Warburton: I do not recollect receiving any money for leases after Hosking's payment; I don't recollect when I made the entry of Mr. G. H. Cox's payment; it must have been on the Friday, Mr. Cox must have paid me before the Court sat.

Mr. Warburton withdrew the third charge of the second series, on the ground that since making the complaint he discovered on further reference to the books that the entry was duly made.

Fourth Charge of Second Series.

MR. WARBURTON called Mr. Ryan to explain why he required two general cash-books: The reason was that these books being new to me, some of the money was placed at the Public Revenue Account, and Public Moneys Account, wrongly, whereas it ought to go all into one account; I had to make a lot of erasures and alterations, and, as I wanted to keep them nicely, I applied for another cash-book; another cash-book was furnished; I have no record of my application for the second cash-book; I explained to the Government Printer why I wanted a second book; I told him the books were not clean and nice, as I wished them to be, and that was why I applied; I always left them both in the office.

Why did you not inform me of your application for the second cash-book, as you know I was the Inspector of your General Public Accounts? I did not know it was necessary. The second cash-book commenced with the first entries of the beginning of the year. The entries in the second book were made by an assistant—not by me—up to the 9th July.

Have you had any correspondence with the Government about the second cash-book? Yes; I was called to explain why I wanted a second cash-book, and replied as above stated—that was all.

Why does your general cash-book not show any payment to the Treasury from the 22nd July to the 12th August? Payments are entered in the ledger of the 29th July, £33 9s. 1d.; 9th August, £48 12s. 6d. After the items were copied into the second cash-book, I discontinued the use of the first one, except as a memo book. When the second book came, I did not enter the entries I had to make neatly, knowing that I had the new book to copy them into.

Why was not the cash book balanced monthly? I considered this was a matter I could do almost at any time.

When was the book last balanced? Up to the half year ending 30th June last, but not since.

Why does not your cash-book show payments into the Bank in accordance with your letter of instructions? It does show it. There is no entry from the 23rd September till after my suspension on the 3rd October. The reason I did not make any payments into the Bank from the 23rd September to the 3rd October was, that I had lost my key and could not get at the money in the safe. I afterwards found the key, and paid the money in by Miller, after I was suspended; I gave him some cheques besides the money in the safe.

Referring to the Bank cash-book I find the last entry of payment to the Treasury dated the 2nd September, will you explain why no subsequent entry appears? Because I did not think it necessary until the time permitted to enable me to make these entries; I keep two Bank pass-books which will show exactly the payments made to the Treasury and will correspond with the ledger; the entry of £22 10s. is not quite correct, the £2 10s. was not sent down with that Bank draft but with the next draft, making that £13 0s. 4d. instead of £10 10s. 4d.

What was the amount to your credit when you made the last deposit? £419 15s. 7d.; I made no deposit since the 30th September; in the Public Moneys Pass-book there was a credit of £4 3s., making a total to my credit of £423 18s. 7d.; there was besides that in the safe, which I handed over to Miller after my suspension, little over £100.

Charge in reference to Adjustment of Public Accounts.

Mr. Ryan stated: I find in the May month my assistant in making up the accounts sent down £32 9s. for fees, fines, and licenses, whereas £35 6s 6d. ought to have been sent down; the sum of £2 17s. 6d. being omitted to be sent to the Police Reward Fund, that sum is still due; the sum of £2 17s. 6d. is for fines; that sum appears in the amended vouchers sent to the Treasury; the vouchers for the money due to the Consolidated Revenue Fund are correct; the amended attested account corresponds with the amended vouchers; the amended vouchers are a correct transcript from my books; I wrote on the 15th September about these accounts and have got no reply; on referring to the papers I see there was a reply dated 22nd September; I have had no time to attend to that reply; I had an assistant to help me to keep the books, and in entering the fines for the months of May and June he placed fines to the Police Reward Fund that ought to have been placed to the Consolidated Revenue Fund, and *vice versâ*; I did not discover this error till I was myself making out the attested account at the end of the June quarter; I then found that the month's vouchers which had been prepared by my assistant and forwarded were incorrect; I then forwarded fresh monthly vouchers to the Treasury, with a letter explaining how the error arose; in the first monthly vouchers for May there was a total of £2 2s. 6d. instead of £2 17s. 6d. to Police Reward Fund, and £11 5s. 6d. instead of £10 10s. 6d. to Consolidated Revenue; in the first monthly vouchers for June there was a total of £4 17s. 6d. instead of £3 5s. to Police Reward Fund, and £7 16s. instead of £9 8s. 6d. to Consolidated Revenue, the totals of the whole account are equally correct, but the items are not properly adjusted between the two funds.

29 October, 1870.

Inquiry into Selection by Mr. Cadell.

Mr. Ryan stated: That the reason why I did not get the application by Mr. Cadell signed at first was that I had no forms; I think I sent a requisition for the forms to the Government Printer on the 15th February; I told Mr. Cadell that the forms were not in the office; the forms arrived four or five days afterwards; I did not inform Mr. Cadell of their arrival, as I expected him in every day: I got a form signed by Mr. Cadell's son on the 6th March, to best of my recollection; the form was antedated the 14th February; I told Mr. Cadell, junior, that I expected his father in, but as he had not come I asked him to sign the paper; I don't recollect if I told him of the telegram I had received from the Government on the 7th March; I notified the selection to the Government; I gave the Government no intimation of this selection from the 14th February to the 7th March; I received the whole of the purchase money and the deed fee from Mr. Cadell on the 14th February; that money was sent to the Treasury on the 7th March; I was not aware at the time of the provisions of the Land Act about returning the money forfeited on the previous selection; I think we had some conversation about the forfeited deposit; I find now that I wrote to the Government on the 28th February, 1870, about this selection, and asking that the forfeited deposit might be returned—letter to the Treasury—reply dated the 30th March, letter of the 26th March.

Mr. Cadell stated: when I made the selection on the 14th February, I asked if a printed application was required, Mr. Ryan said it was not required in these selections; I had previously required the deposit to be allowed, and requested Mr. Ryan to consult with Mr. Warburton in the next room as to whether it could be allowed; Mr. Warburton advised him to do it as it was right and usual; Mr. Ryan said, he could only take the full amount and the deposit must be got back as a refund; I said I expect you to get it back for me; I believe I have paid it wrongly and he must get it for me; on the 14th March, I first heard of the signing of the application by my son; on the 25th February I was in Court, and asked Mr. Ryan if he had written about the refund, he said he had not, but would write that evening; I was in Mudgee four or five times between the 14th and 25th February; on the 15th February I called again to expostulate with Mr. Ryan about the deposit, but he was not here that afternoon; I came about half-past

2, and remained for more than an hour; the first intimation I had that an application was necessary was on the 14th March; on the 15th March, when I came into Mudgee, Mr. Ryan spoke to me of his own accord; he said you did require an application for that land, and I got your son to sign it, and it is all right now; I only now know of the letter of the 28th February.

Mr. Ryan stated: Mr. Cadell's cheque was paid in on the 17th February, 1870.

Mr. Warburton: On the 14th February, I told Mr. Ryan that the usual practice was to allow the forfeited deposit—I had no doubt of it.

Mr. Cadell, cross-examined: Mr. Ryan did not say that as there was doubt it would be better to send the whole of the money—Mr. Ryan said it was the only way he could take the money.

Mr. Ryan stated: I deny that I stated that no form of application was necessary only for free selections; in all cases of purchase it is necessary to send a voucher to the Treasury; I never saw Mr. Cadell that I can recollect between the 14th February and the date of the signature of the application; I don't recollect where I was on the afternoon of the 15th February—I may have been at the Bank; it is not necessary to give notice to the Government of a selection—the notice is the application accompanying the money; I said to Mr. Cadell, as there is a doubt it would be better to pay the whole purchase money, and I will get back the refund. Mr. Ryan now admits that his memory may not be correct in reference to the interviews with Mr. Cadell, junior, he may have seen him more than once about signing the declaration on the day on which it was signed, and that he had great hesitation in signing it for Mr. Cadell (his father.)

In the case of "Ryan *v.* Hill," the entry in the plaint book of the case has the name of the plaintiff erased by a knife—Mr. Ryan said he did not do it.

Mr. Warburton stated: That he noticed the erasure some months ago; that at the time of the Session he saw that the cases were entered as usual for the District Court, and knowing that in that action there was some very serious case involved in the inquiry, he referred to the minute and plaint book, and found the case in both books duly entered; having in the examination of accounts afterwards occasion to refer to these books, he then discovered that the plaintiff's name had been erased and dotted; he did not think anything of it at the time; it was immediately after the Circuit Court in July that he discovered this erasure.

Cross-examined: No one besides myself, I believe, had access to the plaint-book; on last Thursday week I received a telegram from the Colonial Secretary, requesting that I should forward at once a list of the further charges against Mr. Ryan; having previously discovered that two cash-books were used, and as I could not account for them, I requested Mr. Clarke to come with me to this office to ascertain if he could explain to me the necessity for the two books; we referred to the two cash-books only; we were not more than an hour in the office—I was with Mr. Clarke all the time; the plaint-book was not touched by Mr. Clarke; we were in the office only one night; at this time Mr. Clarke had applied for Mr. Ryan's office, and I gave him a recommendation for it.

John Hill stated: I remember an action brought against me by Mr. Ryan, in July last, for some cheques; the signature to the affidavit to the pleas in that action is mine; Mr. Hill declines answering any further questions about the matter.

Mr. Ryan stated: I sued Mr. Hill for the two cheques produced for £10 each; I got them from Mr. Hill in payment of money lent; when I received them they were post-dated cheques; the action was settled before it came on for trial; I cannot tell the date when I received them; it was in his own parlour; I did not receive them for gaming; they are the cheques referred to in the plaint; Mr. Hill asked me for a loan of money, and I lent him £20; there was no gambling when I lent the £20.

Mr. Davidson stated: That he, as Mr. Ryan's attorney, settled the case on the morning before the case commenced with Mr. Vivian Cox acting for Mr. Hill; the set-off was allowed, and a pound or two more, and each party pay their own costs.

Mr. Clarke: The erasure of the plaintiff's name on the plaint-book was not made by me; I saw it first when Mr. Ryan was making up his accounts for the Judge during the last sittings in July last; Ryan stated, referring to the set-off in the case of Ryan *v.* Hill, the spirits mentioned there were not consumed on the days they are mentioned to have been bought; the bottles of brandy and port wine were taken to my own house.

Kennedy v. *Hilly.*

Mr. Clarke stated: That the money was paid to Mr. Ryan by cheque, £6 11s. 6d.; on the 9th September the account was satisfied; I signed Mr. Ryan's book for receipts; it was an action for wages; when I came for the money Mr. Ryan told Mr. Warburton that it was necessary the money should pass through the Bank before he gave a cheque; that he could not pay the money to me till that was done; the cheque was drawn on his public account; the cheque was paid in; when I saw Mr. Ryan that afternoon he was not sober, that is my impression; his gait was unsteady; I don't know that I noticed any smell of liquor; the cheque was not written in his usual style; his language to Mr. Warburton was not respectful; the conversation only had reference to this money.

Cross-examined: Mr. Ryan was excited; I certainly say my impression was he was not sober; I applied for the appointment of Clerk of Petty Sessions before Mr. Ryan's appointment and that of his predecessor; I then obtained a recommendation by the Magistrates; Mr. Warburton has given me no such recommendation since.

Mr. Ryan stated: That he could not find any entry of the amount of £6 11s. 6d. in his books; I account for this by the way Mr. Warburton has treated me lately, and on that day especially; after I left the Court I went away, and while I was outside I got the money from Hilly; in talking of the way Mr. Warburton treated me I got more excited, and forgot the arrangement altogether.

Evan Richards: I am Bailiff of the Court; I remember being here on the day that a wages case between two Germans was on; I considered Mr. Ryan then under the influence of drink; I did not speak to him in the office; I spoke to him afterwards; I suggested that he had better go home; he said, "What for"; I replied, "Because you've been drinking"; he said he was not under the influence of drink, but was excited; I could not tell what it was, but his appearance was peculiar, and it appeared to be from drink; Mr. Ryan owes me £5 for the District Court and about £7 for the Small Debts Court; it is a running account; I have not received anything from him these last five months; the money is for mileage and fees; I have applied for payment to Mr. Ryan perhaps once a month; the last time Mr. Ryan said he would pay me half out of some money he said he expected to receive; that was early in September; no money has been paid me by him.

8

In the District Court holden at Mudgee.

Between Edwin Ryan, plaintiff, and John Hill, defendant.

On this seventh day of July, in the year of our Lord one thousand eight hundred and seventy, John Hill, of Mudgee, in the Colony of New South Wales, the above-named defendant, being duly sworn, states as follows:

The pleas hereunto annexed are true in substance and in fact.

JOHN HILL.

Sworn by the defendant on the day and year first above written, at Mudgee, before me,—

Geo. Warburton,

(L.S.) A Commissioner for Affidavits.

In the District Court for the Western District, holden at Mudgee.

No. 31. July Sittings, 1870.

Between Edwin Ryan, residing at Mudgee, plaintiff, and John Hill, residing at Mudgee, defendant.

Plaint and particulars of Plaintiff's Claim.

Plaintiff sues the defendant, for that the defendant, on the 4th day of October, A.D. 1869, by his cheque or order for the payment of money directed to the Australian Joint Stock Bank, Mudgee, required the said Bank to pay to "Wilson and Jerome," or bearer, £10; and the plaintiff became the bearer of the said cheque; and the same was duly presented for payment and was dishonored, whereof the defendant had due notice, but did not pay the same; and for that the defendant, on the 6th day of October, A.D. 1869, by his cheque or order for the payment of money, directed to the Australian Joint Stock Bank, Mudgee, required the said Bank to pay to the plaintiff or bearer £10, and delivered the said cheque to the plaintiff, and the same was duly presented for payment and was dishonored, whereof the defendant had due notice, but did not pay the same. And for money payable by the defendant to the plaintiff; for money lent by the plaintiff to the defendant; and for money paid by the plaintiff for the defendant at his request; and for money received by the defendant for the use of the plaintiff; and for money found to be due from the defendant to the plaintiff on accounts stated between them. And plaintiff claims £20.

	s.	d.
Letter	2	0
Instruction to sue	6	8
Attending entering plaint, &c.	10	6
Copy particulars, defendant	.....	
	19	2

GEORGE DAVIDSON,
Plaintiff's Attorney,
Mudgee.

Dated this 28th day of June, 1870.

Summons to appear to a Plaint.

In the District Court for the Western District, holden at Mudgee. No. of Plaint, 31.

Between Edwin Ryan, plaintiff, of Mudgee, and John Hill, defendant, of Mudgee.

You are hereby summoned to appear at the District Court, to be holden at Mudgee, on the 13th day of July next, at the hour of 10 in the forenoon, to answer the plaintiff to a claim the particulars of which are hereunto annexed.

EDWIN RYAN,
Registrar of the Court.

Dated this 28th day of June, 1870.

	£	s.	d.
Debt or claim	20	0	0
Costs of plaint...	0	7	6
Mileage	0	0	6
Attorney's costs	0	19	2
Total amount	£21	7	2

To the defendant.

In the Western District Court, holden at Mudgee.

Between Edwin Ryan, plaintiff, and John Hill, defendant.

The defendant upon the trial of this cause will rely upon the following grounds of defence:

As to the first and second counts,—That the plaintiff did not become the bearer of the cheques therein mentioned for valuable consideration, but that the same were delivered by the defendant to the plaintiff for money won or alleged to have been won by gaming at dice.

As to the whole claim,—

1. Never indebted.
2. Set off.

J. DUDDEN BRODRIBB,
Market-street, Mudgee,
Defendant's Attorney.

Dated this 7th day of July, 1870.

To the abovenamed Plaintiff and to the Registrar of the Court.

These

These are the pleas referred to in annexed Affidavit of John Hill, sworn this 7th day of July, 1870, before me,—

GEO. WABBURTON,
(L.S.) A Commissioner for Affidavits.

In the Western District Court, holden at Mudgee.

Between Edwin Ryan, plaintiff, and John Hill, defendant.

THE following are the particulars of set-off referred to in the annexed pleas :—

		£	s.	d.
1862—Aug. 6—				
	Bottle wine	0	6	0
	Bottle pale brandy	0	6	0
Aug. 20—				
	2 glasses, 1s. ; 3 glasses, 1s. 6d. ...	0	2	6
	7 glasses, 3s. 6d. ; 16 glasses, 8s. ...	0	11	6
	2 tins oysters	0	4	0
September 10—				
	Cash	2	10	0
	Cash, Mrs. Hill...	3	10	0
Oct. 23—				
	Horse stabling, six nights	1	4	0
	½ pint brandy	0	2	6
	2 bottles wine	0	12	0
	3 glasses, 1s. 6d. ; 2 glasses, 1s. ...	0	2	6
Nov. 11—				
	2 glasses, 1s.	0	1	0
	1 bottle pale brandy	0	6	0
	3 glasses, 1s. 6d. ; 3 glasses, 1s. 6d. ...	0	3	0
	3 glasses, 1s. 6d.	0	1	6
	6 glasses, 4 glasses	0	5	0
1870—Jan. 4—				
	1 bottle pale brandy	0	6	0
	4 glasses, 3 glasses	0	3	6
March 28—				
	Cash	1	0	0
	8 glasses, 4s. ; 7 glasses, 3s. 6d. ...	0	7	6
	2 glasses, 1s. ; 3 glasses, 1s. 6d. ...	0	2	6
	1 glass, 2 glasses, 1 glass	0	2	0
	6 meals	0	9	0
	9 feeds for horse	0	13	6
		£12	12	6

Dated this 7th day of July, 1870.

J. DUDDEN BRODRIBB,
Defendant's Attorney.

To the Plaintiff and the Registrar of the Court.

Sydney : Thomas Richards, Government Printer.—1879.

[9d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LANDS DEPARTMENT.

(ADDITIONAL CLERKS FOR CONDITIONAL SALES BRANCH.)

Ordered by the Legislative Assembly to be printed, 18 *March*, 1879.

[*Laid upon the Table in accordance with promise made in answer to Question* 10, *Votes No.* 83, 11 *March*, 1879.]

W. Blackman, Esq., to The Chief Commissioner of Conditional Sales.

Department of Lands, Conditional Sales Division.

MEMO.—Having been recently informed by you that you had at last succeeded in securing four large rooms in Pitt-street for the convenience of this branch, I beg to apply for an additional staff of twenty-two clerks, to be distributed, if appointed, in the following manner:—

I propose to employ eight in working up the arrears of declarations, now about 9,000, and accumulating at the rate of about 1,500 a month; eight of the trained staff were engaged in this work some time ago, and in less than three months in after hours prepared 6,000 cases and lodged them in the hands of the various Inspectors; eight new hands however intelligent cannot possibly do more, and with a less number there would be no chance of disposing of them, as they would most likely come in faster than they went out: indeed the disposing of the declarations is a most serious matter, as I have already stated over and over again, and I would now remind you that this branch is not in any way answerable for their accumulation, as fully set forth in a memo. of mine submitted by you to the Minister for Lands some months ago.

There is in fact but one way under the existing system of dealing with them, and that is to have instructions for report placed in the hands of the Inspectors within the last three months of the three years, so that about the time the selector would be sending in his declaration, the Inspector would be sending in his report. The two documents would thus as nearly as possible arrive at the same time. This is indispensable in order that the full benefit of early and punctual inspection, as well as prompt inquiry before the Commissioners may be obtained. We have never however been placed in a position to do this, notwithstanding urgent, frequent, and elaborate representations since May, 1875, and declarations still remain twelve or eighteen months after receipt before they are or can be examined, and from one to three years before reports can be obtained from Inspectors, a delay clearly the source of unlimited evasion of the conditions of the Land Act.

I propose to employ two clerks in dealing with declarations as they come in daily, in order that the system referred to, in so far as it can be immediately adopted, may be carried out.

The Chief Record Clerk, Mr. Harper, will want three additional hands to get up former papers for Inspectors' reports, Commissioners' reports, also for lapsed and forfeited cases for auction purposes.

Mr. Ardill will want two clerks to help him with the work of notation, &c., and Mr. Horton will require two to assist him in getting the schedules ready for the Inspectors, copying descriptions of conditional purchases, &c.

There ought to be at least six first-rate corresponding clerks at present, so that we shall want two more. The prolonged absence of two of them, Messrs. Fitzpatrick and Phillips, through illness, has caused much inconvenience.

Then, as the conditional purchase applications will in future be kept as records, and not sent out of the department, it will take at least one hand to make copies of them every day for the Charting Branch, and two clerks will be needed for various miscellaneous services, as well as preparing notifications of approved descriptions of boundaries of conditional purchases—work which we have been obliged to discontinue, except when special applications are made.

There has lately been some considerable addition to the staff of the Charting Branch, and of course our work is augmenting.

Whenever the state of this branch will admit of it, whatever reductions can be made in the number of the clerks employed will be recommended, but for a length of time the position of the staff has been this: that while business was increasing only a certain amount could be got through for want of accommodation, and I have been obliged for months to keep in the greater part of the staff till 6 in the evening every day to prevent serious inconvenience. I frequently mentioned to you that four clerks were

 wanted

wanted to keep up the *current work* alone of records, but that it was no use to apply, as they could not be afforded standing room; and in a long personal interview which I had with the Minister for Lands on these matters some months ago, I told him I was only prevented from applying for an extra staff of twenty clerks by the total want of accommodation, and yet it must be clearly understood that although the additional rooms will be a great boon, there will be disadvantages; for after making the best arrangements you can, there will be thousands and tens of thousands of documents passing backwards and forwards between this department and the branches, and the clerks will have to pass to and fro, obliged to do one portion of their work here and the other in the outlying offices.

This application for so large an extra staff is no doubt serious, but it is made only after due consideration, and I may add with great reluctance, but I feel certain it will be justified not only by the actual amount of work to be done, but by any cursory survey of the circumstances in which the department is placed. It must be borne in mind that for years this division of it has had to contend against all the individuals in this Colony who, either from greed for land, or class antagonism, have been endeavouring to turn free selection to purposes for which it was never intended, either in securing a freehold estate at the public expense, or in securing an undue command over Crown Lands, aided not only by the best legal advice that could be had, but by a host of land agents, employing too for temporary or permanent success every means or device that could be tried on, viz.,—conditional purchase applications, volunteer land orders, vague descriptions, fictitious improvements, mineral lease selections, &c.; a state of things which with the delays of survey, and the absence of supervision during several important years, is the true source of the "complications," "circumlocution," "worry," and "difficulties," complained of; and yet in spite of these adverse influences during nine months of the present year, to say nothing of former ones, more than £300,000 worth of land has been recovered from persons who at other periods would have obtained it without compliance with the conditions. Still this result is only a minimum gain, for the forfeited lists prove that the existing system of administration is acting as a check on speculators, but not at all as a preventative, because persons in great numbers are *still* taking the chances of obtaining the land without performing the conditions, and must *therefore* believe the chances are in their favour,—a conviction that would not be so widespread as the forfeited lists and the multitude of cases that have barely escaped inclusion in them testify, if the existing system, notwithstanding appearances, reached even a majority of the defaulters.

It is the business of the department however *not* to get up forfeited lists, let them pay ever so well, but to abolish them altogether, at all events to reduce them to merely nominal proportions, a result which would pay still *better*, provided of course it was brought about not by a system of *laisser-faire* by which conditional purchases were for too long a period allowed to be as it were judges, juries, witnesses, and appraisers in their own cases, but by the ordeal of public verification in open Court in all cases, with prompt and comprehensive supervision by Inspectors in the meantime. The disappearance of the forfeited lists would thus be demonstrative evidence not only that the department was completely organized, but that so far as conditional sale was concerned, it was at last fulfilling its mission, and confining the benefits of conditional sale to the persons for whom it was originally intended,—a state of things which would even now bring about a great change in the relations between those parties whose collision up to the present has been, it is alleged, the source of vast social and economical evils—a collision, however, clearly due far more to "defective administration" than to "imperfect law," and would further put an end to much of the complications, circumlocution, and difficulties inherent and inevitable in things as they are.

There are no doubt other aspects of this question, but I pass them by as not coming immediately within the scope of this memo., which simply points out that there is an enormous amount of work still to be done, and that unless that work is and can be done, that is, unless the conditional purchase administrative system of this department becomes a system of prevention, it will be in the main a failure, entailing an amount of work quite disproportionate to the object in view, and highly expensive, without affording any solution of the problem to be worked out; for with every extension of conditional purchase will come a corresponding extension of the usual complications, and the old antagonism of classes, and waste of capital in forced purchases of land, with all their attendant disturbances, will continue.

And these extensions are even now going forward. Our forfeited lists are increasing. The number of conditional purchasers are increasing, and did not fall off during two years' drought. Every one knows that with a good season or two the department would be loaded with applications, and while new legislation is imminent, all probable legislation is rather in the direction of variety in the conditions, and therefore of complexity in the administrative details. However, having said enough for the present in a suggestive way generally, I now submit this application for any consideration you may think it deserves.

W. BLACKMAN,
22 Oct., 1878.

Minute.

Refer the matter to the Commissioner.—J.S.F., 26/10/78.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEPARTMENT OF LANDS.

(RETURN OF ALL OFFICERS AND SERVANTS.)

Ordered by the Legislative Assembly to be printed, 17 April, 1879.

[*Laid upon the Table, in satisfaction of a Question by Mr. Greenwood on the 2nd April, 1879.*]

RETURN showing the total number of Officers and Servants, of whatever grade, employed in connection with the Department of Lands, during the year ending the 31st December, 1878, together with the total amount of salaries and fees paid to each during that period.

Number.	Description.	Fees.			Salaries.		
		£	s.	d.	£	s.	d.
1	Under Secretary	.....			800	0	0
1	Surveyor General	.....			1,000	0	0
1	Deputy Surveyor General	.....			900	0	0
418	Surveyors	153,768	14	9	32,105	18	8
400	Draftsmen	10	0	0	58,545	17	5
1	Chief Commissioner, Conditional Purchases	.....			700	0	0
8	Commissioners of Conditional Purchases	.....			3,800	0	0
16	Inspectors of Conditional Purchases	.....			5,600	0	0
1	Inspector of Land Offices	.....			400	0	0
89	Crown Lands Agents	.....			6,944	0	0
188	Clerks	.....			33,499	19	8
2	Bailiffs	.....			240	0	0
23	Messengers	.....			1,764	19	9
38	Field Assistants and Labourers	.....			2,486	12	8
8	Appraisers	.....			637	10	0
4	Court of Claims	8	6	0	.....		
1	Agent, Church and School Lands	.....			100	0	0
2	Oyster Beds	.....			332	0	0
37	Botanic Gardens and Hyde Park	.....			4,628	15	4
*82	Imported Stock and Registration of Brands	.....			10,471	10	0
*74	Occupation of Lands	201	10	0	13,750	13	9
1,395	£	153,988	10	9	178,707	17	3

* These Branches were transferred to the Mining Department, in the month of October, 1878.

NOTE.—Of the eight Appraisers mentioned above, the services of three were dispensed with during the year, leaving five employed.

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LEAVE OF ABSENCE TO COLLECTOR OF CUSTOMS.

(PAPERS RELATING TO.)

Ordered by the Legislative Assembly to be printed, 25 *April*, 1879.

RETURN to an *Order*, made by the Honorable the Legislative Assembly of New South Wales, dated 12 March, 1879, That there be laid upon the Table of this House,—

"A copy of all Correspondence, Minutes, and other Documents having "reference to the leave of absence of Mr. W. A. Duncan, Collector of "Customs, and the appointment of an Acting Collector."

(*Mr. W. C. Browne.*)

SCHEDULE.

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1.	The Collector of Customs to the Under Secretary for Finance and Trade. 21 November, 1877	2
2.	The Under Secretary for Finance and Trade to the Collector of Customs. 22 November, 1877	2
3.	The Collector of Customs to the Under Secretary for Finance and Trade. 23 November, 1877	2
4.	Minute of His Excellency the Governor and Executive Council. 23 November, 1877	2
5.	Mr. W. N. Llewellin to the Colonial Treasurer. 21 November, 1877. Minute of Mr. Duncan thereon. Minute of Treasurer thereon	2
6.	Minute of Colonial Treasurer as to appointment of Acting Collector of Customs	3
7.	Minute of His Excellency the Governor and the Executive Council	3

LEAVE OF ABSENCE TO COLLECTOR OF CUSTOMS.

No. 1.

The Collector of Customs to The Under Secretary for Finance and Trade.

Custom House, Sydney, 21 November, 1877.

Sir,

It is pretty generally known that for a long time past I have been in bad health. Trusting to what was once an excellent constitution, I hoped by care and proper treatment to overcome the evil; but it gets worse and worse, and I feel that I cannot with justice either to myself or the Government attempt to perform duties which require unremitting attention, and a sound body as well as a sound mind.

After a second consultation of physicians, they have come to the unanimous conclusion that I must give up all business for a considerable time; I venture, therefore, to request that the Honorable Treasurer will be good enough to obtain for me twelve months' leave of absence, and, as I have been and am under very heavy medical expenses, without diminution of pay.

As during thirty-two years' service I have never had but one month's leave of absence, and the nature of my work has been harassing in the extreme, I do not think that Mr. Long will consider my request extravagant.

I have, &c.,
W. A. DUNCAN,
Collector of Customs.

No. 2.

The Under Secretary for Finance and Trade to The Collector of Customs.

The Treasury, New South Wales, Sydney, 22 November, 1877.

Sir,

I have the honor to acknowledge receipt of your letter of the 21st instant, which has been submitted to the Colonial Treasurer; and I am to inform you in reply that, while regretting the circumstances under which your application is made, the Government most readily accede to your request for twelve months' leave of absence without diminution of pay.

I am also to ask that you will be good enough to state when you desire the leave should commence, that the necessary Executive Minute may be prepared.

I have, &c.,
G. EAGAR.

No. 3.

The Collector of Customs to The Under Secretary for Finance and Trade.

Custom House, Sydney, 23 November, 1877.

Sir,

I do myself the honor to acknowledge the receipt of your letter of the 22nd instant, and to return my best thanks to the Honorable the Colonial Treasurer, and the other Ministers, for their promptitude in granting me leave, and especially for the extremely kind and considerate terms in which the grant has been expressed.

If no inconvenience arise from it, I should like to leave on Monday next, as my doctor is very urgent on the subject.

I have, &c.,
W. A. DUNCAN,
Collector of Customs.

No. 4.

Minute Paper for the Executive Council.

Subject—Leave of absence to the Collector of Customs.

(No. 97.) The Treasury, New South Wales, Sydney, 23 November, 1877.

The Colonial Treasurer submits to His Excellency the Governor and the Executive Council an application from W. A. Duncan, Esquire, Collector of Customs, for leave of absence, on account of ill health, for a period of twelve months, without diminution of pay. The Treasurer recommends the application for the approval of the Governor in Council—the leave to date from the 26th instant.

W. A. LONG.

The Executive Council advise that leave of absence for a period of twelve months, on full salary, be granted to W. A. Duncan, Esq., Collector of Customs, on account of ill health.—ALEX. C. BUDGE, Clerk of the Council. Min. 77/60, 26/11/77. Confirmed, 12/77.

Approved.—H.R., 26/11/77.

Mr. Read,—Inform Mr. Duncan.—G.E., 6/12/77. Infd.—R.N.

No. 5.

The Chief Clerk, Customs, to The Colonial Treasurer.

Custom House, Sydney, 22 November, 1877.

Sir,

As the Collector is under the necessity of temporarily retiring from the discharge of his duties through ill health, I do myself the honor to apply for the appointment of Acting Collector during his absence.

I do not consider it necessary to enter into a detailed account of my service, extending over a period of *nearly thirty-six years*, but I may mention that in 1847 I was appointed to act as Collector at Melbourne,

Melbourne, in which year I was Acting Chief Clerk and Cashier at this port, and I was again appointed in 1848, and returned to Sydney in 1849. I have held the office of Chief Clerk for nearly twenty-three years, and acted on all occasions for the Collector during his temporary absence.

Having faithfully served the Government for the long period above mentioned, and next in succession to Mr. Duncan, I respectfully submit that in applying for the office of Acting Collector I am only asking for that which my service fairly entitles me to. I have, &c.,

W. N. LLEWELLIN.

In forwarding this application I do not pretend to claim any voice in the appointment of my *locum tenens*, but it is only justice to say that Mr. Llewellin's long period of service as Chief Clerk here and as Collector at Melbourne (before separation) necessarily makes him thoroughly acquainted with the routine of the department, and, as regards seniority, gives him to which no other in it can pretend. I can also speak in the highest terms of his integrity and trustworthiness.—W.A.D., 22/11/79.

The Under Secretary, Treasury. Seen.—W.A.L., 26/11/77.

No. 6.

Treasury Minute.

Subject—Appointment of Acting Collector of Customs during absence on leave of Mr. Duncan.

The Treasury, New South Wales, Sydney, 26 November, 1877.

In consequence of the allowance to Mr. W. A. Duncan, Collector of Customs, of twelve months' leave of absence on full salary, I appoint Mr. Augustus Berney to be Acting Collector of Customs at his present salary during such term of leave.

W. A. LONG.

No. 7.

Minute Paper for the Executive Council.

Subject—Appointment of Mr. A. Berney as Acting Collector of Customs.

(No. 98.) The Treasury, New South Wales, Sydney, 26 November, 1877.

In consequence of the allowance of twelve months' leave of absence, dating from this day, to William A. Duncan, Esquire, Collector of Customs, it becomes necessary to fill the temporary vacancy thus occasioned; and the Treasurer accordingly recommends for the approval of His Excellency the Governor and the Executive Council that Augustus Berney, Esquire, at present First Landing-surveyor, be appointed Acting Collector of Customs for the term of leave granted to Mr. Duncan, at the salary which Mr. Berney holds in virtue of his present appointment.

W. A. LONG.

The Executive Council advise that Augustus Berney, Esquire, be appointed Acting Collector of Customs during the absence on leave of W. A. Duncan, Esquire.—Alex. C. Budge, Clerk of the Council.

Min. 77-60, 26/11/77. Confirmed, 12/77. Approved.—H.R., 26/11/77.

Mr. Reid,—Letter to Mr. Berney.—G.E., 6/12/77. Infd.—R.N.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MR. HENRY BAYLIS, POLICE MAGISTRATE, WAGGA WAGGA.)

Ordered by the Legislative Assembly to be printed, 20 *May*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 22 April, 1879, That there be laid upon the Table of this House,—

"A copy of the Petition of Mr. Henry Baylis, Police Magistrate at Wagga "Wagga, to the Governor and Executive Council, with the report of "Mr. Fosbery thereon, and all other documents relating to the same."

(*Captain Onslow.*)

SCHEDULE.

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ADMINISTRATION OF JUSTICE.

No. 1.

Petition of Henry Baylis.

To His Excellency Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, and Vice-Admiral of the same; and to the Honorable the Members of the Executive Council of New South Wales.

The humble Petition of Henry Baylis, Police Magistrate, of Wagga Wagga,—

Respectfully Showeth:—

That your Petitioner entered the Public Service on 9th August, 1852, as Clerk of Petty Sessions at Hartley, which appointment he held until the 31st December, 1857.

That your Petitioner was on the 1st January, 1858, for his efficiency and good conduct (as was then stated by the Honorable the Colonial Secretary, Mr. Cowper), promoted to the office of Police Magistrate at Wagga Wagga, which he has held to the present day.

That in the year 1862 your Petitioner was directed to attend once a month the Courts of Petty Sessions then recently established at Narandera and Urana, the former being 60 miles, on the road to Hay, and the latter being 75 miles, on the road to Deniliquin, distant from Wagga Wagga.

That on the 21st August, 1863, your Petitioner was proceeding to Urana, to attend the Court there, when (being then unarmed), he was attacked and two shots fired at him by two bushrangers—Big Morgan and Clark. Your Petitioner rode away from them, but, after a chase of over four miles, they overtook, captured, and robbed him.

That your Petitioner, when released by them, rode on to Urana, and telegraphed to the police in Wagga Wagga to come out and meet him, and that he would accompany them in search of the bushrangers.

That your Petitioner, being a good tracker and accustomed to the bush, believed that he could find the bushrangers, and that when found he would be able to identify them and effect their capture, and he accordingly accompanied a party of police, consisting of Mr. Sub-inspector Morrow, and Constables Brown and Charlton, in pursuit of the bushrangers.

That on the morning of the 26th August your Petitioner struck the tracks of two horsemen and ran them back to a point in a dense scrub, about 9 miles from the Urangeline Creek, on the Brookong Run, where he found the camp of the bushrangers. As it appeared to your Petitioner and the police party who were with him that the men they were searching for were out on some robbing expedition, they were determined to await the return of the men to the camp and so entrap them.

That the police party and your Petitioner waited in ambush all day; and towards night, as heavy rain came on, they went under the bushrangers' mia-mia for shelter and to keep their fire-arms dry.

That about 8 o'clock in the evening, the rain having ceased, your Petitioner heard the step of a man in the scrub as if approaching stealthily; that he turned to the Sub-Inspector and constable who were with him and whispered to them that the men were sneaking on them, but neither of them could credit it.

That your Petitioner then rose and went in the direction whence the sound of footsteps came, well knowing that the bushrangers would see him going towards them, and that he would have to stand their first shot.

That when your Petitioner had gone about 20 paces from the mia-mia a shot was fired at him and missed him; he then caught sight of one of the men (Clark), who had stuck him up on the twenty-first, and calling on him to stand levelled a revolver at him.

That your Petitioner and the man Clark both fired in the same instant, at a distance of ten yards from each other; his shot struck your Petitioner on the middle joint of the right hand thumb, which was completely shattered, glanced off it and entered his right shoulder, splintered pieces of his backbone, and passed out at his left shoulder blade.

That up to this time your Petitioner had not seen the second bushranger (Big Morgan). He was looking in the direction of Clark when Morgan rose from behind a small scrub on your Petitioner's left, and at about 9 feet from him fired a revolver into your Petitioner's face—singing off the hair on his face and blackening it with the powder.

That your Petitioner then turned and saw Morgan running from him. That, although his thumb was broken, he had not dropped his revolver. He endeavoured to raise his wounded shoulder and fire at Morgan, when his back gave way, and he fell senseless to the ground, where he laid for a long time till as he revived he heard one of the constables calling his name, when he called the constable to him, and was by him assisted back to the mia-mia.

That your Petitioner laid on the ground till next morning, when he was put on a horse by the police and carried to the nearest station, Bullenbong, about 18 miles from the scene of the encounter.

That the bullet which passed through your Petitioner weighs an ounce and three quarters, and it was seven months before the broken pieces of his backbone were extracted and his wounds healed.

That your Petitioner's conduct on that occasion met with the approval of the Colonial Secretary, Mr. Cowper, who complimented him for "his zeal and courage," and that the Government, through the Police Department, paid a sum of £50 for medical attendance on your Petitioner.

That the bushranger by whom your Petitioner was wounded was seen by a stockman on Mohonga Run two days after the conflict. He was then suffering from a gunshot wound in the shoulder, which he accounted for to the stockman by saying that his gun had gone off accidentally and wounded him. He has not since been seen alive, and some months afterwards when Morgan was burning the Mittagong Station he told the men there that your Petitioner had shot his mate on the night of our encounter, describing his wound as being through the right arm and under the shoulder-blade, that his mate had died at Mohonga, and he had left him in the scrub there. Towards the end of the year 1865 the remains of a man were found in the scrub at Mohonga, with clothing answering the description of that worn by the missing man, so that little doubt exists that your Petitioner was the means of ridding the district of one of the ruffians that infested it.

That

That in the year 1865 your Petitioner's wounds broke out, causing him a long and severe illness, and that on his partial recovery he was recommended by his medical adviser a change of air, and the Government granted him three months leave of absence, which period was subsequently extended by six weeks.

That the Government, through the Police Department, paid a sum of £20 for medical attendance on your Petitioner during his last-mentioned illness.

That in the year 1870 your Petitioner was selected by Government to appraise runs in this and in the neighbouring districts of Albury, Tumut, and Gundagai, in each of which districts there was a Police Magistrate. That the country was at the time in a very boggy state from continuous rains, your Petitioner knocked up two borrowed horses besides his own, and the fatigue he underwent caused the wound on his shoulder to again break out, which was followed by erysipelas in the shoulder and neck, whereby the life of your Petitioner was seriously endangered.

That either from being older, and consequently less able to endure pain, or from some other cause, your Petitioner suffered on this occasion much more severely than he did at the time he received the wounds.

That your Petitioner was allowed for this extra duty £1 per diem as travelling expenses when away from home, but on completion of the work, and on making up his travelling expenses and the sum allowed him by the Government, he found that he was just £2 out of pocket by it.

The Police Department however again paid a sum of £10 for medical attendance on your Petitioner.

That in the year 1870 your Petitioner applied to the Government for the office of Water Police Magistrate at Sydney, for which he was recommended by the Chief Justice, Sir Alfred Stephen, a copy of whose letter is appended hereto (the original being recorded in the Colonial Secretary's Office), but your Petitioner's application was not granted.

That in the year 1875 your Petitioner was presented by the Government with a gold medal, which is the only recognition of your Petitioner's efforts to preserve order and suppress crime in the district that he has received from the Government.

That during all the years your Petitioner has been in the Service he has never been found fault with by any Department of the Government; and his decisions as Police Magistrate, although frequently appealed against to the higher Courts, have in no instance been reversed on such appeal. The two last editions of Wilkinson's Australian Magistrate quote important decisions of your Petitioner, as confirmed by the Supreme Court, for the guidance of the Magistrates of the Colony.

That within the last three years your Petitioner's health has failed very much. He cannot undergo any physical exertion without bringing on an illness, and at every change of the weather he suffers severely from rheumatism in the shoulders and along the spine; but as he cannot positively assert that such illnesses are altogether the result of his wounds, he cannot ask the Inspector General of Police to pay for his medical attendance.

That the long and severe illness which your Petitioner has undergone, consequent on his wounds, have necessarily entailed upon him many incidental expenses beyond the cost of medical attendance, and for which no allowance whatever has been made to him by the Government.

That the late Inspector General of Police (Captain McLerie) and the present Inspector General, Mr. Fosbery, have each expressed the opinion that the Government should have allowed your Petitioner for his services at least £50 per annum from the time he was wounded.

Your Petitioner therefore humbly prays that his case may receive favourable consideration, and that some compensation may be awarded to him as a gratuity for extra services performed at the risk of his life, in connection with the capture of bushrangers in the year 1863, or that Petitioner's salary may be increased as a reward for his long and faithful public services.

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

Wagga Wagga,
July 29, 1878.

HENRY BAYLIS,
Police Magistrate.

Minister of Justice.—H.R., 5/8/78. The Under Secretary, Department of Justice, &c., 5/8/78.

[*Enclosure.*]

His Honor the Chief Justice to H. Baylis, Esq.

My dear Baylis, Wagga Wagga, 12 April, 1870.

It gives me much pleasure to say that I believe you to be eminently fitted for the office of a Police Magistrate, and that you would do ample justice to the appointment at Sydney recently vacated. I have known you personally for four or five years only, but by character and observation for many more, and I am able therefore to form a correct opinion as to your capacity.

In point of fearlessness, acuteness, integrity, and knowledge of your duties, I believe that no one on the Magisterial Bench is your superior, and I doubt whether, all things being considered, more than one among them can be deemed your equal.

I am always, &c.,
ALFRED STEPHEN.

No. 2.

Précis.

Re Petition of Mr. Baylis, P.M., Wagga, claiming gratuity for extra services or increase of salary.

The Petition of Mr. Baylis, P.M., Wagga, shows that he entered the service as C.P.S., Hartley, in 1852, and was promoted in 1858 to the position which he at present fills.

The Petition gives a detailed account of his encounter with the bushrangers Morgan and Clark, one of the shots fired at him on the occasion having shattered his right thumb, glanced off it and entered his right shoulder, splintered pieces of his back bone, and passed out at his shoulder blade. It was seven months before the broken pieces of his back bone were extracted and the wound healed up. The Colonial Secretary, Mr. Cowper, complimented him on his zeal and courage, and the Police Department paid £50 for medical attendance and £20 in 1865, the wounds having broke out, causing him long and painful illness.

The

The Petitioner says that little doubt exists that his shot killed Clark, as the clothes found on the remains of a man discovered in the Mohonga scrub, 1865, answered the description of those worn by the missing Clark. The Petitioner having been selected by the Government in 1870 as Appraiser of Runs in Wagga, Albury, Tumut, and Gundagai, states that in consequence of the fatigue which he underwent in a boggy country from continuous rains the wound broke out again and he was allowed £10 for medical attendance. For this duty he received £1 per day travelling expenses, but when making up his accounts on the completion of the work he was just £2 out of pocket.

The only recognition of his efforts to suppress crime, &c., has been a gold medal presented to him by the Government in 1875.

He states that his services have never been found fault with by the Government, that in no instance have any of his decisions been upset on appeal, and that some of his important decisions, as confirmed by the Supreme Court, have been quoted in Wilkinson's Australian Magistrate, for the guidance of the Magistrates of the Colony.

In complaining of his sufferings within the past three years he says that no allowance has been made by the Government for medical and other necessary expenses, and states that the late Inspector General of Police and the present Inspector General have expressed an opinion that he should have been allowed £50 a year at least since he was wounded.—20/8/78.

I shall be glad to be favoured with report hereon by the Inspector General of Police at his earliest convenience, as I may deem it expedient to place a sum upon the Estimates.—J.L., 20 August, 1878. The Inspector General of Police.—W. E. PLUNKETT, B.C., 24 August, 1878.

No. 3.

The Inspector General of Police to The Under Secretary of Justice, &c.

Police Department, Inspector General's Office, Sydney, 26 August, 1878.

No exception can I think be taken to the representation made by Mr. Baylis, and in my opinion his case is deserving of the consideration of the Government, with a view to his being awarded some compensation for the injuries he received whilst in the execution of public duty.

Should the Hon. the Minister of Justice think fit to place any sum upon the Estimates, I would suggest that the application should be supported by two medical certificates as to Mr. Baylis's present state of health and the permanent injuries he sustained.

When preparing the Petty Sessions Estimates I have several times suggested the increase of the Police Magistrate's salary at Wagga Wagga, on the ground that the duties were onerous and because the place was a circuit town. I certainly have informed Mr. Baylis that I considered he had a claim for compensation on personal grounds, but he is under a misapprehension in saying that I fixed the amount at £50 per annum—Captain M'Lerie may have done so.

EDMUND FOSBERY,
Inspector General of Police.

Let Mr. Baylis, P.M., be informed accordingly, and I think an amount should be placed upon the Estimates as compensation for injuries caused by the bushrangers.—J.L., 27th August, 1878. Mr. Baylis, P.M.—29/8/78.

No. 4.

The Under Secretary of Justice, &c., to The Police Magistrate, Wagga Wagga.

Sir, Department of Justice and Public Instruction, Sydney, 29 August, 1878.

With reference to the Petition addressed by you to His Excellency the Governor asking for compensation for extra services rendered to the Government or increase of salary, I am directed by the Minister of Justice and Public Instruction to request that you will have the goodness, with a view to dealing with your application, to furnish two medical certificates in support thereof.

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

No. 5.

The Police Magistrate, Wagga Wagga, to The Under Secretary of Justice, &c.

Sir, Police Office, Wagga Wagga, 9 September, 1878.

In reply to your letter to me of 29th August last (78/7820), requesting me to furnish two medical certificates in support of the Petition addressed by me to His Excellency the Governor asking for compensation for extra services rendered to the Government, I have the honor to enclose the certificate of Dr. Allan B. Morgan, who attended me through all my illness up to 1871, and the certificate of Dr. Erasmus Wren, the Government Medical Officer in this District, who has attended me these later years.

I have, &c.,
HENRY BAYLIS, P.M.

To be submitted to Cabinet that a gratuity of £ be placed upon the Estimates.—J.L., 21/9/78. Refused by the Cabinet.—J.L., 15/10/78. Mr. Baylis informed.—16/10/78.

[*Enclosure* 1.]

In August, 1863, and for several months afterwards, I attended Mr. Henry Baylis, while suffering from severe gun-shot wounds inflicted by the bushranger Morgan.

I had frequent opportunities of observing his health during the next ten years, and am satisfied that the injuries he received materially injured his health, and that he never has been as strong a man since that time as he was previously.

Ashenhurst, Burwood, 5 September, 1878. ALLAN B. MORGAN, L.R.C.P.

[*Enclosure*

[*Enclosure* 2.]

I HAVE known Mr. Henry Baylis for upwards of five years, and have on various occasions been professionally consulted by him.

Mr. Baylis (who is naturally of an active and energetic disposition) has suffered much from the effects of a gun-shot wound, which from the injury produced on the spine has gradually impaired his physical powers and otherwise affected his general health.

Wagga Wagga, 9 September, 1878. ERAS. WREN, L.R.C.P., F.R.C.S.E.

No. 6.

The Under Secretary of Justice, &c., to The Police Magistrate, Wagga Wagga.

Sir, Department of Justice and Public Instruction, Sydney, 16 October, 1878.

Referring to your letter of 9th ultimo, and previous correspondence, respecting your application for compensation for special services in connection with the capture of bushrangers in the year 1863, I am directed by the Minister of Justice and Public Instruction to inform you that the question of placing a sum of money on the Estimates in the form of a gratuity, in recognition of your services in above matter, has been carefully considered, and Mr. Leary regrets that the Cabinet are unable to comply with your application for compensation.

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

No. 7.

The Police Magistrate, Wagga Wagga, to The Minister of Justice, &c.

Sir, Police Office, Wagga Wagga, 23 January, 1879.

I have the honor to state that on the 29th July last, by direction of Mr. Leary, then Minister of Justice and Public Instruction, I forwarded a petition to His Excellency the Governor and the Honorable the Members of the Executive Council, setting forth my services in connection with the capture of the bushrangers in the year 1863, and the sufferings I have undergone from the wounds which I received on the occasion; and praying that some compensation might be awarded to me as a gratuity for extra services performed at the risk of my life, or that my salary might be increased as a reward for my long and faithful public services, to which I received a reply in October last, from the Under Secretary of your department, informing me that Mr. Leary regretted that the Cabinet were unable to comply with my application for compensation. I may mention that, so far back as 1876 I had a promise from the Government of an increase to my salary, which was, I believe, placed on the Additional Estimates for that year, and that I have had the same promise each year since that time, but hitherto without result.

Very recently, at a personal interview with Mr. Leary, he informed me that the Ministry would not entertain my application so long as I was able to perform my duties as Police Magistrate, but that had I been disabled for life, or had become incapable of performing my duty by reason of my wounds, I should in such case have had a claim which would have been fairly and liberally dealt with.

As it is just possible that I may never be in the circumstances pointed out by Mr. Leary, which would, in the opinions of the late Ministry, entitle me to put forward my claim successfully, I would most respectfully and urgently ask for a re-consideration of my petition by the Government of which you are a member.

I have, &c.,
HENRY BAYLIS, P.M.

Acknowledge and inform Mr. Baylis that Estimates have been prepared, and that no increase of salary has been submitted in his case.—F.B.S., 5/2/79. Mr. Baylis.—6/2/79.

No. 8.

The Under Secretary of Justice, &c., to The Police Magistrate, Wagga Wagga.

Sir, Department of Justice and Public Instruction, Sydney, 6 February, 1879.

I am directed by the Minister of Justice and Public Instruction to acknowledge the receipt of your letter of the 23rd ultimo, respecting an increase to your present salary, and to inform you that the Estimates have been prepared, and that no increase of salary has been submitted in your case.

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

Sydney: Thomas Richards, Government Printer.—1879.

[6*d*.] 696—B

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MR. HENRY JAMES GREVILLE.)

Ordered by the Legislative Assembly to be printed, 3 *June*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 22 April, 1879, That there be laid upon the Table of this House,—

"(1.) Copies of all Correspondence, Minutes, &c., between the Minister of "Justice, the Chief Commissioner in Insolvency, and the Public "Accountant who inspected the Fee and other Account Books in the "Insolvency Department, in reference to a deficiency in the moneys "received by the Chief Clerk, Henry James Greville.

"(2.) Also, copies of all Correspondence on the same subject by any "other Official."

(*Mr. McElhone.*)

SCHEDULE.

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ADMINISTRATION OF JUSTICE.

No. 1.

Mr. Inspector Kirkpatrick to The Chief Inspector of Public Revenue Collectors' Accounts.

Sir, The Treasury, New South Wales, 11 June, 1878.

Having completed an examination of the accounts of Mr. Arthur Henry, Registrar in Insolvency, I do myself the honor to submit for the information of the Honorable the Treasurer the following report thereon.

The accounts of this officer were previously inspected by Mr. Chief Inspector Thomson, in July, 1870, I did not however consider it necessary to carry my inspection further back than to the date of the appointment of the present Registrar, in May, 1872, more especially as the officer who was in charge previous to that date had been dismissed the service.

My examination of this officer's accounts consisted in ascertaining that all the collections as shown by the fee book had been duly accounted for from the 16th of May, 1872, to 31st May, 1878. After which I traced in the cash book, the entries for fees received on account of appointments, affidavits, special meetings, and certificates, as shown by the diaries and registers kept by the Chief Clerk. The entries for fees for advertisements, &c., I tested by comparing the collections for two or three months in each year with the amounts stated in the books of account.

In the course of my examination I discovered omissions, as detailed in the accompanying statement to the amount of £44 0s. 6d.

Respecting these omissions, I may state that the Registrar and Accountant does not collect the fees himself. They are collected principally by the Chief Clerk, who enters them in a book called the rough cash book, and at the close of the day he hands the book with his collections to the Registrar who after counting the cash initials the book.

All the amounts which the Registrar received, as shown by these books, have been duly entered in the cash book, and satisfactorily accounted for, with the exception of the following, viz. :—

	£	s.	d.
Fees (various dates)...	0	5	6
Fees for Country Meetings—			
2nd May, 1874, Dubois	1	0	0
1st November, 1875, Murphy	1	0	0
,, ,, Cleary	1	0	0
Making a total of	3	5	6

As the Registrar failed in his duty in not checking the books of account submitted to him by the Chief Clerk, I would recommend that he be furnished with a copy of the omissions specified in the accompanying statement, and called upon for an explanation regarding them. He should also, I think, be called upon to explain why he did not examine the rough cash book with the office records before he initialled for the money.

The omissions detailed in the statement attached would seem to have been collected by the late Mr. Austen who was Chief Clerk to the date of his death, in June, 1877, and from that date to 31st May last by Mr. Greville, who succeeded Mr. Austen as Chief Clerk.

Although unwilling to believe that the omissions on the part of the late Chief Clerk, or on that of the present, were intentional, yet at the same time I am altogether unable to understand how so many omissions could have occurred if ordinary care had been exercised.

During the twelve months Mr. Greville has been Chief Clerk there are upwards of forty omissions amounting to £10 15s. 6d. This officer should, I think, be at once called upon for an explanation respecting these omissions.

As I find that the collections have not been banked daily, but only once a week or so, I would recommend that the Registrar be instructed to bank his collections daily, no matter how small the amount thereof. This would necessitate the writing up of his cash book daily, which I regret to say has not hitherto been the practice.

I also observed in the course of my examination that no check whatever exists on fees collected for searches, or on fees for summonses issued by the Chief Commissioner in Insolvent Estates. I would therefore suggest, by way of establishing a check upon these collections, that no search should be allowed without the applicant first obtaining a numbered ticket from the Registrar, such ticket to be returned to him by the Chief Clerk at the end of the day, when handing over his collections. With respect to summonses, however, as the blank forms are frequently sent to the country, in order that the applications on the back thereof may be filled in, I would suggest that the officer charged with the duty of placing the seal upon the summonses should be instructed to enter in a small book, to be used exclusively for the purpose, every summons passing through his hands.

I make these suggestions after conferring with the Registrar as to the best means of establishing a check upon these collections without interfering with the ordinary routine of the office.

After examining the Fee Accounts I ascertained that the outstanding liabilities on 31st May last were as follows, viz. :—

	£	s.	d.
Deposit account	346	8	6
Fee account	46	9	0
Advertisements and Country Meetings account ...	22	13	6
Amounting in all to	£415	11	0

The

The assets on the same date were as follows, viz. :—

	£	s.	d.
Balance at the credit of the Registrar's public account in the Bank of New South Wales	483	17	10
Less unpresented cheques to the amount of	19	17	0
	£464	0	10
Add cash in the hands of the Registrar, being amount of his collections on 31st May	8	6	0
which gives a total of	£472	6	10
The assets are thus in excess of the liabilities to the amount of	£56	15	10

This sum the Registrar should be instructed to pay into the Treasury, to be placed for the present in suspense. Should any claim arise against this balance, of which the Registrar has now no knowledge, it could be paid therefrom. This arrangement would enable the Registrar to effect a reconciliation every month with his bank account.

In connection with this matter, I would recommend that the Registrar be instructed to prepare a statement at the end of every month of his liabilities and assets, and submit the same for the information of the Chief Commissioner.

As I understand that the officers of the Insolvent Court, with the exception of the Registrar, do not give security, I would recommend as fees are collected not only by the Chief Clerk but also by the clerks of the department when engaged in Court, that the Chief Clerk be requested to find security to the extent of £500, and the clerks to the extent of £200 each.

A similar recommendation was made by Mr. Chief Inspector Thomson in July, 1870, but it has seemingly not been acted upon.

In conclusion I may say that the books of account and records of the office have been neatly written up, and also that I received every assistance from the Registrar in examining his accounts.

I have, &c.,

F. KIRKPATRICK,

Inspector of Public Revenue Collectors' Accounts.

STATEMENT of amounts collected by the officers of the Insolvent Court, from 1st June, 1872, to 31st May, 1878, as shown by the books of accounts and records of the office, but not accounted for so far as could be ascertained.

Date of Collection.	Name.	Service.	Amount. £	s.	d.
1872.					
25 June	Sayers	Appointment and affidavit	0	2	0
1 July	Kelly	Special meeting	1	11	0
16 August	Jackson	Appointment and affidavit	0	2	0
22 „	Phillips	Country meeting, &c.	1	0	0
19 September	Greenhalgh	Fee for special meeting short entered	0	10	0
7 October	Robertson	Appointment and affidavit	0	2	0
27 November	Blake	Country meeting, &c.	1	0	0
1873.					
10 February	Redgate	Appointment and affidavit	0	2	0
17 March	Jamieson	Special meeting	1	11	0
15 April	Woo Lung	„	1	5	0
19 „	Dorrey	Appointment and affidavit	0	2	0
21 May	Hill	Special meeting	0	15	0
1 August	M'Meneny	Appointment and affidavit	0	2	0
6 October	Wilson	„	0	2	0
6 „	Cassidy	„	0	2	0
12 December	Condell	Special meeting	1	0	0
31 „	Gubbin	Appointment and affidavit	0	2	0
31 „	Duggan	„	0	2	0
1874.					
7 February	Gibb	Appointment	0	1	0
2 March	M'Carthy	Appointment and affidavit	0	2	0
16 „	Solomon	Special meeting	1	0	0
7 April	Walsh	Appointment and affidavit	0	2	0
11 „	Hendrey	Advertising	0	8	6
18 „	Coldrey	Appointment and affidavit	0	2	0
30 May	Cummings	Advertising	0	8	6
10 June	Ritchie	Appointment	0	1	0
7 July	Hore	Appointment and affidavit	0	2	0
13 August	Salfirger	„	0	2	0
13 „	Ferrier	„	0	2	0
21 „	Grant	„	0	2	0
15 October	Flanagan	„	0	2	0
21 „	Lumley	„	0	2	0
2 November	Miller	Appointment	0	1	0
14 December	Gower	Fee short entered	0	10	0
21 „	Owen	Appointment and affidavit	0	2	0

Date of Collection.	Name.	Service.	Amount. £ s. d.
1875.			
10 February	Hammetter	Appointment and affidavit	0 2 0
11 „	Cornish Copper Company	Special meeting	1 11 0
17 „	Royal	Appointment and affidavit	0 2 0
11 March	Little	Special meeting	1 11 0
24 „	Thomas	Summons short entered	0 4 0
25 „	M'Lean	Appointment and affidavit	0 2 0
13 April	Mason	Appointment	0 1 0
12 May	Heller	Special meeting	1 2 6
2 June	Rae	„	1 11 0
16 „	Deacon	Appointment	0 1 0
22 „	Hardy...	Appointment and affidavit	0 2 0
26 August	Black	„	0 2 0
10 September	Watson	„	0 2 0
23 „	Webster	Appointment	0 1 0
6 October	Bayliss	Appointment and affidavit	0 2 0
6 „	Watson	„	0 2 0
29 „	Smith & M'Master	„	0 2 0
1 November	Blake	„	0 2 0
3 „	M'Lennon	„	0 2 0
5 „	Ryan	Special meeting	1 5 0
16 „	Keenan	Appointment and affidavit	0 2 0
17 December	Blake	„	0 2 0
23 „	Rowe	„	0 2 0
1876.			
24 January	Bow	Special meeting	1 5 0
5 February	Alexander	„	0 15 0
8 „	Cutsey	Appointment and affidavit	0 2 0
12 „	Richardson	„	0 2 0
3 March	Roger	„	0 2 0
22 „	Perry	Appointment	0 1 0
18 April	Wesnan	Appointment and affidavit	0 2 0
27 „	Birrell	Special meeting	1 2 6
2 May	Asborn	Appointment	0 1 0
5 „	Bettington	Special meeting, &c.	1 0 0
25 „	Porter	„	1 5 0
12 June	Allen	„	1 0 0
19 „	Bryant	Appointment	0 1 0
24 „	Smith	„	0 1 0
24 „	Maddams	„	0 1 0
4 July	Audet	Appointment and affidavit	0 2 0
18 „	Line	„	0 2 0
18 „	Pople	„	0 2 0
19 „	Hume	„	0 2 0
7 August	Sharman	„	0 2 0
6 October	Glascow	Certificate	0 12 6
21 „	Alexander	Appointment	0 1 0
28 „	Hatcher	Appointment and affidavit	0 2 0
28 „	Jones	„	0 2 0
2 November	Solomon	Special meeting	0 15 0
15 „	Wrengarye	Appointment and affidavit	0 2 0
15 „	Ryan	Appointment	0 1 0
16 „	Shuttior	Appointment and affidavit	0 2 0
16 „	Blomfield	„	0 2 0
24 February	Hall	Special meeting	0 15 0
21 March	Knitch	Certificate	0 12 6
1877.			
18 January	Smith	Appointment and affidavit	0 2 0
23 March	Graham	„	0 2 0
23 April	Cameron	„	0 2 0
30 May	Wallace	„	0 2 0
31 „	Doonan	„	0 2 0
19 June	Hawkins	Appointment	0 1 0
26 „	Sandy	Appointment and affidavit	0 2 0
25 July	Wescott	„	0 2 0
31 „	M'Pherson	Appointment	0 1 0
31 „	M'Grath	Certificate	0 12 6
14 August	Harrison	Appointment ?	0 1 0
14 „	Brown	„	0 1 0
23 „	No fees.		
18 „	Smith	Appointment and affidavit	0 1 0
21 „	Reidy	„	0 2 0
21 „	Whitton	„	0 2 0
22 „	Henderson	Special meeting	0 15 0
27 „	Maeny	Affidavit	0 1 0
28 „	O'Halloran	Appointment and affidavit	0 2 0
30 „	Smith	„	0 2 0
3 September	Robinson	Advertising	0 8 6
10 „	Kavanagh	„	0 8 6
12 „	Kennedy	Appointment and affidavit	0 2 0
17 „	Percival	Advertising	0 8 6
24 „	Stiepewiak	Appointment and affidavit	0 2 0
24 „	Sue	„	0 2 0
1 October	Brown	Certificate	0 12 6
8 „	Rogers	Appointment and affidavit	0 2 0
31 „	Atkinson	Certificate	0 12 6
2 November	Greig	Appointment and affidavit	0 2 0

Date of Collection.	Name.	Service.	Amount.
1878.			£ s. d.
2 January	Farran	Appointment and Affidavit	0 2 0
2 „	Duncan	„	0 2 0
2 „	Percival	„	0 2 0
16 „	Kursman	Special meeting	0 15 0
16 „	Barton	„	0 15 0
17 „	Thomson	Appointment and affidavit	0 2 0
18 „	Laing	„	0 2 0
24 „	Usher	„	0 2 0
12 February	Dunne	„	0 2 0
14 „	Ahern	„	0 2 0
22 „	Harding	„	0 2 0
5 and 7 March	Martin and Beard	Appointment and summons	0 7 0
22 „	Burgin and Beard	„	0 4 0
26 „	Turner	Affidavit	0 1 0
29 „	Lane	Certificate	0 12 6
8 April	Thomas	Appointment and affidavit	0 2 0
11 „	Benjamin	Appointment	0 1 0
23 „	Grounds	Appointment and affidavit	0 2 0
24 „	Ward	Appointment	0 1 0
9 May,	Robinson	Affidavit?	0 1 0
7 March	Beard	Special meeting	0 15 0
17 May	Goldstein	„	0 15 0
		Total £	44 0 6

The Treasury, New South Wales,
11 June, 1878.

F. KIRKPATRICK,
Inspector, Public Revenue Collectors' Accounts.

No. 2.

Memo. of the Chief Inspector.

SEEING that the large sum of £44 0s. 6d., shown by the statement attached, has been withheld from the Treasury, it is obvious that great if not gross carelessness is chargeable to some of the officers of that department entrusted with the collection of revenue, and before dealing with the case by the Treasury I would strongly recommend that the report of Mr. Kirkpatrick be sent on to the Department of Justice and Public Instruction for the information of the Minister.

JNO. J. EATON,
(For Chief Inspector).

The Treasury, 13th June, 1878.

Submitted. The Under Secretary for Finance and Trade. The Minister of Justice and Public Instruction.—H.E.C., 14/6/78. The Under Secretary for Justice and Public Instruction.—G.E., B.C., 14/6/78.

The Chief Commissioner will please to cause immediate attention to the within report and favour with explanation upon same. The security suggested towards the conclusion of report must be entered into by the Clerks without delay.—J.L., 19th June, 1878. The Registrar of the Insolvent Court, B.C., 20th June, 1878.—W. E. PLUNKETT. Please to return.

No. 3.

The Chief Commissioner of Insolvent Estates to The Attorney General.

Sir,

Supreme Court, 24 June, 1878.

In accordance with the letter of the Under Secretary, dated 9th April last (informing me by direction of the Minister of Justice and Public Instruction, that the office of Chief Commissioner of Insolvent Court, had been transferred to, and placed under, the Ministerial control of the Attorney General, and requesting that all official communications from me might be in future addressed to the Attorney General), I write this to mention that a Treasury document, referring to a report of Mr. Kirkpatrick, the Inspector of Accounts, with a minute thereon, of the 19th instant, by the Minister of Justice, was, on the 20th instant, laid before me by the Registrar in Insolvency, to whom it had been sent.

2. The minute is as follows:—"The Chief Commissioner will please to cause immediate attention to the within report and favour with explanation upon same. The security suggested towards the conclusion of report must be entered into by the Clerks without delay.—J.L., 19th June, 1878."

3. To avoid delay, I, on the 22nd instant, wrote the enclosed memorandum establishing some interim Regulations, to be observed by officers of the Department of the Insolvency Jurisdiction of the Supreme Court.

4. It occurs to me that the very long time that has elapsed, from July 1st, 1870, to May this year, for the visit of the Inspector for Audit, has been very unfortunate; and, I trust, that by your representation to the Colonial Treasurer, the audit will be at much shorter intervals in the future. During the seven years and ten months which have passed since the last audit, the late Registrar in Insolvency, Mr. Temple Nathan, was, in May, 1872, transferred to be Under Sheriff, and he has left the Public Service, and the late Chief Clerk, Mr. Francis George Austen, died in June last year, and has been succeeded by Mr. Henry Greville in that office.

5. Trusting that you will consider the Interim Regulations and directions specified by my memorandum of the 22nd instant advantageous to the Public Service, I propose to defer offering any definite opinion on the matters comprised in Mr. Kirkpatrick's Report of 11th June instant, until Mr. Arthur Henry and Mr. Henry Greville, and the 2nd and 3rd clerks, have had a reasonable time to submit their observations in explanation.

I have, &c.,
GEORGE HIBBERT DEFFELL.

Chief Commissioner of Insolvent Estates. Let this be submitted to my Honorable Colleague the Minister of Justice.—W.J.F., A.G., 1/7/78.

[*Enclosure.*]

Memorandum. Supreme Court, Saturday, 22 June, 1878.

1. Having regard to the minutes of the Honorable the Minister of Justice and Public Instruction, dated 19th, and submitted to me by the Registrar in Insolvency, 21st June, 1878, I have perused the report of Mr. Kirkpatrick, Inspector of Public Revenue Collectors' Accounts, dated the 11th June, 1878.

2. The first matter which strikes me is that an inordinate interval has occurred between the last audit and inspection of accounts of the former Registrar in Insolvency, Archibald Campbell, in July, 1870, after his death, and the present audit and inspection of accounts in May last. Had an audit and inspection been had when the present Registrar in Insolvency succeeded Mr. Temple Nathan, on the latter's transfer in May, 1872, to the office of Under Sheriff, I have no doubt that Mr. Arthur Henry would, by the advice of the Inspector, have early adopted precautions against the loss of revenue which has been reported.

3. In anticipation of any definite requirements by the Government as to that report and the court fees referred to, I give the following directions :—

(1.) That the Registrar in Insolvency again peruse such report and submit to me his observations thereon fully.

(2.) That the documents be shown to the chief clerk and after a careful perusal thereof he is to submit to me his observations thereon.

4. I further direct, to prevent in future confusion as to court fees entered and not paid over, that the appropriate court fee is to be demanded when the affidavit or other document is tendered for filing, and the payment to be a co-temporaneous act, and when a search is applied for, the court fee is to be paid when the proceedings are handed over or the inspection of books takes place, and all court fees daily handed over to the Registrar in Insolvency.

5. In the meanwhile the suggestions of Mr. Kirkpatrick in the paragraph of page 5 of his report so far as the writing-up of the cash-book daily should be adopted, and also in respect to the sealing of summonses for examination in the paragraph of page 6 of the same report.

GEORGE HIBBERT DEFFELL,
Chief Commissioner of Insolvent Estates.

Read. May await further report promised.—J.L., 9 July, /78

No. 4.

The Registrar in Insolvency to The Under Secretary, Department of Justice, &c.

Sir, Supreme Court, Sydney, 26 June, 1878.

I have the honor to acknowledge the receipt on the 21st instant of the report of Mr. Kirkpatrick, Inspector of Public Revenue Collectors' accounts, as to the accounts of this department, together with the minute of the Honorable the Minister of Justice, &c., thereon, dated the 19th instant.

I have laid the report and minute before the Chief Commissioner of Insolvent Estates, and I am directed by the Chief Commissioner to inform you that he has, after seeing the Attorney General, and in accordance with your letter of 9th April last, written to the Attorney General proposing to defer offering any definite opinion on the matters comprised in Mr. Kirkpatrick's report of 11th instant, until the Registrar in Insolvency and the chief and other clerks have had a reasonable time to submit their observations and explanations.

I have, &c.,
ARTHUR HENRY,
Registrar in Insolvency.

No. 5.

The Chief Commissioner of Insolvent Estates to the Attorney General.

Sir, Supreme Court, 5 July, 1878.

1. In reference to my letter of the 24th June last, and further, in accordance with the letter of the Under Secretary, dated 9th April last, I now have the honor to enclose the original Treasury document, whereon the Minister of Justice had made his minute of the 19th June last, and also the report of Mr. Kirkpatrick, dated 11th June last, in respect of his recent audit of the accounts of the Registrar in Insolvency, and I have taken the liberty to number the pages and the paragraphs of that report. From the various documents before me, and the inquiries I have, *ex parte*, made, I now communicate the following observations thereon :—

2. The Court fees levied in the Insolvency Jurisdiction of the Supreme Court were established by the 3rd section of Act 7 Vic. No. 19, and are specified in the schedule to that Act : the application of such fees, and the mode of recovering them as Crown debts, are provided for by the 4th section, and as to any surplus by the 5th section. Of that schedule part of the Court fees named in the 2nd portion and all of those in the 3rd and 4th portions go to District Commissioner of Insolvent Estates, to messenger, and to the Sheriff; and when received by the Registrar in Insolvency or Accountant of the Court, by section 8 of Act 25 Vic. No. 8 (or by the chief or other clerks on his behalf), are paid over to the District Commissioner or to the Sheriff, as the case may be. It is the residue of such Court fees which appear to fall within the category of the 4th and 5th sections of 7 Vic. No. 19, and which become payable for Her Majesty into the Colonial Treasury.

3. I must here remark that the only specific direction as to Court fees appearing in the Rules of Court in Insolvency occurs at the end of the 27th rule, viz. :—"Provided that no proof shall be allowed until the prescribed fee has been paid" ; and there is a reference to Court fees in the Appendix describing the "analysis of plans of distribution" to be compiled, under rule 6, by the Registrar in Insolvency, in the January and July of each year.

4. By paragraph 3 of my memorandum of 22nd June, and enclosed in my letter of 24th June last, the duty of demanding a Court fee is provided for as a contemporaneous act of the officer, and if specific directions were given by the Government to enforce compliance with that regulation the revenue might be saved harmless.

5.

5. I beg now to refer to the observations (enclosed) of Mr. Arthur Henry, the Registrar in Insolvency, and dated the 26th June last, and it appears that his explanation is satisfactory, and that his answers as to the specific complaints of 5s. 6d. missing during six years, and as to the book-keeping error in not entering £3 which had been paid over to three District Commissioners as due to them, are sufficient, and I have no doubt that when another and, I trust, early audit takes place the Inspector will find greater accuracy in technical details of accountantship as well as in substance. Enclosure 1.

6. In respect to the observations (also enclosed) of Mr. Henry Greville, the Chief Clerk, and dated 2nd July instant, he represents various items reported upon as now capable of explanation, and as it is now vacation the other items may be traced out by the same process. Enclosure 2.

7. I have no doubt but that the late Mr. Austen, who died in June, 1877, and was then succeeded by Mr. Greville, could have given explanation as to sums reported as not handed over by him to the Registrar in Insolvency from time to time.

8. As specifically referred to by the Registrar and by the Chief Clerk, I must state my opinion that the office accommodation for the Insolvency Jurisdiction is utterly inadequate and unfit for the exigencies of all interested, and of the real necessities of the officers severally having to discharge their respective duties. For many years past, I have made repeated representations to that effect; and the weekly, monthly, and yearly increase of the records, and the finding place to keep them in safety demonstrably contract the space available for officers, attorneys, insolvents, and creditors, to stand and get their business transacted. My last two communications on the subject were on the 15th November and 19th December, 1877, addressed to the Under Secretary, still all the matters complained of continue, and exist in a greater degree from the continuous increase of records, as more than 350 sequestrations have occurred between then and now. Copies enclosed. Enclosures 3 and 4.

9. Upon the whole, I submit the following recommendations, viz.:—

(1.) That next audit be fixed at an early date, and successively at short intervals.

(2.) That compliance with the Regulations of 22nd June last, be specifically required by the Government.

(3.) That properly commodious offices be procured as early as possible, for the Insolvency Jurisdiction of the Supreme Court, besides a Court-room available for the large number of persons interested who so frequently have to attend thereat.

(4.) That the security to be required from the Chief and other clerks be limited to a less amount than that named by Mr. Kirkpatrick, as the new regulations will prevent any accumulation of Court fees, in their hands.

10. Except as prescribed by the memorandum of the 22nd June last, I cannot recommend the suggestion in paragraph 11 of the report as to "searches" and Court fees payable thereon. I apprehend that all parties interested are upon the tender of the Court fee entitled to make the search as soon as the proceedings or book can be handed to them; and frequently the Registrar in Insolvency is engaged for hours in the Court or on business in his own office.

11. In conclusion, I have to refer to the deposit account, mentioned in paragraph 13 of the report of Mr. Kirkpatrick. That has been created by deposit on appeals under Rule of Court of 21st January, 1862, established by the Act 25 Vict. No. 8, and by deposit of £6 by each person who may be a petitioning creditor for the compulsory sequestration of a debtor's estate as insolvent, to satisfy fees and charges specified by the 15th section of Act 5 Vict. No. 17, and repayable under the following section. In fact, all surplus of the deposit account, £346 8s. 6d., in fourth line of paragraph 13, belongs either to petitioning creditors who have failed to apply for a return of any money remaining out of each £6 deposited, or else belongs to the official assignee of any insolvent estate, where the petitioning creditor has under 16th section of 5 Vict. No. 17, been reimbursed for such deposit.

Requesting that my letter of 24th June last to you, and my memorandum of 22nd June last, therewith forwarded, may be read and considered together with this communication.

I have, &c.,

GEORGE HIBBERT DEFFELL,
Chief Commissioner in Insolvent Estates.

P.S.—As an addition to paragraph 6 (in page 3) I have fixed the 26th instant (the last day but one of the vacation), for further explanation to be submitted by the Chief Clerk, as to items reported upon by Mr. Kirkpatrick.

This should be acknowledged and sent to the Minister of Justice for his perusal and to be dealt with as he may direct.—W.J.F., A.G.

The Under Secretary for Justice and Public Instruction. B.C. 15/7/78.—C.L. for Secy.

[*Enclosure* 1 *to No.* 5.]

The Registrar in Insolvency to The Chief Commissioner of Insolvent Estates.

Sir, Supreme Court, 26 June, 1878.

With reference to the report of Mr. Kirkpatrick, Inspector of Public Revenue Collectors' Accounts, dated 11th instant, as to the accounts of this department, and your Honor's memorandum, dated 22nd instant, I beg to offer the following observations:—

1. When I succeeded Mr. Nathan in May, 1872, no audit nor inspection of the accounts took place, so that I never knew whether the books were at that time properly balanced or not. I received no statement of liabilities and assets from my predecessor, and consequently could never ascertain whether I had sufficient assets to meet the liabilities, neither did I receive any directions or suggestions as to keeping or checking the accounts of the office.

2. I believe I have continued the same system which was established before; and at the time of my appointment, Mr. Austen, the late chief clerk, had been, I believe, entrusted with the collection of the fees for nearly twenty years, and for many years before the appointment of a Registrar and Accountant, was solely responsible for them, which fact alone seemed to me a sufficient guarantee for his carefulness and integrity, and I did not consider it to be part of my duty to initiate a system for checking his collections, which I presumed would be done equally with my own accounts by the Inspector. Mr. Greville, who succeeded Mr. Austen in June of last year, had also been entrusted as 2nd clerk to collect fees for thirteen years when I became Registrar, and I had no reason to think that there was any necessity for establishing a new system when he became chief clerk.

3. I think Mr. Kirkpatrick's statement at page 3 of his report as to three several sums of £1 each calculated to mislead. He says: "All the amounts which the Registrar received, as shown by these books, have been duly entered in the cash-book, and satisfactorily accounted for, with the exception of the following," and then besides a sum of 5s. 6d. he includes these £3, as if they had not been satisfactorily accounted for—they having been received for Country meetings, and the cash-book, showing

showing that they were duly forwarded to District Commissioners, the only fault being that they were not entered on the debit side of the cash-book as well as the credit. The £1 for the Country meeting, *re* Dubois, received 2nd May, 1874, was paid away 5th June, 1874, and the £1 for the Country meeting, *re* Cleary, received 1st November, 1875, was paid away 10th November, 1875, and the £1 for the Country meeting, *re* Murphy, received 1st November, 1875, was paid away 7th December, 1875. These payments are shown in the cash-book, cheque-book, and bank-book, and, therefore, satisfactorily accounted for. This leaves the sum of 5s. 6d. alone unaccounted for, and I believe I am correct in saying that these omissions occurred soon after I commenced to keep the accounts of the office.

4. In paragraphs 1 and 2, I have explained why I have not hitherto checked the chief clerk's collections, and I think that your Honor will bear me out in saying that although I might partially check such collections, to do so entirely, and at the same time to attend to my other work would be impossible.

5. It has never been the practice to demand the fee before allowing a thing to be done, and often after an affidavit has been filed, or appointment given, or special meeting fixed, or summons sealed, &c., the fee has not been forthcoming, but been promised the next day, and in several of the instances of the omissions reported by Mr. Kirkpatrick, I find recorded in the diary, in Mr. Austen's handwriting, "Fee owing by so-and-so." I have no doubt that in numerous cases these fees have been forgotten by both parties, and thus many omissions may be accounted for. This will be avoided in future by a strict observance of your Honor's directions, given 22nd instant.

6. I have requested Mr. Greville to make search as to the entries of fees, reported as omitted, and will leave him to make his own observations and explanations thereon.

7. In conclusion I think I ought to mention the great want of accommodation for clerks in this office, their room being a passage room from the Insolvent Court-room to the rest of the Supreme Court; the whole space allotted to them being open to the public, and being often inconveniently crowded, and there being at times much noise and confusion. There are often a number of persons pressing round the Chief Clerk at one time to get affidavits filed and appointments entered, &c., and asking questions; and I can quite understand that many affidavits may be filed, and appointments entered, &c., without the fee even being demanded. There being about 500 sequestrations a year, even the present small accommodation is annually greatly curtailed in making room for the fresh records.

I have, &c.,

ARTHUR HENRY,
Registrar in Insolvency.

[*Enclosure 2 to No. 5.*]

Supreme Court, Insolvency Department, 2 July, 1878.

In obedience to the direction of His Honor the Chief Commissioner, I desire respectfully to submit the following observations on the report of Mr. Inspector Kirkpatrick upon the accounts of this department.

1. I have checked the various items appearing in the statement annexed to Mr. Kirkpatrick's report, subsequently to the 18th June, 1877, being within the time of my promotion to the position of Chief Clerk, and I find as follows:—

1877. August 14.—Harrison: appointment, 1s. This is a mistake. The item refers to an application for a certificate of conformity. The first application, together with the proper fees for affidavit, 1s., and appointment, 1s., was entered on the 23rd June, 1877, for hearing on 14th August, when it was struck out, and the same date a fresh appointment was applied for, and fee for same paid and entered.

" August 21.—Reidy: appointment and affidavit, 2s. The first application for certificate herein was entered, as also the fees, on the 8th August, 1877, for hearing on the 11th September. The proper notice not having been inserted in the Government Gazette, on the 21st August, a "fresh appointment" was applied for and entered, but no further fee for same charged. The usual "affidavit" in such matters had already been filed, 8th August.

" August 27.—Maney: affidavit, 1s. The first application for certificate was entered, and the fees also, on the 15th August, for 25th September, but not gazetted; and re-appointment, with fee for same, entered 27th August; "affidavit" already filed, 15th August.

" September 17.—Percival: advertising, 8s. 6d. This has reference to a third meeting, but it is evidently only a mistake in entering in the name of "Sullings," for the same purpose and amount appears in the cash book, under date 26th September, and again on the 17th October. There is only the one sequestration in the name of "Sullings," and the assignee (who usually pays this fee), the same person in both estates.

" October 8.—Rogers: appointment and affidavit, 2s. The fees in this case are entered in the cash book, of date 10th October, apparently not having been paid for two days after application entered.

1878. January 18.—Laing: appointment and affidavit, 2s. First application herein, with fees, entered 3rd January, for 19th February, proper notice not given in Gazette; and a new "appointment" entered 18th January, but no further fee charged for same. The affidavit was filed 3rd January.

" January 24.—Usher: appointment and affidavit, 2s. Fees herein paid and entered, 15 January.

" February 12.—Dunn: appointment and affidavit, 2s. This was an application for certificate under the rider to Act 10 Vic. No. 14, and no fee charged for entering.

" February 14.—Ahern: appointment and affidavit, 2s. This is evidently a mistake; the item, presumably, refers to an application for a certificate, but the only person of that name appearing in the register as an insolvent had a first and only meeting on the 13th February, 1878, and therefore could not by law make the application for at least thirty days thereafter, and there is no other proceeding in the estate to which the item could have any reference.

" March 5.—Martin: appointment and affidavit, 2s. An application under rider to Act, and no fee charged for entering.

" March 22.—Burgess and Beard: appointment and affidavit, 4s. The fees for application by Burgess are entered in cash book, on 18th March. As to Beard, it is evidently a mistake, as the only insolvent of that name has not yet taken any steps towards an application for a certificate, and I am unable to connect it with any other proceeding.

" March 26.—Turner: affidavit, 1s. The first application for certificate in this case, together with the fees, was entered on the 13th of February, 1877, for the 3rd April, but not having been gazetted, another "appointment" was had, and fee paid therefor, and entered 26th March. The "affidavit" was filed at the time of first application being entered.

" April 23.—Grounds: appointment and affidavit, 2s. Fees herein entered in cash book, on 24th April, 1878.

" May 9.—Robinson: affidavit, 1s. The first application was entered, as also the fees, on the 9th March, 1878, for hearing on the 16th April, when it was struck out. A fresh "appointment" was entered on the 9th May, and the fee for same entered in cash book same day. The affidavit was already filed, on 9th March.

2. The foregoing results have been attained by me only after considerable trouble and amid continual interruptions, and I have no doubt that many at least of the other items might be traced with corresponding results.

3. With regard to Mr. Kirkpatrick's suggestion, as to the issuing of numbered tickets by the Registrar to persons desiring to make searches, the same to be returned to him by me at the end of the day, I do not think such a system would be either convenient or satisfactory in its practice or results. In the first place, it would be requisite, I presume, for the Registrar to be always in his place, or a search could not be had; and on the other hand it might happen, as it very often has done, that the particular proceedings desired to be inspected were already engaged, and possibly would not be accessible for some hours, and therefore such ticket would in all probability remain outstanding and unaccounted for, for that day at least.

4. I may be permitted to remark that the recent inspection by Mr. Kirkpatrick is the only one of such an exhaustive nature, and I believe I am correct in saying, it is the second only of any description that has taken place to my knowledge within the past nineteen years, and consequently it can be readily understood how much has been lost to the department, and what improvement might have been effected in the various matters referred to in Mr. Kirkpatrick's report through the want and by the aid of such timely suggestions as have now been tendered by that gentleman.

5. I would in conclusion earnestly desire to draw His Honor's attention to the thorough unsuitableness of the present office or room allotted to the clerks of this department for the discharge of the multifarious duties appertaining to their office.

It is oftentimes most inconveniently crowded with people seeking to do business there, and whom it is a matter of impossibility to prevent getting mixed up indiscriminately with the officers.

There

There is not the slightest privacy afforded, and almost invariably, throughout the greater part of the day, a continual hubbub is maintained. Under such circumstances as these, I submit that anything like accuracy in the performance of one's duties, more especially in the matter of accounts, is only to be attained with very great difficulty.

H. J. GREVILLE,
Chief Clerk in Insolvency.

77–8254. [*Enclosure* 3 *to No.* 5.]

The Chief Commissioner in Insolvency to The Under Secretary, Department of Justice.

Sir,

Supreme Court, 15 November, 1877.

1. In reply to your circular as above marked, and dated 31st ultimo, and which came to hand 6th instant, respecting the erection of any new building, or alteration, or repair to the buildings appropriated for the insolvency jurisdiction of the Supreme Court of New South Wales, I have the honor to state that the Court-room and offices used by the Registrar in Insolvency and the chief and other clerks are quite insufficient.

2. The accumulation of records in insolvency demands for safe custody, and for a ready access when required, much more room and convenient space for receptacles to preserve them.

3. I must further state that the size and ventilation of the Court-room are much too contracted and ill-ventilated for the comfort or health of any and all persons who have to attend thereat.

I have, &c.,
GEORGE HIBBERT DEFFELL,
Chief Commissioner.

[*Enclosure* 4 *to No.* 5.]

The Chief Commissioner in Insolvency to The Under Secretary, Department of Justice.

Sir,

Supreme Court, 19 December, 1877.

1. As the long vacation has commenced, and there will not be, under Rules of Court, any further sittings in the Insolvent Court-room until 11th February of next year, I request that you will be so good as to bring under the early notice of the Minister of Justice my letter of the 15th November last, in reply to your circular 77–8,254, of the 31st October last, respecting the insufficiency of the Court-room, as well as the offices appropriated to the keeping of records and use of the Registrar in Insolvency, and of the chief and other clerks.

2. During the last fortnight of my sittings in that Court-room the smells have been so continuous and offensive as to be certainly prejudicial to health.

I have, &c.,
GEORGE HIBBERT DEFFELL,
Chief Commissioner.

No. 6.

The Chief Commissioner of Insolvent Estates to The Attorney General.

Sir,

Supreme Court, 25 July, 1878.

In continuation of my letters of the 24th of June last, and of 5th July instant, I have the honor to enclose further observations of the Chief Clerk in Insolvency (Mr. H. J. Greville), dated 22nd July instant, and which were made in compliance of a further explanation being required by my minute of 5th July instant, as follows, viz.:—"The observations in explanation to the above (report of Mr. Inspector Kirkpatrick, dated 11th June, 1878) given by the Chief Clerk in Insolvency, under date 2nd instant, have been reperused; and, as they neither deny the receipt of all the items as reported, and do not explain, save as to some items, a further explanation, to be submitted on or before the 26th instant, is required."

2. I cannot say that it appears to me that these latter observations, when taken with the former, of 2nd July instant, negative the conclusion stated by Mr. Kirkpatrick in his report, except as to some few items.

3. In the mean time, and until any definite directions are given by the Government, the Registrar has been required to exercise the continued supervision requisite to carry out the practice enjoined by my memorandum of 22nd June last.

4. In conclusion, I take the liberty of calling attention to the former representation made by the late Mr. Justice Wise (some 14 or 15 years ago), as to the adoption here of the English method of collecting court fees, by adhesive stamps required to be affixed to documents or process, either filed or used in litigation. Should that be established by a general "Court Fee Act," then the Treasury would obtain its revenue therefrom by anticipation through sales of stamps beforehand.

5. In case of any such change being introduced by Government, it might be advisable to make some exception as to the fees individually receivable by District Commissioners of Insolvent Estates for their own use, under the terms of the appointments to their offices.

I have, &c.,
GEORGE HIBBERT DEFFELL,
Chief Commissioner of Insolvent Estates.

Transmit to the Honorable the Minister of Justice.—W.J.F., A.G., 29/7/78. The Under Secretary for Justice, &c., B.C.—C.L., 30/7/78. Synopsis, 31/7/78. Herewith.—2/8/78.

[*Enclosure.*]

Supreme Court, Insolvency Department, 22 July, 1878.

In compliance with the further direction of His Honor the Chief Commissioner, dated 5th instant, I have now the honor to submit the following more definite observations on the remaining items in Mr. Kirkpatrick's "Statement" not already accounted for.

With reference to the items for affidavit and appointments, the fee (one shilling) for filing the affidavit has, in each case, been received, but, so far as I can discover, not accounted for. As regards the fee (also one shilling) for the appointment however, there is nothing whatever that will show whether or not the same has been received. I am enabled to speak positively as to the affidavits, by reason of a practice which has obtained, during the last twelve months, of marking every affidavit (or other document whereon a fee is chargeable) as paid or not paid at the time of filing same.

With regard to the items of 12s. 6d. for certificates, I am, for the same reason as in the case of the affidavits, enabled to say that those fees have been received but apparently not accounted for.

As to the other items of 8s. 6d. "advertising," and 15s. special meeting respectively, the same remark which I have made with reference to the appointments applies equally to these, as there is no document filed in such cases, and therefore nothing beyond the mere entry in the diary, which does not of itself enable me to say either that the fee has or has not been received.

It will thus be seen in many instances the fact of the payment or otherwise of the fees was open to discovery at any moment.

For years past it has not been an uncommon occurrence for matters to be entered, or documents filed, or process of the Court issued, without the proper fees having been paid at the time thereof; and although I have endeavoured to discourage such a thing, even to the extent of being charged—as I more than once have been—with being very disobliging, yet in some instances it has been found next to impossible to prevent it from occurring. Various causes, too, have arisen for it, such, for instance, as the inability to give change, the tender of a doubtful cheque, &c.

It has never been the practice to require, as a condition, precedent payment for any matter entered or document filed, &c., it being assumed that the persons treated with had come prepared to pay the usual fees thereon, more especially as in the large majority of such cases those persons were attorneys of the Court, and therefore most likely to know what the fees were. Moreover, I have many times been obliged to have recourse to my own private money for change, or otherwise run the risk perhaps of losing the fee altogether, and this, I believe, has sometimes resulted in more or less confusion.

Hence it is I am forced to the belief that the fees in most at least of these cases, and more particularly the larger amounts, have never been received at all; and as the promise to "send them up immediately" alone was relied upon, there is not now any evidence to enable me to speak positively as to the facts. Thus only can I account for the omissions.

I might here mention that I have now in my possession a letter from an attorney of this Court, written in reply to an application by me for a fee (£1 11s.) on account of a special meeting held in May last. This gentleman states:—"I cannot recollect anything whatever about calling the meeting, and I have no record of it. My own impression of the matter is that I did not instruct any one to call the meeting, but if you did it, and can satisfy yourself that it was not paid for, I, of course, understand that you acted in my interest, and shall not think of letting you lose for so doing."

I could only reiterate my belief that the fee had not been paid, and there the matter has rested ever since.

The fee, I should state, was entered in the cash book and accounted for on the 18th of April last, and is, I believe, paid out of my own pocket, the said attorney having requested me to call the meeting and promising to send the fee up.

Whilst sincerely regretting that the results of my examination have not proved more satisfactory, I can at least assure his Honour as to the future, that with the exercise of greater care, and by the application generally of the principle contained in his Honor's direction with regard to searches, namely, the prior or cotemporaneous payment of all fees chargeable in every matter, together with the very material aid likely soon to be afforded by a better office accommodation, any such irregularities will be rendered very difficult, if not impossible, of recurrence.

H. J. GREVILLE,
Chief Clerk in Insolvency.

No. 7.

Précis re Inspection of the Accounts of the Insolvency Department.

THESE papers relate to the Treasury inspection of the accounts in the Insolvency Department in June last. Mr. Inspector Kirkpatrick, in his report, dated 11th of that month, on result of examination, states he discovered certain omissions to the extent of £44 0s. 6d., consisting of fees unaccounted for. That with the exception of £3 5s. 6d. all the fees received by Mr. Henry, Registrar in Insolvency, were duly accounted for. Mr. Greville, the Chief Clerk, was responsible for omissions to the extent of £10 18s. 6d., and that the remaining portion of deficiency occurred before present Registrar appointed, for which Mr. Austen, late Chief Clerk, since deceased, appears responsible. He concludes his report with certain suggestions in reference to future mode of keeping accounts and collecting fees, &c., and thinks the Chief Clerk should give security in £500, and the other clerks to the extent of £200.

The report was forwarded to the Chief Commissioner in Insolvency, to obtain the requisite explanations from officers of the department, and for his report, &c.

Mr. Deffell has addressed three communications on the subject, dated 24th June, 5th and 25th July last, enclosing explanations from Mr. Henry in reference to the amount £3 5s. 6d., which Mr. Deffell considers satisfactory, and two explanations from Mr. Greville, which he thinks do not negative the conclusions arrived at by Mr. Kirkpatrick.

Mr. Deffell, in last paragraph of his letter of 5th July, 1878, makes certain suggestions, and he thinks if the new Regulations be adopted the security to be required of the officers of the department might be reduced to much smaller amount, as they will prevent an accumulation of Court fees being in hand.

Before taking action by this department in reference to enlarged office accommodation, the papers should perhaps be forwarded to the Treasury for the remarks of Mr. Kirkpatrick on the explanation furnished, and the reports of the Chief Commissioner thereon. 2/8/78.

The Colonial Treasurer.—J.L., 3rd August, /78. The Under Secretary for Finance and Trade, B.C., 5 August, 1878.—W.E.P Chief Inspector.—G.E., 8. Mr. Inspector Kirkpatrick will please peruse these papers, and report on same.—J.T., 14/8/78. Memorandum herewith on separate paper.—F.K.

No. 8.

Memorandum from Mr. Inspector Kirkpatrick to The Chief Inspector.

HAVING carefully read the explanations given by Mr. Henry and Mr. Greville, respecting certain omissions pointed out in my report of 11th June, 1878, on the accounts of the Registrar in Insolvency, I would now observe, with reference to the sum of £3 stated by Mr. Henry to have been satisfactorily accounted for, that the Registrar is evidently under some misapprehension in the matter, as the money was not entered in the cash-book nor paid into the bank. It is true the District Commissioners were paid as stated, but they were paid out of the balance in the bank, which is short by the sum of £3.

The explanations given by Mr. Greville are, I find on further inquiry, correct with the exception of that afforded for the sum of 8s. 6d., paid by S. Percival, on 3rd September, 1877.

A similar amount is entered, as stated, in the name of Sullings, on 26th September, but so far as I can trace there is nothing to show that this sum is identical with that paid by Percival, nor could it well be the same sum, as the cost of the advertisement in Percival's estate was paid to the Government Printer on 6th September, and must therefore have been received prior to that date.

Deducting the items which Mr. Greville has satisfactorily explained, and which amount to £1 4s, from the omissions specified in my report, there still remains to be accounted for a sum of £9 11s. 6d. arising from thirty-two omissions.

F. KIRKPATRICK,
I.P.R.C. Accounts, 15/8/78.

No. 9.

No. 9.

Memorandum from The Chief Inspector to The Under Secretary for Finance and Trade.

After a careful perusal of all the papers and explanations herewith, respecting the numerous omissions discovered in the accounts of the Insolvency Department by Mr. Kirkpatrick during his recent inspection, it appears to me that—with the exception of a sum of £1 4s., which the Inspector admits has been satisfactorily accounted for by Mr. Greville—the matter stands in precisely the same position as it did when first brought under notice.—

The remarks of the Chief Commissioner, the Accountant, and Chief Clerk of the Insolvent Court with respect to the insufficiency of office accommodation, &c., are no doubt true; but they cannot be accepted as having any material bearing upon the question of omissions.

It is certainly to be regretted that such a long interval should have elapsed between the first and second inspection of the Insolvency Department; but that circumstance cannot be held to exonerate any of the officers from a responsibility which is peculiarly their own.

The inspecting staff of the Treasury having recently been strengthened by the appointment of an additional inspector, it is anticipated that it will be able in future to undertake an annual inspection of the accounts of every Collector of Public Revenue throughout the colony.

With respect to Mr. Henry's explanations, Mr. Kirkpatrick has shown in his memorandum of the 5th instant, that Mr. Henry is wrong in assuming that because he paid away the three sums alluded to in the Inspector's Report, that that necessarily accounted for their omission as receipts. The fees were paid, Mr. Kirkpatrick admits, but they were paid from other funds. This being the case, Mr. Henry should be called upon to make good the omissions standing in his name, which, according to the report, amount to £3 5s. 6d.*

Mr. Greville's explanations are, to my mind, highly unsatisfactory, and they have also failed, seemingly, to satisfy even His Honor the Chief Commissioner, who found it necessary to call upon Mr. Greville for a second report concerning the large number of items omitted during the short period (one year) over which they extend.

As these omissions are not altogether free from suspicion I deem it my duty to recommend that Mr. Greville be severely censured, and cautioned as to future conduct, and at the same time called upon to make good at once the sum he has failed to account for, which, as reduced by Mr. Kirkpatrick, amounts to £9 11s. 6d.†

The amount of the omissions which occurred during the period the late Mr. Austen occupied the position of Chief Clerk (viz., £33 5s.) cannot now, I should imagine, be recovered, as it would, I think, be manifestly unfair to call upon his representatives to make good that sum so long after his death. The amount might therefore be written off as a bad debt.‡

As Mr. Kirkpatrick evidently took great pains to ascertain how a check could be applied to some of the collections of the Insolvent Court before making a recommendation for its application, I would respectfully suggest that instructions be issued to the Registrar to adopt the same at his earliest convenience, as well as the other recommendations of the Inspector with respect to the future management of the accounts. The Registrar, who is also the Accountant, should be given to understand clearly that he is the officer responsible to Government for the due collection and disposal of the revenue and receipts of the Insolvency Department.§

Mr. Henry should also be instructed to pay into the Treasury, to the credit of the Trust Fund, the balance of assets over liabilities, viz., £56 15s. 10d., which Mr. Kirkpatrick states in his report was in the Bank on the 31st of May last.‖

In conclusion, I would recommend that the Chief Clerk and the other officers of the Insolvent Court entrusted with the collection of fees, &c., be called upon to give security—the former in £250, and the latter in £100 each. These sums, I may state, are only half those suggested by Mr. Kirkpatrick. My reason for reducing them is, that under the daily check which it will be the duty of the Registrar and Accountant to exercise over the collections of the Chief Clerk and his assistants, the risk of malversation will be very considerably lessened.¶

The Treasury,
10th September, 1878.

JAMES THOMSON,
Chief Inspector.

The Minister for Justice.—H.E.C., 13/9/78. The Under Secretary for Justice and Public Instruction.—G.E., B.C., 13/9/78.

* Let Mr. Henry be called upon as suggested herein.—J.L., 21 Sept., /78. Chief Com., 28/9/78.
† Let this suggestion be carried out.—J.L., 21 Sept., /78. Chief Com., 28/9/78.
‡ Approved.—J.L., 21 Sept., /78. Chief Commissioner, 28/9/78.
§ Let this be done.—J.L., 21 Sept., /78. Chief Commissioner, 28/9/78.
‖ Instruct Mr. Henry accordingly.—J.L., 21 Sept., /78. Chief Commissioner, 28/9/78.
¶ Has not this been already done? If it has not been done, give immediate instructions to have it done.—J.L., 23/9/78. Chief Commissioner, 25/9/78.

No. 10.

The Under Secretary, Department of Justice, &c., to The Chief Commissioner of Insolvent Estates.

Sir, Department of Justice and Public Instruction, 25 September, 1878.

In accordance with the recommendation contained in memorandum of Mr. Chief Inspector Thomson on report of Mr. Inspector Kirkpatrick, in reference to the recent examination of the accounts of the Insolvency Department in June last, I am directed by the Minister of Justice and Public Instruction to inform you that it will be necessary for the gentlemen in your office, named in the margin, to furnish security to the Government for the faithful discharge of their duties by entering into bonds with two sureties jointly and severally for the amounts specified in connection with their names, respectively.

The

H. J. Greville (chief clerk), £250.
A. M. P. Mowle (second clerk), £100.
H. E. Maxted (third clerk), £100.

The names at length, with occupation and residence of the persons proposed as sureties should be submitted through you with your certificate as to their sufficiency, &c., in order that the requisite bonds may be prepared without delay.

I am to add that the Government will not object to accept in lieu of personal security a policy in the same amount from any approved local guarantee company.

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

No. 11.

The Under Secretary, Department of Justice, &c., to The Chief Commissioner of Insolvent Estates.

Sir, Department of Justice, Sydney, 28 September, 1878.

Referring to the memorandum of the Chief Inspector of Public Revenue Collectors' Accounts, on the recent examination of the accounts of the Registrar in Insolvency, and to the suggestions therein made,—

I am directed by the Minister of Justice and Public Instruction to state that, as regards Mr. Henry's explanation, he seems to be under a misapprehension in assuming that, because he paid away the three sums alluded to in the Inspector's report, that that necessarily accounted for their omission as receipts. Mr. Kirkpatrick admits these fees were paid, but from other funds. This being the case, Mr. Leary thinks that Mr. Henry should be called upon to make good the omissions standing in his name, which, according to the report, amount to £3 5s. 6d.

With reference to Mr. Greville's explanations, Mr. Leary considers they are highly unsatisfactory, and that he should be severely censured, and cautioned as to future conduct, and, at the same time, called upon to make good *at once* the sum he has failed to account for, which, as reduced by Mr. Kirkpatrick, amounts to £9 11s. 6d., arising it seems from thirty-two omissions. The amount of omissions, which occurred during the period the late Mr. Austen occupied the position of chief clerk, will be written off in the books of the Treasury as a bad debt, as Mr. Leary thinks it would be unfair to call upon his representatives to make good the amount so long after his death. With reference to the checks to be applied to some of the collections of the Insolvent Court, and as to future management of the accounts, I am to invite you to have the goodness to instruct the Registrar to adopt the recommendations of Mr. Kirkpatrick at his earliest convenience. The Registrar, who is also Accountant, should be given to understand clearly that he is the officer responsible to the Government for the due collection and disposal of the revenue and receipts of the Insolvency Department.

I am to add that Mr. Henry should also be instructed to pay into the Treasury to the credit of the Trust Fund the balance of assets over liabilities, viz., £56 15s. 10d., which Mr. Kirkpatrick states in his report was in the bank on 31st May last.

A separate communication has been addressed to you in reference to the security to be given by the officers of your department.

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

No. 12.

The Registrar in Insolvency to The Under Secretary, Department of Justice, &c.

Sir, Supreme Court, Sydney, 9th October, 1878.

With reference to your letter of 25th September last, stating the requirement by the Honorable the Minister of Justice of several bonds from the Chief Clerk and the Second and Third Clerks in Insolvency, I have, by direction of the Chief Commissioner of Insolvent Estates, the honor to enclose the letter of the Second Clerk in Insolvency, Mr. Aubrey Mowle, of the 2nd instant, with the certificate of the Chief Commissioner of Insolvent Estates, for the sufficiency of the two sureties proposed by him for a one hundred pound bond.*

2. I am directed by his Honor the Chief Commissioner of Insolvent Estates to inform you that the "London Guarantee and Accident Company, Limited," have undertaken the suretyship for the Chief Clerk in Insolvency (Mr. H. J. Greville) for the bond for two hundred and fifty pounds (£250) on his behalf; and the "Victorian Insurance Company" have undertaken the suretyship for the third Clerk (Mr. H. E. Maxted) for the bond of one hundred pounds (£100) on his behalf.†

3. I am further directed to inform you, that in accordance with your letter of 28th September last, the Chief Clerk's omissions, amounting to £9 11s. 6d., were paid to me on 1st October instant, and paid by me into the Treasury on the 5th instant. I have also paid into the Treasury to credit of Trust Fund the sum of £56 15s. 10d., being the balance of my assets over liabilities on the 31st May last. My bank account has been balanced by the payment of £3, omitted to be paid in on various dates in the years 1874 and 5; and my omission to the Treasury, amounting to 5s. 6d., were included in my payment to the Treasury of the 8th instant ‡

4. I am also directed to say, the censure directed by your letter of 28th ultimo has been conveyed to the Chief Clerk, and the caution given also §

I have, &c.,
ARTHUR HENRY,
Registrar in Insolvency.

---

*Approved. Let the requisite steps be taken for completion of Mr. Mowle's bond.—J.L., 21 Oct., 1878. Memo.—Crown Solicitor, 16/10/78. †Approved.—J.L., 12 Oct., 1878.. ‡Inform the Treasury hereof.—J.L., 12 Oct., 1878. Treasury, 21/10/78. § Inform Treasury hereof.— J.L., 12 Oct., 1878. Treasury, 21/10/78.

[*Enclosure.*]

[*Enclosure.*]

The Second Clerk in Insolvency to The Chief Commissioner in Insolvency.

Sir, Insolvency Department, 2 October, 1878.

With reference to the letter from the Department of Justice and Public Instruction, dated the 25th September last, I have the honor to submit for your Honor's approval the following names of gentlemen who are willing to enter into the required bond on my behalf :—

1. William Hilson Pigott, Solicitor, King-street, Sydney.
2. Stewart Marjoribanks Mowle, Chief Clerk, Legislative Council Department.

I have, &c.,
AUBREY MOWLE.

Wednesday, 2 October, 1878.—I certify that the two (2) sureties named are, in my opinion, sufficient.—GEORGE HIBBERT DEFFELL, Chief Commissioner of Insolvent Estates.

No. 13.

The Under Secretary, Department of Justice, &c., to The Under Secretary for Finance and Trade.

Sir, Department of Justice and Public Instruction, Sydney, 21 October, 1878.

In returning to you the accompanying papers, relating to the recent examination of the accounts of the Insolvency Department, I am directed by the Minister of Justice and Public Instruction to state, for the information of the Colonial Treasurer, that, in accordance with the recommendations of Mr. Chief Inspector Thomson, the Chief Clerk and other officers of the Department have entered into security in the amounts suggested, viz., the former in £250, and the latter in £100 each.

The Registrar in Insolvency has also reported that Mr. Greville's omissions, amounting to £9 11s. 6d., were paid to the Treasury on 5th instant, and that the sum of £56 15s. 10d., being the balance of assets over liabilities on 31st of May last, has also been paid to Treasury to credit of Trust Fund.

Mr. Henry also states that his bank account has been balanced by the payment of the £3 omitted to be paid in on various dates, in the years 1874-5, and that the omissions to the Treasury, amounting to 5s. 6d. were included in the payment made to the Treasury on 8th instant.

I am to add that the censure and caution suggested by Mr. Thomson, have been duly conveyed to Mr. Greville, the Chief Clerk.

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

Chief Inspector.—G.E., 23. Mr. Newcombe,—Have the sums herein referred to been received.—J.T., 31/10/78. £9 11s. 6d. and £56 15s. 10d. were paid on 5 Oct., 1878, and 5s. 6d., part of £30 0s. 6d., on 8 Oct., 1878.—W.N., 4/11/78.

Sydney : Thomas Richards, Government Printer—1879.

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1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TIDE-WAITER DUNSHEE.

(PAPERS, &c., RESPECTING.)

Ordered by the Legislative Assembly to be printed, 26 *June*, 1879.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 6 May, 1879, That there be laid upon the Table of this House,—

"Copies of all Letters or Correspondence, &c., that has taken place between "the Tide-surveyors, Landing-waiters, and other officers and stewards of "ships or other persons, and the Acting Collector of Customs, respecting "Tide-waiter Dunshee, since September, 1877, together with all Memoranda "in reference to, or applications for appointments of, or by the said Mr. "Dunshee, to various positions by the Acting Collector of Customs."

(*Mr. McElhone.*)

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TIDE-WAITER DUNSHEE.

No. 1.

Mr. W. P. Dunshee to The Acting Collector of Customs.

Custom-house, Sydney, May 25, 1878.

Sir,

I have the honor to report, for your information, that on the afternoon of the 18th instant I had occasion to stop the outward clearance of the s.s. "Boomerang," which was given by Mr. Kelly, per Mr. J. Wall, into the custody of Mr. J. Baxter, L.W., to whom I applied for it. His reply was, "What do *you* want with the clearance?" I said I wanted to detain it until I had issued my deck-cargo certificate. He said "he would give it to the captain as soon as the cargo was on board."

About an hour afterwards I again asked him for it; he said "he would not give it to me, as it was safer in his office than with me a knocking about town."

I then informed him that it would answer my purpose just as well if *he* would retain the clearance, but not to deliver it to the captain until my deck-cargo certificate was produced.

His reply was, "I can't see what business *you* have with the clearance at all."

I then notified him that I would give a written request to detain it.

He said, "You may do what you like."

Having written the request, I presented it, and asked him to accept it.

The following is a copy :—

A.S.N. Co.'s Wharf, Sydney, 18 May, 1878.

Mr. J. Baxter, L.-W.,—

Please detain clearance of s.s. "Boomerang" until you receive my deck-cargo certificate for her.

W. P. DUNSHEE,
Acting Measuring Surveyor, H. M. Customs.

He received it, and read it, and then tore it up into pieces before my face, and threw the pieces on the floor, saying, "I have nothing at all to do with you in this matter; you have received a notice from the Company that the steamer is to sail at 5 o'clock, therefore it is your duty to be here at that time to measure her deck cargo, and it is my business to see that you *are* here to do your duty, and I am going to give up the clearance to the captain at 5 o'clock sharp whether you are here or not."

I then employed a safety, and drove to Mr. Kelly's private residence, and reported to him the fact that Mr. Baxter had threatened "to deliver the clearance to the captain at 5 o'clock sharp whether I was there or not."

Mr. Kelly proceeded at once to the A.S.N. Co.'s wharf to secure the detention of the clearance.

As I could not disoblige a punctual vessel to serve one that did not keep its time, I went to the s.s. "Easby," at Dibbs' Wharf, at 4·55 p.m., and issued a certificate for her at 5·10 p.m., then drove to the s.s. "Boomerang," which I reached at 5·25 p.m.

I found her ready, and waiting to sail, and was informed that she had been so for twenty-five minutes.

I have no personal motive whatever in reporting the above, but I feel it my duty to bring it under notice to prevent any future obstruction to my duties by other officers of the department, as there can be no question that had I not gone to the expense and trouble of going for Mr. Kelly, Mr. Baxter's action in allowing the steamer to go would have prevented me doing my duty.

I have, &c.,
W. P. DUNSHEE,
Acting Measuring Surveyor.

Mr. Ormsby will please obtain from Mr. Baxter his report on the within.

A. BERNEY.

No. 2.

Mr. J. Baxter to The Acting Collector of Customs.

A.S.N. Co's. Wharf, June 4, 1878.

Sir,

Referring to Mr. Tide-waiter Dunshee's report, respecting the clearance of the s.s. "Boomerang," I do myself the honor to state that the "Boomerang" left here for Rockhampton on Saturday, the 18th ultimo. At the time of clearing here there were several packages, subject to duty, on the wharf, all of which appeared on her outward manifest. I, as landing-waiter, having charge of the ship and cargo, obtained the clearance in order to secure the shipment of the goods referred to, prior to the vessel taking her departure. While in the act of getting the said goods on board, this "self-styled measuring-surveyor" demanded the clearance from me, and, as he admits, repeated his demand in writing.

I of course refused to give the ship's papers to this irresponsible officer, and would have reported him for insubordination were I not induced to place the most favourable construction on his impertinence. The steamer was advertised to sail at 5 p.m., of which he had due notice, and yet he states that by his tactics in giving a preference to the more punctual vessel, the steam collier "Easby," he was enabled to detain the "Boomerang," though laden with cargo and passengers, for twenty-five minutes after she was ready to proceed on her voyage.

If the A.S.N. Company sued the Customs' authorities for detaining their ship this very intelligent measuring-surveyor's statement would prove their case. The "Easby" did not clear till about 6 o'clock p.m., nor did she leave the wharf until after 8 p.m. He says that his object in making his report is to prevent other officers from obstructing him in the performance of his duty.

I ask respectfully what is his duty? Is he supposed to measure imported deck cargo? If so, I have reason to believe, and it can be proved, that he neglects that portion of his work; since I came on this station I have not seen him attending to thedeck cargo carried by steamers arriving during the night.

Notably the s.s. "Egmont": The whole of her deck cargo was discharged by 7 a.m., on the 28th ultimo. Extra tide-waiter Dunshee put in an appearance after 10 o'clock, got the particulars of her deck cargo from the mate's cargo-book, to whom he afterwards apologized for having entered his cabin in his

his absence to obtain the information referred to. This is one of the many instances of the vigilance exhibited by this clever tide-waiter in the discharge of his onerous duties. You, sir, would not be troubled by a report from this man were it not that, having failed to air effectively before me, his superior officer, and the manager and officials of the Company, his little vested authority, his presumption and impudence received a check ; hence his report.

He would be, Sir Oracle, and have all fear him. It is questionable which would be the more charitable action, whether to have feelings of pity and compassion for his want of decorum, or to give him some employment more suited to his self-styled masterly and numberless capabilities, which by-the-by is characteristic of his country. This man's report opens up a question of economy affecting the department. He is in receipt of 15s. per day for attending on steamers ; how effectively he performs his work is best known to the landing-waiters.

The revenue derived from deck cargo does not recoup the Treasury the sum expended in paying this "very vigilant officer." Would it not be a duty more properly devolving upon the landing-waiters of each station, where steamers arrive and depart from, to do this measuring, which after all is very trifling ? The landing-waiter must be in attendance before a steamer can discharge, and he must also be in attendance till she clears.

The foregoing is a matter deserving of consideration ; its adoption would do away with a great deal of unpleasantness caused by Dunshee, and be a saving to the revenue. Viewing it in this light I do myself the honor to request that Dunshee's report and this reply be submitted to the Honorable the Minister for Finance and Trade for his consideration.

I have, &c.'

JOHN BAXTER,
Landing-waiter.

The appointment of Mr. Dunshee as a special officer to attend to deck cargoes was made by the Collector, Mr. Duncan, after full consideration of the requirements of the case, and it is not my province to disturb his arrangement. As a portion of the duty of the Tide Branch, under the immediate supervision of the tide-surveyors, with which the Landing Branch has no concern whatever, Mr. Dunshee's functions are not under the control of any landing-waiter, and no act of his can be insubordination to Mr. Baxter.

When Mr. Baxter was entrusted with the clearance by Mr. Kelly, he was simply authorised to deal with it as Mr. Kelly was required to do, viz., to aid the assistant tide-surveyor in carrying out the law, by detaining it if found necessary, as Mr. Kelly did when brought back to the wharf.

The real insubordination was that of Mr. Baxter, who to gratify his ill-feeling, proposed to use the opportunity momentarily afforded him of rendering the execution of Mr. Dunshee's duty impossible, by setting at defiance the regulations of Mr. Duncan.

I am willing to believe his action was not intended as insubordination, but was merely the outcome of his known hostility to Mr. Dunshee, which is but too apparent throughout this extraordinary document.

I have inquired of the 1st tide-surveyor, Mr. Eames, and learn that Mr. Dunshee is doing his work satisfactorily. Mr. Baxter has no right to interfere in the management of the Tide Branch, but he is a promising young officer, whom I have always regarded with friendly feelings, and I do not forward his paper to the Treasury as he improperly requests, as I gladly spare him the Ministerial censure, which his unwarrantable presumption would inevitably bring upon him.—A. BERNEY.

No. 3.

Mr. R. Kelly to The Acting Collector of Customs.

Sir, Custom-house, Sydney, 8 July, 1878.

Referring to the clearance of the "Boomerang" for Rockhampton on the 18th May last, I beg to inform you that that vessel cleared at the A.S. Navigation Company's wharf at ½ to 2 o'clock, the hour of sailing being then changed to 5 p.m., for the purpose of shipping cattle. I left the clearance with the Custom-house agent in the office, to be given in charge to the landing-waiter, Mr. Baxter, to retain until he should be satisfied that everything had been shipped, and a deck cargo certificate given by the measuring officer, Mr. Dunshee.

Mr. Dunshee called at my house about ½ past 4, and informed me that Mr. Baxter threatened to give up the clearance at 5 p.m., whether he (Mr. Dunshee) was there or not. I proceeded to the wharf at 10m. to 5 p.m., and remained until I received the deck cargo certificate from Mr. Dunshee. Mr. Baxter then returned to me the clearance, which I handed to Captain Munro.

I have, &c.,
RICHD. KELLY,
Clearing Clerk.

No. 4.

The Acting Collector of Customs to The Under Secretary for Finance and Trade.

Sir, Custom-house, Sydney, 2 August, 1878.

The stores of the local steamers were formerly sealed up by a tide-waiter. During the time that Mr. M. Fay as tide-waiter was so employed he was promoted to be a locker, but instead of being put in charge of a bonding warehouse and another tide-waiter sent to look after the stores, Mr. Fay, was as a temporary matter, continued in the same occupation.

*In my minute on the B.C. Treasury No. 3,533 of 9th April, '78, I recommended that on the occurrence of a vacancy at a bond Mr. Fay (10th locker) should take his duty as locker, and that Mr. Dunshee, a tide-waiter appointed by Mr. Duncan to assist the tide-surveyors by measuring deck cargoes, should also look after the stores. By

* Copy of the paragraph referred to :—"When the measurement of deck cargo was introduced Mr. Fay was offered this duty in addition to the care of the stores which filled up but a portion of his time, but he refused, necessitating another appointment. I think that Mr. Dunshee, now doing that duty, could also attend to the stores, relieving Mr. Fay, who could take up his proper duty as locker and thus we should save £250 a year. This can be carried out as soon as a vacancy occurs at a bond.—A. BERNEY.

By the death of Mr. A. B. Taylor, the senior tide-waiter, who was employed as an acting locker, such a vacancy has occurred, and I do myself the honor to recommend that this proposition be now carried into effect.

Should the combined duties at times prove too much for one hand I have no doubt that with the assistance of the landing-waiters the work will be effectually attended to.

I have &c.,
A. BERNEY.

I think that Mr. Fay, who holds the appointment of locker, should perform the duties attached to such office, and therefore approve of the Collector's recommendation.—H.E.C., 23/8/78.

No. 5.

The Acting Collector of Customs to The Tide-surveyors.

Gentlemen, Custom-house, Sydney, 12 September, 1878.

In consequence of the Hon. the Treasurer having decided that Mr. M. Fay, 10th locker in this department, shall take the duties proper to his office, I have instructed him to take charge of the Clarence Bond, and report himself without delay to the warehouse-keeper for that purpose.

Also, to return the Customs' seal and any official papers connected with the position lately held by him, to the tide-surveyors.

That portion of the tide-surveyor's duty heretofore performed by Mr. Fay will now be undertaken by Mr. Assistant Tide-surveyor W. P. Dunshee in addition to his other duty, which with assistance from the tide-surveyors when required I have no doubt can be satisfactorily accomplished.

I have, &c.,
A. BERNEY.

No. 6.

Mr. W. Smyth to The Acting Collector of Customs.

Sir, Tide-surveyor's Office, 7 November, 1878.

I have the honor to inform you that Mr. Assistant Dunshee has not yet sent into this office his weekly return of the stores of the intercolonial steamers which have arrived during the week ending the 3rd November. I may state that this return should have been sent in last Monday.

I have, &c.,
W. SMYTH, T.-S.

Mr. Dunshee to explain.—A.B., 7/11/78.

Sir, Tide-surveyor's Office, 11 November, 1878.

In explanation of the within report I beg to state that the pressure of work (as my boarding book will show), prevented me from sending in my returns until the morning of the 8th. I may state that I was *so* busy that it was frequently impossible for me to obtain my regular meals.

I have, &c.,
W. P. DUNSHEE,
Assistant T.-S.

To the Collector of Customs, &c., &c., Sydney.

No. 7.

Mr. W. Smyth to The Acting Collector of Customs.

Sir, Tide-surveyor's Office, 14 February, 1879.

I have the honor to inform you, that at 3·30 p.m. yesterday, the steward of the s.s. "Wotonga," sent to the Custom-house for an officer to seal up a quantity of bonded goods shipped in the early part of the day.

The messenger stated they were shipped at 10 a.m., that he had not seen Mr. Dunshee, the specially appointed officer for that duty "all day"; and as he had to clean and tidy up the cabin for the reception of passengers, it would be a great convenience if I would send an officer to seal them up.

He also stated he was afraid if they remained in the cabin all night unsecured they might be pilfered. I went myself, saw the goods stowed away, and sealed them up.

I have, &c.,
W. SMYTH,
Tide Surveyor.

Mr. Dunshee, for report.—A. BERNEY, 20/2/79.

Sir,—I visited the s.s. "Wotonga" on the morning of the 13th instant and was informed that the bonded stores were not expected to be shipped until afternoon. I boarded her within 10 minutes after Mr. Smyth had left. Except on sailing days, I may state that as a rule (having found it expedient) I do not board steamers to seal the stores up until after 4 p.m., although in this case the steward was not aware of that fact.

I have, &c.,
W. P. DUNSHEE,
Asst. T.-S.

The Acting Collector of Customs.

No. 8.

No. 8.

Mr. W. H. Anson to The Tide-surveyors.

Sir, Tide-surveyor's Office, 20 February, 1879.

I have the honor to request that you will be kind enough to ask Mr. Dunshee for the return of the steamers that arrived last week. They ought to have been brought into the office last Monday morning.

I have, &c.,
WALTER H. ANSON.

Mr. Dunshee, for explanation, 20/2/79.

Sir, 22 February, 1879.

I sent in the returns this morning. Having had a very busy week, I have not had the time to make them out before.

I have, &c.,
W. P. DUNSHEE,
Asst. T.-S.

The Acting Collector of Customs.

No. 9.

Mr. W. P. Dunshee to The Acting Collector of Customs.

Sir, Tide-surveyors' Office, Custom-house, Sydney, 31 March, 1879.

I beg to make application for the position of 3rd Tide-surveyor, and which I desire you would kindly forward to the Honorable the Colonial Treasurer.

I was appointed an extra tide-waiter by the Honorable the Colonial Treasurer, on 7th June, 1873, and performed duties in almost every position in the Customs Department satisfactorily to my superior officers, until 8th February, 1877, when the Collector of Customs, Mr. Duncan, was pleased to appoint me to assist the tide-surveyors in their duties.

This appointment was confirmed by the Honorable the Colonial Treasurer on 12th September, 1878.

During the last two years I have acted as 1st tide-surveyor on several occasions, and have always given satisfaction.

Seeing the position of 3rd tide-surveyor has been placed on the Estimates with a permanent salary, prompts me to apply for the same.

I thoroughly understand all the duties of the position.

Trusting the Honorable the Colonial Treasurer will be pleased to appoint me,

I have, &c.,
WM. P. DUNSHEE,
Assistant Tide-surveyor.

No. 10.

Mr. W. Smyth to The Acting Collector of Customs.

Sir, Tide-surveyor's Office, 1 April, 1879.

I have the honor to inform you that yesterday afternoon, at about 3·15 p.m., when passing along the A.S.N. Company's Wharf, I spoke to the steward of the s.s. "City of Adelaide." In the course of conversation he informed me that Mr. Dunshee, the officer appointed to seal and attend to the stores of intercolonial steamers, had not yet been on board.

I am informed this steamer arrived before 1 o'clock.

For the last six months this officer has continually neglected his duties. There can be no excuse for this officer allowing this steamer to be alongside the wharf for over two hours before examining and securing her stores.

I most respectfully request that Mr. Dunshee's services be dispensed with as assistant, and for the future the tide-surveyors themselves attend to this most important duty.

I have, &c.,
W. SMYTH,
Tide-surveyor.

Mr. Dunshee reported to me yesterday that this occurred, with explanation that the steamer had arrived before her expected time. The first tide-surveyor does not confirm the statement that this officer has for the last six months continually neglected his duty. If all officers were to be treated with the severity demanded by Mr. Smyth the Public Service would scarcely be held to be one desirable to enter. The tide-surveyors cannot do what is required of them now, and the proposal that they should also do Mr. Dunshee's work is absurd.—A. Berney, 1/4/79.

No. 11.

Mr. W. Smyth to The Acting Collector of Customs.

Sir, Tide-surveyor's Office, 15 April, 1879.

I regret that I should have occasion again to bring under your notice that Mr. Dunshee, the specially appointed officer to attend and seal up the stores of intercolonial steamers, is still neglecting that most important duty.

On Thursday morning the s.s. "Tasman" arrived before 7 o'clock a.m., and her stores were not sealed up till after 9 a.m.

On Friday morning the s.s. "Macedon" arrived at 5 o'clock a.m., and her stores were not attended to till after 10, when I went on board and sealed them up.

The s.s. "Leura" arrived early yesterday morning. Mr. Eames went on board at 10·45 a.m. and sealed up the stores.

This

This morning the provedore for the A.S.N. Company complained that Mr. Dunshee could not be found, and informed me that a quantity of dutiable stores were shipped on board s.s. "Victoria" at 7 a.m., and were still lying in the cabin to the great annoyance of the passengers and officers of the ship. I went on board at 12·50 p.m. and sealed them up.

The returns for the last week have not yet been sent in by him.

I have also to bring under your notice a fact which proves Mr. Dunshee utterly unworthy of being entrusted with the duties he is now performing, or of any duty in which the revenue is concerned:

It came to my knowledge a day or two since that this officer borrowed money from the head steward, who is, I believe, also provedore of the s.s. "Tasman," and have found it to be the case, and append herewith a memo. from the steward asking me to recover it for him.

I have therefore respectfully to request that this officer be removed from attending the inter-colonial steamers, and that this report be forwarded to the Honorable the Secretary for Finance and Trade for his consideration and decision.

I have, &c.,
W. SMYTH,
T.S.

Mr. Dunshee, for report.—A. BERNEY, 17/4/79.

No. 12.

The Chief Steward s.s. "Tasman" to The Tide-surveyor.

Sir, 11 April, 1879.

I beg to inform you that Mr. Dunshee, the officer who sealed up the stores of the s.s. "Tasman," borrowed £1 from me last voyage.

Would you be good enough to stop it out of his cheque for me, and oblige

Yours, &c.,
F. BROWN,
Chief Steward s.s. "Tasman."

No. 13.

Mr. W. H. Anson to The Tide-surveyors.

Gentlemen, Tide-surveyor's Office, 23 April, 1879.

I have the honor to inform you that my work is continually being kept in arrears, because I cannot get the returns of the steamers.

I have not yet received the returns commencing from the 16th ultimo, which ought to have been here on Monday.

I have, &c.,
WALTER H. ANSON.

The want of these returns prevents Mr. Anson from keeping his books up to date. I have not seen Mr. Dunshee for more than a week, although I have given him instructions to report himself at the Tide-surveyor's office at least every morning.—R. L. EAMES, T.-S.

Mr. Dunshee, for explanation.—A. BERNEY, 23/4/79.

No. 14.

Mr. W. P. Dunshee to The Acting Collector of Customs.

Sir, Custom-house, Sydney, 24 April, 1879.

I have the honor to request that you will grant me a week's leave of absence, as I have received an injury to my knee which causes much pain and prevents me from walking as usual.

I received the injury while in the performance of my duties.

I have, &c.,
W. P. DUNSHEE,
Assistant Tide-surveyor.

As Mr. Dunshee has failed to answer the charges brought against him, although several days have elapsed since the letters were forwarded to him, I think it would be advisable to appoint another officer at once to do the duty, and let Mr. Dunshee revert to the tide list.—R. L. EAMES, T.-S., 26/4/79.

Of course charges must be dealt with in the regular manner. In the meantime will the tide-surveyor recommend the officer who should be employed temporarily.—A. BERNEY, 26/4/79. I recommend that Mr. Anson be employed.—R. L. EAMES, T.-S., 26/4/79. Approved.—A. BERNEY, 26/4/79.

Sydney: Thomas Richards, Government Printer.—1879.

[6d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE IMPERIAL CIVIL SERVICE.

(MINUTES OF THE LORDS OF THE TREASURY RELATING THERETO.)

Ordered by he Legislative Assembly to be printed, 15 *July*, 1879.

Extract from a Report of the Committee for enquiring into the establishment of the Treasury (1849).

"We are of opinion that this opportunity should be taken of prohibiting the very objectionable practice of Public Officers being Directors of Life Insurance, Banking, and other commercial Companies, by which they contract obligations inconsistent with their official position, and absent themselves periodically during the hours of business."

Copy of Treasury Minute dated 26th February, 1866, respecting the practice of Subordinate Officers in the Civil Service memorializing the Treasury without the permission of the Heads of their Departments.

MY Lords, having observed that several memorials from officers who hold situations in different Departments of the Civil Service, complaining of their position and seeking increases of salary, or a new and more favourable classification, have been addressed to this Board, in some cases transmitted directly by the parties themselves, in other cases through Members of Parliament and other influential persons, deem it necessary to take the subject of the mode in which such representations should be brought before the Executive Government under their serious consideration.

It is far from the desire of Her Majesty's Government that any classes of public servants, or any individuals, should be debarred from making a respectful representation in regard to any matter in which they may feel aggrieved, and my Lords will always be prepared to give every such representation their full consideration; still less can they intend to offer any obstacle to the most free action on the part of Members of the Legislature who, on public grounds, may consider it their duty, whether in Parliament or by communications to this Board, to call attention to cases of grievance on the part of individuals, or who may (which is a very different step) enter upon questions affecting the remuneration and other conditions of service under which classes of public officers are employed.

It is equally the duty and the desire of my Lords to afford every proper facility for such representations, and to give to them their impartial attention.

But there is much inconvenience in, and serious objection to the reception of applications coming from any of Her Majesty's Civil Servants on matters affecting their personal interests or position, except through the Head of the Department to which they belong.

My Lords believe that they do no more than justice to Her Majesty's Civil Servants when they state their conviction that in this country the principles of subordination to the Heads of Departments are well understood and cheerfully acquiesced in; and they feel equally convinced that, on the part of the Heads of Departments, there is an earnest desire to pay all due regard to the wants and wishes of subordinate officers; and it is mainly because their Lordships are convinced that the recognized rule and course of proceeding, viz., that of representations being made by subordinate officers through the Heads of Departments, is essential to the maintenance of proper subordination and the proper relations of the respective parties, that my Lords will feel it their duty to insist for the future upon the observance of this rule.

It might be added that, while every salary and the classification of every office (except some of the Legal Departments) is duly submitted in the annual Estimates for the criticism and sanction of Parliament, it is the peculiar duty of the Executive Government, and of the Heads of the several Departments,

to enter into the particular and minute considerations by which the rate of salaries, the annual increments, and the prospects of promotion are adjusted by this Board, as far as possible with reference to the nature and distribution of the business.

In many cases, especially where classification is deranged by the increase or diminution of numbers, resulting from fluctuations in the amount of business, this becomes a matter of much difficulty; and if it should become the established practice of the Service for subordinate officers to seek advancement by means of pressure put upon the Executive Government by persons whose only knowledge of the circumstances of the case is derived from the *ex parte* representations of the officers themselves, it would be scarcely possible for the Government to apply that dispassionate and effectual consideration which is required by a due regard to economy and the general interests of the Public Service.

In the Revenue Departments very stringent rules have long prevailed against the solicitations of promotion by influential persons unconnected with the Service.

The Commissioners of Customs, in their Minute dated so far back as 16th January, 1847, state that such applications are irregular and in violation of the recorded orders and regulations of the Service, and tend to weaken in the minds of the officers of the Department that confidence in the justice and fair dealing of the Board which the Commissioners are most desirous to possess.

The Board of Inland Revenue, by their General Order of 21st March, 1860, prohibit any officer from seeking promotion or removal from one station to another; they state that instances frequently occur in which applications are made to Members of both Houses of Parliament, as well as to the Lords of the Treasury, and other supposed influential parties, in favour of particular individuals, in contravention of the orders of the Board, and to the great inconvenience of the Public Service; and the first offence in this particular by an officer of the Department is made punishable by reprimand and removal, the second by reduction, the third by dismissal.

My Lords coinciding in the views of the Revenue Boards, are of opinion that the same objections apply, in principle, to applications for increases of salary or re-classification of offices, and they desire that it may be understood that henceforth, as a general rule, no application in relation to increased pay or allowances (or for promotion where such rests with this Board) will be entertained by my Lords, unless transmitted through the Head of the Department to which the applicant belongs.

In the case of a Department subordinate to this Board, if the Head of the Department should refuse to forward such an application, my Lords will not absolutely decline to receive it direct from the subordinate officer; but a copy or a statement of the refusal must accompany it, and it will rest with my Lords to consider whether the communication was one which should be addressed to them.

HUGH C. E. CHILDERS.

Treasury Chambers, Whitehall, February, 1875.

THE First Lord and the Chancellor of the Exchequer state to the Board that the attention of Her Majesty's Government has recently been directed to a number of instances in which information, obviously derived from official sources, has been communicated to the newspapers and other periodicals without the sanction of the Heads of the offices from which the information has come.

They further call the attention of the Board to the fact that several members of the Civil Service have openly connected themselves with the public Press, either as editors or members of the staffs of newspapers, or as Directors of a Company which has undertaken the publication of a periodical much engaged in the discussion of matters relating to the Civil Service.

They bring to the notice of the Board the Rule of the Service, that no official information may be communicated to the public journals without the sanction of the responsible Heads of Departments, and that any gentleman infringing this regulation renders himself liable to instant dismissal.

My Lords are strongly convinced of the necessity of enforcing the observance of this rule, and desire that notice may be given throughout the various offices under the authority of the Treasury that it will in future be strictly acted upon.

A caution should at the same time be given to gentlemen who have connected themselves with the Press in the manner above noticed.

The inconvenience which may arise from such connection is obvious. Gentlemen taking upon them editorial duties can hardly fail to place themselves in a false position, and to expose themselves to suspicions and misrepresentations, which, however unmerited they may be, must disturb the confidence which ought to subsist between them and their official superiors.

It should be intimated to these gentlemen that they must in future be held personally responsible for any breach of official confidence committed by the writers or correspondents of the periodicals with which they are connected.

My Lords desire that a copy of this Minute be sent to all the Departments of State, and that they be invited to co-operate with my Lords in their endeavours to enforce this important regulation.

Copy of Treasury Minute, dated 2nd May, 1867.

MY Lords have observed with much regret a growing practice on the part of gentlemen employed in the Public Service, to endeavour to influence this Board to accede to their applications for increase of salary or additional retiring allowance, by means of the private solicitation of Members of Parliament and other persons of political influence.

It is the duty as well as the wish of their Lordships to give the most careful consideration to every representation made to them in the recognised way on behalf of any public servant (whatever be his social status or his official rank), with regard to his position, salary, and prospects of promotion, and also with regard to the amount of his retiring allowance on his quitting the Public Service.

It is the practice of their Lordships to consider questions of salary with reference to the duties and responsibilities of the individual or class whose case is brought before them, and to decide upon them after communication with the Heads of the Department concerned.

In fixing the amount of the retiring allowance in those cases where the Legislature has left them a discretion, my Lords are in the habit of proceeding upon certain principles which they have prescribed for themselves, and within the limit of those principles they endeavour to deal with each case impartially upon its merits.

It

It appears to their Lordships that any attempt on the part of an officer to approach them on these matters through the private intercession of persons unconnected with his Department, is virtually imputing to this Board either that it is likely to turn a deaf ear to a reasonable application, unless supported by political influence, or that it may be induced to accede to an unreasonable application, if such influence be brought to bear upon it.

My Lords disclaim either alternative; and in order to prevent for the future any misapprehension upon this subject, they wish it to be understood by every public officer, that any attempt made by him to obtain the sanction of this Board to his application by any such solicitation as is hereinbefore referred to will be treated by them as an admission on the part of such officer that his case is not good upon its merits, and such application will be dealt with by their Lordships accordingly.

Let a copy of this Minute be sent to every public Department.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LANDS DEPARTMENT.

(APPOINTMENTS MADE BY MR. GARRETT.)

Ordered by the Legislative Assembly to be printed, 8 *April*, 1879.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 12 March, 1879, That there be laid upon the Table of this House, a Return showing,—

"(1.) The names of all persons appointed by Mr. Garrett as Officers of the "Lands Department, or by the Governor and the Executive Council, during "his administration of the said Department; whether such appointments "were temporary or permanent.

"(2.) The number of such persons who have been dismissed, for what cause, "and by what Minister or Government.

"(3.) The rate of pay each of such persons received upon being appointed.

"(4.) The present status of those of such persons who now remain in the "Public Service.

"(5.) If they have been promoted, by what Minister or Government."

(Mr. Garrett.)

No. 1 Return.—Department of Lands.

No. 2 Return.—Survey Department.

No. 3 Return.—Occupation of Lands.

No. 1.

RETURN of the Department of Lands.

(1.) The names of all persons appointed by Mr. Garrett as Officers of the Lands Department, or by the Governor and Executive Council, during his administration of the said Department, whether such appointments were temporary or permanent. (*See* Note below.)		(2.) The number of such persons who have been dismissed, for what cause, and by what Minister or Government.		(3.) The rate of pay each of such persons received upon being appointed.		(4.) The present status of those of such persons who now remain in the Public Service.		(5.) If they have been promoted, by what Minister or Government.	Remarks.
				Rate of pay.					
Name.	By whom appointed.	Cause of dismissal.	By whom.	Per annum.	Per diem.	Present position.	Salary.	By whom promoted.	
				£			£ s. d.		
Robert C. Oatley	Minister for Lands			50	...	Not known		Mr. Garrett, to £75	Transferred to Survey Office.
Robert C. Franks	Gov. & Ex. Council			350	...	Inspector of Conditional Purchases	350 0 0		
S. F. F. Milford	Minister for Lands			75	...	Not known		Governor and Executive Council (Robertson Government), to £100 and to £150 respectively.	Exchanged to Colonial Secretary's Department.
Wm. John Langham	Gov. & Ex. Council			200	...	Inspector of Oyster Beds	200 0 0		
Edward Ryan	Minister for Lands			...	7/-	Not known			Resigned position in Lands Department.
T. D. M'Kenzie	do.			...	7/-				Deceased.
A. W. Armour	do.			100	...	Land Agent, Deniliquin	300 0 0	Mr. Garrett, to £175; Governor and Executive Council (Farnell Government), to Assistant Land Agent, Deniliquin, at £225; Governor and Executive Council (Parkes Government), to present position.	
George Sharp	do.	Intemperance during office hours.	Mr. Driver	...	7/6	Not known		Mr. Garrett, to 8s. 6d. per diem, also to 10s.	
Herbert Croft	Gov. & Ex. Council			300[1]	...	Temporary Clerk, C.S. Branch, Lands Department.	0 15 11½ ℔ diem.	Mr. Farnell, to present position†	Prior to his appointment at £300 was a permanent clerk in Survey Office.
James Tompson	do.			225[2]	...	Land Agent and C.P.S. at Cassilis	50 0 0 and commission as Land Agent.	Mr. Garrett, to Land Agent, Cassilis, at £250; Mr. Hoskins, to Land Agent, Cassilis, at £50 per annum and commission.	Prior to his appointment at £225, was a permanent clerk in Lands Department.
James S. Unwin	Minister for Lands			...	7/6			Mr. Garrett, to 8s. 6d., and to 10s., and to 12s. 6d. per diem.	Deceased.
Thomas Ward	do.			50	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to £75, Governor and Executive Council (Robertson Government), to £100 and £150 respectively.	
Alfred Salwey	do.			100	...	Permanent Clerk, Lands Department	200 0 0	Governor and Executive Council (Robertson Government), to £150, Mr. Farnell to present position.	
J. R. R. Miles	do.			100	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Governor and Executive Council (Robertson Government), to £150.	Exchanged to another department, afterwards re-appointed as Temporary Clerk by Mr. Farnell.
John L. King	Gov. & Ex. Council			225[3]	...	Land Agent and C.P.S., Narrandera	50 0 0 and commission as Land Agent.	Mr. Baker, to Land Agent, Narrandera, at £50 per annum, and commission.	Prior to his appointment at £225 was Assistant Land Agent at Young.
F. D. A. Korff	do.			225[4]	...	Land Agent, Wagga Wagga	300 0 0	Governor and Executive Council (Farnell Government), to present position.	Prior to his appointment at £225 was permanent Clerk in Lands Department.
C. H. B. Primrose	do.			225[5]	...	Land Agent and C.P.S., Cootamundra	50 0 0 with commission as Land Agent.	Governor and Executive Council (Parkes Government), to Land Agent, Cootamundra, at £300; Mr. Farnell, to Land Agent, at £50 and commission.	Prior to his appointment at £225 was permanent Clerk in Survey Office.
O. A. Willans	Minister for Lands			50	...	Assistant Land Agent, Queanbeyan	100 0 0	Mr. Garrett, to £75, and Mr. Driver, to £100 per annum.	
R. C. Lord	Gov. & Ex. Council			‡350	...				Deceased.
D. Keele	do.			‡350	...	Appraiser	150 0 0 with travelling expenses and fees		Removed from his first position for inefficiency and neglect; appointed to present position by Mr. Farnell.
Frederick Hepworth	Minister for Lands			...	7/6	Assistant Land Agent, Singleton	200 0 0	Governor and Executive Council (Robertson Government), to Assistant Land Agent, Singleton.	
J. A. Edwards	do.			...	7/6			Mr. Garrett, to 10s.	Deceased.
G. H. Smithers	do.			§50	...	Land Agent and C.P.S. at Cooma	50 0 0 and commission as Land Agent.		

John Wild	Gov. & Ex. Council	.....	.....	‡350	...	Not known	.....	.....	Resigned position in Lands Department.
Joseph C. Page	do. ...	.....	.....	350	...	Inspector of Conditional Purchases..	350 0 0		
John Higgins	do. ...	.....	.....	‡350	...	Not known	.....	.....	Resigned position in Lands Department.
L. H. L. Evans	do. ...	.....	.....	150	...	Not now in the Service	.....	Mr. Garrett, to Land Agent at Hay	Removed from the position of Land Agent.
Edward Hanrahan	do. ...	.....	.....	150	...	.....	.....	Governor and Executive Council (Robertson Government) to Assistant Land Agent, Dubbo, at £225.	Absconded.
John T. Lock	do. ...	.....	.....	150	...	Permanent Clerk, C.S. Branch, Lands Department.	200 0 0	Mr. Farnell, to present position.	
James P. Croft	do. ...	.....	.....	150	...	Clerk and Accountant, Lands Department.	300 0 0	Mr. Farnell, to £300, Governor and Executive Council (Farnell Government), to present position.	
Whittingdale Johnson...	do. ...	.....	.....	500	...	Commissioner of Conditional Purchases.	500 0 0		
George O'Malley Clarke	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
Henry Burne	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
Thomas J. Hawkins	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
Henry J. Bolding	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
Johnson G. King	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
Alfred C. S. Rose	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
John Delaney	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
Sydney Blythe	do. ...	.....	.....	500	...	Do. do. ...	500 0 0		
James T. Evans	Minister for Lands	.....	.....	50	...	Permanent Clerk in Lands Department.	200 0 0	Mr. Garrett, to £75; Governor and Executive Council (Robertson Government), to £100; Mr. Farnell, to £150, also to present position.	
W. A. Manton	do. ...	.....	.....	...	7/6	Temporary Clerk, Lands Department	0 17 6¾ per diem.	Mr. Garrett, to 8s. 6d. per diem, also to 10s.; Mr. Farnell, to present position.	
J. H. North	do. ...	.....	.....	...	7/6	Do. do. ...	0 17 6¾ per diem.	Mr. Garrett, to 8s. 6d., also to 10s.; Mr. Farnell, to present position.	
H. V. Geary	Gov. & Ex. Council	.....	.....	350	...	Inspector of Conditional Purchases...	350 0 0		
George Smith	do. ...	.....	.....	200	...	Do. do.	350 0 0	Mr. Garrett, to present position.	
G. J. Neale	Minister for Lands	.....	.....	50	...	Permanent Clerk in C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to £75; Governor and Executive Council (Robertson Government), to £100; Mr. Farnell, to present position	
H. T. J. Oliver	Gov. & Ex. Council	For soliciting a bribe in connection with his duty as Assistant Land Agent.	Gov. & Ex. Council—Robertson Govt.	225	...	Not now in the Service	.....	.....	Prior to his appointment at £225, was temporary clerk in Lands Department.
J. G. Neale	do. ...	.....	.....	100	...	Permanent Clerk, Lands Department	200 0 0	Governor and Executive Council (Robertson Government), to £150, and Mr. Farnell, to present position.	Prior to his appointment at £100, was temporary clerk in Lands Department.
James Bailie	do. ...	.....	.....	100	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Governor and Executive Council (Robertson Government), to present position.	Ditto.
Wm. Ardill	do. ...	.....	.....	100	...	Do. do. ...	200 0 0	Mr. Garrett, to £150; Mr. Farnell, to present position	Ditto.
William Byrnes	Minister for Lands	.....	.....	...	7/6	Not known	.....	Mr. Garrett, to 8s. 6d., also to 10s.....	Resigned.
W. H. Adams	do. ...	.....	.....	75	...	Permanent Clerk, Lands Department	150 0 0	Mr. Garrett, to £150; Governor and Executive Council (Parkes Government), to £150—permanent staff; Mr. Farnell, to present position.	
Stephen Punch	Gov. & Ex. Council	.....	.....	150	...	Not in the Service	.....	.....	Resigned.
F. M'Kern	Minister for Lands	.....	.....	...	8/6	Temporary Clerk, Lands Department	0 17 6¾ per diem.	Mr. Garrett, to 10s. and to 12s. 6d.; Mr. Farnell, to present position.	
R. B. Hays	Gov. & Ex. Council	.....	.....	20	...	Land Agent and C.P.S. at Eden	50 0 0 per annum and commisssion as Land Agent.	Mr. Baker to present position of Land Agent.	
M. H. D. Nepean	do. ...	.....	.....	225[6]	...	Temporary Clerk, Lands Department	0 10 0 per diem.	.....	Prior to his appointment at £225, was permanent clerk in Lands Department.
J. J. Russell	Minister for Lands	.....	.....	...	8/6	Temporary Clerk, C.S. Branch, Lands Department.	0 10 6 per diem.	Mr. Garrett, to 10s. 6d.	
W. H. Howard	do. ...	.....	.....	...	7/6	Temporary Clerk, Lands Department	0 15 11½ per diem.	Mr. Garrett, to 8s. 6d. per diem, also to 10s., and to 12s. 6d.; Mr. Farnell, to his present position.	
W. D. Higgins	do. ...	.....	.....	...	7/6	Not known	.....	Mr. Garrett, to 10s. per diem, also to 12s. 6d.	Resigned position in Lands Department.
Thomas Butler	Gov. & Ex. Council	.....	.....	150	...	Not now in the Service	.....	.....	Resigned.
J. G. Hay	Minister for Lands	.....	.....	...	7/6	Temporary Clerk, Lands Department	0 15 11½ per diem.	Mr. Garrett, to 8s. 6d. and 10s., and 12s. 11½d. per diem.	

NOTE.—The appointments made by the Executive Council are considered permanent; those by the Minister temporary. [1]As Land Agent, Corowa. [2]As Assistant Land Agent, Young. [3]As Assistant Land Agent, Cooma. [4]As Assistant Land Agent, Wagga Wagga. [5]As Assistant Land Agent, Warialda. [6]As Assistant Land Agent, Murrurundi. † This is not a promotion. ‡ As permanent Inspector of Conditional Purchases. § As Land Agent.

(1.) The names of all persons appointed by Mr. Garrett as Officers of the Lands Department, or by the Governor and Executive Council, during his administration of the said Department, whether such appointments were temporary or permanent. (See Note below.)		(2.) The number of such persons who have been dismissed, for what cause, and by what Minister or Government.		(3.) The rate of pay each of such persons received upon being appointed.		(4.) The present status of those of such persons who now remain in the Public Service.		(5.) If they have been promoted, by what Minister or Government.	Remarks.
				Rate of pay.					
Name.	By whom appointed.	Cause of dismissal.	By whom.	Per annum.	Per diem.	Present position.	Salary.	By whom promoted;	
A. C. Thomson	Minister for Lands	.....	.....	...	7/6	Temporary Clerk, Lands Department	£ s. d. 0 13 0 per diem.	Mr. Garrett, to 8s. 6d. and to 10s. 6d. ; Mr. Hoskins, to present position.	
J. H. L. Scott	do.	.....	.....	...	8/6	.....	.....	.....	Deceased.
John M'Lachan	do.	.....	.....	150	...	Clerk and Librarian, Botanic Gardens.	175 0 0	Governor and Executive Council (Robertson Government).	
F. M. Harpur	do.	.....	.....	50	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to £75 and to 7s. 6d. ; Governor and Executive Council (Farnell Government), to £100, permanent staff; Mr. Farnell, to present position.	
C. W. Penny	do.	.....	.....	75	...	Temporary Clerk, C.S. Branch, Lands Department.	0 8 6 per diem.	Mr. Garrett, to 7s. 6d. ; Mr. Farnell, to present position.	
Frederick Smith	do.	.....	.....	...	7/6	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to 8s. 6d. and to 10s. 6d. ; Governor and Executive Council (Farnell Government), to present position.	
J. M'Guanne	do.	.....	.....	...	7/6	Do. do. ...	150 0 0	Mr. Garrett, to 8s. 6d. and to 12s. 6d. per diem ; Governor and Executive Council (Farnell Government), to present permanent position.	
G. R. Gurney	do.	.....	.....	75	...	.....	.....	.....	Transferred to Survey Office.
Henry Roxburgh	do.	.....	.....	100	...	Land Agent, Dubbo	300 0 0	Governor and Executive Council (Robertson Government), to Assistant Land Agent, Hay, at £200 ; Mr. Driver, to £225 ; and Governor and Executive Council (Robertson Government), to Land Agent, Dubbo, at £300 per annum.	
P. F. Richardson	do.	.....	.....	...	8/6	Temporary Clerk, Lands Department	0 19 2 per diem.	Mr. Garrett, to 10s. and to 15s. 11½d. ; Mr. Farnell, to present position.	
J. R. Yorke	do.	.....	.....	...	7/6	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to 10s. ; Governor and Executive Council (Farnell Government), to present position.	
George H. Parker	do.	.....	.....	75	...	Temporary Clerk, C.S. Branch, Lands Department.	0 7 6 per diem.	Mr. Garrett, to 7s. 6d.	
W. A. M'Phee	do.	.....	.....	50	...	.....	.....	.....	Transferred to Occupation Branch.
Henry Wilkinson	do.	.....	.....	...	7/6	Temporary Clerk, C.S. Branch, Lands Department.	0 10 0 per diem.	Mr. Garrett, to 10s.	
James M'Guinn	do.	.....	.....	75	...	Permanent Clerk, Lands Department	200 0 0	Governor and Executive Council (Robertson Government), to £100 ; Mr. Farnell, to £150 ; also, to present position.	
H. E. Stratford	do.	.....	.....	...	10/–	Temporary Clerk, C.S. Branch, Lands Department.	0 12 6 per diem.	.....	Resigned ; re-appointed by Mr. Farnell.
J. A. Davis	do.	.....	.....	25	...	Assistant Land Agent, Bega	25 0 0		
O. A. C. Boot	do.	.....	.....	...	5/6	Permanent Clerk, Lands Department	200 0 0	Governor and Executive Council (Robertson Government), to £100 ; Mr. Baker, to £150 ; Mr. Farnell, to present position.	
A. H. Kennedy	do.	.....	.....	...	7/6	Land Agent, Bathurst	300 0 0	Governor and Executive Council (Parkes Government), to £150 ; Mr. Garrett, to Land Agent, Bathurst, at £225 ; Mr. Farnell, to present position.	
Prosper De Mestre	do.	.....	.....	...	5/–	Permanent Clerk, Lands Department	150 0 0	Governor and Executive Council (Robertson Government), to £100 ; Mr. Farnell, to present position.	
D. A. M'Leod	do.	.....	.....	...	5/–	Not known	.....	Mr. Garrett, to 7s. 6d. ; Mr. Farnell, to 10s.	Resigned position in Lands Department.
Francis Haines	do.	.....	.....	...	5/–	Do.	.....	.....	Ditto.
Edwin Evans	Gov. & Ex. Council	.....	.....	350	...	Inspector of Conditional Purchases	350 0 0		
Charles Cropper	do.	.....	.....	350	...	Do. do. ...	350 0 0		
Frederick Trollope	do.	.....	.....	350	...	Do. do. ...	350 0 0		
E. Smith	do.	Complaint by Commissioner Clarke as to intemperate habits.	Gov. & Ex. Council—Robertson Government.	350	...				
G. F. Barker	do.	.....	.....	225	...	Clerk of Petty Sessions, Albury	Not known.		

J. B. Craig	Minister for Lands	...	...	...	7/6	Temporary Clerk, C.S. Branch, Lands Department.	0 12 6 per diem.	Mr. Garrett, to 8s. 6d., and also to 10s.; Mr. Farnell, to present position.	
A. Benest	do.	...	...	...	7/6	Temporary Clerk, Lands Department	0 15 11½ per diem.	Mr. Garrett, to 10s.; Mr. Farnell, to 12s. 6d.; Mr. Hoskins, to present position.	
A. D. Taylor	do.	...	...	...	7/6	Do. do. ...	0 17 6¾ per diem.	Mr. Farnell, to present position.	
C. Russell	do.	...	...	...	7/6	Temporary Clerk, C.S. Branch, Lands Department.	0 10 0 per diem.	Mr. Garrett, to 10s.	
C. B. Johnson	do.	...	...	...	50	...	Permanent Clerk, Lands Department	150 0 0	Mr. Garrett, to £100; Governor and Executive Council (Farnell Government), to £100, permanent staff; Mr. Farnell, to present position.
C. Dillon	do.	...	...	...	50	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to £100; Governor and Executive Council (Farnell Government), to £100, on permanent staff; Mr. Farnell, to present position.
E. Kippax	do.	...	...	...	50	...	Temporary Clerk, C.S. Branch, Lands Department.	0 6 4½ per diem.	Mr. Garrett, to £75 and to present position.
E. W. Sturrock	do.	...	...	...	50	...	Permanent Clerk, C.S. Branch, Lands Department.	100 0 0	Mr. Garrett, to £75; Governor and Executive Council (Farnell Government), to his present position.
C. Helm	do.	...	...	...	50	...	Permanent Clerk, Lands Department	150 0 0	Mr. Garrett, to £100; Governor and Executive Council (Farnell Government), to £100, permanent staff; Mr. Farnell, to present position.
G. S. Ridley	do.	...	...	...	50	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	Mr. Garrett, to £100; Governor and Executive Council (Farnell Government), to £100 on permanent staff; Mr. Farnell, to present position.
George Fullerton	Gov. & Ex. Council	...	...	...	450	...	Commissioner of Crown Lands	450 0 0	
A. Lumsdaine	Minister for Lands	...	...	...	§50	...	Land Agent and C.P.S. at Newcastle	50 0 0 per annum, and commission as Land Agent.	
F. H. Wilson	do.	...	...	...	...	10/–	Temporary Clerk, C.S. Branch, Lands Department.	0 17 6¾ per diem.	Mr. Garrett, to 15s. 11½d.; Mr. Farnell, to present position.
H. R. Hore	Gov. & Ex. Council	...	...	...	150	...	Not in the Service	.....	..... Resigned.
A. B. Crew	do.	...	...	...	150	...	Permanent Clerk, C.S. Branch, Lands Department.	150 0 0	..... Prior to his appointment at £150 was employed in Occupation Branch.
J. W. Pidgeon	do.	...	...	...	100	...	Do. do. ...	150 0 0	Mr. Farnell, to present position.
J. H. Louche	Minister for Lands	...	...	...	...	10/–	Land Agent, Corowa	300 0 0	Mr. Garrett, to 12s. 6d.; Governor and Executive Council (Farnell Government), to present position.
Harold Stephen	do.	...	...	...	...	10/–	Temporary Clerk, Lands Department	0 15 11½ per diem.	Mr. Driver, to present position.
M. J. Doherty	do.	...	...	...	150	...	Do. do. ...	0 15 0 per diem.	Mr. Farnell, to 12s. 6d., and also to present position.
H. R. Sanders	do.	...	...	...	...	7/6	Land Agent, Coonamble	300 0 0	Mr. Garrett, to 10s.; Governor and Executive Council (Parkes Government), to present position.
W. G. Brett	do.	...	...	...	50	...	Not now in the Service	.....	Mr. Garrett, to 7s. 6d. ..... Resigned.
J. Downes Wood	do.	...	...	...	150[8]	...	Not known	.....	..... Services as appraiser dispensed with by Mr. Farnell.
J. Robello	do.	...	...	...	150	...	Appraiser	150 0 0 per annum, with travelling expenses and fees.	
M. Asher	do.	...	Cause not stated by the Minister.	Mr. Farnell ...	150[8]	...	Not known.		
J. Rowlandson	do.	...	.....	.....	150	...	Temporary Inspector of Conditional Purchases.	0 10 6 for each case reported on, with travelling expenses	
E. Rebello	Gov. & Ex. Council	...	.....	.....	200	...	Not now in the Service	.....	..... Resigned.
J. H. Wallis	Minister for Lands	...	.....	.....	...	10/–	Not known	.....	..... Ditto.
A. W. Farmsworth	do.	...	.....	.....	...	6/–	Temporary Clerk, Lands Department	0 12 6 per diem.	Mr. Garrett, to 7s. 6d. and to 10s.; Mr. Hoskins, to present position.
H. J. Foster	do.	...	.....	.....	...	7/6	Temporary Clerk, Stock Branch	Not known.	Mr. Garrett, to 10s.
George Yeomans	do.	...	.....	.....	...	7/6	Temporary Clerk, Lands Department	0 12 6 per diem.	Mr. Driver, to 10s.; Mr. Farnell, to present position.
William Moses	do.	...	.....	.....	75	...	Do. do. ...	0 12 6 per diem.	Mr. Driver, to 7s. 6d.; Mr. Farnell, to 10s.; and Mr. Hoskins, to 12s. 6d. per diem.

[7] As Assistant Land Agent, Albury. [8] As Appraiser. § As Land Agent.

(1.) The names of all persons appointed by Mr. Garrett as Officers of the Lands Department, or by the Governor and Executive Council, during his administration of the said Department, whether such appointments were temporary or permanent. (*See* Note below.)		(2.) The number of such persons who have been dismissed, for what cause, and by what Minister or Government.		(3.) The rate of pay each of such persons received upon being appointed.		(4.) The present status of those of such persons who now remain in the Public Service.		(5.) If they have been promoted, by what Minister or Government.	Remarks.
Name.	By whom appointed.	Cause of dismissal.	By whom.	Rate of pay. Per annum.	Per diem.	Present position.	Salary.	By whom promoted.	
				£			£ s. d.		
G. H. Gibson	Minister for Lands	.....	.....	...	7/6	Temporary Clerk, Lands Department	0 17 6 per diem.	Mr. Driver, to 10s.; Governor and Executive Council (Farnell Government), to £150, permanent staff; Mr. Farnell, to present position.	Was transferred from permanent staff to temporary staff.
H. Maunsell	do. ...	.....	.....	...	7/6	Acting Police Magistrate, Newcastle	Not known.	Mr. Garrett, 10s.	
C. S. Mitchell	do. ...	.....	.....	...	7/6	Temporary Clerk, Lands Department	0 12 6 per diem.	Mr. Driver, to 10s.; Mr. Farnell, to present position.	
R. Spalding	do. ...	.....	.....	...	7/6	Not known	.....	.....	Resigned.
Joseph J. Harpur	do. ...	.....	.....	...	10/–	.....	.....	.....	Deceased.
H. T. J. Oliver	do. ...	.....	.....	...	7/6	Not now in the Service	.....	.....	Resigned.
M. A. O'Brien	do. ...	.....	.....	100	...	Permanent Clerk, Lands Department	150 0 0	Governor and Executive Council (Farnell Government), to £100 on permanent staff; Mr. Farnell, to present position.	
John Ducat	do. ...	.....	.....	* 10/6 for each case reported on and travelling expenses.		Not known	.....	.....	Services dispensed with, as no funds available.
S. Meyer	do. ...	.....	.....	do.*		Temporary Inspector of Conditional Purchases.	0 10 6 For each case reported on and travelling expenses.		
T. B. Carne	do. ...	.....	.....	do.*		Permanent do. ...	350 0 0	Governor and Executive Council; Parkes Government, to present position.	
J. S. O'Hara	do. ...	.....	.....	do.*		Temporary do. ...	0 10 6 for each case &c.		
R. J. Mackenzie	do. ...	.....	.....	do.*		Not known	.....	.....	Services dispensed with, as no funds available.
J. S. M'Phillamy	do. ...	.....	.....	*350	..	Permanent Inspector of Conditional Purchases.	350 0 0	Governor and Executive Council; Parkes Government, to his present permanent position.	
W. H. Charker	do. ...	.....	.....	...	5/–	Not known	.....	.....	Resigned.
C. Catton	do. ...	Intemperance during office hours.	Mr. Garrett ...	...	7/6	.....	.....		
Henry T. Makin	do. ...	.....	.....	200	...	Land Agent, Hay	300 0 0	Mr. Farnell, to £325, Governor and Executive Council; Parkes Government, to present position.	
George Sharp	do. ...	Intemperance during office hours.	Mr. Farnell ...	...	7/6	Not known	.....	Mr. Baker, to 10s.	
Edward Elliott	do. ...	Irregularity in attendance at office.	Mr. Hoskins ..	...	7/6	Not in the Service	.....		
J. R. Ferris	do. ...	.....	.....	...	7/6	Temporary Clerk, Lands Department	12 6 per diem.	Mr. Farnell, to 10s., and Mr. Hoskins, to present position.	
W. Keele	do. ...	.....	.....	...	7/6	do. ...	0 10 0 per diem.	Mr. Farnell, to 10s.	
L. H. L. Evans	Gov. & Ex. Council	.....	.....	150	...	Not now in the Service	.....	.....	Resigned.
John Dalton	Minister for Lands	.....	.....	...	5/–	Permanent Clerk, Lands Department	100 0 0	Mr. Farnell, to 7s. 6d., Governor and Executive Council (Farnell Government), to present permanent position.	

* As temporary Inspectors of Conditional Purchases.

No. 2.

RETURN respecting appointments in the Surveyor General's Office, made during the first administration of Mr. Garrett as Secretary for Lands, from 10th February, 1875, to 5th February, 1877.

Name.	Nature of Appointment.	Whether temporary or permanent.	If dismissed.		Rate of pay on being appointed.	Present status.	If promoted, by what Minister.	Remarks.
			For what cause.	By what Minister.				
Horsley, W. R.	Draftsman	Temporary..	Absence from duty	Mr. Hoskins	£200 per ann.			
Kelly, J.	Field Assistant	Permanent..	.....	.....	6s. per diem	.....	.....	Resigned.
Davies, A. E.	3rd class Draftsman	,, ...	.....	.....	£150 per ann.	.....	.....	,,
Callachor, J. J.	,,	,, ...	.....	.....	£150 ,, ...	Permanent Draftsman, 3rd class, at £200 per ann.	Mr. Garrett.	
Arnheim, C. T.	Supernumerary Draftsman..	,, ...	.....	.....	£75 ,, ...	Permanent Field Assistant, at 6s. per diem	Mr. Driver.	
Small, J. T.	,,	,, ...	.....	.....	£75 ,, ...	Permanent Draftsman, 3rd class, at £200 per ann.	Mr. Garrett.	
Scott, W. N.	Draftsman	Temporary..	.....	.....	£150 ,, ...	Licensed Surveyor, on temporary salary	Mr. Farnell.	
Hemning, O. H.	,,	,, ...	.....	.....	£150 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Holland, E.	,,	,, ...	.....	.....	£150 ,, ...	,, ,, ,,		
Hunter, F. V.	,,	,, ...	.....	.....	£150 ,, ...	Licensed Surveyor	Mr. Garrett.	
Miller, D.	Clerk	,, ...	.....	.....	£75 ,, ...	Permanent Clerk, £200 per ann.	Mr. Farnell.	
Thompson, J. C.	Draftsman	,, ...	.....	.....	£150 ,, ...	.....	.....	Resigned.
Hornby, H.	Clerk	,, ...	.....	.....	6s. per diem ...	.....	.....	,,
Tritton, J. L.	Draftsman	,, ...	.....	.....	£150 per ann. ...	Staff Surveyor, 2nd class, at £530 per ann.	Mr. Farnell.	
Paton, N.	,,	,, ...	.....	.....	£75 ,, ...	Licensed Surveyor	Mr. Driver.	
Coyle, C. L.	,,	,, ...	.....	.....	£150 ,, ...	Temporary Draftsman, 2nd class, at 13s. per diem.		
Mitchell, H. J. C.	,,	,, ...	.....	.....	10s. per diem ...	Licensed Surveyor	Mr. Garrett.	
Walsh, F.	,,	,, ...	.....	.....	£150 per ann. ...	.....	.....	Resigned.
M'Lardy, D. St. C.	,,	,, ...	.....	.....	£150 ,, ...	.....	.....	Deceased.
Wonham, W. J.	Clerk	,, ...	.....	.....	6s. per diem	Temporary Clerk, £250 per ann.	Mr. Garrett.	
Metcalfe, C. J.	Field Assistant	,, ...	.....	.....	6s. ,, ...	Staff Surveyor, 2nd class, at £530 per ann.	Mr. Farnell.	
Barter, H. V.	Draftsman	,, ...	.....	.....	£75 per ann. ...	.....	.....	Resigned.
Stephen, A. W.	Supernumerary Draftsman..	Permanent..	.....	.....	£75 ,, ...	Temporary Draftsman, 2nd class, at 13s. per diem.		
Ryan J.	Draftsman	Temporary..	.....	.....	£150 ,, ...	.....	.....	Resigned.
Russell, J. E. M.	,,	,, ...	.....	.....	£250 ,, ...	Permanent Lithographic Draftsman, at £250 per ann.	Mr. Farnell.	
Cameron, H.	Messenger	,, ...	Irregularity	Mr. Garrett	£40 ,,			
Adams, A.	Draftsman	,, ...	.....	.....	£150 ,, ...	.....	.....	Resigned.
M'Minn, D. S.	,,	,, ...	.....	.....	£75 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Maund, R. H.	,,	,, ...	.....	.....	£75 ,, ...	,, ,, ,,		
Shulze, L.	,,	,, ...	.....	.....	£75 ,, ...	.....	.....	Resigned.
Chiene, G. S.	,,	,, ...	.....	.....	£150 ,, ...	Licensed Surveyor	Mr. Driver.	
Wilkinson, H. E. C.	,,	,, ...	.....	.....	£100 ,, ...	Permanent Draftsman, 3rd class, at £200 per annum	Mr. Farnell.	
M'Leod, Mrs.	Office-keeper	,, ...	.....	.....	£45 ,, ...	.....	.....	Resigned.
Amos, N. E.	Draftsman	,, ...	.....	.....	£150 ,, ...	.....	.....	,,
M'Lean, R.	,,	,, ...	.....	.....	£150 ,, ...	Permanent Draftsman, 3rd class, at £200 per annum	Mr. Farnell.	
Hungerford, M. O.	,,	,, ...	.....	.....	£75 ,, ...	Licensed Surveyor	,,	
Metcalfe, E. M.	,,	,, ...	.....	.....	£150 ,, ...	.....	.....	Resigned.
Blencowe, J. B.	,,	,, ...	.....	.....	£75 ,, ...	Temporary Clerk, at 8s. per diem	Mr. Farnell.	
Eldershaw, P. E.	Clerk	,, ...	.....	.....	£50 ,, ...	Permanent Clerk, £110 per annum	Mr. Garrett.	
Hogan, W.	Draftsman	,, ...	.....	.....	£150 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Teece, G. T. A.	Clerk	,, ...	.....	.....	£100 ,, ...	Permanent Clerk, £100 per annum	Mr. Garrett.	
Donaldson, G. G.	Field Assistant	,, ...	.....	.....	6s. per diem	Licensed Surveyor	Mr. Farnell.	
Winder, W.	Draftsman	,, ...	.....	.....	£150 per ann. ...	Permanent Draftsman, 3rd class, at £200 per annum	,,	
Burgess, R. B.	,,	,, ...	.....	.....	£100 ,, ...	.....	.....	Resigned.
Lloyd, A. L.	Licensed Surveyor	.....	.....	.....	.....	Permanent Draftsman, Triangulation Staff, at £300 per annum	Mr. Farnell.	

Name.	Nature of Appointment.	Whether temporary or permanent.	If dismissed.		Rate of pay on being appointed.	Present status.	If promoted, by what Minister.	Remarks.
			For what cause.	By what Minister.				
Langtree, O.	Licensed Surveyor					Licensed Surveyor.		
Farrer, W. J.	,,					,,		
Arderne, R.	,,					,,		
Palmer, J. A.	,,					,,		
Blair, J. W.	,,					,,		
Cameron, J.	,,					Geodetic Surveyor, Triangulation Staff, at £630 per ann.	Mr. Farnell.	
Davidson, H.	,,					Licensed Surveyor.		
Bush, G.	Draftsman	Temporary..			£75 per ann. ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Burgess, J. O.	,,	,, ...			£150 ,, ...	.....	.....	Deceased.
Bonton, A.	,,	,, ..			£150 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Ireland, C. G.	,,	,, ...			£100 ,, ...	Permanent Draftsman, Triangulation Staff, at £250 per annum	Mr. Farnell.	
Bannister, E. C.	,,	,, ...			£75 ,, ...	Licensed Surveyor	Mr. Garrett.	
Harris, J.	,,	,, ...			£75 ,, ...	Temporary Draftsman, 1st class, at 15s. per diem.		
Inglis, J.	Lithographic Printer	,, ...			£200 ,, ...	Permanent Lithographic Printer, at £235 per ann.	Mr. Garrett.	
Callaghan, M. J.	Draftsman	,, ...			£150 ,, ...	Licensed Surveyor	,,	
Kelly, Mrs.	Housekeeper	,, ...			£35 ,, ...	Temporary Housekeeper, at £46 per ann.	,,	
Gell, L. S.	Draftsman	,, ...			£150 ,, ...	.....	.....	Resigned.
Sellars, D. B.	,,	,, ...			£75 ,, ...	Licensed Surveyor, on temporary salary	Mr. Farnell.	
Murphy, D.	,,	,, ...			£150 ,, ...	Licensed Surveyor	Mr. Garrett.	
Dickson, F. B.	,,	,, ...			£150 ,, ...	Temporary Draftsman, special 1st class, 17s. per diem.		
Williams, C. H.	Clerk	,, ...			£100 ,, ...	Temporary Clerk, at £125 per ann.	Mr. Farnell.	
Twine, A. F.	,,	,, ...			£100 ,, ...	Permanent Clerk, at £175 per ann.	,,	
Scrivener, C. R.	,,	,, ...			£100 ,, ...	Temporary Field Assistant, at 6s. per diem	,,	
M'Intyre, W.	Draftsman	,, ...			£150 ,, ...	Temporary Draughtsman, 1st class, at 15s. per diem.		
Tuff, J.	,,	,, ...			£150 ,, ...	Licensed Surveyor	Mr. Garrett.	
Heginbotom, A. J.	,,	,, ...			£150 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Robinson, C. J.	,,	,, ...			£150 ,, ...	,, ,,		
Berry, A.	,,	,, ...			£150 ,, ...	1st class Temporary Draftsman, at 15s. per diem.		
M'Lean, J. A.	,,	,, ...			£100 ,, ...	Permanent Draftsman, 3rd class, at £200 per ann.	Mr. Farnell.	
Barlow, M.	,,	,, ...			£150 ,, ...	Licensed Surveyor, on temporary salary	,,	
Sheahan, J.	Clerk	,, ...			7s. 6d. per diem.	Permanent Clerk, £175 per ann.	,,	
Galloway, R. M.	Draftsman	,, ...			£75 per ann. ...	Temporary Draftsman, 2nd class, at 13s. per diem.		
Buller, F.	,,	,, ...			£100 ,, ...	,, 1st class, at 15s. per diem.		
Bradford, J. E.	,,	,, ...			£150 ,, ...	.....	.....	Resigned.
Vickery, E. G.	,,	,, ...			£150 ,, ...	Staff Surveyor, 2nd class, at £530 per ann.	Mr. Farnell.	
Butler, W. S.	Clerk	,, ...			£100 ,, ...	Temporary Clerk, at £150 per ann.	Mr. Garrett.	
Oldfield, J. A.	Draftsman	,, ...			£100 ,, ...	.....	.....	Resigned.
Lester, C. J.	,,	,, ...			£100 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Gregg, D.	,,	,, ...			£100 ,, ...	,, ,,		
Higgs, W. H.	,,	,, ...			£100 ,, ...	,, ,,		
Bishop, E. P.	,,	,, ...			£150 ,, ...	.....	.....	Resigned.
Scott, A. D.	,,	,, ...			£75 ,, ...	Temporary Draftsman, 2nd class, at 13s. per diem.		
Rochford, S.	,,	,, ...			£100 ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Reeve, H.	,,	,, ...			£150 ,, ...	Temporary Draftsman, 1st class, at 15s. per diem.		
Thurburn, C.	,,	,, ...			£75 per ann. ...	Licensed Surveyor	Mr. Garrett.	
James, H. A.	,,	,, ...			7s. per diem ...	.....	.....	Resigned.
Ebsworth, A. E.	,,	,, ...			7s. ,, ...	Licensed Surveyor	Mr. Garrett.	
Middlecoat, W. T.	,,	,, ...			11s. ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		

Name.	Nature of appointment.	Whether temporary or permanent.	If dismissed.		Rate of pay on being appointed.	Present status.	If promoted, by what Minister.	Remarks.
			For what cause.	By what Minister.				
Edmunds, W. F.	Draftsman	Temporary			6s. per diem			Resigned.
Robinson, H.	,,	,,			11s. ,,	Temporary Draftsman, special 1st class, at 17s. per diem.		
Welchman, H.	,,	,,			6s. ,,	Licensed Surveyor	Mr. Garrett.	
Hassall, J. E.	Supernumerary Draftsman	Permanent			£75 per ann.	Permanent Field Assistant, at 6s. per diem	,,	
Quinn, J. J.	,,	,,			£75 ,,	Permanent Draftsman, 3rd class, at £200 per ann.	Mr. Farnell.	
Hooke, —	,,	,,			£75 ,,			Resigned.
Perdriau, S. E.	,,	,,			£75 ,,	Permanent Field Assistant, at 6s. per diem	Mr. Farnell.	
Loxton, T. H.	,,	,,			£75 ,,	,, ,,	,,	
Fewings, E. W.	,,	,,			£75 ,,	,, ,,	,,	
Vautin, E. S.	Draftsman	Temporary			9s. per diem	Permanent Draftsman, 3rd class, at £200 per ann.	,,	
Morgan, J. A.	,,	,,			7s. ,,	Temporary Draftsman, 1st class, at 15s. per diem.		
Dewhurst, A.	,,	,,			9s. ,,	Licensed Surveyor	Mr. Farnell.	
Cowper, H. P.	Clerk	,,			£75 per ann.	Permanent Field Assistant, at 6s. per diem	,,	
Malcolm, R. J.	Draftsman	,,			11s. per diem	Permanent Draftsman, 2nd class, at £250 per ann.	,,	
Granter, J.	Licensed Surveyor	,,				Licensed Surveyor.		
Turner, E. W.	,,	,,				,,		
Landon, A.	,,	,,				,,		
Montague, G.	,,	,,				,,		
Carter, G. B.	,,	,,				,,		
Madsen, H. F.	,,	,,				,,		
Mitchell, A. J.	,,	,,				,,		
Lardner, F. T.	,,	,,				,,		
Gomm, E. T. F.	,,	,,				,,		
Bell, T. H.	,,	,,				,,		
Donovan, M. C.	Draftsman	,,			9s. per diem	,,	Mr. Garrett.	
Chauncey, C. S.	,,	,,			6s. ,,	Temporary Draftsman, special 1st class, at 17s. per diem.		
Bucknell, W. A.	Supernumerary Draftsman	Permanent			£75 per ann.	Permanent Field Assistant, Triangulation Staff, at 6s. per diem.	Mr. Farnell.	
Nyberg, K. G.	Draftsman	Temporary			9s. per diem	Temporary Draftsman, special 1st class, at 17s. per diem.		
Allworth, E. R.	Supernumerary Draftsman	Permanent			£75 per ann.	,, ,, 2nd class, at 13s. per diem.		
M'Keon, P.	Field Assistant	,,			6s. per diem	Licensed Surveyor, on temporary salary	Mr. Farnell.	
Halliday, E. J.	,,	,,			6s. ,,	,, ,,	,,	
Rushforth, W. J.	,,	,,			6s. ,,	Permanent Field Assistant, at 6s. per diem	Mr. Garrett.	
James, P. B.	Draftsman	Temporary			13s. ,,	Temporary Draftsman, 1st class, at 15s. per diem.		
Zollner, M. L.	,,	,,			6s. ,,	,, ,, 2nd ,, at 13s. ,,		
Ellis, G. T.	,,	,,			11s. ,,	,, ,, 1st ,, at 15s. ,,		
Pennington, S. J.	Supernumerary Draftsman	Permanent			£75 per ann.	Permanent Field Assistant, at 6s. per diem	Mr. Farnell.	
Baylis, J. J.	Field Assistant	Temporary			6s. per diem	Licensed Surveyor, on temporary salary	,,	
Manning, H. C.	Supernumerary Draftsman	Permanent			£75 per ann.	Permanent Field Assistant, at 6s. per diem	,,	
Thallon, F. M.	Draftsman	Temporary			9s. per diem			Resigned.
Trengrouse, W. A.	,,	,,			15s. ,,	Permanent Draftsman, 2nd class, at £300 per ann.	Mr. Farnell.	
Herborn, E. E. W.	,,	,,			7s. ,,	Licensed Surveyor, on temporary salary	,,	
Garvin, J. P.	Supernumerary Draftsman	Permanent			£75 per ann.	Permanent Draftsman, 3rd class, at £200 per ann.	,,	
Armitage, J. L.	Field Assistant	Temporary			6s. per diem			Resigned.
Stone, J. J.	Draftsman	,,			13s. ,,	Temporary Draftsman, special 1st class, at 17s. per diem.		
Hullett, E. H.	,,	,,			6s. ,,	,, ,, 1st class, at 15s. per diem.		
Glanham, C. O.	Clerk	,,			£50 per ann.	,, Clerk, at 11s. per diem	Mr. Farnell.	
Rebello, E.	,,	,,			£150 ,,			Resigned.
Le Forrestier, A.	Draftsman	,,			11s. per diem	Temporary Draftsman, special 1st class, at 17s. per diem.		
Rutledge, E. K.	Field Assistant	,,			6s. ,,			Resigned.

Name.	Nature of appointment.	Whether temporary or permanent.	If dismissed.		Rate of pay on being appointed.	Present status.	If promoted, by what Minister.	Remarks.
			For what cause.	By what Minister.				
Mullarky, E.	Lithographic Printer	Temporary..	.....	.....	10s. per diem ...	.....	.....	Resigned.
Bennett, R.	Clerk	,, ...	.....	.....	£100 per ann. ...	.....	.....	,,
Le Couteur, W.	,,	,, ...	.....	.....	£150 ,, ...	.....	.....	,,
Spain, H. W.	,,	,, ...	.....	.....	£150 ,, ...	Temporary Clerk, at 13s. per diem	Mr. Farnell.	
Oatley, R.	,,	,, ...	.....	.....	£150 ,, ...	,, ,,	,,	
Trickett, O.	Licensed Surveyor	.....	.....	.....	.....	Licensed Surveyor.		
Keele, E. J.	,,	.....	.....	.....	.....	,,		
Dawson, J.	,,	.....	.....	.....	.....	,,		
Chatfield, S.	,,	.....	.....	.....	.....	,,		
Bannister, E. C.	,,	.....	.....	.....	.....	,,		
Biddulph, T. L.	,,	.....	.....	.....	.....	,,		
Donovan, M. C.	,,	.....	.....	.....	.....	,,		
Ryan, M.	Draftsman	Temporary..	.....	.....	13s. per diem ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Suttie, T.	,,	,, ...	.....	.....	7s. ,, ...	,, ,, ,,		
Moore, O. S.	,,	,, ...	.....	.....	7s. ,, ...	.....	.....	Resigned.
Gilfillan, T.	Clerk	,, ...	.....	.....	£40 per ann. ...	Temporary Clerk, at £125 per ann.	Mr. Farnell.	
White, J. M.	Draftsman	,, ...	.....	.....	7s. per diem ...	.....	.....	Resigned.
Morgan, F. S.	,,	,, ...	.....	.....	11s. ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Willans, T. W.	,,	,, ...	.....	.....	6s. ,, ...	,, ,, ,,		
Heginbotom, W. C.	,,	,, ...	.....	.....	9s. ,, ...	,, ,, ,,		
Hinton, W.	,,	,, ...	.....	.....	7s. ,, ...	,, ,, ,,		
Hawkins, H. S.	Computer	Permanent..	.....	.....	£200 per ann. ...	Computer, Triangulation Staff, at £300 per ann.	Mr. Farnell.	
M'Mahon, M.	Clerk	Temporary..	.....	.....	£100 ,, ...	Permanent Clerk, at £150 per ann.	,,	
Adamson, J. H.	Draftsman	,, ...	.....	.....	7s. per diem ...	.....	.....	Resigned.
Underwood, F. H.	,,	,, ...	.....	.....	9s. ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Lewis, M. W.	Clerk	,, ...	.....	.....	£100 per ann. ...	,, Clerk, at 15s. per diem	Mr. Hoskins	
Butterfield, G.	Draftsman	,, ...	.....	.....	6s. per diem ...	,, Draftsman, 2nd class, at 13s. per diem.		
Goodson, E.	Messenger	,, ...	.....	.....	£100 per ann. ...	,, Messenger, at £110 per ann.	Mr. Farnell.	
Walker, W. D.	Draftsman	,, ...	.....	.....	11s. per diem ...	,, Draftsman, 2nd class, at 13s. per diem.		
Hunt, F.	Messenger	,, ...	.....	.....	£40 per ann. ...	.....	.....	Resigned.
White, W. C.	Operstor on Arithmometer..	,, ...	.....	.....	5s. per diem ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Hotson, J. B.	Draftsman	,, ...	Intemperance	Mr. Hoskins	11s. ,,			
Pelletier, J. W. E.	,,	,, ...	.....	.....	6s. ,, ...	.....	.....	Afterwards Licensed Surveyor—deceased
Chiene, G. S.	,,	,, ...	.....	.....	15s. ,, ...	Licensed Surveyor	Mr. Farnell.	
Anstey, S.	,,	,, ...	.....	.....	9s. ,, ...	.....	.....	Resigned.
Hicks, J. E.	,,	,, ...	.....	.....	11s. ,, ...	Licensed Surveyor, on temporary salary	Mr. Hoskins	
Thompson, C. F.	,,	,, ...	.....	.....	7s. ,, ...	.....	.....	Resigned.
Chapman, A. W.	,,	,, ...	.....	.....	11s. ,, ...	Licensed Surveyor, on temporary salary	Mr. Farnell.	
Barrow, J. L.	,,	,, ...	.....	.....	7s. ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Freeman, W. F.	Clerk	,, ...	.....	.....	£150 per ann. ...	,, Clerk, at 15s. per diem	Mr. Farnell.	
Bullock, C. C.	Draftsman	,, ...	.....	.....	11s. per diem ...	Licensed Surveyor, on temporary salary	,,	
de Rozzoli, O. F.	,,	,, ...	.....	.....	9s. ,, ...	Licensed Surveyor	.....	Licensed Surveyor at date of appointment as Temporary Draftsman.
Nelson, W. A.	,,	,, ...	.....	.....	11s. ,, ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
M'Clatchie, A.	Operator on Arithmometer	,, ...	.....	.....	5s. ,, ...	.....	.....	Resigned.
Usher, R. W.	Clerk	,, ...	.....	.....	5s. 6d. per diem	Temporary Clerk, at £150 per ann.	Mr. Garrett.	
M'Neill, J.	,,	,, ...	.....	.....	£100 per ann. ...	Do. at £125 per ann.	Mr. Farnell.	
Houghton, T.	Draftsman	,, ...	.....	.....	9s. per diem ...	.....	.....	Resigned.
Hogarth, H.	,,	,, ...	.....	.....	9s. ,, ...	Licensed Surveyor	Mr. Farnell.	

Name.	Nature of appointment.	Whether temporary or permanent.	If dismissed.		Rate of pay on being appointed.	Present status.	If promoted, by what Minister.	Remarks.
			For what cause.	By what Minister.				
Skelton. C.	Draftsman	Temporary..	.....	.....	9s. per diem ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Macdonnell, J.	Messenger	,, ...	.....	.....	£78 per ann.	Temporary Messenger, at £110 per ann.	Mr. Farnell.	
Brady, E. H.	Clerk	,, ...	.....	.....	£100 ,, ...	Temporary Clerk, at 7s. per diem	.....	Resigned, and re-appointed by Mr. Hoskins.
Shute, H.	Draftsman	,, ...	.....	.....	9s. per diem ...	Temporary Draftsman, special 1st class, at 17s. per diem.		
Macdonald, W. C.	Lithographic Assistant	,, ...	.....	.....	6s. ,, ...	Lithographic Assistant, at 9s. per diem	Mr. Farnell.	
Johnson, J. T.	Lithographic Printer	,, ...	.....	.....	£3 per week	Temporary Lithographic Printer, at 11s. per diem	,,	
Gordon, L. S.	Draftsman	,, ...	.....	.....	6s. per diem ...	Permanent Draftsman, 3rd class, at £200 per ann.	,,	
Scougall, H.	,,	,, ...	.....	.....	6s. ,, ...	.....	.....	Resigned.
Lindsay, B.	,,	,, ...	.....	.....	6s. ,, ...	Temporary Draftsman, 1st class, at 15s. per diem.		
Tingcombe, J. L.	,,	,, ...	.....	.....	9s. ,, ...	Licensed Surveyor	Mr. Farnell.	
Chisholm, J.	,,	,, ...	.....	.....	7s. ,, ...	Temporary Draftsman, 1st class, at 15s. per diem.		
Dawson, E. H.	Licensed Surveyor	.....	.....	.....	.....	Licensed Surveyor.		
Fisher, R.	,,	.....	.....	.....	.....	,,		
Thomas, C. W.	,,	.....	.....	.....	.....	,,		
Kelly, J. M.	,,	.....	.....	.....	.....	,,		
Dawson, C. B.	,,	.....	.....	.....	.....	,,		
Bray, A. H.	,,	.....	.....	.....	.....	,,		
Schemmel, E. C. H.	,,	.....	.....	.....	.....	,,		
Flynn, J. H.	Lithographic Draftsman ...	Temporary..	.....	.....	£100 per ann. ...	Temporary Lithographic Draftsman, at 11s. per diem ...	Mr. Farnell.	
Smyth, P. F.	Draftsman	,, ...	.....	.....	7s. per diem ...	Temporary Field Assistant, at 6s. per diem	,,	
Campbell, H. C.	Assistant to Custodian of Plans ..	,, ...	.....	.....	£50 per ann.	Temporary Clerk, at 9s. per diem	,,	
Campbell, T.	Field Assistant	Permanent..	.....	.....	6s. per diem ...	Permanent Field Assistant, at 6s. per diem.		
North, C. F. N.	,,	,, ...	.....	.....	6s. ,, ...	Do. at per diem.		

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RETURN respecting appointments in the Surveyor General's Office, made during the second administration of Mr. Garrett as Secretary for Lands, from the 17th August to the 19th November, 1877.

Name.	Nature of appointment.	Whether temporary or permanent.	If dismissed.		Rate of pay on being appointed.	Present status.	If promoted, by what Minister.	Remarks.
			For what cause.	By what Minister.				
Larkin, P. B.	Draftsman	Temporary..	.....	.....	6s. per diem	.....	.....	Resigned.
Skerritt, A. P.	,,	,, ...	.....	.....	9s. ,,	Temporary Draftsman, 1st class, at 15s. per diem.		
Murray, J. A.	,,	,, ...	.....	.....	9s. ,,	,, ,, ,, ,,		
McLean, J. E.	,,	,, ...	.....	.....	6s. ,,	,, ,, ,, ,,		
Gemell, W.	,,	,, ...	.....	.....	7s. ,,	,, ,, ,, ,,		
Joyce, M. J.	,,	,, ...	.....	.....	7s. ,,	.....	.....	Resigned.
Gregory, A. H.	Clerk	,, ...	.....	.....	£100 per ann. ...	Temporary Clerk, at £100 per ann.		
Fowler, H. C.	Draftsman	,, ...	.....	.....	7s. per diem	Temporary Draftsman, 3rd class, at 11s. per diem.		
Shields, J.	Messenger	,, ...	.....	.....	£50 per ann.	Temporary Messenger, at £50 per ann.		
Moses, S. B.	Draftsman	,, ...	.....	.....	7s. ,,	Temporary Draftsman, 1st class, at 15s. per diem.		
Boddam, E. T.	,,	,, ...	.....	.....	9s. ,,	.....	.....	Resigned.
Kelly, C. B.	,,	,, ...	.....	.....	7s. ,,	Temporary Draftsman, 1st class, at 15s. per diem.		
Selkirk, H.	,,	,, ...	.....	.....	6s. ,,	,, ,, ,, ,,		

NOTE.—The promotions of Temporary Draftsmen are not shown in the column, as recommendations for the promotion of those deemed eligible are submitted once a month for the approval of the Minister who may be in power.

Surveyor General's Office, Sydney, 4th April, 1879.

P. F. ADAMS.

No. 3.

Occupation of Lands.

APPOINTMENTS made by Mr. Garrett, whether Temporary or Permanent, in Occupation of Lands Department.

Name of Officer appointed.	No. of dismissals.	*Salary at appointment.	Present Salary.	By whom appointed.	Remarks.
James Roberts	No dismissals.	6s. per day	£150 per ann.	Mr. Garrett.	
A. B. Crew		£50 per ann.	.....	.....	Transferred to Lands.
J. Green		£50 ,,	£100 per ann.	Mr. Garrett.	
D. Wright		£75 ,,	.....	.....	Resigned.
J. E. O'Dwyer		£75 ,,	£100 per ann.	Mr. Baker.	
T. N. Cochrane		7s. 6d. per day	.....	.....	Resigned.
M. P. Finn		£75 per ann.	£75 per ann.	.....	
M. Gread		£75 ,,	£75 ,,	.....	
T. E. Blomfield		£450 ,,	£450 ,,	.....	
G. Fullerton		£450 ,,	£450 ,,	.....	
J. A. Manton		£200 ,,	£200 ,,	.....	
W. J. Harmer		£200 ,,	.....	.....	Resigned.
W. Carron		£200 ,,	.....	.....	Deceased.
W. Allen		£200 ,,	£200 per ann.	.....	
J. Rebello		£200 ,,	.....	.....	Resigned.
J. Noake		£180 ,,	£200 per ann.	Mr. Garrett.	
J. G. Condell		£200 ,,	£200 ,,	.....	
E. Docker		£200 ,,	.....	.....	Resigned.
E. Mason		£200 ,,	£200 per ann.	.....	
S. Payten		£200 ,,	£200 ,,	.....	
O. Wilshire		£200 ,,	£200 ,,	.....	
T. H. Green		£200 ,,	£200 ,,	.....	
R. Stevenson		£200 ,,	£200 ,,	.....	
T. Musgrave		£200 ,,	£200 ,,	.....	
F. Edwards		£200 ,,	£200 ,,	.....	
J. Higgerson		10s. per day when on duty	.....	.....	Resigned.
S. Kermode		10s. per day when on duty	10s. per day when on duty	.....	
J. Wilson		10s. per day when on duty	10s. per day when on duty	.....	
A. Anderson		£180 per ann.	£180 per ann.	.....	
A. Tidemann		£180 ,,	£180 ,,	.....	
C. H. Harris		£180 ,,	.....	.....	
F. M. C. Forster		£180 ,,	£180 per ann.	.....	
W. Macdonald		£180 ,,	£180 ,,	.....	
T. Wood		£180 ,,	£180 ,,	.....	
H. Rose		£180 ,,	£180 ,,	.....	
T. H. Kendall		£180 ,,	.....	.....	

Occupation of Lands,
29th March, 1879, T.W.H.

E. O'D.,
29/3/79.

Sydney: Thomas Richards, Government Printer, Phillip-street.—1879

[9d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TEMPORARY INSPECTORS OF CONDITIONAL PURCHASES.

(FEES AND TRAVELLING EXPENSES.)

Ordered by the Legislative Assembly to be printed, 11 *March*, 1879.

[*Return in reply to Question asked by John McElhone, Esq., M.P.*]

1st. Amount of Fees paid to each Temporary Inspector of Conditional Purchases:—

	£	s.	d.
T. B. Carne	641	10	6
R. J. Mackenzie	120	15	0
S. Meyers	388	16	6
J. G. Rowlandson	390	17	6
J. S. O'Hara	174	6	0
W. Spicer	232	11	6
T. H. Kendall	168	10	6
W. E. Rogers	225	6	0
J. J. Lawlor	123	18	0
John Ducat	61	18	0
T. A. Davis	170	2	0
P. Cullen	170	12	6
J. Handsaker	85	1	0

2nd. Amount of Fees due to each Temporary Inspector as per vouchers in the Department:—

	£	s.	d.
T. B. Carne	54	1	6
J. S. O'Hara	3	3	0
W. Spicer	80	17	0
T. H. Kendall	59	7	0
W. E. Rogers	28	17	6
J. J. Lawlor	22	1	0
P. Cullen	7	7	0
J. Handsaker	36	15	0

3rd. Amount of Travelling Expenses paid to each Inspector:—

	£	s.	d.
T. B. Carne	341	5	0
R. J. Mackenzie	121	19	0
S. Meyers	283	15	0
J. G. Rowlandson	98	15	0
J. S. O'Hara	377	0	0
W. Spicer	173	5	0
T. H. Kendall	156	5	0
J. J. Lawlor	105	0	0
W. E. Rogers	220	0	0
T. A. Davis	122	10	0
P. Cullen	71	5	0
J. Handsaker	55	0	0

4th. Amount of Travelling Expenses due to each Temporary Inspector as per vouchers in the Department:—

	£	s.	d.
T. B. Carne	13	15	0
S. Meyers	20	0	0
J. S. O'Hara	73	15	0
W. E. Rogers	60	0	0
W. Spicer	56	5	0
T. H. Kendall	12	10	0
J. J. Lawlor	73	15	0
T. A. Davis	59	10	0
P. Cullen	35	0	0
J. Handsaker	41	5	0

N.B.—The fees paid to the Temporary Inspectors are at the rate of 10s. 6d. for each report, and the travelling expenses 25s. per diem, so that the relation of the one amount to the other depends upon the situation, extent, and vicinity of the respective selections, which vary in different districts. The travelling expenses are checked by the reports, showing localities and dates of inspection, and by the monthly progress reports of the Inspectors.

Sydney Thomas Richards, Government Printer.—1879.

[3*d*.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEPARTMENT OF LANDS.

(PERSONS DISMISSED AND APPOINTED BY MR. SECRETARY HOSKINS.)

Ordered by the Legislative Assembly to be printed, 22 *July*, 1879.

[*Laid upon the Table in accordance with reply to question No.* 6 *of this date.*]

RETURN No. 1—DISMISSALS.

RETURN showing persons dismissed from positions in the Department of Lands by Mr. Hoskins from date of taking office, the reasons for dismissal, and upon whose reports or charges.

Name.	Position.	Cause of dismissal.	By whom reported.
George Sharp.....	Temporary Clerk, Record Branch.	Intoxication during office hours.....	Head of Branch, through the Under Secretary.
Edward Elliott	„ „ Deeds Branch.....	„ and absence without leave	„ „ „
T. C. Murphy.....	„ „ Ministerial Branch	Intoxication during office hours.....	„ „ „
H. Glennie	„ „ Conditional Sales..	Absence without leave	Head of Branch, through the Chief Commissioner.
H. L. Scotson.....	„ „ „ ...	„ and other misconduct.....	„ „ „
R. D. D. Jervois ...	„ „ „ ...	Intoxication during office hours.....	„ „ „
W. A. Brodie.....	Land Agent, Hay.....	Claiming travelling expenses twice for the same service.	Department of Justice, and Inspector of Land Offices.

Return No. 2—Appointments.

RETURN showing persons appointed to positions (not being professional positions) in the Department of Lands, by Mr. Hoskins, from date of taking office, and by whom such appointments were recommended.

Name.	Position.	By whom recommended.	Remarks.
A. E. F. Canning ...	Temporary Clerk, Conditional Sales Branch.	R. B. Smith, Esq., M.P., Under Secretary for Lands, and Chief Commissioner of Conditional Sales.	Appointed to fill a vacancy.
E. S. Dunsmure.....	,, ,, ,, ...	Capt. St. John, Under Secretary for Lands, and Chief Commissioner.	,, ,,
W. E. D. Morrison...	,, ,, Auction Branch	Under Secretary for Lands	,, ,, Furnished testimonials of character, &c.
F. B. Mulligan	Temporary Inspector of Conditional Purchases.	Sir Henry Parkes, and Chief Commissioner.	Appointed to fill vacancy caused by Inspector Wild's resignation.
Walter Bennett.....	Temporary Clerk, Deeds Branch.	Richard Hill, Esq.	
H. S. Russell	,, ,, Conditional Sales Branch.	Chief Commissioner.....	Appointed to fill a vacancy.
T. H. Wilshire	,, ,, ,, ...	Thos. Garrett, Esq., M.P., and Chief Commissioner.	,, ,,
J. B. Wisdom	,, ,, ,, ...	Richard Hill, Esq., and Chief Commissioner.	,, ,, Furnished testimonials of character, &c.
F. C. Harpur.....	,, ,, ,, ...	Mr. Blackman, Clerk in Charge of the Conditional Sales Branch, and Chief Commissioner.	Gave services gratuitously for the twelve months preceding his appointment.
F. L. King.....	,, ,, ,, ...	Manager of Mercantile Bank, and Chief Commissioner.	Appointed to fill a vacancy. Resigned.
W. J. Du Bedat ...	,, ,, ,, ...	H. H. Brown, Esq., M.P., and Chief Commissioner.	Appointed to special duty. Furnished testimonials.
S. L. Cohen	,, ,, Auction Branch..	H. E. Cohen, Esq., M.P., and Under Secretary.	
C. W. Harris	,, ,, Pre-lease Branch	Auditor General, and Under Secretary	Transferred from Audit Office.
William Wild	,, ,, Auction Branch..	Alexr. Stuart, Esq., M.P., and Under Secretary.	Appointed to fill a vacancy.
George Pull	,, ,, Deeds Branch ...	C. A. Thurlow, Clerk in Charge of Deeds Branch, C. Oliver, Inspector of Land Offices, and Under Secretary.	Promoted from position of Messenger in Deeds Branch.
John Griffiths.....	Messenger	F. W. Hill, of Government Savings Bank, and the Under Secretary.	Appointed to fill vacancy caused by G. Pull's promotion.
J. C. V. Minnett ...	Temporary Clerk, Ministerial Branch.	F. H. Dangar, Esq., and Under Secretary.	Appointed to fill vacancy. Furnished testimonials.
George E. Long.....	,, ,, Auction Branch...	Sir G. W. Allen, C. E. Pilcher, Esq., M.P., and Under Secretary.	Appointed to special duty.
Harry Moles	,, ,, ,, ...	Under Secretary	Transferred from Council of Education.
H. P. Ferris	,, ,, Deeds Branch ...	John Lucas, Esq., M.P., and Under Secretary.	Furnished testimonials.
H. T. Hunt	,, ,, Conditional Sales Branch.	Chief Commissioner.....	Appointed to fill a vacancy. Furnished testimonials.
H. O. Cannon.....	,, ,, ,, ...	Thos. Garrett, Esq., M.P., T. Hungerford, Esq., M.P., and Chief Commissioner.	Appointed to fill a vacancy.
J. G. Fyson	,, ,, ,, ...	Capt. John Cooper, and Chief Commissioner.	Appointed to special duty. Furnished testimonials.
H. L. Scotson.....	,, ,, ,, ...	John Macintosh, Esq., M.P., and Chief Commissioner.	Appointed to special duty. Dismissed. (See Return No. 1.)
A. W. Street	Temporary Appraiser	F. B. Suttor, Esq., M.P., W. H. Suttor, Esq , M.P., A. T. Kerr, Esq., M.P., George Lee, Esq., and the Under Secretary.	Appointed to act during the absence on leave of Mr. Appraiser Yorke.
James W. Taylor ...	Temporary Clerk, Conditional Sales Branch.	J. Macintosh, Esq., M.P.....	Appointed to special duty.
Bertram Hope	,, ,, Record Branch...	Under Secretary, and H. Woolnough, Esq.	Appointed to fill a vacancy.
W. Moses	,, ,, Conditional Sales Branch.	Chief Commissioner.....	Transferred from Occupation of Lands, from which office he received testimonials of character, &c.
E. J. Ellis	,, ,, ,, ...	Chief Commissioner	Appointed to special duty. Furnished testimonials.
F. A. Slack.....	,, ,, Record Branch...	Under Secretary	Appointed to fill a vacancy. Furnished testimonial from Manager of A. J. S. Bank.
R. D. D. Jervois ...	,, ,, Conditional Sales Branch.	Colonel Scratchley	Appointed to special duty. Dismissed. (See Return No. 1.)
J. W. B. Carroll ...	,, ,, ,, ...	Mr. Suttor, M.P., and Chief Commissioner.	Appointed to fill a vacancy.

Sydney: Thomas Richards, Government Printer.—1879.

[3d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

AGNES DETTMANN.

(PETITION OF.)

Received by the Legislative Assembly, 25 *June*, 1879.

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

The Petition of Agnes Dettmann, of Sydney,—

HUMBLY SHOWETH:—

Your Petitioner is the widow of the late Louis Dettmann, who entered into the Government Service as Parliamentary Steward and Housekeeper on the fourth of October, 1865, at a salary of two hundred and twenty-five pounds per annum, and continued in this Service till the twenty-fifth of March, 1873, on which day he died.

During the above period he paid the regulated premium into the Superannuation Fund under the late Superannuation Act.

From and after the first of April in the year 1873 all Government servants then living were refunded the money they had respectively paid into the above fund; but the said Louis Dettmann having died six days before the first of April, neither I or any one else has received any refund of the money paid by him.

Your Petitioner therefore humbly prays that your Honorable House will take her case into your generous consideration and cause an inquiry to be made into the premises, and will grant such relief to your Petitioner as to your Honorable House in its wisdom and sense of justice may seem fit.

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

Sydney, 24 June, 1879.

AGNES DETTMANN.

1878–9.

NEW SOUTH WALES.

POLICE DEPARTMENT.

(REPORT FOR 1878.)

Presented to Parliament by Command.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Sir, Police Department, Inspector General's Office, Sydney, 31 January, 1879.

In compliance with the instructions of the Colonial Secretary, contained in your circular letter of the 9th July, 1873, No. 71, I do myself the honor to furnish a brief report of the operations of the Department under my control, during the year 1878.

Annexed hereto will be found a tabulated statement showing the strength and distribution of the Police Force on the 30th September last, in the form laid before Parliament.

Although the number of vacancies which occurred in the Force during the past year was almost the same as in 1877, the difficulties in obtaining eligible candidates to fill the vacancies have not been so great as they were when I last reported on the subject.

The following is a detail of the vacancies which have occurred during the year:—

Resignations	81
Discharges	17
Dismissals	48
Deaths	10
Superannuations	13
Total	169

Amongst the above deaths is included that of Senior-sergeant Wallings, who was shot by the offender Law, *alias* Gibson, *alias* Henry, at "Wonbobbie Inn," on the 20th September, 1878.

The late Senior-sergeant Wallings had served twenty-three years in the Police Force, and by his death the Service has lost a most zealous and efficient officer. His widow has been provided for by pension.

Three Police Pensioners have also died during the year.

New Police Stations have been formed at the following places:—

District.	Station.
Northern	Blick's River.
	Palmer's Island.
Southern	Frogmore.
	Bethungra.
Western	Cobar.
	Louth.
	Eringonia.
North-eastern	Back Creek.
	Bullock Island.
	Wickham.
	Tighe's Hill.
	Gloucester.
North-western	Breeza.
South-western	Mathoura.
	Darlington Point.
	Gilgunyah.
Murray	North Wagga Wagga.

Several other Stations have been authorized, and will be formed very shortly.

The new Stations formed, and additional Police supplied throughout the Colony, have far from satisfied the demands for increased Police protection which are continually being made, which will only be partially met by the provision asked for on this year's Estimates.

In the Metropolitan District alone a hundred more constables could be usefully employed, and with that considerable addition, the proportion of Police to the population would be below that of other cities in England and elsewhere.

Many of the complaints made to me, and through the Press, of inattention or inefficiency on the part of the Police, are referable simply to the inadequacy of the Force numerically to perform the duties required.

The various Metropolitan Police Stations have recently been connected by telegraph wire,—a convenience which I anticipate will prove advantageous in securing prompt transmission of information, and save a good deal of time hitherto occupied by constables conveying messages, &c., from one place to another.

No one can read the complaints and comments in the Press respecting the increasing annoyance suffered by the public from the disorderly conduct and petty misdemeanours of youths who assemble together in large numbers not only in this city and suburbs but in country towns, without being aware that the nuisance of the so-called "larrikin" element is greatly on the increase, and becoming almost insupportable in all populous towns in this Colony and elsewhere.

The Police are naturally appealed to to provide a remedy, but nothing can be done efficaciously in the present state of the law. The Police Act fixes a penalty for "riotous" or indecent behaviour in towns, but the misconduct so frequently complained of can scarcely be deemed to come within the above category. It is rather "disorderly behaviour," which should be made (in my opinion) an offence by enactment; and in order that such a growing evil may be firmly repressed, it will, I believe, be found necessary to authorize whipping in certain cases after repeated convictions.

The increase in the constabulary would partially suppress the nuisance, but with such extensive beats much disorder may occur before constables can be present to check it.

The evil, as a matter of course, is one to which some social remedy should also be applied, and upon that chiefly must depend the permanent improvement in the behaviour of those who will become the future citizens, and as such should be expected to uphold law and order.

Crime of a serious nature has not increased generally. There have, however, been a good many cases of infanticide,—a crime which, I regret to say, is on the increase. Stock-stealing is also still very prevalent. It is noticeable that of 283 committals for trial during the year for horse, cattle, and sheep stealing there were only 123 convictions. In many of the cases in which the accused were acquitted, my opinion that there has been a failure of justice would, I think, be indorsed by the Judges and Crown Prosecutors.

Upon examination of the Police reports in cases of inquests and magisterial inquiries it is ascertained that out of a total of 1,114 deaths, the subject of inquiry, 144 have been attributable directly or indirectly to the prevailing vice of intemperance.

I give hereunder a comparative return of the population of the Colony, number of Police Stations, number of Police, and expenditure of this Department, for the years 1855, 1863, 1869, and 1876, which will serve to show that the increased expenditure has by no means kept pace with the population, or the rapid settlement in the country districts :—

Year.	Population.	No. of Stations.	No. of Police.	Expenditure.
				£
1855	277,579	161	889	168,774
1863	378,934	234	1,003	210,777
1869	485,356	245	902	146,013
1876	629,776	297	969	171,229

In conclusion, I am happy to be able to report that my favourable opinion of the conduct of the members of the Force generally has been confirmed by the testimony frequently borne by Magistrates and other influential gentlemen as to the efficiency, zeal, and good behaviour of the men coming under their more immediate observation.

I have, &c.,

EDMUND FOSBERY,

Inspector General of Police.

RETURN showing the Strength and Distribution of the Police Force on the 30th September, 1878.

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Metropolitan...	No. 1 Head Station	1	..	1	..	..	..	..	3	7	4	50
	Pyrmont	..	..	..	..	..	..	..	..	..	..	2
	Glebe Island	..	..	..	..	..	..	..	..	..	..	1
	General Post Office	..	..	..	..	..	..	..	..	..	..	3
	Mint	..	..	..	..	..	..	..	1	..	..	2
	No. 2 Head Station	..	..	1	..	..	..	..	6	1	4	40
	Newtown	..	..	..	..	..	..	..	..	1	..	4
	Redfern	..	..	..	..	..	..	..	..	1	..	1
	Waterloo	..	..	..	..	..	..	..	..	..	..	2
	Cook's River	..	..	..	..	..	..	..	..	..	1	..
	Concord	..	..	..	..	..	..	..	..	..	1	..
	Petersham	..	..	..	..	..	..	..	..	..	..	1
	Camperdown	..	..	..	..	..	..	..	..	..	..	2
	Ashfield	..	..	..	..	..	..	..	..	..	..	1
	Bark Huts	..	..	..	..	..	..	..	..	..	..	1
	Glebe	..	..	..	..	..	..	..	..	..	1	4
	Canterbury	..	..	..	..	..	..	..	..	..	..	1
	Marrickville	..	..	..	..	..	..	..	..	..	..	1
	Burwood	..	..	..	..	..	..	..	..	..	..	1
	Macdonald Town	..	..	..	..	..	..	..	..	..	..	1
	Kogarah	..	..	..	..	..	..	..	..	..	..	1
	Five Dock	..	..	..	..	..	..	..	..	..	..	1
	Stanmore	..	..	..	..	..	..	..	..	..	..	1
	No. 3 Head Station	..	..	1	..	..	..	..	1	3	6	30
	Watson's Bay	..	..	..	..	..	..	..	..	..	..	1
	Waverley	..	..	..	..	..	..	..	..	..	..	1
	Paddington	..	..	..	..	..	..	..	..	..	1	2
	Botany Bay	..	..	..	..	..	..	..	..	..	..	1
	Double Bay	..	..	..	..	..	..	..	..	..	..	1
	Rushcutter's Bay	..	..	..	..	..	..	..	..	..	..	1
	Coogee	..	..	..	..	..	..	..	..	..	..	1
	Woollahra	..	..	..	..	..	..	..	..	1	..	3
	No. 4 Head Station	..	..	1	..	..	..	..	..	4	3	24
	Balmain	..	..	..	..	..	..	..	..	..	1	5
	North Shore	..	..	..	..	..	..	..	..	..	1	3
	Lane Cove	..	..	..	..	..	..	..	..	..	..	1
	Manly Beach	..	..	..	..	..	..	..	..	..	1	..
	Water Police	..	..	..	..	..	..	..	1	1	2	13
Northern	Armidale	1	..	..	..	..	..	3	1	1	..	3
	Bendemeer	..	..	..	..	..	1	1	..	..	..	..
	Uralla	..	..	..	..	..	..	2	..	..	..	..
	Walcha	..	..	..	..	..	1	2	..	..	..	..
	Tenterfield	..	..	..	..	1	..	1	..	..	..	2
	Wilson's Downfall	..	..	..	..	..	1	1	..	..	..	..
	Inverell	..	..	1	..	..	..	2	..	..	..	2
	Tingha	..	..	..	..	..	1	1	..	..	..	..
	Ashford	..	..	..	..	..	..	1	..	..	..	..
	Bundarra	..	..	..	..	1	..	1	..	..	..	..
	Glen Innes	..	..	..	1	..	..	2	..	..	..	2
	Vegetable Creek	..	..	..	..	..	1	1	..	..	..	..
	Grafton	..	..	1	..	..	..	2	..	1	..	2
	South Grafton	..	..	..	..	..	..	..	..	..	..	1
	Maclean	..	..	..	..	..	..	..	..	..	..	1
	Lionsville	..	..	..	..	..	..	1	..	..	..	..
	Lawrence	..	..	..	..	..	..	1	..	..	..	..
	Dalmorton	..	..	..	..	..	..	1	..	..	..	..
	Casino	..	..	..	..	..	1	1	..	..	..	..
	Ballina	..	..	..	..	..	..	..	..	..	1	..
	Lismore	..	..	..	..	..	1	1	..	..	..	..
	Tweed	..	..	..	..	..	..	1	..	..	..	..
	Drake	..	..	..	..	..	..	1	..	..	..	..
	Ulmarra	..	..	..	..	..	..	1	..	..	..	..
	Wardell	..	..	..	..	..	..	1	..	..	..	..
	Chatsworth	..	..	..	..	..	..	..	..	..	..	1
	Woodburn	..	..	..	..	..	..	1	..	..	..	..
	Blick's River	..	..	..	..	..	..	2	..	..	..	..
Southern	Goulburn	1	..	..	1	..	..	3	2	..	2	6
	Marulan	..	..	..	..	..	1	..	..	..	..	..
	Bungonia	..	..	..	..	..	1	..	..	..	..	..
	Tarago	..	..	..	..	..	1	1	..	..	..	..
	Collector	..	..	..	..	..	1	1	..	..	..	..
	Crookwell	..	..	..	..	..	1	1	..	..	..	..
	Taralga	..	..	..	..	..	1	1	..	..	..	..
	Binda	..	..	..	..	..	1	..	..	..	..	..
	Tuena	..	..	..	..	1	..	..	..	..	..	..
	Yass	..	..	1	..	..	1	2	..	..	1	1
	Gunning	..	..	..	..	..	1	1	..	..	..	..
	Binalong	..	..	..	..	..	..	2	..	..	..	..
	Burrowa	..	..	..	1	..	..	..	..	..	..	1
	Frogmore	..	..	..	..	..	1	..	..	..	..	..
	Dryburgh	..	..	..	..	..	..	1	..	..	..	..
	Pudman Creek	..	..	..	..	..	..	2	..	..	..	..
	Gundaroo	..	..	..	..	..	1	..	..	..	..	..
	Young	..	..	1	..	1	..	2	..	..	..	4
	Marengo	..	..	..	..	..	1	1	..	..	..	..
	Wombat	..	..	..	..	..	1	..	..	..	..	..
	Cootamundra	..	..	..	..	1	..	1	..	..	..	2
	Bethungra	..	..	..	..	..	1	1	..	..	..	..

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Southern *continued.*	Murrumburrah	..	..	..	..	..	1	1	..	..	..	..
	Morangarell	..	..	..	..	..	1	..	..	..	..	..
	Braidwood	..	..	1	..	1	2	..	..	..	..	1
	Mongarlowe	..	..	..	..	..	1	..	..	..	..	..
	Campbell's Springs	..	..	..	..	..	..	2	..	..	..	..
	Major's Creek	..	..	..	..	..	..	1	..	..	..	..
	Nelligen	..	..	..	..	..	..	1	..	..	..	..
	Bateman's Bay	..	.	..	..	..	..	..	..	..	..	1
	Araluen	..	..	..	..	..	1	..	..	..	..	1
	Queanbeyan	..	..	..	1	..	..	1	..	..	..	2
	Bungendore	..	..	..	..	..	1	1	..	..	..	..
	Moruya	..	..	..	..	..	1	1	..	..	..	1
	Nerrigundah	..	..	..	..	.	..	1	..	..	..	..
	Cooma	..	1	..	..	..	1	2	..	..	..	2
	Nimitybelle	..	..	..	..	..	1	1	..	..	..	..
	Buckley's Crossing	..	..	..	..	..	1	1	..	..	..	..
	Bombala	..	..	..	1	..	..	1	..	..	..	1
	Delegate	..	..	..	..	..	1	..	..	..	..	..
	Bega	..	..	..	..	..	1	1	..	..	..	1
	Candelo	..	..	..	..	..	..	1	..	..	..	..
	Michelago	..	..	..	..	..	1	1	..	..	..	..
	Eden	..	..	..	..	..	..	1	..	..	..	1
	Merimbula	..	..	..	..	..	..	..	..	..	..	1
	Panbula	..	..	..	..	..	1	1	..	..	..	..
	Seymour	..	..	..	..	..	..	1	..	..	..	..
	Kiandra	..	..	..	..	..	1	..	..	..	..	..
Eastern	Depôt	..	1	..	..	..	..	..	1	..	..	..
	Parramatta	..	..	..	..	..	1	1	1	..	..	7
	Smithfield	..	..	..	..	..	..	1	..	..	..	..
	Ryde	..	..	..	..	..	1	..	..	..	..	..
	Hunter's Hill	..	..	..	..	..	..	..	..	..	..	1
	Windsor	..	..	..	..	1	1	..	..	..	1	2
	Richmond	..	..	..	..	..	1	..	..	..	..	..
	Rouse Hill	..	..	..	..	..	..	..	..	..	..	1
	Wilberforce	..	..	..	..	..	..	1	..	..	..	..
	St. Albans	..	..	..	..	..	..	1	..	..	..	..
	Penrith	..	..	..	..	1	..	1	..	..	..	..
	St. Mary's	..	..	..	..	..	..	..	..	..	..	1
	Emu Plains	..	..	..	..	..	..	..	..	..	..	1
	Liverpool	..	..	..	..	..	1	..	..	..	..	1
	Campbelltown	..	..	..	..	..	1	..	..	..	..	1
	Appin	..	..	..	..	..	..	1	..	..	..	..
	Camden	..	..	..	..	..	..	1	1	..	..	1
	Picton	..	..	..	..	..	1	1	..	..	..	..
	Berrima	..	..	..	1	..	..	1	..	..	..	2
	Sutton Forest	..	..	..	..	..	..	1	..	..	..	..
	Mittagong	..	..	..	..	..	..	1	..	..	..	..
	Moss Vale	..	..	..	..	..	..	..	..	..	..	1
	Wollongong	..	..	..	1	..	..	1	..	..	1	2
	Dapto	..	..	..	..	..	..	1	..	..	..	..
	Woonona	..	..	..	..	..	..	..	..	..	..	1
	Kiama	..	..	..	1	..	..	1	..	..	..	..
	Shellharbour	..	..	..	..	..	..	1	..	..	..	..
	Jamberoo	..	..	..	..	..	..	..	..	..	..	1
	Gerringong	..	..	..	..	..	..	..	..	..	..	1
	Nowra	..	..	..	..	1	..	..	..	..	..	..
	Terrara	..	..	..	..	..	..	1	..	..	..	..
	Broughton Creek	..	..	..	..	..	1	..	..	..	..	..
	Ulladulla	..	..	..	..	..	..	..	..	..	..	1
Western	Bathurst	1	..	..	1	1	1	4	1	..	..	7
	Kelso	..	..	..	..	..	..	..	..	..	..	1
	Oberon	..	..	..	..	..	1	1	..	..	..	..
	Hartley	..	..	..	..	..	..	1	..	..	..	..
	Rockley	..	..	..	..	..	1	1	..	..	..	..
	Wyagdon	..	..	..	..	..	..	1	..	..	..	..
	O'Connell Plains	..	..	..	..	..	..	1	..	..	..	..
	Trunkey Creek	..	..	..	..	..	1	1	..	..	..	..
	Rydal	..	..	..	..	..	1	..	..	..	..	..
	Lithgow	..	..	..	..	..	1	..	..	..	..	1
	Wallerawang	..	..	..	..	..	..	1	..	..	..	..
	Orange	..	..	1	..	..	1	2	..	..	1	6
	Molong	..	..	..	..	1	..	1	..	..	..	1
	Stoney Creek	..	..	..	..	..	1	1	..	..	..	..
	Toogong	..	..	..	..	..	1	1	..	..	..	..
	Cowra	..	..	..	..	1	..	1	..	..	..	1
	Carcoar	..	..	..	1	..	..	1	..	..	..	1
	Blayney	..	..	..	..	..	1	..	..	..	1	..
	Mudgee	..	..	1	..	1	..	2	..	..	..	4
	Gulgong	..	..	..	..	..	1	1	..	1	..	2
	Home Rule	..	..	..	..	..	..	1	..	..	..	..
	Talbragar	..	..	..	..	..	1	1	..	..	..	..
	Coolah	..	..	..	..	..	1	1	..	..	..	..
	Mundooran	..	..	..	..	..	1	1	..	..	..	..
	Rylstone	..	..	..	..	1	..	1	..	..	..	1
	Ilford	..	..	..	..	..	1	1	..	..	..	..
	Sofala	..	..	..	..	..	1	1	..	..	..	1
	Hill End	..	..	..	..	..	1	1	..	..	..	1
	Tambaroora	..	..	..	..	..	..	..	..	..	..	1
	Hargraves	..	..	..	..	..	1	1	..	..	..	..
	Windeyer	..	..	..	..	..	..	..	..	..	..	1

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Western *continued.*	Wollar	..	..	..	..	..	1	1	..	..	..	..
	Forbes	..	..	1	..	..	1	2	..	..	1	4
	Condobolin	..	..	..	..	..	1	1	..	..	..	..
	Eugowra	..	..	..	..	..	..	1	..	..	..	..
	Parkes	..	..	..	..	1	..	1	..	..	..	2
	Grenfell	..	..	..	..	1	..	1	..	..	..	1
	Marsden	..	..	..	..	..	1	1	..	..	..	..
	Dubbo	..	..	1	..	..	..	2	..	..	..	3
	Wellington	..	..	..	..	..	1	1	..	..	..	1
	Obley	..	..	..	..	..	1	1	..	..	..	..
	Dandaloo	..	..	..	..	..	..	2	..	..	..	..
	Warren	..	..	..	..	..	1	1	..	..	..	..
	Canonbar	..	..	..	..	..	1	1	..	..	..	..
	Terribile	..	..	..	..	..	..	2	..	..	..	..
	Coonamble	..	..	..	..	..	1	1	..	..	..	1
	Quambone	..	..	..	..	..	..	2	..	..	..	..
	Bourke	..	..	1	..	..	1	3	..	..	..	2
	Breewarrina	..	..	..	..	..	1	1	..	..	..	..
	Gongolgon	..	..	..	..	..	..	1	..	..	..	..
	Louth	..	..	..	..	..	1	1	..	..	..	..
	Cobar	..	..	..	..	..	1	1	..	..	..	..
North-eastern	West Maitland	1	..	..	1	1	..	2	..	..	2	7
	Branxton	..	..	..	..	..	..	..	..	..	..	1
	Lochinvar	..	..	..	..	..	..	..	..	..	..	1
	Greta	..	..	..	..	..	..	..	..	..	1	..
	Cessnock	..	..	..	..	..	..	1	..	..	..	..
	East Maitland	..	..	..	..	..	1	1	..	..	..	3
	Mount Vincent	..	..	..	..	..	..	1	..	..	..	..
	Cooranbong	..	..	..	..	..	..	1	..	..	..	..
	Largs	..	..	..	..	..	..	..	..	..	..	1
	Morpeth	..	..	..	..	..	..	..	..	1	..	1
	Hinton	..	..	..	..	..	..	..	..	..	..	1
	Paterson	..	..	..	..	1	..	..	..	..	..	1
	Gresford	..	..	..	..	..	..	..	..	..	..	1
	Raymond Terrace	..	..	..	..	..	..	..	..	..	1	1
	Clarence Town	..	..	..	..	..	..	..	..	..	1	..
	Dungog	..	..	..	..	..	1	..	..	..	..	1
	Stroud	..	..	..	..	..	1	1	..	..	..	..
	Gloucester	..	..	..	..	..	..	..	..	..	..	1
	Back Creek	..	..	..	..	..	..	..	..	..	..	1
	Bulah Delah	..	..	..	..	..	..	1	..	..	..	..
	Forster	..	..	..	..	..	..	1	..	..	..	..
	Newcastle	..	..	1	..	..	..	..	1	1	3	15
	Hamilton	..	..	..	..	..	..	..	..	..	..	1
	Waratah	..	..	..	..	..	..	..	..	..	..	1
	Lambton	..	..	..	..	..	..	..	..	..	..	1
	New Lambton	..	..	..	..	..	..	..	..	..	..	1
	Wallsend	..	..	..	..	..	..	..	..	..	1	1
	Stockton	..	..	..	..	..	..	..	..	..	..	1
	Bullock Island	..	..	..	..	..	..	..	..	..	1	1
	Wickham	..	..	..	..	..	..	..	..	..	..	1
	Gosford	..	..	..	..	..	1	1	..	..	..	..
	Wollombi	..	..	..	..	..	1	1	..	..	..	..
	Howe's Valley	..	..	..	..	..	..	1	..	..	..	..
	Singleton	..	..	..	1	..	..	2	..	..	..	2
	Broke	..	..	..	..	..	..	1	..	..	..	..
	Jerry's Plains	..	..	..	..	..	..	1	..	..	..	..
	Muswellbrook	..	..	..	..	1	..	1	..	..	..	2
	Denman	..	..	..	..	..	..	2	..	..	..	..
	Merriwa	..	..	..	..	1	..	1	..	..	..	1
	Cassilis	..	..	..	..	..	1	1	..	..	..	1
	Scone	..	..	..	..	1	..	1	..	..	..	1
	Kempsey	..	..	1	..	..	..	1	..	1	..	1
	Port Macquarie	..	..	..	..	..	1	1	..	1	..	..
	Gladstone	..	..	..	..	..	..	1	..	..	..	..
	Nambucca	..	..	..	..	..	..	1	..	..	..	..
	Bellinger	..	..	..	..	..	1	..	..	..	..	..
	Taree	..	..	..	..	1	..	1	..	..	..	..
	Cundletown	..	..	..	..	..	..	..	..	..	..	1
	Wingham	..	..	..	..	..	..	..	..	..	..	1
	Tinonee	..	..	..	..	..	..	1	..	..	..	..
	Camden Haven	..	..	..	..	..	..	..	..	..	..	1
North-western	Tamworth	1	..	..	..	1	1	4	1	..	..	3
	Murrurundi	..	..	..	..	..	1	2	..	..	..	..
	Black Creek	..	..	..	..	..	..	2	..	..	..	..
	Gunnedah	..	..	..	1	..	..	1	..	..	..	2
	Breeza	..	..	..	..	..	..	2	..	..	..	..
	Barraba	..	..	..	..	..	1	1	..	..	..	..
	Manilla	..	..	..	..	..	..	2	..	..	..	..
	Wallabadah	..	..	..	..	..	1	1	..	..	..	..
	Nundle	..	..	..	..	..	1	1	..	..	..	..
	Quirindi	..	..	..	..	..	..	2	..	..	..	..
	Warrah	..	..	..	..	..	1	..	..	..	..	..
Namoi	Narrabri	..	1	..	..	1	..	3	..	..	..	4
	Boggabri	..	..	..	..	..	1	1	..	..	..	..
	Tambar Springs	..	..	..	..	..	..	2	..	..	..	..
	Wee Waa	..	..	..	..	..	..	1	..	..	..	..
	Pilliga	..	..	..	..	..	..	2	..	..	..	..
	Walgett	..	..	1	..	..	..	2	..	..	..	1
	Goodooga	..	..	..	..	..	1	1	..	..	..	..

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables
Namoi—*continued.*	Mogil Mogil	..	..	..	..	..	..	2	..	..	..	..
	Yetman	..	..	..	..	..	1	1	..	..	..	..
	Moree	..	..	..	..	..	1	1	..	..	..	..
	Meroe	..	..	..	..	..	..	1	..	..	..	..
	Warialda	..	..	..	..	..	1	1	..	..	..	1
	Bingera	..	..	..	..	..	1	1	..	..	..	1
	Coonabarabran	..	..	..	..	1	..	1	..	..	..	1
	Baradine	..	..	..	..	..	1	1	..	..	..	..
South-western	Deniliquin	1	..	..	..	1	..	5	..	..	1	6
	Mathoura	..	..	..	..	..	1	..	..	..	..	..
	Moama	..	..	..	..	1	..	1	..	..	..	1
	Jerilderie	..	..	..	..	..	1	1	..	..	..	..
	Tocumwal	..	..	..	..	..	..	1	..	..	..	..
	Hay	..	..	1	..	..	..	3	..	..	..	3
	Darlington Point	..	..	..	..	..	1	..	..	..	..	..
	Maude	..	..	..	..	..	..	1	..	..	..	..
	Mossgiel	..	..	..	..	..	1	1	..	..	..	..
	Booligal	..	..	..	..	..	..	2	..	..	..	..
	Hillston	..	..	..	..	..	..	1	..	..	..	..
	Euabalong	..	..	..	..	..	1	1	..	..	..	..
	Gilgunyah	..	..	..	..	..	..	1	..	..	..	..
	Wentworth	..	..	..	1	..	..	1	..	..	..	2
	Pooncaria	..	..	..	..	..	..	2	..	..	..	..
	Salt Creek	..	..	..	..	..	..	1	..	..	..	..
	Euston	..	..	..	..	..	1	..	..	..	..	..
	Balranald	..	..	..	..	..	1	1	..	..	..	..
	Moulamein	..	..	..	..	..	..	2	..	..	..	..
	Wilcannia	..	..	..	..	1	..	2	..	..	..	1
	Menindie	..	..	..	..	..	1	1	..	..	..	..
	Mount Gipps	..	..	..	..	..	..	1	..	..	..	..
Murray	Albury	1	..	..	..	..	..	4	1	1	..	6
	Vineyard Hill	..	..	..	..	..	..	1	..	..	..	1
	Ten-mile Creek	..	..	..	..	..	1	1	..	..	..	..
	Walbundrie	..	..	..	..	..	..	1	..	..	..	..
	Yarrara	..	..	..	..	..	..	1	..	..	..	..
	Corowa	..	..	..	..	..	1	1	..	..	..	1
	Howlong	..	..	..	..	..	1	1	..	..	..	..
	Mulwala	..	..	..	..	..	..	1	..	..	..	..
	Tumbarumba	..	..	..	..	..	1	1	..	..	..	1
	Greg Greg	..	..	..	..	..	..	1	..	..	..	..
	Gundagai	..	..	..	1	..	..	1	..	..	1	3
	Tumut	..	..	..	..	1	..	1	..	..	..	1
	Adelong	..	..	..	..	1	..	1	..	..	..	1
	Shepherdstown	..	..	..	..	..	..	..	..	..	..	1
	Reedy Flat	..	..	..	..	..	..	1	..	..	..	..
	Jugiong	..	..	..	..	..	1	1	..	..	..	..
	Clarendon	..	..	..	..	..	..	1	..	..	..	..
	Wagga Wagga	..	..	1	..	1	..	3	..	..	1	7
	North Wagga Wagga	..	..	..	..	..	..	1	..	..	..	1
	Urana	..	..	..	..	..	..	2	..	..	..	..
	Narandera	..	..	..	..	..	1	1	..	..	..	1
	Kyamba	..	..	..	..	..	..	1	..	..	..	..
	Tarcutta	..	..	..	..	..	..	1	..	..	..	..
Depôt, Belmore Barracks.												
Constables in course of instruction, under orders for transfer, &c., &c.		..	..	..	*2	1	2	23	1	..	..	18
Gold Escort Conductors		..	..	..	2	..	..	..	..	..	..	..
Sick in Hospital		..	..	..	..	..	..	..	..	..	..	1
Orderlies to His Excellency the Governor		..	..	..	1	..	1	2	..	..	..	..
Total		8	3	19	20	32	114	295	23	27	48	440
		Total of all grades..... 1,029										

* One Sergeant-major and Drill Instructor.

Police Department,
Inspector General's Office,
Sydney, October, 1878.

EDMUND FOSBERY,
Inspector General of Police.

Sydney: Thomas Richards, Government Printer.—1879.

[6*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(STRENGTH AND DISTRIBUTION OF FORCE ON 30TH SEPTEMBER, 1878.)

Ordered by the Legislative Assembly to be printed, 25 October, 1878.

RETURN showing the Strength and Distribution of the Police Force on the 30th September, 1878.

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Metropolitan...	No. 1 Head Station	1	..	1	..	..	..	..	3	7	4	50
	Pyrmont	..	..	..	..	..	..	..	..	...	..	2
	Glebe Island	..	..	..	..	..	..	..	..	..	..	1
	General Post Office	..	..	..	..	..	..	..	..	..	..	3
	Mint	..	..	..	..	..	..	..	1	..	..	2
	No. 2 Head Station	..	..	1	..	..	..	..	6	1	4	40
	Newtown	..	..	..	..	..	..	..	..	1	..	4
	Redfern	..	..	..	..	..	..	..	..	1	..	1
	Waterloo	..	..	..	..	..	..	..	..	..	..	2
	Cook's River	..	..	..	..	..	..	..	..	..	1	..
	Concord	..	..	..	..	..	..	..	..	..	1	..
	Petersham	..	..	..	..	..	..	..	..	..	..	1
	Camperdown	..	..	..	..	..	..	..	..	..	..	2
	Ashfield	..	..	..	..	..	..	..	..	..	..	1
	Bark Huts	..	..	..	..	..	..	..	..	..	..	1
	Glebe	..	..	..	..	..	..	..	..	..	1	4
	Canterbury	..	..	..	..	..	..	..	..	..	..	1
	Marrickville	..	..	..	..	..	..	..	..	..	..	1
	Burwood	..	..	..	..	..	..	..	..	..	..	1
	Macdonald Town	..	..	..	..	..	..	..	..	..	..	1
	Kogarah	..	..	..	..	..	..	..	..	..	..	1
	Five Dock	..	..	..	..	..	..	..	..	..	..	1
	Stanmore	..	..	..	..	..	..	..	..	..	..	1
	No. 3 Head Station	..	..	1	..	..	..	..	1	3	6	30
	Watson's Bay	..	..	..	..	..	..	..	..	..	..	1
	Waverley	..	..	..	..	..	..	..	..	..	..	1
	Paddington	..	..	..	..	..	..	..	..	..	1	2
	Botany Bay	..	..	..	..	..	..	..	..	..	..	1
	Double Bay	..	..	..	..	..	..	..	..	..	..	1
	Rushcutter's Bay	..	..	..	..	..	..	..	..	..	..	1
	Coogee	..	..	..	..	..	..	..	..	..	..	1
	Woollahra	..	..	..	..	..	..	..	..	1	..	3
	No. 4 Head Station	..	..	1	..	..	..	..	..	4	3	24
	Balmain	..	..	..	..	..	..	..	..	..	1	5
	North Shore	..	..	..	..	..	..	..	..	..	1	3
	Lane Cove	..	..	..	..	..	..	..	..	..	..	1
	Manly Beach	..	..	..	..	..	..	..	..	..	1	..
	Water Police	..	..	..	..	..	..	..	1	1	2	13
Northern	Armidale	1	..	..	..	..	..	3	1	1	..	3
	Bendemeer	..	..	..	..	..	1	1	..	..	..	..
	Uralla	..	..	..	..	..	..	2	..	..	..	..
	Walcha	..	..	..	..	..	1	2	..	..	..	..
	Tenterfield	..	..	..	..	1	..	1	..	..	..	2
	Wilson's Downfall	..	..	..	..	..	1	1	..	..	..	..
	Inverell	..	..	1	..	..	..	2	..	..	..	2
	Tingha	..	..	..	..	..	1	1	..	..	..	..
	Ashford	..	..	..	..	..	..	1	..	..	..	..
	Bundarra	..	..	..	..	1	..	1	..	..	..	..
	Glen Innes	..	..	..	1	..	..	2	..	..	..	2
	Vegetable Creek	..	..	..	..	..	1	1	..	..	..	..
	Grafton	..	..	1	..	..		2	..	1	..	2

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Northern *continued.*	South Grafton	..	..	..	..	..	..	..	..	..	..	1
	Maclean	..	..	..	..	..	..	..	..	..	..	1
	Lionsville	..	..	..	..	..	..	1	..	..	..	..
	Lawrence	..	..	..	..	..	..	1	..	..	..	..
	Dalmorton	..	..	..	..	..	..	1	..	..	..	..
	Casino	..	..	..	..	..	1	1	..	..	..	..
	Ballina	..	..	..	..	..	..	..	..	..	1	..
	Lismore	..	..	..	..	..	1	1	..	..	..	..
	Tweed	..	..	..	..	..	..	1	..	..	..	..
	Drake	..	..	..	..	..	..	1	..	..	..	..
	Ulmarra	..	..	..	..	..	..	1	..	..	..	..
	Wardell	..	..	..	..	..	..	1	..	..	..	..
	Chatsworth	..	..	..	..	..	..	..	..	..	..	1
	Woodburn	..	..	..	..	..	..	1	..	..	..	..
	Blick's River	..	..	..	..	..	..	2	..	..	..	..
Southern	Goulburn	1	..	..	1	..	..	3	2	..	2	6
	Marulan	..	..	..	..	..	1	..	..	..	..	..
	Bungonia	..	..	..	..	..	1	..	..	..	..	..
	Tarago	..	..	..	..	..	1	1	..	..	..	..
	Collector	..	..	..	..	..	1	1	..	..	..	..
	Crookwell	..	..	..	..	..	1	1	..	..	..	..
	Taralga	..	..	..	..	..	1	1	..	..	..	..
	Binda	..	..	..	..	..	1	..	..	..	..	..
	Tuena	..	..	..	..	1	..	..	..	..	..	..
	Yass	..	..	1	..	..	1	2	..	..	1	1
	Gunning	..	..	..	..	..	1	1	..	..	..	..
	Binalong	..	..	..	..	..	..	2	..	..	..	..
	Burrowa	..	..	..	1	..	..	..	..	..	..	1
	Frogmore	..	..	..	..	..	1	..	..	..	..	..
	Dryburgh	..	..	..	..	..	..	1	..	..	..	..
	Pudman Creek	..	..	..	..	..	..	2	..	..	..	..
	Gundaroo	..	..	..	..	..	1	..	..	..	..	..
	Young	..	..	1	..	1	..	2	..	..	..	4
	Marengo	..	..	..	..	..	1	1	..	..	..	..
	Wombat	..	..	..	..	..	1	..	..	..	..	..
	Cootamundra	..	..	..	..	1	..	1	..	..	..	2
	Bethungra	..	..	..	..	..	1	1	..	..	..	..
	Murrumburrah	..	..	..	..	..	1	1	..	..	..	..
	Morangarell	..	..	..	..	..	1	..	..	..	..	..
	Braidwood	..	..	1	..	1	2	..	..	..	..	1
	Mongarlowe	..	..	..	..	..	1	..	..	..	..	..
	Campbell's Springs	..	..	..	..	..	..	2	..	..	..	..
	Major's Creek	..	..	..	..	..	..	1	..	..	..	..
	Nelligen	..	..	..	..	..	..	1	..	..	..	..
	Bateman's Bay	..	..	..	..	..	..	..	..	..	..	1
	Araluen	..	..	..	..	..	1	..	..	..	..	1
	Queanbeyan	..	..	..	1	..	..	1	..	..	..	2
	Bungendore	..	..	..	..	..	1	1	..	..	..	..
	Moruya	..	..	..	..	..	1	1	..	..	..	1
	Nerrigundah	..	..	..	..	..	..	1	..	..	..	..
	Cooma	..	1	..	..	..	1	2	..	..	..	2
	Nimitybelle	..	..	..	..	..	1	1	..	..	..	..
	Buckley's Crossing	..	..	..	..	..	1	1	..	..	..	..
	Bombala	..	..	..	1	..	..	1	..	..	..	1
	Delegate	..	..	..	..	..	1	..	..	..	..	..
	Bega	..	..	..	..	..	1	1	..	..	..	1
	Candelo	..	..	..	..	..	..	1	..	..	..	..
	Michelago	..	..	..	..	..	1	1	..	..	..	..
	Eden	..	..	..	..	..	..	1	..	..	..	1
	Merimbula	..	..	..	..	..	..	..	..	..	..	1
	Panbula	..	..	..	..	..	1	1	..	..	..	..
	Seymour	..	..	..	..	..	..	1	..	..	..	..
	Kiandra	..	..	..	..	..	1	..	..	..	..	..
Eastern	Depôt	..	1	..	..	..	..	..	1	..	..	..
	Parramatta	..	..	..	..	..	1	1	1	..	..	7
	Smithfield	..	..	..	..	..	..	1	..	..	..	..
	Ryde	..	..	..	..	..	1	..	..	..	..	..
	Hunter's Hill	..	..	..	..	..	..	..	..	..	..	1
	Windsor	..	..	..	..	1	1	..	..	..	1	2
	Richmond	..	..	..	..	..	1	..	..	..	..	..
	Rouse Hill	..	..	..	..	..	..	..	..	..	..	1
	Wilberforce	..	..	..	..	..	..	1	..	..	..	..
	St. Albans	..	..	..	..	..	..	1	..	..	..	..
	Penrith	..	..	..	..	1	..	1	..	..	..	..
	St. Mary's	..	..	..	..	..	..	..	..	..	..	1
	Emu Plains	..	..	..	..	..	..	..	..	..	..	1
	Liverpool	..	..	..	..	..	1	..	..	..	..	1
	Campbelltown	..	..	..	..	..	1	..	..	..	..	1
	Appin	..	..	..	..	..	..	1	..	..	..	..
	Camden	..	..	..	..	..	..	1	1	..	..	1
	Picton	..	..	..	..	..	1	1	..	..	..	..
	Berrima	..	..	..	1	..	..	1	..	..	..	2
	Sutton Forest	..	..	..	..	..	..	1	..	..	..	..
	Mittagong	..	..	..	..	..	..	1	..	..	..	..
	Moss Vale	..	..	..	..	..	..	..	..	..	..	1
	Wollongong	..	..	..	1	..	..	1	..	..	1	2
	Dapto	..	..	..	..	..	..	1	..	..	..	..
	Woonona	..	..	..	..	..	..	..	..	..	..	1
	Kiama	..	..	..	1	..	..	1	..	..	..	..
	Shellharbour	..	..	..	..	..	..	1	..	..	..	..

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Eastern *continued.*	Jamberoo	..	..	..	..	..	..	..	..	..	..	1
	Gerringong	..	..	..	..	..	..	..	..	..	..	1
	Nowra	..	..	..	..	1	..	..	..	..	..	..
	Terrara	..	..	..	..	..	..	1	..	..	..	..
	Broughton Creek	..	..	..	..	..	1	..	..	..	..	..
	Ulladulla	..	..	..	..	..	..	..	..	..	..	1
Western	Bathurst	1	..	..	1	1	1	4	1	..	..	7
	Kelso	..	..	..	..	..	..	..	..	..	..	1
	Oberon	..	..	..	..	..	1	1	..	..	..	..
	Hartley	..	..	..	..	..	..	1	..	..	..	..
	Rockley	..	..	..	..	..	1	1	..	..	..	..
	Wyagdon	..	..	..	..	..	..	1	..	..	..	..
	O'Connell Plains	..	..	..	..	..	..	1	..	..	..	..
	Trunkey Creek	..	..	..	..	..	1	1	..	..	..	..
	Rydal	..	..	..	..	..	1	..	..	..	..	..
	Lithgow	..	..	..	..	..	1	..	..	..	..	1
	Wallerawang	..	..	..	..	..	..	1	..	..	..	..
	Orange	..	..	1	..	..	1	2	..	..	1	6
	Molong	..	..	..	..	1	..	1	..	..	..	1
	Stoney Creek	..	..	..	..	..	1	1	..	..	..	..
	Toogong	..	..	..	..	..	1	1	..	..	..	..
	Cowra	..	..	..	..	1	..	1	..	..	..	1
	Carcoar	..	..	..	1	..	..	1	..	..	..	1
	Blayney	..	..	..	..	..	1	..	..	..	1	..
	Mudgee	..	..	1	..	1	..	2	..	..	..	4
	Gulgong	..	..	..	..	..	1	1	..	1	..	2
	Home Rule	..	..	..	..	..	..	1	..	..	..	..
	Talbragar	..	..	..	..	..	1	1	..	..	..	..
	Coolah	..	..	..	..	..	1	1	..	..	..	..
	Mundooran	..	..	..	..	..	1	1	..	..	..	..
	Rylstone	..	..	..	..	1	..	1	..	..	..	1
	Ilford	..	..	..	..	..	1	1	..	..	..	..
	Sofala	..	..	..	..	..	1	1	..	..	..	1
	Hill End	..	..	..	..	..	1	1	..	..	..	1
	Tambaroora	..	..	..	..	..	..	..	..	..	..	1
	Hargraves	..	..	..	..	..	1	1	..	..	..	..
	Windeyer	..	..	..	..	..	..	..	..	..	..	1
	Wollar	..	..	..	..	..	1	1	..	..	..	..
	Forbes	..	..	1	..	..	1	2	..	..	1	4
	Condobolin	..	..	..	..	..	1	1	..	..	..	..
	Eugowra	..	..	..	..	..	..	1	..	..	..	..
	Parkes	..	..	..	..	1	..	1	..	..	..	2
	Grenfell	..	..	..	..	1	..	1	..	..	..	1
	Marsden	..	..	..	..	..	1	1	..	..	..	..
	Dubbo	..	..	1	..	..	..	2	..	..	..	3
	Wellington	..	..	..	..	..	1	1	..	..	..	1
	Obley	..	..	..	..	..	1	1	..	..	..	..
	Dandaloo	..	..	..	..	..	..	2	..	..	..	..
	Warren	..	..	..	..	..	1	1	..	..	..	..
	Canonbar	..	..	..	..	..	1	1	..	..	..	..
	Terribile	..	..	..	..	..	..	2	..	..	..	..
	Coonamble	..	..	..	..	..	1	1	..	..	..	1
	Quambone	..	..	..	..	..	..	2	..	..	..	..
	Bourke	..	..	1	..	..	1	3	..	..	..	2
	Breewarrina	..	..	..	..	..	1	1	..	..	..	..
	Gongolgon	..	..	..	..	..	..	1	..	..	..	..
	Louth	..	..	..	..	..	1	1	..	..	..	..
	Cobar	..	..	..	..	..	1	1	..	..	..	..
North-eastern	West Maitland	1	..	..	1	1	..	2	..	..	2	7
	Branxton	..	..	..	..	..	..	..	..	..	..	1
	Lochinvar	..	..	..	..	..	..	..	..	..	..	1
	Greta	..	..	..	..	..	..	..	..	..	1	..
	Cessnock	..	..	..	..	..	..	1	..	..	..	..
	East Maitland	..	..	..	..	..	1	1	..	..	..	3
	Mount Vincent	..	..	..	..	..	..	1	..	..	..	..
	Cooranbong	..	..	..	..	..	..	1	..	..	..	..
	Largs	..	..	..	..	..	..	..	..	..	..	1
	Morpeth	..	..	..	..	..	..	..	..	1	..	1
	Hinton	..	..	..	..	..	..	..	..	..	..	1
	Paterson	..	..	..	..	1	..	..	..	..	..	1
	Gresford	..	..	..	..	..	..	..	..	..	..	1
	Raymond Terrace	..	..	..	..	..	..	..	..	..	1	1
	Clarence Town	..	..	..	..	..	..	..	..	..	1	..
	Dungog	..	..	..	..	..	1	..	..	..	..	1
	Stroud	..	..	..	..	..	1	1	..	..	..	..
	Gloucester	..	..	..	..	..	..	..	..	..	..	1
	Back Creek	..	..	..	..	..	..	..	..	..	..	1
	Bulah Delah	..	..	..	..	..	..	1	..	..	..	..
	Forster	..	..	..	..	..	..	1	..	..	..	..
	Newcastle	..	..	1	..	..	..	..	1	1	3	15
	Hamilton	..	..	..	..	..	..	..	..	..	..	1
	Waratah	..	..	..	..	..	..	..	..	..	..	1
	Lambton	..	..	..	..	..	..	..	..	..	..	1
	New Lambton	..	..	..	..	..	..	..	..	..	..	1
	Wallsend	..	..	..	..	..	..	..	..	..	1	1
	Stockton	..	..	..	..	..	..	..	..	..	..	1
	Bullock Island	..	..	..	..	..	..	..	..	..	1	1
	Wickham	..	..	..	..	..	..	..	..	..	..	1
	Gosford	..	..	..	..	..	1	1	..	..	..	..
	Wollombi	..	..	..	..	..	1	1	..	..	..	..

District.	Station.	Mounted.							Foot.			
		Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
North-eastern *continued.*	Howe's Valley	..	..	..	..	..	..	1	..	..	..	..
	Singleton	..	..	..	1	..	..	2	..	..	..	2
	Broke	..	..	..	..	..	..	1	..	..	..	..
	Jerry's Plains	..	..	..	..	..	..	1	..	..	..	..
	Muswellbrook	..	..	..	..	1	..	1	..	..	..	2
	Denman	..	..	..	..	..	..	2	..	..	..	..
	Merriwa	..	..	..	..	1	..	1	..	..	..	1
	Cassilis	..	..	..	..	..	1	1	..	..	..	1
	Scone	..	..	..	..	1	..	1	..	..	..	1
	Kempsey	..	..	1	..	..	..	1	..	1	..	1
	Port Macquarie	..	..	..	..	..	1	1	..	1	..	..
	Gladstone	..	..	..	..	..	..	1	..	..	..	..
	Nambuccra	..	..	..	..	..	..	1	..	..	..	..
	Bellinger	..	..	..	..	..	1	..	..	..	..	..
	Taree	..	..	..	..	1	..	1	..	..	..	..
	Cundletown	..	..	..	..	..	..	..	..	..	..	1
	Wingham	..	..	..	..	..	..	..	..	..	..	1
	Tinonee	..	..	..	..	..	..	1	..	..	..	..
	Camden Haven	..	..	..	..	..	..	..	..	..	..	1
North-western	Tamworth	1	..	..	..	1	1	4	1	..	..	3
	Murrurundi	..	..	..	..	..	1	2	..	..	..	..
	Black Creek	..	..	..	..	..	..	2	..	..	..	..
	Gunnedah	..	..	..	1	..	..	1	..	..	..	2
	Breeza	..	..	..	..	..	..	2	..	..	..	..
	Barraba	..	..	..	..	..	1	1	..	..	..	..
	Manilla	..	..	..	..	..	..	2	..	..	..	..
	Wallabadah	..	..	..	..	..	1	1	..	..	..	..
	Nundle	..	..	..	..	..	1	1	..	..	..	..
	Quirindi	..	..	..	..	..	..	2	..	..	..	..
	Warrah	..	..	..	..	..	1	..	..	..	..	..
Namoi	Narrabri	..	1	..	..	1	..	3	..	..	..	4
	Boggabri	..	..	..	..	..	1	1	..	..	..	..
	Tambar Springs	..	..	..	..	..	..	2	..	..	..	..
	Wee Waa	..	..	..	..	..	..	1	..	..	..	..
	Pilliga	..	..	..	..	..	..	2	..	..	..	..
	Walgett	..	..	1	..	..	..	2	..	..	..	1
	Goodooga	..	..	..	..	..	1	1	..	..	..	..
	Mogil Mogil	..	..	..	..	..	..	2	..	..	..	..
	Yetman	..	..	..	..	..	1	1	..	..	..	..
	Moree	..	..	..	..	..	1	1	..	..	..	..
	Meroe	..	..	..	..	..	..	1	..	..	..	..
	Warialda	..	..	..	..	..	1	1	..	..	..	1
	Bingera	..	..	..	..	..	1	1	..	..	..	1
	Coonabarabran	..	..	..	..	1	..	1	..	..	..	1
	Baradine	..	..	..	..	..	1	1	..	..	..	..
South-western	Deniliquin	1	..	..	..	1	..	5	..	..	1	6
	Mathoura	..	..	..	..	..	1	..	..	a ..	..	..
	Moama	..	..	..	..	1	..	1	..	..	..	1
	Jerilderie	..	..	..	..	..	1	1	..	..	..	..
	Tocumwal	..	..	..	..	..	..	1	..	..	..	..
	Hay	..	..	1	..	..	..	3	..	..	..	3
	Darlington Point	..	..	..	..	..	1	..	..	..	..	..
	Maude	..	..	..	..	..	..	1	..	..	..	..
	Mossgiel	..	..	..	..	..	1	1	..	..	..	..
	Booligal	..	..	..	..	..	..	2	..	..	..	..
	Hillston	..	..	..	..	..	..	1	..	..	..	..
	Euabalong	..	..	..	..	..	1	1	..	..	..	..
	Gilgunyah	..	..	..	..	..	..	1	..	..	..	..
	Wentworth	..	..	..	1	..	..	1	..	..	..	2
	Pooncaria	..	..	..	..	..	..	2	..	..	..	..
	Salt Creek	..	..	..	..	..	..	1	..	..	..	..
	Euston	..	..	..	..	..	1	..	..	..	..	..
	Balranald	..	..	..	..	..	1	1	..	..	..	..
	Moulamein	..	..	..	..	..	..	2	..	..	..	..
	Wilcannia	..	..	..	..	1	..	2	..	..	..	1
	Menindie	..	..	..	..	..	1	1	..	..	..	..
	Mount Gipps	..	..	..	..	..	..	1	..	..	..	..
Murray	Albury	1	..	..	..	..	..	4	1	1	..	6
	Vineyard Hill	..	..	..	..	..	..	1	..	..	..	1
	Ten-mile Creek	..	..	..	..	..	1	1	..	..	..	..
	Walbundrie	..	..	..	..	..	..	1	..	..	..	..
	Yarrara	..	..	..	..	..	..	1	..	..	..	..
	Corowa	..	..	..	..	..	1	1	..	..	..	1
	Howlong	..	..	..	..	..	1	1	..	..	..	..
	Mulwala	..	..	..	..	..	..	1	..	..	..	..
	Tumbarumba	..	..	..	..	..	1	1	..	..	..	1
	Grég Greg	..	..	..	..	..	..	1	..	..	..	..
	Gundagai	..	..	..	1	..	..	1	..	..	1	3
	Tumut	..	..	..	..	1	..	1	..	..	..	1
	Adelong	..	..	..	..	1	..	1	..	..	..	1
	Shepherdstown	..	..	..	..	..	..	..	..	..	..	1
	Reedy Flat	..	..	..	..	..	..	1	..	..	..	..
	Jugiong	..	..	..	..	..	1	1	..	..	..	..
	Clarendon	..	..	..	..	..	..	1	..	..	..	..
	Wagga Wagga	..	..	1	..	1	..	3	..	..	1	7
	North Wagga Wagga	..	..	..	..	..	..	1	..	..	..	1
	Urana	..	..	..	..	..	..	2	..	..	..	..
	Narandera	..	..	..	..	..	1	1	..	..	..	1
	Kyamba	..	..	..	..	..	..	1	..	..	..	..
	Tarcutta	..	..	..	..	..	..	1	..	..	..	..

Depôt, Belmore Barracks.	Mounted.							Foot.			
	Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Constables in course of instruction, under orders for transfer, &c., &c ...	..	..	..	*2	1	2	23	1	..	..	18
Gold Escort Conductors.....	..	..	..	2	..	..	..	..	..	..	..
Sick in Hospital.....	..	..	..	..	..	..	..	..	..	..	1
Orderlies to His Excellency the Governor	..	..	..	1	..	1	2	..	..	..	..
Total	8	3	19	20	32	114	295	23	27	48	440
	Total of all grades..... 1,029										

* One Sergeant-major and Drill Instructor.

Police Department,
Inspector General's Office,
Sydney, October, 1878.

EDMUND FOSBERY,
Inspector General of Police.

Sydney: Thomas Richards, Government Printer.—1878.

[6d.] 253—B

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM STAFFORD.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 18 *September*, 1878.

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

The Petition of the undersigned, William Stafford,—

RESPECTFULLY SHOWETH:—

That your Petitioner, in the month of May, 1877, being then stationed at Braidwood, in the said colony, as senior-constable of police, and also holding the Government appointment of gold receiver, &c., &c., received orders from Superintendent Zouch to proceed to Moruya and take charge of that station.

That your Petitioner in pursuance of these orders immediately proceeded to Moruya and took full charge of that station from Sergeant Cornett, but Sergeant Cornett had received no instructions to remove or to hand over his quarters to your Petitioner, was for seven weeks deprived of the quarters irregularly occupied by Sergeant Cornett and his family.

The whole of the quarters in the Barracks, with the exception of one small room and one bed, set apart for any travelling constable (halting at the station), were occupied by Sergeant Cornett and his family.

That your Petitioner under these peculiar circumstances was compelled to board at an inn in the town of Moruya; but when not absent slept in the room above referred to with the view of being better prepared to answer any call made upon him during the night.

That your Petitioner for the space of seven weeks was obliged to pay weekly for his board at the inn, and there being no abatement at the inn for meals when absent on duty, your Petitioner was put to extra expense, besides being put to the expense of maintaining his wife and family at Braidwood.

That your Petitioner being thus compelled to stop at the inn referred to, and there pay weekly for his board, and being under double expense for meals whilst away from the inn.

Although he did not sleep there and considering that the intention of the allowance scale was to cover the extra expense he had been compelled to incur as before mentioned through no fault of his own, and confirmed in this opinion by his experience of its application on many previous occasions, he consequently submitted amongst other items a nominal claim for 21s. (travelling allowance) to make up for the extra expenses he had to incur when absent from the inn on duty.

That apart from these circumstances it was optional for your Petitioner to sleep at the inn and thus make an indisputable claim upon the Government for £4 18s.

That in accordance with precedents set by other members of the Force in their being allowed 3s. per night for sleeping in barracks, &c., your Petitioner was entitled to receive £7 6s.; therefore your Petitioner considered his claim just.

That your Petitioner has spent (18) eighteen years in the service, and during eight (8) years of that time held the responsible positions of gold receiver and mining registrar, and has as shown by the papers laid on the table of your Honorable House received certificates of good character and efficiency from the magistracy, who had ample opportunity of judging of your Petitioner's conduct for 16 years.

That your Petitioner is in a position to prove to your Honorable House that the only stain now resting on his character is his dismissal.

That after your Petitioner solicited an "impartial" and immediate "inquiry" the Inspector General directed Superintendent Zouch to hold a "prompt" and close investigation in your Petitioner's "case," but this investigation has not taken place.

Your Petitioner therefore humbly prays that your Honorable House will take the premises into your generous consideration, and cause such an investigation as will place the matter beyond doubt, or grant such redress to your Petitioner as to your Honorable House in its wisdom and sense of justice may under the whole circumstances seem meet and just.

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

WILLIAM STAFFORD.

Sydney, 14 September, 1878.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DISMISSAL OF WILLIAM STAFFORD FROM THE POLICE FORCE.

(FURTHER PAPERS.)

FURTHER Papers relative to the case of Ex-Constable Stafford.

Ordered by the Legislative Assembly to be printed, 13 *November*, 1878.

SCHEDULE.

NO.		PAGE.
1.	Mr. Stafford to Colonial Secretary. 6 April, 1878	2
2.	Under Secretary, Colonial Secretary's Office, to Mr. Stafford. 11 April, 1878	2
3.	Mr. Stafford to Colonial Secretary. 8 April, 1878	2
4.	Under Secretary, Colonial Secretary's Office, to Inspector General of Police. 10 April, 1878	2
5.	Inspector General of Police to Under Secretary, Colonial Secretary's Office, with enclosure. 15 April, 1878	3
6.	Mr. Stafford to Colonial Secretary. 12 April, 1878	3
7.	Under Secretary, Colonial Secretary's Office, to Mr. Stafford. 17 April, 1878	4
8.	Mr. Stafford to Colonial Secretary. 20 April, 1878	4
9.	Ditto to ditto. 26 April, 1878	4
10.	Ditto to ditto. 27 April, 1878	5
11.	Mr. Macintosh, M.P., to Colonial Secretary, with enclosure. 8 May, 1878	5
12.	Under Secretary, Colonial Secretary's Office, to Mr. Stafford. 10 May, 1878	6
13.	Mr. Stafford to Colonial Secretary. 8 May, 1878	6
14.	Under Secretary, Colonial Secretary's Office, to Mr. Stafford. 13 May, 1878	7
15.	Mr. Stafford to Colonial Secretary. 11 May, 1878	7
16.	Under Secretary, Colonial Secretary's Office, to Mr. Stafford. 13 May, 1878	7
17.	Mr. Stafford to Colonial Secretary. 12 May, 1878	7
18.	Under Secretary, Colonial Secretary's Office, to Mr. Stafford. 18 May, 1878	8
19.	Mr. Stafford to Colonial Secretary. 15 May, 1878	8
20.	Ditto to ditto. 29 May, 1878	9
21.	Ditto to ditto, with enclosure. 9 June, 1878	11
22.	Ditto to ditto. 15 June, 1878	13
23.	Ditto to ditto, with enclosure. 7 July, 1878	13
24.	Ditto to ditto. 26 July, 1878	15
25.	Ditto to ditto. 1 August, 1878	16
26.	Ditto to ditto. 10 August, 1878	16
27.	Ditto to ditto. 14 August, 1878	17
28.	Ditto to ditto. 15 August, 1878	18
29.	Ditto to ditto, with enclosure. 24 August, 1878	18
30.	Ditto to ditto. 30 August, 1878	19
31.	Ditto to ditto. 31 August, 1878	19
32.	Ditto to ditto, with enclosure. 18 September, 1878	20
33.	Ditto to ditto, with enclosure. 23 September, 1878	21
34.	Ditto to ditto, with enclosure. 1 October, 1878	21
35.	Ditto to ditto. 5 November, 1878.	23

DISMISSAL OF WILLIAM STAFFORD FROM THE POLICE FORCE.

No. 1.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 6 April, 1878.

In order to place my case before the Legislative Assembly and the general public in as clear a light as possible, I have the honor to request that you will cause to be laid upon the Table of the Legislative Assembly, with all the other papers asked for, "copies of all claims for travelling allowances submitted for payment by Constable Frederick Nelson, of Braidwood Station, from 31st March, 1874, to 30th June, 1877." Those claims will show that Nelson was invariably allowed 3s. per night when travelling in the Braidwood sub-district with Inspector Sanderson and Sub-inspector Medley, at places where police quarters was actually available, and that these officers certified to these claims as correct. Thus I beg to submit that during the seven weeks I was deprived of my quarters at Moruya, and compelled to board at an hotel, that I was, under the circumstances of my case, more entitled to 3s. a night than Constable Nelson; yet Mr. Medley would not allow me a penny to cover some of the heavy expenses I had to incur through no fault of mine, but which arose through some bungling on the part of my superiors in sending me seven weeks to Moruya before my quarters was vacated by my predecessor. No, I was not even paid for the nights that no technical point could be taken of.

Constable Nelson did nothing in the Force to entitle him to any consideration in preference to other men, excepting that he was a reputed tale-bearer. Yet he has received his 3s. per night for sleeping in police quarters, and my dismissal made a vacancy for this officer's promotion. It may be urged that Mr. Nelson was not allowed quarters for his family. Indeed he was, because he occupied the quarters in the Braidwood Barrack, which I was entitled to in 1874 and 1875, while I, who was in charge of the Braidwood Station, had to put up with inferior quarters, a quarter of a mile away from the station. This, sir, will give an idea of some of the justice I have received. I could adduce many other precedents of injustice done me, but I think these, and the other facts already stated, are sufficient for my case, as they are pertinent to it.

In conclusion, I may add that I am in a position to prove many instances where claims was submitted for travelling allowances which were rejected by Superintendents, but I do not know one instance where any member of the Force had been dismissed or otherwise punished, excepting in my case, for submitting any claim they considered themselves entitled to. In placing my case before the Legislature of my adopted country, all I ask for is justice, &c., as my services entitle me to it.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 2.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Stafford.

Sir, Colonial Secretary's Office, Sydney, 11 April, 1878.

In acknowledging the receipt of your letter of the 6th instant, requesting that copies of all claims for travelling allowances submitted for payment by Constable Frederick Nelson, of Braidwood Station, from the 31st March, 1874, to 30th June, 1877, may be laid upon the Table of the Legislative Assembly with the papers called for by the House in your case, I am directed by the Colonial Secretary to inform you that the Assembly has not asked for the papers above referred to.

I have, &c.,
M. R. ALLAN.

No. 3.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 8 April, 1878.

I regret that I inadvertently omitted in my last communication to request that a copy of the claim submitted for payment by Sergeant Cornett (of Braidwood station) for travelling allowance for quarter ending 30th September, 1877, be laid on the Table of the Legislative Assembly, with all other papers in my case, as I am informed, by an authentic source, that this claim of Cornett's will show that he claimed and was allowed lodging and travelling allowances at Braidwood, Araluen, and at Moruya, in that quarter, notwithstanding the precedent of my dismissal, and that there was ample barrack accommodation for him at those stations. These and other claims referred to will show the Legislature and the public the way favourites have been allowed to draw travelling allowances, contrary to the scales laid down, and they will also show that the manner in which the travelling allowances have been permitted to be drawn, is nothing short of a trap in which any member of the Force could be caught in, if an officer (as in my case) entertained spite against him.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 4.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Has it any bearing on his case ?—10/4. The Inspector General of Police, B.C., 10/4/78.

M. R. ALLAN.

No. 5.

No. 5.

The Acting Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Inspector General's Office, Sydney, 15 April, 1878.

Copy of Sergeant Cornett's claim for travelling allowance, for the quarter ended 30th September, 1877, is submitted herewith, from which it will be seen that no application was made by him for lodging or travelling allowance at Braidwood, Araluen, or Moruya.

H. ZOUCH,
Acting for Inspector General of Police.

B.C., The Principal Under Secretary. Seen.

[*Enclosure.*]

N.S.W. POLICE.—QUARTERLY CLAIM FOR TRAVELLING ALLOWANCE.

Southern District, Braidwood Station.

Sergeant Cornett (No. 10) begs to tender his claim for travelling allowance, as under, to which he considers himself entitled, for the quarter ending 30 September, 1877.

Period.	No. of Nights.	Places to be specified in detail where claimant halted for the night away from Police Station.	Nature of duty on which engaged.	Amount.
				£ s. d.
23rd and 24th July	2	Goulburn and return	Gold escort	0 6 0
18th August	1	Black Range	Do.	0 3 0
20 and 21 August	2	Goulburn and return	Do.	0 6 0
17 and 18 September	2	Goulburn and return	Do.	0 6 0
	7			1 1 0

The Superintendent of Police in Charge Southern District.

JAS. CORNETT,
Signature of Claimant.

I hereby certify the above claim to be correct,—
J. B. Medley,
Sub-inspector in charge of Station.

True Copy.—W. C. Lynch, 13/4/78.

No. 6.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 12 April, 1878.

I am in receipt of your communication of this date, wherein you have the goodness to state that "the Legislative Assembly have not asked for the claims submitted by Constable Nelson, of Braidwood Station, for payment from 31st March, 1874, to 30th June, 1877." Thus I have the honor to state for your information that I have no doubt but some honorable and philanthropic Member will move for those claims after the papers asked for be laid on the table of the Legislative Assembly.

As I have already shown several precedents analogous to my case, I beg to supplement them with one more flagrant respecting the way travelling allowances have been drawn by officers, &c., &c.: Inspector Sanderson and Constable Nelson have slept in the Campbell's Springs Barracks, and they have claimed and received night allowance, contrary to the scales laid down. This is a case in point, yet although I was under heavy extra expense I was dismissed for doing exactly what this officer did. Dismissed too after the arduous services I have rendered to the Government and the public without even compensation from the money I paid into the Police Superannuation Fund. No, I would not even get the privilege of tendering my resignation. Apart from these facts, where is the man in my humble capacity that more public money and responsibility has been entrusted to? And never before impeached with the intention of dishonesty so far as I am aware of? Where is the man in the Police Force that has done more than me in detecting, arresting, and suppressing crime and vice of every description? Therefore, in the face of these undeniable facts is it feasible that I attempted to defraud the Government of the petty sum of £1 1s. travelling allowance, money that has been drawn in all manner of ways to cover extra expenses incurred. I have actually spent more of my private money in an hour in obtaining necessary information for the benefit of the public, yet this is the treatment I have received. It grieves me to have to refer to these things, but I know there are many respectable people thoroughly acquainted with my private and public character watching the final decision yet to be arrived at in this my case. I may add that Mr. Cameron, M.P., the other night moved in the House, for "additional pay for the police kept in reserve in Pastor Allen's brawls." This being so, who will deny but that I was entitled to £1 1s., under the circumstances of me being compelled to board at an hotel for seven weeks, and thus under other additional expenses when absent on duty, as well being compelled to keep my wife and family at Braidwood. In view of these and all the surrounding circumstances and fact of my case, I now leave it in the hands of the Legislature to say whether I am entitled to a special inquiry or not, with the view of removing the stigma placed upon my character by the Inspector General's interpretation and decision in my case.

I have, &c.,
WILLIAM STAFFORD,
Ex Senr. Constable.

No. 7.

No. 7.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Stafford.

Sir, Colonial Secretary's Office, Sydney, 17 April, 1878.

In acknowledging the receipt of your letter of the 12th instant, respecting your request that copies of certain papers, in addition to those called for in your case, might be laid on the table of the Legislative Assembly, I am directed to inform you that the Colonial Secretary has nothing further to add to what was conveyed to you in my communication of the 11th of the present month.

I have, &c.,
M. R. ALLAN.

No. 8.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 20 April, 1878.

I am in receipt of your letter of the 17th instant, &c. I have only to add that I feel thankful for your patience and courtesy in replying to my communications. I can fully understand the difficulty which has to be encountered in my case, viz., when a decision is given, whether right or wrong, by the Inspector General of Police or by any other officer, and that decision is questioned by a subordinate, reports must be produced to either eliminate or confirm that decision, and in the intervening time the Government must uphold the said officer for the time being; but this only serves to corroborate the fact that superiors assist each other in baffling the accused's strenuous endeavours to obtain strict impartial justice, thus rendering his efforts to clear himself almost futile. This I can prove in many instances by procurable documentary evidence, &c. I sincerely trust that this mode of proceeding has not been adopted in my case, for if a fair impartial inquiry (not yet afforded me) be granted to me, I am in a position to substantiate the truth of all I have communicated to the Inspector General of Police, to the late Minister of Justice, to the late Colonial Secretary, and also to your honorable self. The infamous advantage taken of me will manifestly disclose to the public the malicious desire entertained against me to ruin my character for life, when the officers themselves have participated, winked, encouraged, and certified to similar claims themselves, contrary to the rules laid down for their guidance, but they have taken care not to construe this into an "attempted fraud" against themselves. If I have been compelled in justice to myself to disclose anything painful to any individual's feelings, I am extremely sorry, and I can only say that it has been brought forward in my own defence in the cause of justice between man and man, and between me and the public; and I will maintain that by no other means can that justice be enforced and obtained than by a thorough investigation, which I trust you will not seek to oppose. By this means I should be adjudged by a proper tribunal, and my guilt or my innocence would be fairly and finally established. I beg to submit further, that from the time my "claim" was interpreted into an "attempted fraud upon the Government" that the Inspector General nor any other officer had no jurisdiction beyond temporarily suspending me, until further proceedings had been initiated for submitting the evidence for and against to the proper Court to be finally heard, considered, and determined. Was this course pursued? No; I was pounced upon in a tyrannical manner, without giving me a minute's time for consideration. This is not all. My wife and my son were influenced to induce me to copy a statement brought to me and to them by Sergeant Cornett, with the assurance that if this was complied with no more notice would be taken of the mistake I had unwittingly fallen into. This I am ashamed to admit, still, as I refused to countenance this statement before the influence of my wife and son was brought to bear upon me, the originators of this artful scheme to entrammel me are more blamable than I am for copying it for them. Evidently the object of this designing move was to keep me quiet until their malicious ends would be accomplished; that once done, they knew they would be protected and upheld by the Inspector General, &c. These facts alone will show the small amount of trouble that has been taken in investigating my case, to which, if I had been called upon in the usual way, I could give a satisfactory explanation. Can this mode of proceedings be called justice? My treatment has been harsh and unjust in the extreme, as admitted by all who are acquainted with it, and my dismissal wrong. I therefore demand a thorough investigation, the denial of which has been a cruel injustice to me.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

Seen.

No. 9.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 26 April, 1878.

I have the honor to state for your information, in addition to the facts already stated, those facts which have caused Sub-inspector Medley's animosity to me. They are as follows:—After that officer had taken charge of the Braidwood sub-district, I applied for the quarters in the Barrack (occupied by my predecessor) which were then occupied by Sub-inspector Medley's orderly (Constable Nelson.) Before forwarding my application, Sub-inspector Medley called upon me for an explanation because I adduced true facts in support of my application for myself to live in the quarters in question. The papers were forwarded to the Superintendent, and the result was that the Superintendent ordered me to live in the quarters I asked for; this decision did not please Sub-inspector Medley.

The proprietor of the "Doncaster" Hotel at Braidwood applied to the Bench for permission to have music and dancing in his licensed house. Another publican having called my attention to the fact that music and dancing had been kept up at the "Doncaster" until 2 a.m. the ensuing morning, therefore I entered the dancing room in company with Senior-constable Loughlin; Sub-inspector Medley was there in his ball costume, dancing; upon my entering the room to order the music, &c., to be stopped, Mr. Medley ordered me away. Of course I obeyed, and the dancing, &c., was resumed. On the same morning

sharp

sharp words arose between Mr. Medley and myself respecting the manner in which he had spoken to me for simply having done my duty. Until I entered the room I was not aware of Mr. Medley being in the room. Subsequently Mr. P. Barrett, of Boro, told me that Mr. Medley said, "He would shunt me out of Braidwood."

While at Braidwood I had to do Sub-inspector Medley's duty as well as my own, as he spent fully three-fourths of his time in the billiard-room and in the bar of the "Doncaster Hotel" playing billiards, &c. I used often have to call him from there to sign reports and minutes prepared by myself. These facts which I ought to have stated before, will manifestly disclose the fact that Sub-inspector Medley in causing my dismissal was solely actuated by malicious motives; besides I have more than once refuted petty attacks he made upon me.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 10.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 27 April, 1878.

I have the honor to state that in previous communications I adverted to the fact that officers "participated, encouraged, winked, and certified to claims contrary to the 'travelling allowance scales.'" Therefore, I beg to report further, that Sergeant Latimer, Senior-constable Wells, and others, slept in the Braidwood Barrack, boarded at the hotel, and then claimed and received night allowance to cover extra expenses.

Sub-inspector Medley slept at the mansion of Mr. Gordon, J.P., of Manar, and at other private places at divers times, where he was put to no expense whatever, and then claimed and received night allowance. If my claim be an "attempted fraud upon the Government," those claims must manifestly be complete frauds upon the Government, because according to the scale both officer and constable must be "compelled to stop the night at an inn, 7 miles away from their respective stations," to entitle them to night allowance.

Sub-inspector Medley, as already shown, has drawn night money which he was not entitled to. For nights he was not put to any expense. These claims are more blamable than the claim which I submitted, as Sub-inspector Medley drew 7s. per night constantly, and I merely submitted a claim at the rate of 3s. per night for seven nights only, which is the more excusable as I was under heavy extra expenses at the time. The claims submitted for payment by those officers the books will prove, and living testimony will attest to the truth of every word I have stated.

In the face of these facts and precedents, I beg to submit with great respect that the Inspector General of Police should be compelled to reinstate me in my former rank and service, as I have done nothing to justify the arbitrary punishment inflicted upon me by him after the long, arduous, and efficient service I have rendered to the Government and the public. This course would at once remove the stigma placed upon my character. Why am I singled out and my character ruined, and prospects blasted, when the officers I have named are permitted to actually receive money they are not entitled to with impunity—why is their doing so not interpreted into a fraud? This is clear proof that a certain class of men can do as they like and take what they want, while others on the other hand, after spending their best days in the Force, are kicked out of it, and branded as criminals, &c., without a fair trial, and deprived in this way of the money they have paid into the Superannuation Fund for giving them pensions or compensation in their old age. What is this, but a "fraud"?

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 11.

John Macintosh, Esq., M.P., to The Colonial Secretary.

My Dear Sir, Sydney, 8 May, 1878.

I beg leave to hand you a paper received from W. Stafford, wherein he complains that several letters and other documents have been withheld from the Paper ordered by the Assembly to be printed. I may state that I have no personal knowledge of W. Stafford, but prior to me moving for the Papers in the House relating to his case I required him to show me testimonials from the magistrates of the district he served in as a policeman, all of which was satisfactory. He feels aggrieved with the manner he has been treated. Will you kindly make inquiry as to whether his statements in the letter handed in are correct.

I am, Sir,
JOHN MACINTOSH.

[*Enclosure.*]

Ex Senior-constable Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo" Hotel, Lower Fort-street, Sydney, 7 May, 1878.

I have the honor to report for your information that I have procured a copy of the papers ordered to be printed by the Legislature in my case. After perusal of them I have discovered that the principal papers in my case have been withheld from the Clerk of the Legislature, and from the Government Printer, viz.:—

"1. All papers having reference to Constable Harvison's application to accompany Chinese informers in the Braidwood District, now in hands of the Superintendent Zouch.

"2. All reports and letters addressed by me to Superintendent Zouch and to the Inspector General of Police, prior 19th November, 1877, having reference to my dismissal; also, having reference to night allowance received by Sergeant Cornett.

"3. Two letters addressed by me to the late Minister of Justice, prior to the 19th November, 1877, have also been withheld, contrary to the Order of the Legislative Assembly, dated 27th March, 1878."

I have copies of all my communications; thus through the absence of the papers I have alluded to the Legislature and the public are kept in the dark as to the real nature of my case.

With respect to the Inspector General's observations, "No. 1," respecting Senior-constable Wells having defrauded the Government of forage, the Inspector General has quoted the wrong case; nevertheless, his quotation serves to prove a fraud which I had no intention to allude to; thus in making Well's case good he has actually proved, as the papers will disclose, that Wells even in this case defrauded the Government, because the contractor delivered the forage in his cow-shed,

and

and his cow used it. Thus the Inspector General has misled the Honorable the Colonial Secretary, as the minute book at Braidwood will prove that I was alluding to another case, which was supported by the written testimony of five witnesses; Senior-Constable O'Brien can prove the accuracy of my statement. As to Superintendent Zouch's observations, No. 1, that the "admitted odium entertained by the inhabitants, including the magistracy, professional men, and people of all grades, has shown itself in the general satisfaction my removal has produced." I have been sixteen years in the district of Braidwood, and three times stationed in the town of Braidwood, and I have no hesitation in stating that no honest respectable individual would speak ill of me there, and that this is a libel upon me and upon the magistracy of that district. It appears my character was canvassed for throughout the district. Oh! what a wretched mode this is of procuring some grounds whereon to base a case that would not stand testing. If I had been this hated individual would I have the honor of stating that I was transferred three times to Braidwood station? These facts speak volumes. There never was a man in that district that if necessary could command such influence with the people in general there.

Referring to Superintendent Zouch's observations at "No. 11." I am sorry to see that the Superintendent has been manifestly cajoled, because his observations at Nos. 1 and 11 have been manifestly disproved by the leading magistracy of the Braidwood district, &c., &c., in their certificates of character to me for sixteen years. There is not the scratch of a pen against me for "intemperance," as my "defaulter sheet" will testify—this is the proof, not Superintendent Zouch's reckless assertions as to my "dissolute habits long continued." I am sure that Superintendent Zouch nor any other person can prove that I have been loose in my morals; I have reared a respectable family as the certificates they hold from the University, and situations they hold at present will prove this. I therefore emphatically deny the imputation of a *debauch* now cast upon me. This is a fair interpretation of Superintendent Zouch's meaning. Oh! what stimulated him to be so far misled by malignant motives? If I have stated anything that I cannot substantiate the police authorities, who know where to find me, can cause me to be indicted for a criminal libel. Justice I have sought, and justice I am in hopes of getting still. If I had been in the Braidwood district Superintendent Zouch would not attempt to make the uncalled for and inapplicable observations he has made. I have no doubt but the "people of all grades" will yet scout them with the contempt they deserve. I herewith attach another "certificate of character" from the present Police Magistrate of Berrima, J. R. Wilshire, Esq.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

THIS is to certify that I know William Stafford, late Senior-sergeant of Police of Braidwood district, and that up to the date of my leaving the Police Force in 1864 he bore a good character for efficiency and sobriety, and that I always considered him a trusty officer, and always attentive to his duties.

J. R. WILSHIRE, P.M.,
Late Inspector of Police, Braidwood Division.

6th May, 1878.

Memorandum from Mr. W. Stafford to J. Macintosh, Esq., M.P.

"Hero of Waterloo Hotel," 6 May, 1878.

THE following papers have been omitted to be printed in Ex-senior-constable Stafford's case:—

"1. Papers in the hands of Superintendent Zouch having reference to Constable Harvison's application to accompany Chinese informers in the Braidwood district.

"2. All reports and letters addressed by Ex-senior-constable Stafford to Superintendent Zouch, and to the Inspector General of Police, prior to the 19th November, 1877, having reference to his dismissal, and, likewise, having reference to night allowance received by Sergeant Cornett.

"3. Two letters addressed to the Minister of Justice by Ex-senior-constable Stafford prior to the 19th November, 1877.

"4. All correspondence addressed by Ex-senior-constable Stafford to the Colonial Secretary from 27th March, 1878, to the present time."

It is now manifest that the Inspector General of Police has caused the most material papers (ordered to be printed by the Legislative Assembly) to be withheld from being printed, as ordered. These papers would show the true nature of my case.

As to Superintendent Zouch's observations, which are based upon no foundation whatever, they can be readily disproved *in toto* at an investigation; indeed they are already disproved completely by the leading magistracy of the Braidwood district, &c., &c. There is not the scratch of a pen against me for drunkenness; my "defaulter sheet" will prove this.

With respect to the Inspector General's observations respecting Senior-constable Wells having defrauded the Government of forage, the General has quoted the wrong case, thus he has actually misled the Colonial Secretary (so has Superintendent Zouch) and the Legislative Assembly. The minute book at Braidwood will prove that I alluded to another case altogether, which was reported by Constable Armstrong, and this report was substantiated by the written testimony of five witnesses. Senior-constable O'Brien can prove what I state to be correct.

WM. STAFFORD,
Ex Senior Constable.

No. 12.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Stafford.

Sir, Colonial Secretary's Office, Sydney, 10 May, 1878.

In acknowledging the receipt of your letter of the 7th instant, I am directed by the Colonial Secretary to inform you that a further return of papers in your case was laid on the table of the Legislative Assembly on the 12th ultimo, but has not yet been issued by the House.

2. As regards the two letters addressed by you to the late Minister of Justice and Public Instruction, prior to 19th November, 1877, to which you allude, I am desired to refer you to the terms of the Order of the Legislative Assembly of the 27th March last, calling for papers in your case.

I have, &c.,
M. R. ALLAN.

No. 13.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 8 May, 1878.

Reverting to my communication of yesterday, upon more mature perusal of the Inspector General's and Superintendent Zouch's reports in my case, I have the honor to submit for your information that they have on the face of their reports utterly failed to substantiate their charge against me beyond their own unsupported assertions; any schoolboy could write these aspersions, but to prove them is another thing. The weakness of their case is proved by the fact that the papers that would exonerate me have been withheld. The Inspector General states now "my previous conduct had not been satisfactory," but he does not say in what way. What has this to do with an "attempted fraud?" Why did he retain me eighteen years in the service? Does this not prove that it was for something spiteful I was dismissed. Oh! the Inspector General knows in his heart that it was, and not for an "attempted fraud upon the Government."

Superintendent

Superintendent Zouch states, "whether just or unjust," &c.; does this not at once throw a doubt as to the legality of my dismissal, and then he tries to support this by "the universally admitted odium," &c., but what to his astonishment now, the magistracy has proved him false. The wonder is that the Police authorities did not go into the gaols and obtain characters against me, from the felons I convicted. What clearer proof than this can be adduced in support of my innocence, and that from the pens of the heads of the Police Department.

Under No. 11 again Superintendent Zouch manifestly discloses the fact that the Police authorities are in a dilemma when he belches out his very unwholesome aspersions, which has nothing to do with an "attempted fraud," as interpreted by the Inspector General. Yes, Superintendent Zouch states it is "obtaining under false pretences." What will it be next?

Now sir, I emphatically assert I was never fined one shilling for any misconduct while in the Force. I was not even censured for "intemperance" nor for "dissolute habits," nor for any misconduct. These facts prove Superintendent Zouch's aspersions false. My defaulter sheet will bear me out in this, and I assert that Superintendent Zouch cannot substantiate his assertions against me.

If I had been a "dissolute intemperate" man I would not be able to rear and educate my large family in the manner I have done, and to meet the losses I sustained in the execution of my duty, as well as deaths and sickness in my family; yet I paid every man out of my small pay. I again submit that there is not a particle of evidence against me to substantiate an "attempted fraud;" therefore I should be reinstated to my former rank and service, assuming that I submitted my resignation the next day. If this be not done, I again demand a thorough investigation; then it will be seen whether I can substantiate all I have stated or not.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 14.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Stafford.

Sir, Colonial Secretary's Office, Sydney, 13 May, 1878.

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 8th instant, further respecting your case.

I have, &c.,
M. R. ALLAN.

No. 15.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, 11 May, 1878.

Referring again to the printed evidence in my case No. 1, the Inspector General has the effrontery to state that "the cases against other members of the Force to which Stafford refers were, he need hardly say, duly investigated." If "investigated," why debar me from substantiating my allegations, which were only advanced by me as precedents. As the Inspector General has interpreted those "precedents" into charges, give me an opportunity now and I will prove them home.

I asked to be present at the investigation, but this was refused me by silence.

Superintendent Zouch next states under No. 1—"Stafford's recriminations, &c., and decisions advanced by him in defence cannot affect his case." I say, yes—that decisions arrived at are quoted in every Court of law. This being so, why are they not applicable in my case? Where is "Rosevar"? where is "Archibald," and various other works of precedents?

As to my admissions, they were clandestinely extracted from me by Sergeant Cornett, &c. Where are the reports I wrote to Superintendent Zouch, the Inspector General, and to the Minister for Justice? Those papers would exonerate me, and for fear of that they have been withheld.

If this will suit Superintendent Zouch's views I frankly admit that I was misled in submitting my claim by precedents set by my superiors, and in hastily making out my claim immediately after my arrival from Braidwood with my family.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 16.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Stafford.

Sir, Colonial Secretary's Office, Sydney, 13 May, 1878.

I am directed by the Colonial Secretary to acknowledge the receipt of your further letter of the 11th instant respecting your case.

I have, &c.,
M. R. ALLAN.

No. 17.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 12 May, 1878.

I have the honor to state that I am in receipt of your letter of the 10th instant. In paragraph No. 2 I am "referred to the order of the Legislative Assembly." Mr. Lackey's minute of November last manifestly discloses the fact that the letters I alluded to were forwarded to your office; thus it was not necessary to ask for papers in the possession of the Minister of Justice, because when those papers were asked for they were evidently in your office; therefore they should have been printed. These technical points serve no purpose beyond loss of time, as the printed minutes disclose the fact that several letters, &c., have been so far withheld by the Inspector General of Police, &c. Indeed, the case against me was initiated in a conniving unmanly manner, and it seems it is to be ended in the same way, and this is fully shown on the face of the papers already printed.

I

I know Superintendent Zouch to send a telegram to Sub-inspector Medley from Goulburn to Braidwood for a round of beef. After this by-play I stood no show with Mr. Zouch. Mr. Medley had it all his own way. Once the ice was broken, turkeys, butter, &c., &c., were frequently sent for. Perhaps those kindnesses "stimulated him" to his vituperations against me. I never received, although many was offered to me, a present from any subordinate, nor from any person else; on the contrary, I was offered £300, providing I would consent to shuffle my evidence in a certain case. This I scornfully refused, yet I have been dismissed for attempting to defraud the Government of the sum of £1 1s., travelling allowance.

Now, it seems my previous conduct had been unsatisfactory. Yes, through petty spite and jealousy entertained against me because I proved myself more zealous and efficient in the discharge of my various duties than the officers placed over me and than the aspirants beneath me. This is borne out by the magistracy. Mr. Larmer states, "I was the best officer they ever had in the Braidwood District." Nevertheless I am not the only man that has been victimized through those causes, and through being entitled to a pension or compensation. I need hardly state that the dismissal of old members of the Force right or wrong deprives them of the benefit of the provisions of the Superannuation Fund. Thus their money swells this fund, which is fast sinking, for officers, their widows, and for other favourites almost deserving of no consideration. This shows the great benefit that is to be gained from the dismissal of an old member of the Force, drawing nigh his pension, who has spent his best days in the service. Why not pay him his money, or punish him according to law, if deserving of it? Were it not for those dismissals this fund would be exhausted long ago; therefore it is high time that some man had sufficient spirit to expose all this underhanded trickery to the Legislature and the public, for if less greasing and less malice and jealousy were entertained, and no Superannuation Fund, there would certainly be much less dismissals for trumped-up matters of little or no consequence. Why should the arbitrary power, if he chooses to wield it, be invested in any Inspector General, of dismissing a man without a fair open trial?

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 18.

The Under Secretary, Colonial Secretary's Department, to Mr. W. Stafford.

Sir, Colonial Secretary's Office, Sydney, 18 May, 1878.

In acknowledging the receipt of your letter of the 12th instant, I am directed by the Colonial Secretary to inform you that the papers therein referred to affecting your case were laid on the table of the Legislative Assembly on the 17th instant.

2. I am desired to add that these papers should have been included in the Return laid before the Legislative Assembly on the 5th ultimo, but were inadvertently overlooked.

I have, &c.,
M. R. ALLAN.

No. 19.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 15 May, 1878,

I have the honor to again call your especial attention to Supt. Zouch's "memo. No. 1, 18th November, 1877," wherein he has stated "whether the decision arrived at be just or unjust," I submit that this admission of Mr. Zouch manifestly discloses the fact that the "decision" in my case was "unjust." Nevertheless, Mr. Zouch goes on to support what he cannot say is "just" by stating the "universally admitted," &c.—"this is the result of personal inquiry made within the last few days in the Braidwood district, the unhesitating reply being that 'my' punishment was richly deserved, and that it should have been meted out to 'me' years ago." Did Mr. Zouch get this opinion from the magistracy, who have certified to my character for a period of sixteen years? I say no. I say his memo. is false. Perhaps he made inquiry of persons whom I have convicted, or of their friends and associates, as there are plenty of those persons in the Braidwood district. Why not get this "universal, unhesitating reply" in writing from the respectable people of the Braidwood district? Then his assertions would be borne out. Mark this: I was stationed at Moruya, 70 miles from Braidwood, when I was dismissed, on the 7th September, 1877; and Supt. Zouch lives at Goulburn, 60 miles from Braidwood. What did the Braidwood people know on or previous to the "18th of November, 1877," about the cause of my dismissal? How did Mr. Zouch come to be so well prepared to answer the inspector on the 18th November? We have no account of previous correspondence. Why make inquiry of the Braidwood people at all respecting me a few days prior to 18th of November, 1877, as I was at that time in Sydney seeking redress for the wrong done me? Is this the reason for making the inquiry at Braidwood? Does this not prove what I alluded to in one of my previous letters, that "reports must be obtained, right or wrong, to support and confirm an officer's decision"? Mr. Zouch states I "obtained money by a false pretence—inquiry proved it"—(where is the proof?)—and I "allowed it by my own admission." It was not I that wrote the "admission"; at least the admission was not my composition. False! I never received one penny of the money, as my claim was questioned before it was paid to me. Thus it is manifest that this nicely-concocted memo. is false and contradictory, excepting in two points, viz.:—That the decision arrived at may be considered "unjust," as Mr. Zouch does not attempt to urge that it is a "just" one. 2. It is admitted by Mr. Zouch that "my officer was actuated by a feeling of animosity towards me." What caused this animosity? Here is a palpable admission of Mr. Zouch's that Sub-inspector Medley was "actuated" by malicious motives towards me. This being a well-known fact, why was there not another officer sent to investigate my case? If Mr. Medley had been a gentleman, would he have interfered beyond reporting the matter when he well knew that he had entertained malicious motives towards me? Mr. Zouch does not stop at this, because in another sense he has actually admitted in his second memo., 31/12/77, when he took upon himself to state "I have only myself to blame for my present position," my "dissolute habits, long continued, at last—as intemperance inevitably does—brought retributive punishment upon" me. Fine words, indeed; but what is the meaning of them, excepting it

it is that it was for "intemperance" I was dismissed, and not for an "attempted fraud upon the Government." Yet I was never censured by my officers for "intemperance." Supt. Zouch's first and last minute, in substance and meaning, positively contradicts the Inspector General on the point of "fraud," and Mr. Zouch's own memo's. evidently contradict his own assertion on the point of "obtaining money under a false pretence." The magistracy has proved Mr. Zouch false. Who is to be believed,—the Inspector General or Mr. Zouch? Is this not a deplorable state of things in a civilized country? Thus I submit that those memo's. are manifestly at variance with each other, and so unsatisfactory and false on the face of them that I should be at once exonerated from the charge on which I was dismissed, viz., an "attempted fraud upon the Government."

Mr. Zouch has been so prejudiced against me that he would not afford even one word in my favour. Why not give me my due, as the magistracy has done? This has proved that my case should have been heard by unbiassed, intelligent gentlemen, who would report for or against me, as the case may be. This is evinced by the spiteful manner in which Medley, Zouch, and the Inspector General has written against me.

Mr. Medley, Zouch, Sergeant Cornett, &c., &c., favourites, have infringed upon the allowance scale more than I did. "Inquiry will prove this" for Mr. Zouch, if granted to me. Thus, why dismiss me for what has been done by the officers themselves, &c., &c., with impunity?—why not dismiss them too? "Inquiry will prove this" to be true. Those being positive facts, why have I been refused an investigation? Is their denial sufficient to refute positive facts—facts, indeed, that can be proved by respectable people, by books, and by the claims they furnished for payment? Do those facts not show that I have been "unjustly" treated? This is a nice state of things to be tolerated by police officers under our responsible Government. The hasty mistake which I made I have admitted, but I emphatically deny that I had any intention of an "attempt to defraud the Government" of the paltry sum of £1 1s., "travelling allowance," which I thought just. "Inquiry will prove this" if granted to me. So much for the papers so far printed in my case. In view of these facts, am I still to be refused an investigation?

I have, &c.,
WILLIAM STAFFORD,
Ex S. Constable.

Seen.

No. 20.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 29 May, 1878.

In reference to previous letters on the subject of the first Return of the papers printed in my case by order of the Legislative Assembly; therefore I have the honor to state for your perusal and consideration that in looking over the second Return I find that all the odium heaped upon me by the police in the first Return has been reprinted in the second Return, and that all my letters and certificates of character, which were printed in the first Return, have been omitted in the second Return. This being the case I submit that this shuffling with the papers is only mistifying my case and not doing me justice, as all the papers should have been printed in due order so as that they all could be read together. However, until now I could not see what had been stated against me; therefore, in self defence, I claim the right to reply, and to review and to solicit your attention, as Minister at the head of the police department, to the second Return of the papers printed in my case.

"No. 1. Constable Harvison's application:" What was improper in my "memo. No. 2" that caused Sub-inspector Medley to draw down upon me Mr. Zouch's violent vituperations set forth in Mr. Zouch's memo. "No. 4," which is nobly refuted by Harvison and myself in "Enclosure 1 and 2 to No. 6." Here is the malice I alluded to, manifestly disclosed on the part of Mr. Medley. In the face of these facts who will say that I got justice from Messrs. Medley and Zouch when I was attacked in such an unmanly manner for knowing my duty, and this injustice is exemplified further by the fact that these officers sent me to Moruya, and kept me there in charge of that station, compelled to stop at an hotel for seven weeks (and my family at Braidwood) under heavy expense on 7s. per day, and at the expiration of this time I had to remove my effects and family, at my own expense, a distance of 70 miles, as my application for the police dray to remove my effects had been refused me, yet at the same time the gold escort coach and four horses were allowed to my successor, to my predecessor, and to another constable to remove their effects and families a much farther distance, contrary to the police regulations. Here is favouritism in its true colours. This being so how could I expect impartial justice meted out to me by Messrs. Zouch and Medley? If I had submitted a claim for £20, and if I was paid it, it would not recompense me for the wanton unnecessary expense they put me to. This is persecution 1. Now comes persecution 2—my dismissal.

"No. 10." Sergeant Cornett's statement as to distances between Moruya and the places named in my claim. Well I was a perfect stranger in the district, therefore I may have been somewhat misled or mistaken in designating places and distances, as that is not to be learnt in a few days in a strange district.

"No. 11" and "Enclosure 1 to No. 11." I have fully explained the nature of my claim in my letters to the Minister of Justice, &c., but these letters are not as yet printed.

"Enclosure 3 to No. 11." This is the statement Sergeant Cornett brought to me to copy for Mr. Medley, and this is the statement that misled me, and kept me from making a proper defence in the first instance. I may state here that none of the printed statements show that I had been "called upon to show cause why I should not be dismissed," nor do they show that I had been called upon for an explanation. This is clear proof that I was not called upon for either; this is clear proof that I was decoyed to copy this statement, else there would be something to show that I was "called upon for my defence." These facts disclose the barbarous and unprecedented treatment I have received from Messrs. Medley and Zouch after eighteen years arduous and efficient service.

"Enclosure 5 to No. 11." This is not the statement Cornett made before me at Moruya after I had submitted "Enclosure 3 to No. 11." Here is another diabolical act of Mr. Medley's in taking a statement from Cornett against me after he had extracted in the manner stated before, received "Enclosure 3 to No. 11" from me; never had there been such a dangerous proceeding carried out against any man. These facts alone should be thoroughly investigated, as if tolerated no man is safe.

"No.

"No. 12" I submit discloses the fact to any unbiassed person that I had no intention to defraud the Government of 1d.; on the contrary, by the way I acted the Government would have gained £3 2s., as it was optional with me to sleep in the hotel the whole time I was waiting for my quarters (occupied by Sergeant Cornett), there being only one bed in a room scarcely habitable for any strange constable calling at the station to sleep in. Thus when I slept in this bed the constables calling at the station had to seek accommodation at some hotel; therefore it is manifest that if I had not been so attentive to my duties that I could have slept at the hotel without any more cost than my board, and have claimed, without any formal application, £4 18s.; besides this, I did not charge for the conveyance of my regulation box, which would cost at least £1. Under these circumstances, assuming that I was paid the full amount of my claim, £1 16s., including the night I halted at Araluen, the Government would have gained £4 2s.—thus it is plain that I had no intention to defraud the Government of 1d.; surely if these facts are properly looked into they will convince any unbiassed mind that I was not grasping for any money beyond what I considered I was justly entitled to. The interpretation of an "attempted fraud" is false. I claimed £1 16s. of this sum; there can be only 20s. of it technically questioned; that is seven days I was away from my station late at night on duty. On those days I was to pay for my meals outside; there was no abatement for them from £1 per week at the hotel, hence it is that I returned for these seven days as nights to cover this extra expense. This is the sum and substance of all I did in this matter, and when I submitted my return I cared nought who knew it, and I am now as fearless on the point as then as I know my claim on the whole is considerably less than I was entitled to; it matters not in what shape I submitted it. If I had halted at squatters' places a few miles from town on those nights under no expense (gorging myself with luxuries), and returned for 3s. per night, I assert that this would be more like a fraud than what I did. Yet Messrs. Zouch, Medley, and Cornett, &c., have invariably done similar to this, and returned for their 7s. and 3s. per night and received it. They cannot deny it as inquiry will prove it. In point of fact this money should not be drawn except officers and constables were actually compelled to put up at inns, or at other places where they would have to pay for their bed. Constable Williams and others received this allowance on "water passages" contrary to the scale,* (this money has been drawn in all shapes and forms by officers and men). Why not interpret these acts into "frauds"? I reiterate, "try me before any Bench," and let me be proved guilty or not of an "attempted fraud upon the Government"; then it will be seen whether Messrs. Zouch, Medley, and Cornett, &c., have committed more deliberate "frauds" upon the Government than I have unintentional mistakes.

*See allowance scales printed page 5, "No. 11."

"No. 14." Mr. Zouch's false and cowardly attack I need hardly say I pass over with the contempt it so justly merits.

"No. 16." I emphatically deny that my conduct had been troublesome and unsatisfactory (any boy could write these phrases), but when I found myself maliciously and falsely attacked, I have defended myself. I need not say that this is looked upon in the Police Force by officers as a very serious offence, and the man who does it is at once put down as a very troublesome man. "Enclosure to No. 16, defaulter sheet," "February 29, 1864." Unfounded charges. This reprimand is admitted to be "unmerited by Superintendent Orridge."

"January, 1866—Neglect of duty:" This reprimand was clandestinely entered on my "defaulter sheet" at the time of my "reduction," to support that disgraceful decision, which had been scouted by the press. I positively assert that I was not reprimanded, and that the papers forwarded to me, notifying the Inspector General's decision, did not contain any such reprimand. As proof of this, when I last saw my defaulter sheet this reprimand was dated "1868"—now it is dated "1866." The truth is, the matter was decided in 1867. Where is the date of the month, the absence of which proves this a forgery? "28th July, 1869—my reduction." The true facts of the case are simply these: "Constable Lynch" and his brother came to the barracks at Mongarlowe, both drunk. "Lynch" asked me to allow his brother to sleep in the barracks. This being contrary to the Police Regulations, I refused; thus "Lynch" violently assaulted me and another member of my family. For so doing I locked him up. After Lynch was locked up, he set the lock-up on fire, and burnt £7 worth of clothing, my property. After inquiry, the result was that "Lynch" was "dismissed," and I was "reduced" for "incompetency," because "Lynch" made his escape, aided by his brother, while I was extinguishing the fire. I need not say that two could not be aggressors in a matter of this nature, and the fact that "Lynch" was "dismissed" is sufficient proof that I was wrongfully reduced. There are four respectable witnesses now in Sydney who can substantiate these facts. Had Lynch been any other person besides a constable his sentence would be 3 years' imprisonment, yet his offence was overlooked by dismissal.

"September, 1874—Drunkenness:" Where is the date of the month? This unfounded charge was proved false by twenty witnesses. The fact being an accident, this should not be entered on my "defaulter sheet." It is false to say that this matter was the cause of "placing me under the observation of an officer." I can prove this false at any inquiry. Mr. Zouch knows it is false.

"May, 1876—Neglect of duty:" This should not be entered on my "sheet," as it was proved false, and admitted to be false by Mr. Zouch himself, who punished "Constable Armstrong for making a false charge," and "reprimanded Senior-constable Wells." Armstrong afterwards admitted that the charge was "false," and that he was goaded into it by Wells. Where is the date of the month?—another proof that this was posted up since I was dismissed.

"June 27, 1876—Disguised in drink:" What does this mean; if anything, it was proved false by upwards of thirty respectable people. This should not be entered on my "sheet." Mr. Zouch knows that he should not enter any matter on my "defaulter sheet," excepting "matters proved," and "punishments inflicted." These undeniable facts, which can be substantiated at any time, will prove that my previous character has been stainless, when Mr. Zouch is pressed to enter matters on my defaulter sheet since my dismissal to blacken me, contrary to the Police Regulations, by which he should be guided. Nevertheless, his doing so only serves to assist my case and to prove my innocence of the cowardly attacks made upon me in the manner stated.

"August 25th—Attempted fraud upon the Government:" This matter is still in the hands of the Government and of the Legislature. I emphatically deny having pleaded "guilty" to this charge beyond that "I considered it just."

"Nos. 19 and 20—My reports to the Inspector General of Police against Sergeant Cornett, &c." See how these reports are treated in No. 21. Mr. Fosbery writes to Mr. Zouch:—"These statements are very serious, and should be promptly and closely investigated, if practicable, by Mr. Zouch himself."

"No.

"No. 22" discloses how those "statements" were investigated by "Mr. Zouch himself," who, it seems, sat down at Goulburn and ordered Sergeants Cornett and McClelland to make "statutory declarations" to the effect that their claims were correct, &c. Good God! who ever heard or saw such a proceeding in matters of this nature. Is this the way my claim was inquired into by Messrs. Medley and Zouch? Cornett and M'Clelland are afforded an opportunity of making "statutory declarations." I have been pounced upon and dismissed off the reel. Here is the favouritism manifestly disclosed. Did the Legislature ever intend that statutory declarations would be made to refute matters of this kind? Why not allow every constable charged with any offence as well as "Cornett" and "McClelland" to make "statutory declarations" to the effect that what they did was "correct?" This course would serve to do away with all inquiry. Nevertheless, I positively assert that Sergeant Cornett's "declaration" is false; therefore he should be prosecuted. His books will prove this; so can living testimony at Moruya. One thing needs no proof; that is, he did not "put up at inns" at the places named in his claim, as there are none at those places. Cornett's claim is not a true copy of the original. Why was the distances between Moruya and the places named in Cornett's claim not asked for, as in my case? (See "No. 9.") Oh! who ever heard of such palpable, wilful injustice?

"No. 27—Sergeant Cornett and Sub-inspector Medley's statements": These statements are false, as it can be proved upon inquiry by four reliable witnesses that Cornett brought me the statement "No. 11" to copy, &c. One of those witnesses is a respectable storekeeper at Moruya. Mr. Medley observes; "Why cannot I have this before the Braidwood Bench of Magistrates, &c." Oh! what a diabolical idea this is. Braidwood is 70 miles from Moruya. What power had I of bringing my case before any Bench? Assuming I had that power, how could I prosecute myself and defend myself? I wished the offer had been made to me; I would have willingly accepted it. I willingly accept it now. This is what I have asked for from the first; if this had been granted to me this controversy would be ended long ago. I will not rest until my case is inquired into by some unbiassed Bench, or other unprejudiced gentlemen. Reverting again to "Nos. 19, 20, 21, and 22"—what do we find under "No. 28," notwithstanding Mr. Fosbery's instructions to Mr. Zouch in "No. 21?" Mr. Zouch writes:—"This matter has been investigated very carefully by me." False. How can he have the effrontery to say "it had been investigated very carefully by him," as it is plain that he only ordered "statutory declarations" to be "made?" Who ever heard before of the "making" of "statutory declarations" called an "investigation." Yet it is now manifest to the public that this is what Mr. Zouch calls "a very careful investigation." What does Mr. Zouch mean? Is it possible that he is labouring under a mental delusion; if not, his statements should be scouted with the contempt they so richly merit, as they contradict himself—worthless and false; they can readily be proved false at every point. He is proved false by the magistracy, &c.* Mr. Zouch then goes on to say, I "certified to a false return, which" I "sent direct instead of through my officer." Mr. Zouch knows well that this is a false interpretation, as he knows that Senior-constable Bragg, Constable Matthews, and others, sent similar "returns direct instead of through their officer." This being so, why not I do the same, more especially as I was ten days too late (through no fault of mine) with my "returns?" These facts will show the way Mr. Zouch has strained every point to make my case look as black as he possibly could make it. His statements are a tissue of vindictiveness. "Enclosure 3 to 34" is not Mr. Zouch's reply to my "application No. 34." This minute has been tampered with, as well as other statements, &c. I still maintain that justice cannot be done me until such time as my case, &c., is thoroughly inquired into by some unbiassed Bench or other unbiassed gentlemen, who would deal impartially with my case. It is now palpably manifest that justice was not done me, and it is palpably manifest that Messrs. Medley and Zouch entertained extreme malice and bitterness towards me; therefore they could not report on my case impartially—their sole object being to have me dismissed, right or wrong; and it is now manifest that they should cut off the rotten branches of themselves before they pruned the fibre of me; hence it is that nothing less than a thorough inquiry can do justice between them, the public, and myself. This I still trust will not be denied me when the time comes, which I trust will be as soon as possible.†

I have, &c.,

WILLIAM STAFFORD,
Ex Senior Constable.

† Constable Oliver submitted a claim for £3, for sleeping in his police bed in the Court-house at Moruya, and he was allowed half that amount, yet this was not interpreted into an "attempted fraud." I could quote scores of cases where constables claimed and received "travelling allowances" who were not so much entitled to it as I was under the circumstances which Messrs. Zouch and Medley placed me in at Moruya; thus they are more blamable than I am for submitting my claim (as I made out my claim hastily), being guided by precedents set by them.—W.S.

Seen.

No. 21.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 9 June, 1878.

Referring to your letter of the 18th ultimo, respecting the papers not printed in my case, &c., and also referring to Mr. Superintendent Zouch's memo. of the 18th November, 1877, wherein he has falsely stated that "the universally admitted odium entertained by the inhabitants" (of the Braidwood District) "including magistrates, professional men, and people of all grades" had "shown itself in the general satisfaction" my "removal had produced," &c., &c. Therefore I have the honor to attach herewith for your perusal and consideration an address presented to me after I was transferred from Araluen in 1867. This address is signed by all the respectable people of Araluen (in the district of Braidwood) "including people of all grades." As I considered at that time that this numerously signed address censured my superiors (then) and the magistracy, therefore I refrained from having it printed in the newspapers. Thus, I submit, that this address fully refutes Superintendent Zouch's libellous assertions against the respectable inhabitants of the Braidwood District. If I thought the magistracy's character of me (for 16 years) and this address insufficient to hurl Superintendent Zouch's false statements into oblivion for ever, I would appeal to every respectable man in the Braidwood District to do so. I have no hesitation

* See "No. 32." Where are the papers alluded to there by the Inspector General, who admits that "some of them require notice"?

hesitation in canvassing that district with Superintendent Zouch on the question of my character. Can Mr. Fosbery or Messrs. Zouch and Medley give a more untarnished account of themselves than I have given of myself? Have they or any other officer in the police rendered more useful services to the public than I have done? Yet I have been so far refused a fair, open, unbiassed investigation of my case, a matter simply concerning 21s. travelling allowance—an allowance that has been allowed to be drawn with impunity by officers and favourites who were under no extra expense. I trust, sir, that you in your wisdom and sense of justice will consider the great injustice that has been done to me in dismissing me, and in thus depriving me of about £300 (my own money) which I was entitled to receive, at the time of my dismissal, from the Police Superannuation Fund.

I beg to add further to the catalogue already stated, that Superintendent Zouch transferred me from Goulburn to Braidwood in 1862; that at that time he owed me about £20, two years' travelling allowances. After being at Braidwood some time I was necessitated to report, through Mr. Inspector Walker (now in your office), that this money was due to me, and that Superintendent Zouch had withheld it from me for two years; however I was soon paid after I submitted my report. In the face of these facts, which are undeniable, how could I expect justice from Messrs. Zouch and Medley?

I still maintain that I am entitled to a fair, open, unbiassed investigation, which should have been granted to me in the first instance by Mr. Fosbery. True, the latter ordered Mr. Zouch to go and "inquire into the matter himself"; but when Mr. Zouch took upon himself to ignore Mr. Fosbery's orders (by simply obtaining statutory declarations), Mr. Fosbery should have gone himself and made minute inquiry into the whole matters, or send some other competent person to do so. This is clear proof that Mr. Fosbery knew that justice was not done me when he ordered "Mr. Zouch to make inquiry himself." This is clear proof that a thorough investigation of my case is still indispensable. On the other hand, if the case against me be so weak, malicious, or frivolous as not to stand the test of due inquiry, I submit that I should be at once either compensated or reinstated to my former rank and service.

I have, &c.,

Seen.

WILLIAM STAFFORD,
Ex Senior Constable.

[*Enclosure.*]

Residents of Braidwood to Sergeant W. Stafford.

Dear Sergeant,

We have heard of your sudden departure with very great surprise. Our regret is deep and sincere as our surprise is great. We wish to express both in this simple address as well as the high admiration with which we have always regarded your private and public life. Your official life for the last six or eight years is so universally known that it requires no comment. Each one can easily call to mind your energy, your vigilance, and your wonderful success in the suppression of vice and crime of every description. Araluen and the district in general, therefore, may well mourn your loss, for where affairs are so confused justice and peace can ill afford to lose one of their best supporters—one of their most constant and steady friends.

The late unmanly and malicious attempt—for such we believe it to be—to damage your stainless character, we shall pass over with silent contempt—the manner almost in which it was treated by the Justices who gave the charge their consideration. Without questioning the propriety of the conduct of these gentlemen with a simple dismissal of the case, we cannot help expressing our sorrow that they did not also administer severe rebuke to the parties advancing such a groundless charge against a public man. We do not look upon your departure as the result of this miserable accusation, for there was no case, not even censure. Therefore there was no fault, and, therefore, where there is no fault there could be no punishment.

In conclusion, we beg to tender you our best wishes for your future welfare. We wish you success and happiness, and hope earnestly that your services may be highly appreciated wherever you go; that your virtue and integrity may meet their full reward.

Signed on behalf of the Committee,—

W. M'Donnell	Henry F. Monsett	William Delaney
J. Maher	Thos. French	John Riddler
Geo. Underwood Alley,	H. Smythe	Robert Fitzgerald
Patrick Kinnerk	Poile and Munroe	Martin Burns
John Gilligan	D. Kennedy	Timothy Dillon
W. H. Myers	Daniel Downey	M. Moloney
Anthony Horking	Stephen Donnelan	William Atkins
Patrick M'Glinn	J. Grimshaw	Thos. Moloney
Daniel Nichols	William Shearman	M. Doyle
Henry Cox	John Jacob	B. Donohoe
John Tracy	John Greenwood	M. Earle
William Greenwood	Edwin Meares	David Richardson
John M'Donald	William Atkins	Constantine M'Quaid
James Tier	John J. Mallon	James M'Namara
John Kingsland	William Burke	Edward M'Kenna
F. E. Scantlebury	Ross & Hammond	John Tobin
J. H. Kradwick	Michael Madigan	William Doyle
Thomas Duff	John M. Hogan	James Duffy
Thos. M'Mahon	R. U. Thomas	Patrick Richardson
Francis O'Dwyer	Felix M'Manus	Timothy Savan
W. H. Johnston	John Jacob	William Byrom
E. Smith	Patrick M'Manus	John Smith
J. H. Howard	James Colgan	Thomas Casy
William Stack	William O'Brien	James Morrison
G. Summers	Owen Gaynor	Patk. Corbett
D. Doherty	Martin Ryan	Edward Hogan
G. Dunn	Philip Hennessy	Michael Nanten
Pierce Costello	J. G. M'Clelland	Peter Gibbons
James Maher	Ed. Duffy	Wm. Dawson
Thos. Hall	Patk. Hennessy	Martin Byrne
Wm. Johnston	Patk. M'Caffery	William Breheney
Cornelius M'Mahon	Miles Lawrence	Martin Byrne, sen.
John Burke	William Conquest	James Laffin
Patrick Burke	Dennis Moloney	Patrick Hickey
Robt. Simpson	John Cartwrite	Edward M'Kenna
Joseph Wood	Charles M'Elheny	Michael Nugent
Christopher J. Jackson	John Lynch	Michael Morony

No. 22.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 15 June, 1878.

I have the honor to state that, having now before me the third Return of the papers printed in my case, therefore I may be permitted to ask these questions:—Is it not a fact that the Inspector General of Police, Messrs. Zouch, Medley, and Cornett, have signally failed in their laboured and strenuous endeavours to disprove the statements set forth by me in "Enclosures 1 and 2" of the third Return of the papers printed? Have they not manifestly failed to disprove any and every statement I have made since this controversy commenced? The two "Enclosures" alluded to above contain the sum and substance of my case, upon which I am not afraid or ashamed to stand before the highest tribunal of the people. Does the fictitious defaulter sheet put forward in the "second" Return with the words "not proven" disprove "Enclosure 3" of the third Return? I can prove that four of the entries on my defaulter sheet were clandestinely inserted on it; thus it is palpably manifest that my character was stainless up to the time of my dismissal, as the matter of my reduction is more praiseworthy than anything else, as shown at the time to the Colonial Secretary, Sir Charles Cowper; and if the matter upon which my dismissal is based had been tried before any unbiassed Bench, there would not be the semblance of a stain now upon my stainless character. The tirade of false invectives heaped upon me would not be tolerated by any Bench, as the case would be tried solely on its merits without alluding to such unfounded abuse. It is now clear to any unbiassed person that through my attention to my duty I defrauded myself and not the Government. This fact cannot be disproved. The police authorities have not attempted to disprove it; they cannot disprove it. This being the case, why have I been so unjustly punished? But it is not too late to redress this wrong.

Assuming Superintendent Zouch's raving vituperations were true respecting my "dissolute" and "intemperate" habits, strange Superintendent Zouch did not take action against me for them until such time as I defended myself on the matter of my dismissal. What has Superintendent Zouch's invectives to do with the charge on which I was dismissed, excepting it is that I have spoken and stated my case too plain for him and Sub-inspector Medley; this shows that I have a mind of my own. Nevertheless these assertions are disproved by the magistracy, by the public, and above all by the undeniable fact that I was never censured by any officer or other person for "dissolute" or "intemperate" habits. The truth is, Superintendent Zouch saw me only about a dozen times during the last seventeen years; therefore what right has he to write in such a licentious manner about me? Who did he get his information from? His false assertions only serve to blast his trumped-up case, and to strengthen my defence. Who can deny this fact?

In conclusion, I trust, Sir, that I will be excused for being so persistent in defending my character, upon which the future welfare of my rising and educated family of young men depends. As stated before, if I have stated anything painful to any individual's feelings I am sorry for being necessitated to do so in the cause of justice and self-defence.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

Seen.

No. 23.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 7 July, 1878.

On more mature perusal of the papers printed in my case by order of the "Legislative Assembly," I have the honor to state for your perusal and information that after Mr. Fosbery received my reports of the "14th and 15th of September, 1877," that he very properly wrote thus to Superintendent Zouch on the "19th of September, 1877": "These statements" of Stafford's "are very serious, and should be promptly and closely investigated, if practicable, by Superintendent Zouch himself." Thus it is manifest that Mr. Fosbery saw there were substantial grounds for a further searching "investigation" into my case, and that I was unjustly dealt with by Sub-inspector Medley. Yet, these orders were not obeyed by Superintendent Zouch, and no "investigation" had been since held by any person. Again, we find in Mr. Fosbery's reply to "Captain Campbell," of the "29th September, 1877," Mr. Fosbery wrote thus: "You are mistaken in supposing that Stafford's case was dealt with without full investigation." How came this to be so, when Mr. Fosbery ordered "a prompt and close investigation" on the "19th of September, 1877," which "investigation" was never held by any person. Mr. Fosbery then goes on to say, "I may mention, however, that some further statements made by Stafford are being inquired into" (what inconsistency). These "statements" have not been "inquired into" as yet by any person, as clearly pointed out by me in my letters to Mr. Fosbery of the "7th" and "9th" of "November, 1877." On the "11th of November, 1877," Mr. Fosbery wrote to Mr. Zouch thus: "I think you should see the statements made by Stafford, as some of them require notice," &c. Does this not show a grave doubt on the part of Mr. Fosbery? Thus, on the 18th of "November, 1877," when Superintendent Zouch found himself in a dilemma, he wrote his false and unfounded assertions respecting the "magistracy, &c.," which, if true, have nothing to do with my case. Again, Superintendent Zouch wrote (after the 19th October, 1877), under "No. 28": "This matter has been investigated very carefully by me, &c." Yet it is now palpably manifest that my case was not "investigated" by Superintendent Zouch, nor by any person else, notwithstanding that Mr. Fosbery ordered a "prompt and close investigation" on the 19th of September, 1877. Therefore, in view of these incontestable facts from Messrs. Fosbery's and Zouch's own pens, what wonder is it for me to demand an unbiassed "investigation?" Thus I hope I will be pardoned for again soliciting a fair, open, unbiassed "investigation" and decision in my case. The nature of my case and the invaluable services I have rendered to the public at a great sacrifice to my health and pecuniary means, entitles me to a fair unbiassed trial or investigation. Therefore, Sir, I sincerely trust that you, in your wisdom and sense of justice, will not deny me any longer of the right I claim, viz., a fair unbiassed "investigation." If this "investigation" had been granted to me when I first appealed to the Inspector General, the matter would be there and then finally heard and determined. Thus the onus rests on Mr. Fosbery, as he should insist upon his orders being carried out to their full extent. The "plea" of guilty entered on my "defaulter sheet" is false, as I was not asked for a "plea;" thus I put in no plea beyond that "I considered my claim just."

About

About two years ago a Constable Moloney, of the Royal Irish Constabulary, was dismissed by his Inspector General and deprived of a fair unbiassed "investigation" for two years, yet he persevered and at last obtained a full and impartial investigation from the Imperial Government which resulted in his being reinstated to his former rank and service, &c., in that Force. Therefore, when the Imperial Government, in the cause of justice, ordered a reconsideration and a reinvestigation in Moloney's case, after two years had elapsed, which was of a more serious nature than the alleged cause of my dismissal, thus I beg to submit with all due respect that you, sir, as the Minister at the head of the Police Department of New South Wales, may fairly grant an unbiassed investigation in my case, more especially when it is an incontrovertible fact that Mr. Inspector-General Fosbery considered (and did order) a "prompt and close investigation" indispensable; but his orders were ignored by Superintendent Zouch. Hence it is that my case has been since held in abeyance. If, as Mr. Fosbery has ordered, a "prompt and close investigation" be granted to me, I have no doubt but the final decision will be in my favour; because at the utmost my claim of 21s. is only a mere technical informality; thus, in submitting this paltry sum for liquidation, which should be at least £4 18s., I was solely guided by numerous precedents set by Messrs. Zouch, Medley, and Cornett, &c., &c., so that assuming my claim is informal, their claims have been more informal, as I was under heavy extra expense and they were under no expense. Apart from the fact that Mr. Fosbery ordered a "prompt and close investigation" in my case, the unbiassed opinion expressed of me by the press, the public, and by the magistracy under whose surveillance I served for sixteen years, is sufficient proof that Messrs. Medley and Zouch have not done me justice, besides this, their statements disclose a biassed antipathy towards me without showing any reasonable or justifiable cause. Hence it is, sir, that I have been necessitated to appeal to you for an immediate unbiassed "prompt and close investigation" of my case. Any unbiassed Bench of Magistrates, or other unbiassed gentlemen, if commissioned to do so, could calmly and impartially investigate my case, and say, "whether the decision arrived at" is "just or unjust." These are the expressions put forward by Superintendent Zouch in his memo. of the "18th November, 1877"; he would not say the "decision is" just, thus he must have considered then that the decision is "unjust," and this is borne out in Superintendent Zouch's memo. of the "31st December, 1877," wherein he evades the alleged "attempted fraud," but imputes my dismissal to "intemperance and dissolute habits," so that according to Superintendent Zouch's last observations it is for what I was not charged with I was dismissed, although an "attempted fraud" was made a mere excuse for doing so. Yet Mr. Zouch has signally failed to show where one case of "intemperance" had been proved against me during eighteen years' service. Why then say "intemperance brought retributive punishment upon me at last." False. Hence it is, sir, that I trust you will cause Mr. Fosbery's orders to be carried out to their full extent by your directing a "prompt and close investigation" in my case, which, apart from the great services (at the risk of my life) I have rendered to the public, is in the cause of justice evidently and manifestly indispensable as admitted by Mr. Fosbery's orders of the 19th September, 1877, but slighted by Superintendent Zouch, who knew very well that I had no intention to "defraud the Government," and that I could substantiate my statements. Hence the statutory declarations were resorted to, which are totally false.

I herewith attach the report of a special investigation held into charges preferred against Sergeant Cornett; thus I submit that I am more entitled to a "special investigation" in my case by "officers unconnected with the Force" than Cornett was, as false representations and malice is manifestly the cause of my dismissal, as indicated on the face of the papers so far printed.

I have, &c.,
WILLIAM STAFFORD.
Ex Senior Constable.

[*Enclosure.*]

THE POLICE MAGISTRATE OF MORUYA.—The report of the inquiry into the matters having reference to the proceedings in the Supreme Court in the libel case of Caswell *v.* the Rev. J. G. Love, has been printed. The Legislative Assembly made an order for the production of the papers in the case, and a petition, it will be remembered was presented to the Assembly, signed by a number of inhabitants of Moruya and Braidwood, praying, in the interest of Mr. Love, for an investigation. A letter was also addressed by Mr. Love, from his quarters in the Debtors' Ward of Darlinghurst Gaol, to the same effect. The rev. gentleman in that letter briefly and pathetically points out how he became mixed up in the affair, which first arose out of the case of Barlow *v.* Cornett, in which the sergeant was fined £3 by the Moruya Bench for abusive language. In the cause of justice, as he says, he (Mr. Love) wrote to Captain Zouch, to show the injustice of the sentence, and accusing the Police Magistrate of "allowing no opportunity to pass of insulting the police, and seizing with avidity every pretext for lowering them in public esteem." Upon hearing of this letter Mr. Caswell and other members of the Moruya Bench called Cornett into the magistrates' room, at the instance of the P.M., who questioned him about Mr. Love's letter. Upon his refusing to say whether or not he had any hand in it, Mr. Caswell charged him with having been drunk on several occasions, when he replied by asking Mr. Caswell, "have you ever been drunk or gambling yourself?" The P.M. then reported Cornett for drunkenness and impertinence, and a police inquiry was made by Mr. Medley, Inspector of Police, by whom the papers were forwarded to Captain Zouch, and by him to the Inspector General, who, in his turn, forwards them to the Colonial Secretary, with the suggestion "that it would be advisable to have the matter investigated by an officer unconnected with the Police Department and the Bench at Moruya," and naming Mr. Allman, P.M., Goulburn, as an eligible person for the purpose. Messrs. Allman and Voss are appointed, as is already known, and report as follows:—After due investigation we would submit that as regards the several charges of drunkenness against Sergeant Cornett, that, although there is some proof that on one or two extraordinary occasions he may have, under excitement, indulged in an extra glass of spirits, the whole tenor of the evidence has shown that he has in no single instance been found wanting in the efficient performance of his duty. The statement of the witness Barlow, in the evidence taken before us, as to the one alleged very apparent case of drunkenness on Sergeant Cornett's part, is flatly contradicted by District Court Judge M'Farland. With reference to the direct charge of drunkenness and of insulting manner against Sergeant Cornett, in the Rutherford case, after the most minute inquiry we cannot find that the sergeant can be held to have been in a state of drunkenness, or that he has in any way behaved in an "oppressive or insulting manner." Mr. Caswell may have been actuated by a desire to assist the sergeant, but we think that his going to the court-house taking a magistrate with him, and discussing the "powers of the sergeant," was uncalled for, and tended to produce the somewhat unseemly scene that occurred there. Then, as to the third charge of "alleged want of respect exhibited by the police at Moruya," &c., we found no evidence to support the charge of disrespect towards the magistrates at Moruya; and to Sergeant Cornett's personal disrespect to the Police Magistrate, the sergeant admits having, when greatly irritated, used unbecoming words to Mr. Caswell; but we think the unpaid magistrates greatly mistook their functions when they persuaded the Police Magistrate to call Sergeant Cornett into their room, and that the Police Magistrate greatly erred in judgment, not only in acceding to their request that Cornett should come in, but also in indulging in personal charges and accusations against Sergeant Cornett. Any breach of the sergeant's orders should have been more properly brought under the notice of his superior officer when it occurred, and not after a period of some four or five years being discussed by the Police Magistrate with Sergeant Cornett himself. As regards the ill-treatment at the hands of the Police Magistrate towards Sergeant Cornett, it is perhaps no part of our duty to remark upon the fine inflicted upon Sergeant Cornett by the Moruya Bench *in re* Barnett *versus* Cornett, yet we feel the fine inflicted may have been excessive, and it may be that some magistrates would have refused a summons at all in the case. We cannot help, however, noticing the hostile feeling evinced by Mr. Barlow in his

his evidence before us on the first charge ("several charges of drunkenness," &c.), and the unmistakeable refutation of his (Barlow's) statement as to the condition of the sergeant on the District Court day, 20th November, 1875, not only in Judge M'Farland's letter, but by other witnesses. The Inspector General of Police has already removed Sergeant Cornett from Moruya, thereby anticipating what we should have felt called on most respectfully to suggest. While assured that Mr. Caswell has in every instance been actuated by an honest desire to do his duty faithfully, we regret that he should have felt called upon to prefer such grave charges against Sergeant Cornett after a length of time had elapsed, and which he evidently never would have done had it not been for the letter of the Rev. Mr. Love to Captain Zouch. The Police Magistrate seems to have erred in judgment in maintaining the relative positions of himself and Sergeant Cornett, and thus to have caused the latter, whom we cannot for a moment regard otherwise than an efficient and good officer, somewhat to forget himself in addressing Mr. Caswell. A very good feeling seems to exist between the unpaid magistrates and the police at Moruya; and if the Police Magistrate had not felt called upon, as he says, "in self-defence," to bring these grave charges against Sergeant Cornett, this inquiry never would have become necessary. We cannot say, after careful examination, that any of these charges have been sustained. We think it was a mistake on the part of Mr. Caswell to make his so-called "self-defence" the ground of bringing such serious charges against Sergeant Cornett, and that it is very much to be regretted that he did so only after the writing of the letter by the Rev. Mr. Love to Captain Zouch, dated 25th May, 1876.

No. 24.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 26 July, 1878.

In the cause of justice and self-defence I have again the honor to address you on the vexed subject of my dismissal, &c., from the Police Force of this Colony.

1. I have already shown the hardship of my case in the first instance, in my superiors then having compelled me to board at an inn in the town of Moruya for seven weeks (contrary to certain imperative orders issued by the Inspector-General of Police) thus necessitating me to keep myself at an inn at Moruya, and my wife and family at Braidwood, on about 7s. a day, while Sergeant Cornett was permitted to occupy my quarters at Moruya, for about seven weeks.

2. I have shown the conniving intrigue brought to bear upon me by Sub-inspector Medley and Sergeant Cornett in causing me to copy a statement evidently concocted by them, prior to my suspension. No doubt their object was to debar me from making any defence until they had secured my dismissal, knowing that having this once done they would be upheld and protected by the Inspector General, &c. This is the difficulty in my case.

3. I have shown by indisputable facts which cannot be refuted, that I had no intention to defraud the Government; on the contrary, that I actually defrauded myself in not having slept at the inn. I boarded as it was optional with me to do so, and to charge the Government £4 18s. under the 2s. a night scale, but lest I should be required I slept in a spare room in the barracks.

4. I have quoted numerous precedents set by my superiors by which I was solely guided in submitting my claim for £1 1s. Assuming that this claim is informal, and that I had actually received this disputed 21s., "there is the fact that I did not actually charge the Government with the carriage of my regulation box which more than counterbalance the 21s. in question."

5. Apart from these facts. There is the precedent of Constable Nelson "(who travelled as orderly to Sub-inspector Medley) having slept in every barrack in the sub-district, for which he received 3s. per night." There is the precedent of officers, &c., having slept at squatters' mansions and received 7s. and 3s. per night. There is the precedent of Constable Williams having received 3s. per night on water passages. There is the precedent of Constable Oliver having received night allowance for sleeping in the Court-house at Moruya. There is the precedent of Sergeant Cornett having received £2 5s., although his books prove he was not entitled to one penny. There is the precedent of Sub-inspector Medley having certified to 18s. for six nights I slept in succession in the barrack at Araluen. There is the precedent that officers told me frequently to return for night allowance when under extra expense, but I need not say that they would not admit this now. There are numerous other precedents within my knowledge, all of which are quite contrary to the "allowance scales" quoted; yet these acts are not questioned.

6. Thus in view of these indisputable precedents set by officers themselves, &c., it is palpably manifest to any unbiassed mind that I was justified in claiming not only 21s. or £4 18s., but that I would be quite justified in claiming £7 3s. under the "3s. a night scale."

7. Now in the face of these incontestable facts where is the "attempted fraud I have committed"? Is it not hurled into insignificance by the precedents set by my superiors then—precedents indeed which are manifestly contrary to the allowance scales already quoted—precedents indeed which cannot be disputed.

I have proved Superintendent Zouch's statements false. Nevertheless, assuming they were all true they are foreign to the matter at issue, and so inconsistent that they actually contradict himself at every point, because at the last he tries to show that intemperate habits was the cause of my dismissal; yet he failed to show one case of intemperance proved.

8. I have proved by the press, the public, and by the Magistracy, and by undeniable facts that I have been the most zealous, efficient, and energetic officer in the Police Force. Yet my superiors would not afford me one good word; but they may be necessitated to do so before this matter is ended.

9. I have shown that Superintendent Zouch withheld £20 of my money for two years, and that I was obliged to report the matter before I got it. I have pointed out that Mr. Fosbery ordered Superintendent Zouch to hold a "prompt and close investigation" in my case, and that Superintendent Zouch ignored Mr. Fosbery's orders by coolly returning the papers to Mr. Fosbery. Hence it is that my case has been held in abeyance, notwithstanding that Mr. Fosbery ordered a "prompt and close investigation on the 18th September, 1877." Surely Superintendent Zouch will not be any longer tolerated to ignore the orders of the Inspector General of Police. Thus, when Mr. Fosbery has failed in seeing his own orders carried out to their full extent, I beg to submit that it is high time the Government interfered in carrying them out for him, as this exhibits a deplorable want of discipline indeed.

10. I have shown the great necessity that exists for an unbiassed investigation and decision in my case, viz.:—I have been cast upon the public with the stigma branded upon me of an untried criminal, after having spent the prime of my life in the Police Force, deprived of situation, compensation or pension which I was justly entitled to from money I paid into the Superannuation Fund, and above all deprived of

my

my character in my old age, so that these are grave matters for consideration which should not be left to the report of a whimsical, malignant, Sub-inspector of Police. Apart from this I have shown that the proceedings adopted in my case were contrary to law, regulations, usage, and precedents. Yet in the face of these facts why deprive me of a fair investigation which is all I solicited from first to last? Even as "suggested by Mr. Medley," I would be willing to accept of my case being inquired into by the Braidwood Magistracy.

11. I have proved by incontrovertible facts by regulations, figures, and precedents, that my superiors are more blamable then I am for having wantonly placed me away from my family under such heavy expenses at Moruya (without giving me some allowance), as also by the precedents they have set in giving extra expenses, &c., to other members of the Force without questioning it. Thus under the circumstances I submit that I was more entitled to receive 3s. per night while deprived of my quarters at Moruya, than Mr. Medley's orderly was to receive £2 and £3 per quarter for sleeping in the barracks during a period of four years; thus I submit that I was more entitled to £7 3s. at Moruya than to 18s. at Araluen, yet I was dismissed for submitting a claim for 21s. at Moruya, to cover extra expenses, there being no abatement for meals.

12. I have shown that Superintendent Zouch knows nothing personally about me, as he only saw me a few times during the last seventeen years; consequently he was guided by indirect hearsay which would go for nought if a fair investigation had been allowed me, as ordered by the Inspector General of Police. These are the facts of my case. Thus I beg to submit with all due respect that they show an astonishing amount of inconsistency, impropriety, irregularity, falsity, want of judgment, and common sense displayed on the part of Messrs. Cornett, Medley, and Zouch. I have seen Royal Commissions appointed to inquire into matters of less importance. Therefore, I still demand a fair unbiassed investigation and decision in my case. With respect to "Wells' case, the forage matter," I have shown that Mr. Fosbery quoted the wrong case. I am in a position to prove every particle of my statements by records and other testimony which I can adduce.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 25.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 1 August, 1878.

I have the honor to specially call your attention to two facts.

1. The Inspector General of Police considered my statements "very serious"; thus he ordered a "prompt and close investigation into my case" on the 18th of September, 1877, but Superintendent Zouch did not comply with this order.

2. On the 19th of October, 1877, Sub-inspector Medley wrote to Superintendent Zouch thus:—"This man (Stafford) complains of justice not being done him, and wants impartial and immediate inquiry. Why not he have this before the Braidwood Bench of Magistrates, the result of which no doubt would more than satisfy him," &c.

Why not Sub-inspector Medley recommend (as he should have done) my case to be tried before the Moruya Bench, as Braidwood is 60 miles from Moruya. However, I had no power to bring my case before any Bench of Magistrates; but if you, sir, would now kindly refer my case to the "Braidwood Magistracy" to finally hear and determine it, I am quite willing to abide with their decision, let it be for or against me. This is meeting Sub-inspector Medley's own views. Therefore, as it is manifest that sooner or later my case must be duly inquired into by a Select Committee of the Legislative Assembly, or by some Bench, or other competent gentlemen. Thus, if either the "Braidwood" or the "Moruya" Magistracy were instructed to investigate my case calmly and impartially a deal of unnecessary time and trouble would be spared. Hence it is in view of these facts and others already stated, that I submit that I am, saying the least, entitled to the benefit of the Inspector General's order, viz., a "prompt and close investigation into my case." I would willingly go to Braidwood or to Moruya to defend and explain my case in its true light. Then my case would not be left to the false and venomous report of Sub-inspector Medley, who has evidently biased and misled Superintendent Zouch against me. There is an old adage, "Better ninety-nine guilty persons escape than that one innocent person should suffer."

I have, &c.,
WILLIAM STAFFORD.

No. 26.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 10 August, 1878.

I have again the honor to call your special attention to the fact that Sub-inspector Medley was actuated by feelings of animosity towards me, prior to my suspension and dismissal from the Police Force. This is openly admitted by Superintendent Zouch, in his minute of the 18th November, 1877. As this is an undeniable fact, how could I expect justice from Sub-inspector Medley? How could I expect him to report my case fairly, unbiassedly, or impartially, more especially as he had on previous occasions, without any reasonable cause, strained every point to ruin my character? This being well-known to Superintendent Zouch and the Inspector General, they might have sent another officer to investigate and report upon my case, or refer it to the Moruya Bench for investigation; but instead of doing this how do they act? After the Inspector General received my reports of the 14th and 15th of September, 1877 (showing that Sub-inspector Medley done a grievous injustice to me), the Inspector General wrote the following order on the "19th September, 1877":—"These statements of Stafford's are very serious, and should be promptly and closely investigated, if practicable, by Superintendent Zouch himself,"—meaning that if Superintendent Zouch could not investigate this case himself, that some other competent person should do so. The next minute from Superintendent Zouch is, "All papers returned to the Inspector General," although I was then waiting at Moruya for an "investigation." Again, on the "19th of October, 1877," Sub-inspector

inspector Medley, following Superintendent Zouch's footsteps, baffles and evades the Inspector General's order thus:—"This man Stafford complains of justice not being done him, and wants impartial and immediate inquiry. Why not he have this before the Braidwood Bench of Magistrates, the result of which no doubt would more than satisfy him? If an investigation of this kind were suggested to Stafford I do not think the Inspector General would be pestered with any more letters." Why was the Inspector General's orders baffled in this quibbling manner? Yet, until the papers were printed I knew nothing about this little game that was carried on. I willingly accept Sub-inspector Medley's "suggestion,"—that is, to have my case now heard and determined by the "Braidwood Bench of Magistrates." This is the sort of unmanly quibbling that brought "hostilities" between Mr. Medley and myself. This is the sort of quibbling that caused my dismissal. On or about the 20th October, 1877, Superintendent Zouch wrote to the Inspector General thus:—"Stafford's case has been investigated very carefully by me," &c. But, lo, we find now that Superintendent Zouch did not "investigate this case" at all. Again, Superintendent Zouch wrote on the "31st of December, 1877," when he found himself hemmed into a corner, Stafford's "dissolute and intemperate life brought retributive punishment on him at last." What has this to do with an attempted fraud? Nevertheless its meaning is that I was dismissed for "dissolute and intemperate habits," which were never proved against me. Thus, evidently, Superintendent Zouch has unveiled the fact that the alleged "attempted fraud" is only a mere perverted subterfuge whereon to base an excuse for my dismissal. Whoever heard of such false, deliberate, diabolical treachery as the purport of these minutes disclose to the Legislature and the public? Yet, in the face of these undeniable facts, two Governments of this my adopted country (so far) have denied me a fair, unbiassed "investigation," which was ordered by the Inspector General of Police, but ignored by Superintendent Zouch, and questioned by Sub-inspector Medley. Therefore, sir, in view of these facts, I hope you will "see now that there is sufficient grounds for the special inquiry prayed for." I am sure no man could be put to such unnecessary expense and trouble as I have been put to in endeavouring to get a fair hearing. If I had been a prisoner in gaol instead of being an uncommissioned officer of police there evidently would be more consideration given to my case. Yet I am not proved a guilty man, but it seems I will not be allowed to prove my innocence, and thus remove the stigma placed upon my character. If my dismissal is to be sustained without further "investigation" why not make full inquiry into the way the night allowance money has been "certified to, and drawn by Messrs. Medley, Zouch, Cornett, Nelson, Oliver, and Williams, &c., &c.?" Then it will be found that if my case merited dismissal that those individuals are deserving of dismissal too, because I had grounds for submitting my claim, but they have none for actually receiving the money. Why make a scape-goat of me, and allow the arch offenders to escape, who have set precedents by which I was guided? What I done is actually no offence, because through my attention to my duty I sacrificed a large claim for a small one. Yet this was caused by the unprecedented fact that my officers deprived me of my quarters for seven weeks (in order to suit Sergeant Cornett's convenience) without any consideration as to the heavy expenses they caused me to incur. Thus in view of these incontestable facts will any reasonable conscientious man say now that a fair, unbiassed, impartial, investigation is not necessary? I submit it is manifestly indispensable.

I have served under the surveillance of Superintendents Zouch, Markham, and Orridge, and under Inspectors Wilshire, Walker, Battye, and Sanderson, and under my most malignant enemy, Sub-inspector Medley, and I can challenge these officers to say that they never saw me the worse for liquor. Yet I have never been a tee-totaller. This being so from whom did Superintendent Zouch (who saw me only a few times during 18 years) get his information from? When malice is proved, and statements found to be false, as in my case, it is the duty of the authorities to sift these matters to the bottom, because if allowed no man would be safe. I have taken a stand upon the merits of my case, upon which I am prepared to stand or fall if a fair, unbiassed, investigation be granted to me.

In a previous letter I quoted "Constable Maloney's case," and the "Imperial Government." I now beg to call attention to another case, namely, "Inspector Winch," of the Victorian Police, was dismissed for three years, yet he persevered, and obtained a fair investigation of his case, which resulted in his being reinstated to his rank and service about twelve months ago. These cases show that hasty conclusions should not be "jumped" at without full inquiry, and due consideration, which was not given to my case, as I was pounced upon first, and induced to write a statement to debar me from defending myself, and then dismissed off the reel. Never did any man receive under any responsible Government such arbitrary treatment as I have received from Sub-Inspector Medley from the day he came to Braidwood until he had me dismissed at Moruya, but I trust a day of retribution is near at hand.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

No. 27.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 14 August, 1878.

In reference to the papers printed in my case I have the honor to lay before you the following statement respecting Sergeant Cornett's claim, &c., for "quarter ending 31st March, 1877." Under the heading of "places to be specified in detail where claimant halted for the night away from police station" there are these three following entries:—"Bush duty," "ditto," "ditto," and the "nature of the duty" is "summons serving." Now I ask, does the words "bush duty" specify the names of the "places" where Cornett "halted" at; that is, if he halted at any place? This is manifestly by far a greater irregularity (without referring to Cornett's books) on the face of Cornett's claim, than the hasty mistake Sub-inspector Medley detected in my claim; yet Cornett has been paid without this being questioned; and he has actually made a "statutory declaration" to the effect that this is a "correct claim"; notwithstanding that if he had been "summons serving" the names of the places must have been written on the summonses he was then serving. Therefore, I have now established on the face of Cornett's claim the precedent he has set, and the truth of my allegations against him and Sub-inspector Medley. This being so, why did Sub-inspector Medley and Sergeant Cornett single me out, and make a *scape-goat* of me? But if an inquiry be granted to me I can substantiate every word of my allegations as clear as I have shown this irregularity on the face of Sergeant Cornett's claim, I will not say a "fraud." I

I have only to point out that Superintendent Zouch in his minute of the "31st December, 1877," has manifestly abandoned the charge against me of an "attempted fraud" (upon which I was dismissed), when he based his grounds for my dismissal upon my "dissolute and intemperate habits." Yet I was not charged with these offences; but if Superintendent Zouch can establish these last charges against me I would by far prefer being dismissed for them, than upon the alleged charge of "attempted fraud," which Superintendent Zouch has evidently abandoned when he found himself in a dilemma. During 18 years I have been in the service there were two or three attacks made upon me for the "influence of liquor" by two aspirants beneath me, and by one malicious person; but these miserable attempts were proved false; thus they should not be alluded to as if true; this does not amount to "intemperance."

The more I look into the papers printed the more convinced I am that what the Inspector ordered, viz., a "prompt and close investigation" is manifestly indispensable; therefore, I sincerely trust, sir, that you in your wisdom and sense of justice will grant me this at an early date, as I am in a position to explain my case.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

Seen. ——

No. 28.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 15 August, 1878.

Having now stated all the facts and surrounding circumstances, &c., of my case, therefore I have the honor to lay my case before you in a monetary point of view.

1. If, as shown, I had slept at the hotel at Moruya while deprived of my quarters, as I might have done, I could have claimed £4 18s. under the "2s. a night scale."

2. If. Supt. Zouch and Sub-inspector Medley had acted with me as they have done with other men—who have, as shown, slept in barracks, &c., and received 3s. per night—they should have allowed me £7 3s. under the "3s. a night scale."

3. Now, in view of these facts, I only claimed 21s. while deprived of my quarters at Moruya as a nominal claim to cover extra expenses I had to incur for meals while absent on duty from the hotel, there being no abatement for meals at the hotel I was compelled to board at.

4. I did not even charge for the carriage of my regulation-box, which more than counterbalanced this paltry claim of 21s.

5. In view of these facts, I am at a loss to know what fault I have committed to necessitate my dismissal, and thus deprive me of my compensation or pension which I was justly entitled to from the money I paid into the Police Superannuation Fund.

6. I beg to submit with great respect that, under the circumstances of my case, my claim is a very just and reasonable one, considering the way other members of the Force have been permitted to draw "travelling allowance" with impunity who were actually under no extra expense.

I have, &c.,
WILLIAM STAFFORD,
Ex S. Constable.

Seen. ——

No. 29.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 24 August, 1878.

I have the honor to state for your information that it is almost impossible for me to explain my case in writing, because the papers so far printed contain such an enormous mass of false, perverted, and complicated matter put forward in support of a tottered case; but permit me to state that those mere false assertions and petty denials, &c., do not disprove my statements in any way until "I fail to substantiate them." In the first instance, Sub-inspector Medley's report, dated "Moruya, 31st August, 1877," would be found false if duly inquired into, yet it is upon this report my dismissal is based. Again, in reply to my reports of the "14th and 15th September, 1877," there is not a vestige of truth in Sub-inspector Mediey's and Cornett's mere "denials" of the "18th and 19th October, 1877." As proof of this I herewith attach a copy of Mr. M. Morris's statement (who is a most respectable storekeeper at Moruya), which will prove, by "Cornett's admissions" to Mr. Morris on the morning of my suspension, that he (Cornett) had a "memorandum" in his possession prior to my suspension "for me to copy," and that Cornett was doubtful whether I would "copy it" for him. This is clear proof of the low, foul, treachery that was used and brought to bear upon me by Sub-inspector Medley and Sergeant Cornett in order to mislead me until they had secured my dismissal, right or wrong. This is clear proof that justice was not done me by Sub-inspector Medley and Sergeant Cornett; this is clear proof that the "memoranda" in question was in existence, and that I was induced to "copy it by undue influence and promises." But lo! Sub-inspector Medley and Sergeant Cornett has actually denied the existence of such a "memorandum." Nevertheless, if need be I can prove their "emphatical" denials false by the testimony of four other witnesses. This being manifest, who would place any reliance upon anything Messrs. Medley and Cornett have stated against me—who would even attempt to protect them in the face of such barefaced falsehoods? So much for "emphatical denials." The late Colonial Secretary authorized a special Commission to go to Moruya to investigate charges of drunkenness, &c., preferred against Sergeant Cornett there. Why not one be appointed in my case? Oh, no! Here I am, through malice, &c., and false representations (after the great services I have rendered to the public), degraded, and robbed of my pension or compensation—and above all, robbed of my character—in my old age, for simply defrauding myself of my legitimate rights, while officers and other members of the Force have been permitted to draw public money with impunity which they were not entitled to. Therefore, excepting the Government kindly takes my case into their favourable consideration, nothing less than a thorough unbiassed investigation can put me right with the public I have so faithfully served (without one stain proved against my character), often at the risk of my own life, &c. I am willing to abide by the decision of the Braidwood or Moruya Benches of Magistrates, or by the decision of any other Commission appointed by the Government

Government to investigate my case. Give me, sir, what the Inspector-General ordered on the "18th of September, 1877," viz., "an unbiassed, prompt, and close investigation," and I will rest satisfied. This is my motto from first to last; but Supt. Zouch and Sub-inspector Medley have deprived me of it so far, because they know I can substantiate my statements and that justice was not done me.

I have, &c.,
WILLIAM STAFFORD,
Ex S. Constable.

Seen.

[*Enclosure.*]

Sir, Moruya, 9 August, 1878.

In reply to your letter, I can only state that about the 31st of August, 1877, Sergeant Cornett was in my store about 6 o'clock in the morning, and he told me that he had a written document in his pocket, and if Stafford would copy it in his report he (Cornett) believed there would be nothing done to Stafford, as he (Cornett) knew this from Mr. Medley. This is all I know about the matter.

MICHAEL MORRIS,
Storekeeper, Moruya.

P.S.—Four other witnesses can prove my statements with respect to the memorandum which Cornett and Medley has denied.—W.S.

No. 30.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 30 August, 1878.

I have the honor to state for your consideration that it seems from the definition and interpretation put upon my nominal claim for 21s. ("travelling allowance"), that if I had not returned from the places named in my claim until after 12 o'clock at night my claim under the heading of the form "from" "to" would be correct. This is the technical point taken of me, because the dates under the heading "from" are right, but the dates under the heading "to" are informal, as I happened to return to the station before 12 o'clock at night. Now, I submit that if I had stopped or halted under any pretence at squatters' places (under no expense), and claimed 3s. per night, as Superintendent Zouch and Sub-inspector Medley, &c., have invariably done—this, in my opinion would be more informal than the hasty mistake I made, because I would not be put to any expense if I had remained on those nights at squatters' places; yet seemingly this would not be questioned by these very experienced officers, although it is laid down in the "travelling allowance scale" that this allowance is not to be drawn excepting "officers and men" are "compelled to halt at night at an inn," where they would be put to extra expense. In view of these facts I would ask you, sir, considering the unnecessary heavy expenses I was put to, in order to suit Sergeant Cornett's purposes and convenience, for seven weeks stopping at an inn at Moruya, and my family at Braidwood, and in having to pay for meals when absent on duty without any abatement —thus it was to cover this extra expense I claimed the 21s. in dispute; thus it was upon this frivolous and mere technical catch I was dismissed for an "attempted fraud upon the Government," notwithstanding that it was optional with me to sleep at the inn, and to charge the Government £4 18s., but I can explain my reasons for not sleeping at the inn. Now, as shown in previous communications that "myself and others were allowed 3s. per night for sleeping in barracks at Braidwood, Araluen, and Moruya," &c.—why not allow me "3s." a night under similar circumstances at Moruya, as I was necessarily under more expense at Moruya than at Araluen? This is the naked truth, and I can challenge my vindictive accusers to disprove it; yet see the perverted and false manner in which my case has been represented to you. I beg to submit that the interpretation of an "attempted fraud" is a complete fallacy, because on the whole it is manifest that I was the loser and not the Government; therefore I have committed no offence against the public. The false extraneous matter introduced into the papers has nothing to do with my case, as it solely hinges on the catch of the 21s. in question. Consequently I still demand what the Inspector General ordered—"a prompt and close investigation into my case." Notwithstanding all that has been said against me I have escaped from insubordination, disrespect, or neglect of duty. Thus, if my "previous conduct had been unsatisfactory," these things would be adduced against me by my superiors.

I have, &c.,
WILLIAM STAFFORD,
Ex S. Constable.

No. 31.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 31 August, 1878.

Having already shown and proved that I was, by undue influence and promises, induced to copy "Enclosure 3, No. 11, dated Moruya, 30th August, 1877," therefore, in conclusion for the present, I have in justice to myself the honor to invite your attention to my supplementary report, dated Moruya, 3rd September, 1877. Without going into details, this report shows the grounds I had for submitting my nominal claim, to cover extra expenses, for the 21s. in dispute, as no technical point can be taken regarding the remaining 15s. of the account in question. Now, I posted this report at Moruya, on the 5th of September, 1877, and I sent a telegram to Superintendent Zouch on the previous day requesting him to "withhold decision" in my case. It seems, if Sub-inspector Medley is to be believed, that he forwarded this report to Superintendent Zouch on the "6th September," but, if so, how is it that Superintendent Zouch has stated that he "received this report on the 17th September by post" from Sub-inspector Medley; yet under No. 14 Superintendent Zouch states that he forwarded this report to the Inspector General on the 5th September, the date on which it was posted at Moruya. How came this? The truth is the Inspector General could not have received this report on the "7th September, 1877," the date on which he wrote my dismissal, because it could not have reached Sydney on that date when it only reached Goulburn on the 17th September. These dates disclose a nice bowl-out after all the ingenuity that has been displayed in preparing the printed papers in three Returns. Truth will ooze out some way in spite of those who endeavour to confound it. Never had there been such scandalous misrepresentations as those disclosed

disclosed on the face of the printed papers in my case. Superintendent Zouch has contradicted himself in every sentence of his minutes; he has it one thing to-day, and another thing to-morrow. What else can be expected when he did not go to Moruya himself, and there make due inquiry into the whole truth of my case as he was ordered to do. Instead of doing this how does he act? He seated himself down at Goulburn, and wrote everything indiscriminately that suited his and Sub-inspector Medley's purpose against me, even to the falsehood that "he investigated my case very carefully" himself. Assuming that 21s. of my claim is informal, why not take the same advantage of the numerous informal claims I have quoted? Oh, no; as Sub-inspector Medley said, "It does not matter what other men done"; I "had spoken indifferently of him"; I "had wrote memoranda to the Superintendent about him," and "opposed himself, Senior-Constable Wells," and the false prosecutors in the "case" of the unfortunate victimized "Charlwood." This is the true cause of my dismissal; yet I emphatically assert that I never "forwarded a memorandum to the Superintendent about Sub-inspecter Medley." The Moruya "sly-grog matter" shows more of the spite Sub-inspector Medley entertained towards me when an attempt was made to entrammel me in the discharge of my public duty. In the face of these facts how can any honest man say that Sub-inspector Medley did me justice? Hence it is that I still solicit a fair, open, unbiassed investigation and decision in my case.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

Seen.

No. 32.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 18 September, 1878.

I have the honor to attach herewith, for your perusal and information, a leading article issued by the editor of the *Evening News*, having reference to my dismissal from the Police Force, &c. Permit me to state, with all due respect, to give my unqualified denial to the "two charges" said to have been "proved against me" in "1866" and in "1869." With respect to the first charge, neglect of duty in 1866, the Inspector General's decision, read to me, was this:—"I am of opinion that Sergeant Stafford could have sold the property during the time he had it on his hands." Besides this, I can prove that the Inspector General's "opinion" was not construed into a "severe reprimand" until 1869, when it was dated thus on my "defaulter sheet, 1868." And as regards my reduction in 1869, there are four respectable witnesses now in Sydney who were eye-witnesses to the whole affair; therefore I will not enter further into the matter than to state that after I was reduced the Member for Braidwood then brought the matter under the notice of the Colonial Secretary (Mr. Cowper), who directed the Inspector General to reinstate me to my former rank, but Mr. Cowper was soon afterwards ousted from office, and, as may be expected, my reinstatement lapsed. The original papers will place these matters beyond doubt. Therefore, a full investigation would clear up all those matters, the result of which would prove beyond doubt that my character is stainless, and that I have merited to hold a higher position in the Force than that of senior constable, and that I merit more than to be cast upon the public in this my adopted country as an untried criminal.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

[*Enclosure.*]

Extract from the *Evening News*, Friday, 13 September, 1878.

THE correspondence on the dismissal of William Stafford from the Police Force presents a remarkable illustration of the way in which the resources of the Government Printing Office, and the time of those who are charged with important public duties in the Legislature and in various departments of the administration, are consumed.

The beginning of the business was the tender, by Senior-constable Stafford, of a claim for £1 13s. for "travelling allowance." The end of it is yet to come; for a Member of the Legislative Assembly has intimated his intention to move for a Select Committee to inquire into the justice of the case. Already, judging by the prices affixed to each of the three Returns printed by order of the Assembly, and the extent to which such Parliamentary Returns are circulated, the Government Printing Office must have expended no less than £80 upon this matter.

The act complained of as a grievous wrong is the reduction and dismissal of Stafford from the service. This was done by the direction of the Inspector General on the 7th September, 1877. If that was an act of injustice, it is a great reproach to our institutions, or to those who administer them, that more than a year has passed without rectifying the wrong, and that still more time must be occupied in bringing the question to a final settlement. Of course, if justice be done at last, the expenditure of time and money in bringing about such a result cannot be condemned. But surely it is necessary for the ends of justice that the process of obtaining it should be more direct and speedy. Such delays as this must, in many cases, involve an utter failure of justice. In the present instance, we understand, the dismissed constable is advanced in life, and not fitted, after a long service in the police, to enter upon any other pursuit with a prospect of success. If his punishment has been unjust or excessive, there ought to have been some means of redress without the long and, perhaps, after all, doubtful remedy of an appeal to the Legislative Assembly. Members of that House have sometimes gloried in the assumption of their constituting a High Court of Appeal from all the ordinary tribunals of the Colony. But the boast has not been sustained in actual practice. And the history of our Parliament confirms the impression that the administrative and judicial institutions of the country ought not to leave any necessity for the exercise of such a function by the Legislature.

As to the merits of Stafford's appeal for redress, the following are the most significant facts: He did make an erroneous claim, as he himself has admitted. He sent in his account for eleven nights, of which he gives the dates, at 3s. each (£1 13s.), when in point of fact he was on most of the specified nights sleeping in the police barracks at Moruya. But as he had nothing more than sleeping room at the barracks, the principal part of the building being occupied by another constable and his family, he had to board at an inn. And it appears that he would have been justly entitled to more than the sum he asked, if he had put his claim under the proper heading. He did not seek to obtain more than was due; but blundered in his way of applying for it. And as he filled up a form of "quarterly claim," putting in figures under the printed heading "No. of nights," not writing in words such a statement as "I had to find lodging for that night," it may easily be supposed that the entry was a mistake, not a wilful falsehood. It was undeniably such a misrepresentation as deserved reprimand. But, on consideration of the facts, that he might equitably have claimed something for board, and that he had meanwhile to maintain his wife and family at Braidwood, it does not appear at all certain that he meant to defraud. Yet Mr. Superintendent Zouch, in reporting the matter to the Inspector General, spoke of the claim as the "glaring and deliberate design—evidenced as well as admitted—made by Senior-constable Stafford, to obtain money by false pretences." And in a later memo. on the case, Mr. Superintendent Zouch said "nothing short of dismissal, I consider, will meet this gross offence." The Inspector General acted on Mr. Zouch's report, and directed the reduction and dismissal of Stafford.

As if in support of the justice of this dismissal, there is printed the "defaulter's sheet," forwarded by the Superintendent to the Inspector General, with the advice recommending the dismissal. And this document serves to throw some light on the discipline to which Stafford has been subjected. The first charge against him was made in February, 1864. He was then

then reprimanded; but in October, 1865, Superintendent Orridge reported his opinion "that the above reprimand was not deserved by Sergeant Stafford." The next charge was for neglect of duty in January, 1866, in not having sold, as instructed, certain prisoners' property. For this he was "severely reprimanded." The third case was in July, 1869, when he preferred charges of gross misconduct against Mounted-constable Lynch, and although Lynch was dismissed, the Inspector General considered that Stafford's conduct was not free from serious blame. For this offence, which is described only in general terms, he was reduced from the rank of sergeant to that of senior-constable. This, it may be supposed, was ample punishment. There were three subsequent charges, on all of which the decision was "not proven." So that of the six charges previous to the last, two only were proved against him; on one of these, in 1866, he was reprimanded; on the other, in 1869, he was reduced from the rank of sergeant to that of senior-constable. Surely none of these could be allowed much weight in the decision of the question whether he should be dismissed from the service for his erroneous claim of night allowances in 1877. The question to be considered is, whether justice and the maintenance of the proper discipline of the service required that, for making this claim, an elderly constable should be dismissed, and so deprived, not only of the pay on which he and his family were dependent, but of all that he would have been entitled to, on retiring from the service, out of the Superannuation Fund, to which he had long been contributing.

No. 33.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 23 September, 1878.

In reference to my last communication on the subject of a leading article in the *Evening News*, which set forth that "only two charges were proved against me—one in 1866 and the other in 1869," thus I have the honor to attach herewith for your perusal my reply to the "two charges" said to have been "proved against me."

Reverting again to Sergeant being permitted to occupy my quarters for seven weeks after I took sole charge of Moruya Station, during the seven weeks in question Sergeant Cornett had a roving commission on full pay at Moruya—disposing of his landed property and live stock there, and when these arrangements were all satisfactorily completed he was directed "to hand over his quarters to me"; therefore I beg to submit that ample recompense should be made me for the unprecedented and wanton heavy expense I necessarily had to incur in order to suit Sergeant Cornett's convenience through no fault of my own.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

[*Enclosure.*]

DISMISSAL OF SENIOR-CONSTABLE STAFFORD FROM THE POLICE FORCE.

To the Editor.

Sir,

I have perused your very impartial leading article in your issue of Friday last, on the subject of my dismissal from the Police Force, &c. No doubt, according to the "defaulter sheet" put forward in the papers, printed by order of the Assembly, you are right in stating that "only two charges were proved against me, one in 1866 and the other in 1869," but lest any misunderstanding should arise from this, permit me to state that the two charges in question were not proved against me. With respect to the first, "neglect of duty in not having sold prisoner's property as ordered," the Inspector General's decision read to me on this matter was this: "I am of opinion that Sergeant Stafford might have sold the property during the time he had it on his hands." I offered the property for sale, but I could not get an offer for it. Yet, strange to say, at the time of my reduction the Inspector General's opinion in this matter was entered on my defaulter sheet thus: "Severely reprimanded and cautioned." I can prove this. Now the next charge said to be proved against me is my "reduction in 1869 to the rank of senior-constable," which arose out of my having "preferred gross charges of misconduct against Constable Lynch." The absurdity of this decision is easily proved, because if I had failed to substantiate those "gross charges," as they are termed, why was Lynch dismissed? As this matter arose out of an assault, how could Lynch and myself be aggressors, yet both of us were punished? But as Lynch's case is "only described in general terms," it may not be out of place to state the leading facts, namely:—Lynch and his brother (a civilian) came to the police station both drunk; I therefore ordered Constable Lynch into his barrack, and told him not to leave it until he was sober, but Lynch refused, and thereupon violently assaulted me. After this he became so violent and threatening, that I was obliged to lock him up. After he was locked up he set the lock-up on fire, and burnt about £7 worth of property, and while another and myself were extinguishing the fire, he made his escape from the station. The result of this matter was, that Lynch was "dismissed," and that I was "reduced to the rank of senior-constable for incompetency." There are four witnesses now in Sydney who witnessed this unfortunate affair, but the original papers in this and in the former case will prove the accuracy of my statements. The remaining "three charges" should not be entered on my sheet at all, as they were proved false, and as the persons who maliciously advanced them were severely censured for advancing such groundless charges. The alleged cause of my reduction was brought under the notice of the Colonial Secretary (then Mr. Cowper), who ordered the late Inspector General to reinstate me to my former rank, but this was put back, and I did not get my rank since. So that I maintain that up to my dismissal there is not the slightest stain upon my previous character, and when that matter is fairly tested it will be found that my character throughout has been unimpeachable, and that the services I have rendered to the public (often at the risk of my own life) are creditable to me. After I was dismissed I earnestly solicited an "impartial and immediate investigation," which the Inspector General very properly ordered Superintendent Zouch to hold; thus if Superintendent Zouch had complied with these orders, there would be no necessity for me to appeal to Parliament to redress my grievances.

Sydney, 16 September, 1878. WILLIAM STAFFORD.

No. 34.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 1 October, 1878.

I have the honor to state that the actual expenses I had to incur by my transfer from Braidwood to Moruya, through no fault of my own, are as follows, under four headings. &c.:—

	£	s.	d.	
1. In going to Moruya	0	5	0	—allowed nothing.
Returning from Moruya for family	0	5	0	do.
Returning from Braidwood to Moruya	0	10	0	do.
Removal of effects from Braidwood to Moruya	18	0	0	do.
Extra expenses when absent from inn at Moruya on duty ...	1	7	0	do.
Board for seven weeks at inn	6	6	0	do.
Total expenditure	£26	13	0	

	£	s.	d.	
2. Claim submitted which caused dismissal :—				
To cover extra expenses when absent from inn on duty... ...	0	15	0	—allowed nothing.
Claim due for seven nights absent...	1	1	0	do.
Total claim submitted	£1	16	0	
3. If I had slept at the inn, as I might have done, I could make an indisputable claim upon the Government, under the 2s. a night scale, for	4	18	0	do.
I could also have charged the Government for the "carriage of my regulation box" (which I did not do, as I paid for the carriage of all my effects)	1	0	0	do.
Hence I might have submitted a claim under these two headings for	£5	18	0	
4. Apart from these facts and figures, according to precedents set in similar cases, as Constable Nelson, myself, and others were allowed 3s. per night for nights we slept in barracks at Araluen, &c., &c. (but had to pay for "meals at inns"), I was entitled to claim for the seven weeks I was compelled to board at the inn at Moruya	7	6	0	do.

I was refused the use of the police drag to remove my effects to Moruya, yet the gold escort coach and four horses were allowed to Sergeant Cornett and two others to remove their effects and families a much further distance. This must have cost the Government no less than £20. Yet I was allowed nothing beyond dismissal, after eighteen years arduous and efficient service, if that can be considered sufficient recompense. These are plain facts from which inferences may be drawn.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

P.S.—I herewith attach a report from this evening's *News*, having reference to the "Rev. Mr. Love's insolvency." It is this rev. gentleman's interference with the Moruya magistracy (on Sergeant Cornett's behalf) that brought about his incarceration, insolvency, Sergeant Cornett's removal, and my transfer to Moruya, which has caused the Government and myself so much expense and trouble. Of course this rev. gentleman has had nothing to do with the venomous and false statements that has been made against me by Sub-inspector Medley and Superintendent Zouch, &c.

I have, &c.,
WILLIAM STAFFORD.

Seen.

[*Enclosure.*]

REV. JAMES GRAHAM LOVE.

IN the Insolvency Court this afternoon there was an examination meeting in the estate of the Rev. James Graham Love. Insolvent was examined by Mr. S. C. Brown for a creditor named Caswell. On 20th November, 1876, one Caswell brought an action for libel against witness, which was tried on 30th April, 1877, and a verdict, by consent of witness' counsel, for 40s. with costs was given. Witness' estate was sequestrated on 29th June last, and he has received about £300 under a mortgage executed on April 30th last year. He did get £300 on a bill of sale. The £300 was paid away for household expenses. About the date of the trial he executed a mortgage to Mr. Miles, in Mr. Salter's office. £800 was paid to Mr. Salter, who acted for both parties. The money referred to was received by his wife under her grandfather and father's will. He was married in 1873. His wife had a separate estate and banking account. He never had any transaction with Mr. Myles before executing the mortage in April last. On the morning of the trial he executed a bill of sale to Rolin and Salter, who gave him a cheque for £300 over his furniture, cattle, and horses, at Moruya. He cashed that cheque before the verdict. He refused to pay Caswell's costs. He positively swore that his attorney and counsel agreed to the verdict without his consent. He did not make any application to the Supreme Court to set the verdict aside. He never offered to pay Caswell's costs. He was arrested for the judgment debt and assets due Caswell in June last year. He spent the money paying other tradespeople. He only got £300 from Rolin and Slater. He ceased to employ Rolin and Slater after his arrest. Rolin and Salter's costs made up the difference between £300 and £750. His wife has no annual income. The furniture, cattle, and horses are still at his place at Moruya. About eight head of cattle, and about 100 or 120 of cattle, all told, were included in the bill of sale. He may have owed £200 or £300 debts at the time of the trial. About £900 accumulated between the trial and the sequestration. None of the household expenses have been paid. The value of the furniture, horses, and cattle were about £700. He had not enough property at the time of the verdict to pay Mr. Caswell and his creditors. He was told he could not sequestrate his estate until he had been twelve months in gaol. Within a month of the trial he signed notifications of transfer of conditional purchases at Moruya, to Mr. George Bool, of 220 acres. The land was originally taken up by Mr. Bool, except 40 acres taken up by himself. In 1874 or 1875 he lent Mr. Bool £120 to take up the selection. In 1875 he transferred the land to witness in satisfaction of the money witness lent him. He transferred the land to Mr. Bool because he knew he would be arrested, and he should lose it through non-residence. The Lands Department notified that they would not recognize the transfer, as witness had not been twelve months in possession of the land. That selection was mortgaged to Mr. Salter for £100. Out of the proceeds of that £100 cheque witness got £40. Mr. Bool went security to the bank for an overdraft. He paid about £200. When he gave the mortgage to Mr. Bool he owed the bank £194. There was a deed of settlement he had executed. Mr. Salter and Mr. George Lackey were trustees. He was told that moneys coming to his wife under her late uncle's (James Roberts) will was not protected from him. In January last year he executed a deed with reference to James Roberts' property and his wife. He did not know that £500 was due to Mr. L. Myles without security. A mortgage to Mr. Myles was executed by him and his wife. He never intended to pay Mr. Caswell. He denied most positively that he ever told the bailiff he would see Mr. Caswell in an unmentionable place before he would pay him. Insolvent had served twelve months in Darlinghurst Gaol under the writ *ca. sa.* for libel, and was liberated by law on filing his schedule. Thomas Salter, solicitor, produced a bill of sale dated 30th April, last year, to himself and his partner. He gave Mr. Love £300. He also advanced £96 for land at Parramatta Junction. On 5th June he also paid £108, 14th July £25, on 9th October £100, and in January last £50. Most of these moneys were paid into Mr. Love's account on securities he held. He had not realised on the bill of sale. He negotiated the loss of the £800 for Mrs. Love. The amount due to Mr. Myles was £1,800. Out of the £800 advanced by Mr. Myles, was paid £475 for principal and interest due to Rolin and witness, and £125 for costs. Charles Henry Myles produced various deeds, dated 30th April, 1877, 6th May, 1878, and other documents. The insolvent was discharged from his summons, and Mr. Salter was directed to supply an account between himself and Mr. Myles with insolvent. The examination stands over to the 11th proximo. Mr. Plomley appeared for insolvent.

No. 35.

Mr. W. Stafford to The Colonial Secretary.

Sir, "Hero of Waterloo Hotel," Lower Fort-street, Sydney, 5 November, 1878.

In reference to my case, I have the honor to lay before you the following facts, with a view to facilitate the investigation pending respecting my dismissal from the police, which occurred on the 7th of September, 1877.

After my dismissal was notified to me I reported to the Inspector General of Police, on the 15th of September, 1877, the great and wilful injustice that had been done me by Sub-inspector Medley and Sergeant Cornett, and I requested an "impartial and immediate investigation." Thus, on receipt of my report, the Inspector General, on the "19th of September, 1877," directed "Superintendent Zouch to hold a prompt and close investigation" in my case; but Superintendent Zouch did not hold this investigation; hence my case is being held in abeyance since. On the 19th of October, 1877, in the face of the Inspector General's imperative order, Sub-inspector Medley wrote thus:—"This man (Stafford) complains of justice not being done him, and wants impartial and immediate inquiry. Why cannot he have this before the Braidwood Bench of Magistrates, the result of which no doubt would more than satisfy him. If an investigation of this kind were suggested to Stafford I do not think the Inspector General would be pestered with any more letters." This suggestion was not made; besides I had no power to bring my case before any Bench. I would willingly accept any inquiry, so long as Sub-inspector Medley did not conduct it. But why did Superintendent Zouch and Sub-inspector Medley shirk and quibble with Inspector General's orders, which directed Superintendent Zouch to hold a "prompt and close investigation?"

On the 11th of November the Inspector General again wrote to Superintendent Zouch thus:—"I think you should see the statements made by Stafford, as some of them require notice," &c., &c. Of course this minute drew from Superintendent Zouch the following statement, because it seems my "statement did require notice." Hence Superintendent Zouch, on the 18th of November, 1877, wrote thus:—"On a retrospective view of this man's career" (Stafford's career) "it is palpably manifest whether the decision arrived at be just or unjust, the universally admitted odium entertained by the inhabitants, including magistrates, professional men, and people of all grades, has shown itself in the general satisfaction his removal has produced. This is the result of personal inquiry made within the last few days in the Braidwood district, the unhesitating reply being that his punishment was richly deserved, and that it should have been meted out to him years ago, his conduct having earned for him a most unenviable reputation, not alone with the inhabitants, but with the police generally." I was dismissed at Moruya 70 miles from Braidwood. Surely this is not the investigation the Inspector General ordered Superintendent Zouch to hold personally "if practicable." However, these bold and mere assertions are not borne out by any evidence. On the contrary, the leading magistrates in the Braidwood district have undeniably proved these unfounded assertions false in every particular. Assuming they are true they are extraneous to the point at issue.

Again, on the 31st of December, 1877, Superintendent Zouch wrote further irrelevant matter, thus:—"Ex-constable Stafford has only himself to blame for his present position. His dissolute habits long continued, at last (as intemperance inevitably does) brought retributive punishment upon him." Here is clear proof, according to Superintendent Zouch's admission, that it was for "dissolute and intemperate habits" I was dismissed, and not for an "attempted fraud upon the Government"; and this admission, too, has oozed out when the alleged "attempted fraud" had been hurled into oblivion, yet these last assertions are manifestly not borne out by one single particle of proof. On the contrary, they are evidently proved false by the fictitious defaulter, put forward against in the papers printed by order of the Legislative Assembly.

In view of these indisputable facts, as Sub-inspector Medley suggested my case to be investigated by the Braidwood Bench, and, as Superintendent Zouch has stated, that the "universally admitted odium entertained by the inhabitants of the Braidwood district has proved itself in the general satisfaction my removal has produced,"—nevertheless, I give Sub-inspector Medley and Superintendent Zouch the odds, as I now beg to request that my case may be referred to the "Braidwood Bench of Magistrates for due investigation and report." If the Braidwood Bench of Magistrates were commissioned to investigate my case, a wonderful deal of expense and unnecessary trouble would be spared, because all witnesses and documentary evidence could be readily procured at Braidwood.

I have, &c.,
WILLIAM STAFFORD,
Ex Senior Constable.

Sydney: Thomas Richards, Government Printer.—1878.

[1*s.* 3*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE DISTRICT OF CAMPBELLTOWN.

(ALTERATION OF BOUNDARIES OF—CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 1 *October*, 1878.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 30 April, 1878, That there be laid upon the Table of this House,—

"All Correspondence between the Ministers of the Crown on the one hand, "and the Benches of Magistrates of Camden, Campbelltown, Liverpool, "and Wollongong on the other, with respect to the alteration of the "Boundaries of the Campbelltown Police District."

(*Captain Onslow.*)

SCHEDULE.

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POLICE DISTRICT OF CAMPBELLTOWN.

No. 1.

The Bench of Magistrates, Campbelltown, to The Colonial Secretary.

Sir, Campbelltown, 19 January, 1878.

We do ourselves the honor to invite your attention to some very serious inconveniences in the present arrangement of the boundaries of this Police District, and respectfully request you will be good enough to take steps to obtain a re-adjustment on a more equitable basis. 1st. The Police District of Liverpool now extends to within two miles from this town and twelve miles from the township of Liverpool. All business from here to the boundary of the Municipality of Liverpool, at Denham Court is done with Campbelltown, excepting Police business, which has to go to a great distance at serious inconvenience to suitors, while trades people are deprived of the quick administration of justice, under the Small Debts Court, by reason of the inconvenience attending a journey to Liverpool to take out summonses and to prove the debt. To remedy this, we propose the extension of the District to the cross roads at Denham Court, the southern boundary of the Municipality of Liverpool; thence in a westerly direction to the Cowpasture River; thence by that river to the boundary line separating the counties of Cumberland and Camden.

This arrangement would include the village of Narellan in the Campbelltown Police District, and would remove the objectionable feature in this part of the present arrangement, of a portion of an electorate being under the Bench in a different county, and Bench of Magistrates in a private village, whose interests are in no way in harmony with those on the Government village; besides this, advantage would be derived in the re-adjustment of the boundaries of the electorate which must soon be considered. This re-adjustment, as proposed, would define the boundary between the Police Districts of Campbelltown and Wollongong, which is now a subject of dispute, and place in the Police District of Campbelltown the present coal mines at Coal Cliff. When the new electorate boundaries are defined a very large number of miners would be found to swell the electoral roll to a reasonable proportion.

We have, &c.,
WILLIAM FOWLER, J.P.
JOHN KIDD, J.P.
E. W. FIELDHOUSE, J.P.
JAMES BOCKING, J.P.
THOS. CHIPPENDALE, J.P.

Presented to The Hon. the Colonial Secretary by John Hurley.—13 February, 1878.
Inspector General of Police.—M.F. B.C., 14/2,—M.R.A.

No. 2.

Report of The Inspector General of Police.

Police Department, Inspector General's Office, Sydney, 15 February, 1878.

I suggest that, in accordance with the usual practice, copies of the attached application should be referred to the Benches at Camden, Liverpool, and Wollongong, in order that they may report upon the desirability of altering the boundaries as proposed.

I include Wollongong as I am doubtful whether or not it would be advisable to include Coal Cliff in that Police district.

It is, I think, also doubtful whether the public convenience would be served by transferring Narellan from Camden to Campbelltown, but the Benches will be best able to judge on this and other points.

EDMUND FOSBERY, I.G.P.

B.C., Principal Under Secretary. Matters of this kind are dealt with by the Minister of Justice, &c., 16. Minister of Justice.—M.F., B.C. 16/2. The Under Secretary of Justice, &c., B.C., 16/2/78.,—M.R.A. Let the inquiries suggested be made accordingly.—J.L., 26 February, 1878. Benches at Camden and Liverpool.—2/3/78. Bench, Wollongong.—5/3/78.

No. 3.

Under Secretary Department of Justice, &c., to Bench of Magistrates, Camden.

Gentlemen, Department of Justice and Public Instruction, Sydney, 2 March, 1878.

In forwarding to you the accompanying copy of a communication from the Bench of Magistrates, Campbelltown, respecting the alteration of the boundaries of that Police District, which would also involve the alteration of boundary of the Police District of Camden, I am directed by the Minister of Justice and Public Instruction to invite you to have the goodness to favour me with a report thereon.

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

No. 4.

No. 4.

The Under Secretary Department of Justice, &c., to The Bench of Magistrates, Liverpool.

Gentlemen, Department of Justice and Public Instruction, 2 March, 1878.

In forwarding to you the accompanying copy of a communication from the Bench of Magistrates, Compbelltown, respecting the alteration of the boundaries of that Police District, which would also involve the alteration of boundary of the Police District of Liverpool, I am directed by the Minister of Justice and Public Instruction to invite you to have the goodness to favour me with a report thereon.

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

No. 5.

The Under Secretary of Justice, &c., to The Bench of Magistrates, Wollongong.

Gentlemen, Department of Justice and Public Instruction, Sydney, 5 March, 1878.

In forwarding to you the accompanying copy of a communication from the Bench of Magistrates, Campbelltown, respecting the alteration of the boundaries of that Police District, which would also involve the alteration of boundary of the Police District of Wollongong, I am directed by the Minister of Justice and Public Instruction to invite you to have the goodness to favour me with a report thereon.

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

No. 6.

The Bench of Magistrates, Liverpool, to The Under Secretary Department of Justice, &c.

Sir, Court-house, Liverpool, 8 March, 1878.

In reply to memorandum, No. 78/1433, of 2nd inst., addressed to the Liverpool Bench, relative to the extension of the boundaries of the Police District of Campbelltown to the boundary of the Liverpool Municipal District on the Denham Court side, we, the undersigned magistrates, believe such an alteration, as far as regards the Police District, would be more convenient and equitable.

We have, &c.,
R. H. BLOOMFIELD, J.P.
G. R. JOHNSTON, J.P.
C. A. SCRIVENER, J.P.

No. 7.

The Bench of Magistrates, Wollongong, to The Under Secretary Department of Justice, &c.

Sir, Court-house, Wollongong, 11 March, 1878.

In acknowledging the receipt of your letter of the 5th instant, forwarding copy of a communication from the Bench of Magistrates at Campbelltown, respecting the alteration of the boundaries of that district, which would involve the alteration of boundary of the Police District of Wollongong, we have the honor to report for the information of the Honorable the Minister of Justice and Public Instruction that we cannot by any means recommend the proposal so far as regards the alteration of the boundary of this district. On the contrary we would respectfully but most earnestly protest against any such alteration. That proposal if carried out would throw that portion of our district which lies between Bulli and the Coal Cliff, and which varies in distance from Wollongong from 9 miles to 15 miles, into the District of Campbelltown, and by referring to the map it will be seen that it is distant from Campbelltown in a direct line from 16 to 20 miles, and the distance by any available road is considerably greater, *i.e.*, from 24 to 28 miles.

As regards the assertion that the boundary between the district of Campbelltown and Wollongong is a subject of dispute, we are not aware that it is so, but, even assuming that it is, we have never heard that any inconvenience has been felt, and we presume that if any such inconvenience were to arise the trees along the boundary line could be correctly and effectually marked.

In conclusion, we have to state our belief that if the proposed alteration were carried out it would be very distasteful to the inhabitants of that portion of the district whose pursuits and interest are in harmony with those of a very large section of the rest of the inhabitants of this district, and altogether alien from the pursuits and interests of the inhabitants of the Campbelltown District. Moreover, they would in all matters relating to the Courts, or to land or registration, have to go all the way to Campbelltown, instead of the comparatively short distance to Wollongong, for we suppose that if the boundaries of the Police Districts are altered it would also involve alterations in the boundaries of the Electoral and Registry Districts, which in respect to Wollongong are now identical, and which in our opinion need no alteration, except that it would be an improvement if the northern boundary of this District were extended so as to include the whole of the parish of Southend, and which alteration we would respectfully recommend to the favourable consideration of the Hon. the Minister, as we are fully convinced that it would tend to the convenience of the residents there.

We have, &c.,

ALFRED A. TURNER, P.M.	JOHN BIGGAR, J.P.
JOHN BROWN, J.P.	WILLIAM J. R. JENKINS, J.P.
ALEXR. ROSS, J.P.	HENRY STRANGE FRY, J.P.
JOHN D. OSBORNE, J.P.	JOHN LINDSAY, J.P.
F. O'DONNELL, J.P.	JAMES M'GILL, J.P.

P.S.—

P.S.—Three coaches ply daily between Wollongong and the portion of the District proposed to be alienated from us, the fare being 1s. each way. To and from Campbelltown and the same place the fare is 7s. each way; the length of road is the cause of the difference in the coach fares, and is a fair proof of the inconvenience the proposed change would cause the inhabitants of the locality.

A.A.T.	F.O'D.
J.B.	W.J.R.J.
A.R.	H.S.F.
J.B.	J.L.
J.D.O.	J.M'G.

No. 8.

The Bench of Magistrates, Camden, to The Under Secretary Department of Justice, &c.

Sir, Court-house, Camden, 16 March, 1878.

We have the honor to acknowledge the receipt of your letter of the 2nd instant, enclosing a copy of one from the Campbelltown Bench to the Hon. the Colonial Secretary, urging a re-arrangement of the boundaries of the Police District of Campbelltown, upon which you desire our report.

We have given our most careful attention to the matter, so far as it would affect this district, and beg to reply as follows:—

We assume that the boundaries of a Police District are intended to define a circuit within which the ordinary jurisdiction of its Courts of Petty Sessions can be exercised with convenience to the people, and for the peace, good order, and security of which its chief officer of police is to be responsible.

The physical features of the country between Campbelltown and Camden, indicate the present line as the natural boundary in that direction for such purposes, and nothing has arisen to bring into question the wisdom of its selection.

The Cowpasture River is only 500 yards from the town of Camden, but at that point it is eight miles from Campbelltown, yet it is proposed by the Campbelltown Bench to make it the boundary between these districts. They would thus be ready to subject suitors on the other side of the river to the very kind of injustice which they complain of as against Liverpool.

The Court here was established in 1841, but the existing boundaries are of much older date.

We are not aware of any dissatisfaction having been felt by any resident of this district, and are therefore surprised at the action of the Campbelltown Bench.

We think the remarks as to Government and Private Townships wholly uncalled for; the settlement of population is determined by other causes than the original proprietorship of the land. It may not here be out of place to state that nearly the whole of the village of Narellan is on private land, viz., on Lord's grant, while the Government township, which has all passed into private hands, is used as a grazing common.

We do not desire to discuss political questions, with which, as a Bench, we have nothing to do, but we may mention the fact that nearly every electorate in the Colony embraces many Police Districts, and no inconvenience has arisen, that we are aware of, from a portion of the electorate of Narellan happening to be in the Police District of Camden, &c.

In conclusion we beg to state that we can discover no justifiable reason for disturbing the existing boundaries of the district.

We have, &c.,

H. A. THOMAS, J.P.	SELBY M. MORTON, M.D., J.P.
J. F. DOWNES, J.P.	ARTHUR ONSLOW, J.P.
E. PALMER, J.P.	WM. MACARTHUR, J.P.
E. SIMPSON, J.P.	JAMES K. CHISHOLM, J.P.

No. 9.

Minute of Minister of Justice.

John Hurley, Esq., M.P., Narellan, may be informed of result of inquiry, and invited to favour with such further observations as may be deemed necessary in reference to same.

J. L., 25th March, 1878.

No. 10.

The Under Secretary Department of Justice, &c., to J. Hurley, Esq., M.P., Narellan.

Sir, Department of Justice and Public Instruction, Sydney, 29 March, 1878.

Referring to letter of 19th January last, from the Bench, Campbelltown (forwarded by you), in which application is made for amendment of the boundaries of that Police District, which would also involve amendment of the boundaries of the Police Districts of Liverpool, Camden, and Wollongong, I am directed by the Minister of Justice and Public Instruction to inform you that while no objection is made to this proposal by the Bench of Magistrates at Liverpool, the Bench of Wollongong protests against any alteration in their District, and points out the portion proposed to be taken from them varies from 9 to 15 miles from that place, while it is from 24 to 28 miles from Campbelltown.

The Bench at Camden also objects to any alteration in their District, and points out that the Cowpasture Road, which is sought to be made the boundary between Campbelltown and Camden, is only 500 yards from the former and 8 miles from the latter place, and a compliance with the application would subject the residents of Camden to the very grievance now complained of by the residents of Campbelltown.

I am, therefore, to invite you to have the goodness to favour with such further observations thereon as may be deemed necessary in reference to same.

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

Sydney: Thomas Richards, Government Printer—1878.

[3d.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE AT RAYMOND TERRACE.

(CHARGES AGAINST, &c.)

Ordered by the Legislative Assembly to be printed, 17 *July*, 1879.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10th June, 1879, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

" (1.) Copies of all Correspondence, Minutes, Reports, and other Documents " of whatsoever kind, relating in any way to complaints or charges made " recently against the Police at Raymond Terrace by one Macpherson, of " that place.

" (2.) Like documents passing from or between the Inspector General of " Police, Superintendent Morisset, Sub-Inspector Thorpe, and other per- " sons, bearing upon the same subject; together with copies of the " proceedings at an Inquiry held by Sub-Inspector Thorpe at Raymond " Terrace concerning the said Police.

" (3.) Copies of all informations or complaints made or laid by the said Sub- " Inspector against the said Police, and of the depositions taken in connec- " tion therewith before the Bench of Magistrates at Raymond Terrace, " together with any Minutes or Reports thereupon.

" (4.) Copies of all Correspondence with and from the Inspector General of " Police and any person or persons at Raymond Terrace, consequent on " proceedings taken at a Public Meeting held there regarding the proposed " removal of one of the Police at Raymond Terrace."

(*Mr. Jacob.*)

POLICE AT RAYMOND TERRACE.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Police Department, Inspector General's Office, Sydney, 13 June, 1879.

Sir,

I have the honor to forward herewith the papers called for by the Legislative Assembly respecting the Police at Raymond Terrace.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

Mr. R. M'Pherson to Mr. Superintendent Morisset.

Raymond Terrace, 7 February, 1879.

Sir,

I have the honor to again write you, this time complaining of the still continued attempts at provocation carried on by Constable Finlay.

In cases before the Court to-day, Police *v.* others, for keeping pigs, in a hot argument between Constable Finlay and Mr. Fenwick, J.P., in which Finlay was very insulting to the Bench, he told Mr. Fenwick that when pigs were driven from his paddock to Mr. M'Pherson's, across the street, he said nothing about it—a thing which never happened; and also that he says nothing about horses and water-closets making a yard a nuisance. I am sure he was referring to our place, as it is the only place in which horses are kept, and I defy any person to say that it is dirty or the least offensive. I also beg to invite your inspection of same when at the Terrace.

Hoping you will give this your attention.

I have, &c.,
R. D. M'PHERSON.

Memo. by Mr. Superintendent Morisset.

Police Department, Superintendent's Office, N.-E. District, Maitland, 8 February, 1879.

As R. D. M'Pherson, the writer of the attached, accuses Senior-Constable Finlay of insolence to one of the magistrates of the Raymond Terrace Bench, and, as I presume, the alleged insolence occurred in the presence of the Police Magistrate, I shall feel much obliged if the Police Magistrate will be so good as to inform me if there is any truth in M'Pherson's statement.

I cannot suppose that either the Police Magistrate or Mr. Fenwick would allow such conduct as is imputed to Senior-Constable Finlay to pass unnoticed.

E. V. MORISSET,
Superintendent of Police.

The Police Magistrate to Mr. Superintendent Morisset.

Police Office, Raymond Terrace, 10 February, 1879.

Sir,

I have the honor to acknowledge the receipt of a memo. from you of date the 8th instant, with letter attached, the latter being a communication from one R. D. M'Pherson, addressed to you, accusing Senior-Constable Finlay of insolence to one of the Magistrates of the Raymond Terrace Bench while sitting in some cases tried on Friday last. I can only say that if such had been the case Mr. Fenwick, who would be the aggrieved party, could have put a stop to it in more ways than one, and not have left it to a person unconnected with the Bench to make a complaint afterwards.

The person making the charge was one of the persons summoned on the day named, and was fined. I can understand his motive in writing to you.

As far as my knowledge of Senior-Constable Finlay goes, I regard him as a most excellent member of the Force—none better,—and his conduct towards the Bench has always been marked by a respectful demeanour. I return you the documents.

I have, &c.,
CHAS. R. MIDDLETON,
Police Magistrate.

This letter is now referred to Senior-Constable Finlay for his information and report.—E.V.M., Superintendent, 14 Feb., 1879.

Senior-Constable Finlay.

Senior-constable Finlay to Mr. Superintendent Morisset.

Police Station, Raymond Terrace, 17 February, 1879.

Senior-Constable Finlay begs to state that he used no insolence to Mr. Fenwick when on the Bench on 7th instant, as alleged in R. D. M'Pherson's report of 7th instant. On that day there were several of the inhabitants of Raymond Terrace fined by the Bench for keeping pigs within 40 yards of a street. Mr. J. M'Pherson was one of the parties convicted. He is father of R. D. M'Pherson.

If the senior-constable was insolent to Mr. Fenwick, that gentleman or the Police Magistrate would have reported such conduct to the senior-constable's Superintendent. The senior-constable has always treated the magistrates with the highest respect, whether on the Bench or not, for it is his duty to do so.

But R. D. M'Pherson has a private motive for making this false charge against the senior-constable during the last twelve months. M'Pherson's father has been convicted before the Terrace Bench for breaches of the Publicans', Vagrant, Drunkards', and Towns Police Acts. When last fined for using obscene language to Constable Jones, the Police Magistrate then told Mr. M'Pherson that if he continued such conduct the police would oppose his license at the next annual licensing meeting for publicans. This is what young M'Pherson is frightened of, and trying to intimidate the police. The police will not oppose his license on light grounds, but if compelled to do so, Senior-constable Finlay will inform his superintendent.

Not

Not long ago R. D. M'Pherson told Constable Jones that he (Constable Jones) committed perjury, when his father was fined for using obscene language. This was said, thinking, no doubt, Jones would commit himself; but the constable, judging M'Pherson's motive, commanded his temper.

HENRY FINLAY,
Senior-constable.

I have informed R. D. M'Pherson that in this instance I do not think he has any cause for complaint, and that if Mr. Fenwick has he is the proper person to make it.—E. V. MORISSET, Superintendent. 18th February. S.-C. Finlay. To be returned.

Senior-constable Finlay to Mr. Superintendent Morisset.

Police Station, Raymond Terrace, 20 February, 1879.

THE Superintendent's minute of 18th instant (No. 79-529), herewith attached, has been noted at Raymond Terrace and all the papers returned to the Superintendent's Office, as directed.

HENRY FINLAY,
Senior-constable.

Mr. R. D. McPherson to Mr. Superintendent Morisset.

Sir, Raymond Terrace, 19 March, 1879.

I have the honor to again address you with a complaint, and to draw your attention to the conduct of police. On the night of the 17th we had a number of people in the bar until 5 minutes to 12, when I told them to leave, as it was just on 12. When they were leaving and the front door shut the constables came on the premises and banged at the door with a stick, and in boisterous tones said, "Turn those men out; it's after 12." I told him they were out. He then said that there were some in the dining-room, and that we were keeping our house open at unlawful hours. They then came round the house and into the back yard, and among the crowd (who were all perfectly sober), and ordered them all home, telling some that it was no place for them. Constable Jones caught one man by the ear and was going to take him out, and tried to aggravate him. Every man among them were respectable and quiet; they were standing at the corner of our house from 11 the same evening at intervals. When all had left I went inside and stayed until a quarter past 1 o'clock in the morning; then went to another hotel in the town where the lights were in the bar and parlour, quite visible from the street, and people going in and out all night and drinking; when I came out I walked to the Catholic school-room, where there was some dancing going on, and there saw Constable Jones. It was then 2 o'clock. When I came back looked into same hotel and saw people inside the bar, and some coming out; and at 3, Constable Jones was sitting in the same house, drinking with others; and, Sir, if you wish, I have twelve or fourteen witnesses to prove the correctness of my statement. With respect, I remain, &c.,

R. D. McPHERSON.

Mr. Superintendent Morisset to Mr. Sub-Inspector Thorpe.

Police Department, Superintendent's Office, N.E. District, Maitland, 20 March, 1879.

I SHALL be much obliged if Mr. Thorpe will go to Raymond Terrace and make a strict inquiry into the attached complaint. I have received many others of a similar nature from M'Pherson, and have other reasons for believing that the Raymond Terrace police are persecuting M'Pherson, and allowing other publicans to do pretty well as they like. The police certainly had no right to behave as they did in M'Pherson's yard (if M'Pherson's statement is true); and if Constable Jones laid hold of any man by the ear the man should be directed to summons him for assault.

Strict inquiry should also be made into the charge against Jones for drinking in another public-house, and for allowing the house to be open at 2 o'clock in the morning.

I am given to understand that Senior-constable Finlay, or his wife, is related to one of the coach proprietors who is running opposition to Messrs. Tuck and Co., and that M'Pherson is the latter's agent, and in consequence of this the Raymond Terrace police employ the whole of their time in watching M'Pherson's public-house, and Tuck and Co.'s mail-horses, with a view of having the owners fined for driving horses with sore shoulders, while other coach proprietors are not interfered with.

E. V. MORISSET,
Superintendent of Police.

Mr. Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir, Police Station, Newcastle, 30 March, 1879.

I do myself the honor to inform you that on Friday, the 28th instant, I proceeded to Raymond Terrace for the purpose of holding an investigation *re* complaint of Mr. R. D. M'Pherson against Senior-constable Finlay and Constable Jones, both of whom Mr. M'Pherson charges with persecuting him, "or rather his father," who is a man in weakly health, but who is represented by his son the complainant.

I regret to say that the evidence taken by me at the inquiry, and general opinion expressed, warrants Mr. M'Pherson in complaining of the partial conduct of both the senior-constable and Constable Jones. I shall confine my remarks to the present case, but, from all I can learn, numerous instances of oppressive and partial conduct could be proven by Mr. M'Pherson whatever be the cause. I have no hesitation in saying that there is a decided animus existing on the part of Senior-constable Finlay towards Mr. M'Pherson, strongly exhibited in my presence whilst conducting the inquiry, and for which I had to reprimand him severely upon two occasions.

The facts of this case are very simple—the offence complained of occurred on St. Patrick's night, when a little latitude is allowed; at least I allow it.

According to the evidence Senior-constable Finlay and Constable Jones proceeds to M'Pherson's at 5 minutes to 12, and insisted upon his closing his house. Constable Jones assaulting a man in the yard, by shaking him by the throat, and calling him "a thing." He says he was drunk, but he does not

lock

lock him up; he has since left the Terrace. The place is eventually closed after Constable Jones threatens Mr. M'Pherson to put him where he will find him.

Senior-constable Finlay is next heard of near Malley's public-house at half-past 1. Malley's is on the opposite side of the street from M'Pherson's back premises. The whole of the evidence goes to show that Malley was open until daylight of the morning of the 18th instant; no notice whatever is taken by the police. The senior-constable closed M'Pherson's at 12 sharp, and must have been cognizant of Malley being open at least till 1·30 a.m.; and Constable Jones could not have been ignorant of the breach—he endorsing it by his presence in the parlour from 3 a.m. to daylight the 18th instant. Under these circumstances I am not all surprised that Mr. M'Pherson should complain of the partial conduct of Senior-constable Finlay and Constable Jones.

When asked by me why the senior-constable had not charged Malley he could give no reason, but said it was not too late now.

I also ascertained that Constable Jones made no complaint against Malley. I may further state that Constable Jones told me a wilful falsehood respecting his being in Malley's parlour.

Seeing the evidence was so damning against him, I, in order to avoid too much scandal, asked him to acknowledge his presence there; he denied it strongly. I then tested the witnesses separately; had a plan of the room drawn, and each witness separately to point out the position he occupied—they all pointed out the same spot, leaving no doubt in my mind that he was there. In addition, Malley (who is an old ex-policeman) denied that Constable Jones was at his place, only when he called him in about 4 or 5 o'clock in the morning. Query: "What brought the constable out at that time?" He could not answer the question, but subsequently admitted that he was in for a "short time," and wished me to be as lenient as I could towards him (Constable Jones). Malley also denies that Mr. M'Pherson was in his parlour on the morning of the 18th instant; but he is flatly contradicted by Mr. M'Crimmon.

I consider the conduct of Senior-constable Finlay and Constable Jones disgraceful, judging from their conduct at M'Pherson's and their subsequent conduct respecting Malley.

I have, &c.,
C. THORPE,
Sub-inspector.

Mr. Superintendent Morisset to The Inspector General of Police.

Police Department, Superintendent's Office, N.-E. District,
Maitland, 1 April, 1879.

Sir,

I have the honor to report that, in consequence of frequent complaints from Messrs. Tuck and Co. and their agent, Mr. M'Pherson, of Raymond Terrace, I have suspected that the Raymond Terrace Police have for reasons of their own, most unfairly, in fact persecuted, the above Company and their agent, while they have allowed others following the same business to do as they liked.

Having to go to Cassilis I instructed Sub-Inspector Thorpe to investigate Mr. M'Pherson's complaint, and from the evidence he has obtained, which I enclose, I am of opinion that my suspicions were well founded.

It is proved that, after insisting on the closing of M'Pherson's public-house in an arbitrary and illegal manner, particularly on the part of Constable Jones, in Senior-constable Finlay's presence, that Constable Jones not only permitted another public-house to remain open until 4 o'clock in the morning, but even remained there drinking himself. Although Senior-constable Finlay does not appear to have remained drinking in this house also, it is evident that he was cognizant of what was going on, if he did not actually encourage it.

It is without my province to deal with Senior-constable Finlay, but think that in addition to any punishment you may think fit to inflict upon him he should be at once removed from Raymond Terrace, and as it was considered expedient a short time since to remove Senior-constable Malarky from Gosford, as soon as an opportunity occurred, they might perhaps be instructed to exchange.

With reference to Constable Jones who, if he were not acting under the countenance and instructions of Senior-constable Finlay I should recommend to be much more severely dealt with, I recommend that he be fined 40s. for his misconduct in M'Pherson's yard, and for afterwards drinking in another publican's house at 4 o'clock in the morning; and that he also be removed as soon as convenient to another station.

I have, &c.,
E. V. MORISSET,
Superintendent.

The Inspector General of Police to Mr. Superintendent Morisset.

Police Department, Inspector General's Office, Sydney, 2 April, 1879.

It would I think have been better, as this charge was one of neglect of duty made against the police constables by a private individual, to have had it investigated by the Bench under the Police Regulation Act (*vide* clause 67 of the rules.)

However, as the inquiry has been held it will scarcely be worth while to reopen the case.

Mr. Morisset's conclusions appear to be fully warranted by the statements made, but before dealing with the matter it would prevent any appeal hereafter to allow Senior-constable Finlay and Constable Jones as usual to see the proceedings if they desire to do so, and to make any written statements they may think fit in their defence.

EDMUND FOSBERY,
Inspector General of Police.

Mr. Superintendent Morisset to Senior-Constable Finlay.

Police Department, Superintendent's Office, N.-E. District, Maitland, 3 April, 1879.

These papers are forwarded for the perusal of Senior-Constable Finlay and Constable Jones, who may append any statement in their defence they may wish.

E. V. MORISSET,
Superintendent.

Police Station, Raymond Terrace, 28 March, 1879.

INVESTIGATION held by Sub-Inspector Thorpe *re* attached complaint of R. D. M'Pherson against Senior-Constable Finlay and Constable Jones.

Robert D. M'Pherson having heard the complaint made by him, and hereunto attached, read in the presence and hearing of Senior-Constable Finlay, states that he has nothing more to add.

By Senior-Constable Finlay: I am son to and agent of John M'Pherson of the "Cosmopolitan Hotel," Raymond-terrace; it wanted five minutes to 12 when you came to my father's house, on the night of the 17th instant; on the afternoon of that day bagpipes were played in the verandah, but not at night; there was no dancing at night, but there might have been during the day; a man named John Newman was drunk, but came drunk; had nothing at my place; I did not say "two darned crawlers" in alluding to the police; my father has been repeatedly fined for breaches of the Publicans' Act; at the time I wrote the complaint my father was unwell; I never told Constable Jones that he ought to get you removed from the station and him to get charge.

By Sub-Inspector Thorpe: Mr. Malley, innkeeper, has been fined for a breach of the Publicans' Act, at the instance of the Raymond-terrace Police; on the night of the 17th instant I am certain there were persons drinking at Malley's public-house between 2 and 3 o'clock a.m. (18th instant); I am agent for Tuck and Co.'s coaches; they run from my father's house; Constable Jones had one of Tuck's drivers fined for cruelty to animals; Mr. M'Intyre, who has the opposition coaches, has also been fined for a similar offence; Malley was not charged with having his house open on the night of the 17th after hours.

By Constable Jones: I did not see you in Malley's public-house on the night of the 17th myself; my reason for reporting you is that I consider you attended too closely to my house and took no notice what others were doing.

C. THORPE, Sub-Inspector, 28/3/79. R. D. M'PHERSON.

By Mr. M'Pherson: John M'Kenzie states:—I am a farmer, and reside at Tallegary Creek; I was at M'Pherson's inn on the night of the 17th instant, about 12 o'clock; I saw Senior-constable Finlay and Constable Jones in the yard; I heard M'Pherson warn the police against provoking some man; I was in Mr. O'Malley's public-house afterwards, between 3 and 4 o'clock a.m. the 18th instant; there were a number of people there; some time after entering I saw Constable Jones there; he walked in and out; when Senior-constable Finlay came to your place he appeared excited.

By Constable Jones: I saw you come in to Malley's inn by the passage door; I did not see you drink anything; there were a lot of people there; it was about 4 o'clock a.m.

C. THORPE, Sub-Inspector, 28/3/79. JOHN M'KENZIE.

By Mr. M'Pherson: George Aitchison states:—I am a bushman; I live at Graham's Town; I remember the night of the 17th instant; I was on that night at M'Pherson's bar; you turned me out a little before 12 o'clock; I saw Senior-constable Finlay and Constable Jones in the yard; about 10 minutes after I was turned out of the bar; Senior-constable Finlay said it was pretty hours to have the house open—that it was past 1 o'clock; after he looked at his watch and said it was twenty-five minutes past 12; there were a number of men in the yard; the senior-constable ordered them home, saying it was time for married men to be at home; you said that no drink was sold after 12, and that the house was closed; there were about six persons in the parlour; there was no noise; the senior-constable ordered you to put them out; Constable Jones caught hold of one of the men in the yard and shook him; the man said it would take two to take him; Constable Jones called him a thing; the man was not arrested; you told Constable Jones not to aggravate the man; Jones then told you he would put you where he would find you; the man gave no provocation to the police to take hold of him; he was quiet and sober; about half-past 1 o'clock I saw the senior-constable and Constable Jones near the Catholic school; I afterwards went to O'Malley's public-house in company with four others; there were a number of persons there; when I went in we had drinks, and returned to the dance at the school; I there again saw Constable Jones; I again returned to O'Malley's house; a number of persons were singing, and plainly heard in the street; while inside I saw Constable Jones enter the house and go into one of the parlours in company with four other persons; immediately after heard the bell ring, and saw drinks taken in; I looked in and saw Constable Jones sitting at the table; he had grog before him; he was in uniform; it was half-past 3 a.m. when he went in; I saw several rounds of grog taken in; I left the house at daylight; Constable Jones was still there.

By Senior-constable Finlay: It was past 1 o'clock a.m. when I saw you at the school.

By Constable Jones: I first saw you in Malley's about 3·30 a.m. the 18th instant; I was in the bar; I did not see you drinking, but I saw grog before you; you never spoke to me nor threatened to lock me up that night.

By Sub-Inspector Thorpe: I could not recognise any of the parties that were in the parlour with Constable Jones; all the grog taken into the parlour whilst the constable was there was taken by O'Malley, the landlord, viz., three or four lots.

C. THORPE, Sub-Inspector, 28/3/79. GEORGE AITCHISON.

By Mr. M'Pherson: Hiram Gilbert states:—I am a labourer, residing at Raymond Terrace; I remember the night of the 17th instant; I was in your father's licensed house a few minutes before 12 p.m.; when I left as you told me and others that it was nearly 12 o'clock and you were going to close the bar; I went into the yard with several others; the door was closed as soon as we went out; a short time after we reached the yard I saw Senior-constable Finlay and Constable Jones there; Finlay called out to close the bar; you replied, "The bar is closed"; some time after the constables came, Senior-constable Finlay said it was twenty minutes past 12; I then left and went to the ball at the Catholic school; some time before daylight I, in company with others, went to O'Malley's inn; there were several persons there when we went in; after being in Malley's for some time I observed Constable Jones sitting down in one of the parlours; there were other persons in the same room; I heard Aitchison remark that Constable Jones was in the parlour.

By Constable Jones: It was between 3 and 4 o'clock a.m. when I saw you at Malley's; I cannot say positively whether it was after 4 o'clock, but I am sure it was before daylight; you were sitting down when I saw you; I did not see you drinking.

C. THORPE, Sub-Inspector, 28/3/79. HIRAM GILBERT.

DEFENCE.

By Senior-constable Finlay: John Malley states:—I am an hotelkeeper, residing at Raymond Terrace; I remember the morning of the 18th instant; I saw you between 12 and 1 o'clock a.m. in company with Constable Jones; you spoke to me about a man named Broderick, who was drunk; I believe you locked him up; I did not see Mr. M'Pherson at my place, nor did I serve him with drink between 12 p.m., 17th, and 4 a.m., 18th.

By Constable Jones: I saw you in the street between 4 and 5 o'clock a.m., the 18th instant; you came into my place by my asking you to come in; I did so for the purpose of intimidating a noisy character in my house; you had no spirits at my place on that occasion.

By Sub-Inspector Thorpe: The three last witnesses were at my house after 4 o'clock on the morning of the 18th instant.

C. THORPE, Sub-Inspector, 28/3/79. JNO. O'MALLEY.

By Constable Jones: John Delaney states:—I am a farmer, residing at Miller's Forest; I recollect the morning of the 18th instant; I was doorkeeper at the Catholic school on that morning; I saw you about 12 or 1 o'clock; I again saw you at twenty minutes to 5; when I saw you on the last occasion you appeared perfectly sober, not the least sign of liquor upon you.

C. THORPE, Sub-Inspector, 28/3/79. JOHN DELANEY.

By Mr. M'Pherson: Angus M'Crimmon states:—I am a farmer, residing at Millar's Forest; I remember the night of the 17th March; I saw you at Mr. Malley's hotel between 1 and 2 o'clock a.m. of the 18th; it was in the parlour.

C. THORPE, Sub-Inspector, 28/3/79. ANGUS M'CRIMMON.

Senior-constable

Senior-constable Finlay to Mr. Superintendent Morisset.

Police Station, Raymond Terrace, 4 April, 1879.

Senior-constable Finlay (No. 404) begs to state:—On the morning of 18th March last, at 12·15 a.m., all the public-houses at Raymond Terrace were closed but John M'Pherson's. The senior-constable told R. D. M'Pherson it was after 12 o'clock, and please close the bar. There were then about fourteen or fifteen men in the bar. M'Pherson called the police two "darned crawlers."

J. M'Pherson, the landlord, has been convicted before the Terrace Bench for several breaches of the Publicans' Act (gaming); he has also been convicted under the Drunkards' and Vagrant Acts, all in fourteen months. He is also identical with the man who was committed for contempt of Court by one of the Supreme Court Judges in Sydney, when M'Pherson appeared in a state of drunkenness when a witness in the case of the owners of the "Lord Ashley" steamer *versus* Insurance Company. His son applied to the Bench recently for a prohibition for the other publicans not to serve him with liquor; he is a noted drunkard.

R. D. M'Pherson wrote a false charge not long ago to the superintendent accusing the senior-constable with insolence to one of the Magistrates whilst on the Bench. This the Police Magistrate satisfied the superintendent that the charge was groundless.

After leaving M'Pherson's premises on morning of 18th March the police passing by Malley's public-house, which was closed – no light in the bar. The police drew Mr. Malley's attention to a man who was drunk and making a great noise on his premises. Malley then turned this man on to the street; the police locked him up; this was near 1 o'clock.

The senior-constable being on duty at the regatta from 9 a.m., 17th March, to 1 a.m., 18th, then went to bed as the town was quiet. The senior-constable did not know that Malley sold liquor at prohibited hours until the day of the investigation.

The senior-constable begs to state that he has no animus to Messrs. Tuck and Co., or their agent, R. D. M'Pherson.

The police summoned one of Mr. Tuck's men for working a horse with sore shoulders, and he was convicted. The police also summoned Mr. M'Intyre, the proprietor of the opposition coach, for a similar offence, and he was convicted. Senior-constable Finlay had Malley also fined for allowing gaming in his licensed public-house. The senior-constable has not tasted a drop of liquor in Malley's house for the last nine months.

With the highest respect to Mr. Thorpe, who states that the senior-constable has animus towards M'Pherson, this was owing to the senior-constable drawing Mr. Thorpe's attention that M'Pherson and one of his witnesses were so close together that their arms were touching, and another occasion when he asked M'Pherson "Yes or no" to a question.

The senior-constable trusts his superintendent will not press that the senior-constable will be transferred to Gosford, where he was stationed over four years, and was transferred from there owing to failing health of the senior-constable's wife, who never had good health whilst at Gosford. She there got chronic rheumatism, and still suffers from it. She is now the mother of eight children.

The senior-constable is now over twenty years in the Force, and it was never proven that he acted partially in the discharge of his duties, and the recent investigation is the first he was ever at.

What the senior-constable now states he can prove on oath.

Young M'Pherson was present on each occasion when gaming was carried on in his father's house, and he has made his boast he would have the senior-constable removed in three months, and he is also afraid the senior-constable will oppose his father's license at the annual meeting which takes place here on the 15th instant. The senior-constable will not do so unless instructed to do so by his superior officer.

The senior-constable most respectfully requests, if not too late, that he will be brought before the Bench, as he is conscious he can prove his innocence of the charges made against him.

As for Constable Jones assaulting a man in M'Pherson's yard, such is not the case, and there was not the least complaint made to the senior-constable of Jones having done so.

By such charges made against the senior-constable he considers his character damaged, and also the Force to which he belongs.

Senior-constable Finlay and Constable Jones were not informed that any complaints were lodged against the constables by Messrs. Tuck and Co., as mentioned in the superintendent's report to the Inspector General of Police.

The police emphatically deny ever persecuting Tuck and Co., or their agent. The senior-constable adds these few lines with no disrespect to his superintendent.

HENRY FINLAY,
Senior-constable.

Constable Jones to Mr. Superintendent Morisset.

Police Station, Raymond Terrace, 4 April, 1879.

Constable Jones (No. 3174) begs to state, for the information of his superintendent, in answer to the charges preferred against him by R. D. M'Pherson, on the 28th ultimo, at Raymond Terrace, before sub-inspector Thorpe,—

The first charge against Constable Jones was for assaulting a man who was unknown here to M'Pherson or his witnesses, and who could not be found to prove this charge. The constable begs to state in justice to himself that this man called the police on the morning of the 18th, while standing in M'Pherson's yard, "Two lousy things." Constable Jones was at this time standing at the gate of the back yard of M'Pherson's hotel, on the street. The constable, on hearing this language used by this man, went into the yard and spoke to this person about the insulting language he was using towards the police. This person then said it would take two police to take him. Constable Jones then put his hand on this man's arm and told him that he could and would take him alone if he did not be quiet. The man then ran into the back verandah to where R. D. M'Pherson was standing. R. D. M'Pherson then said to Constable Jones, "I don't know how it is that you two darned crawlers are always crawling about our house." Constable Jones then asked R. D. M'Pherson what he meant by using such language to the police; the answer M'Pherson made was, "So you are two crawlers; you were crawling about our house at

11 o'clock to-night." Constable Jones then told R. D. M'Pherson that if he repeated those words again "that he would put him where he would find him," meaning that he would lock him up for using insulting language towards the police in a public place. At this time there were about twelve or fourteen men in this yard; some of them were groaning and hooting at the police.

The constable begs to state that Senior-constable Finlay was present, and if Constable Jones had been assaulting any person in the yard the senior-constable would have seen him in the act. Constable Jones then left the yard in company with Senior-constable Finlay, and proceeded along the street to Mr. Malley's hotel; at this time there was no light in Mr. Malley's bar. There was a man making a noise on Mr. Malley's premises. Senior-constable Finlay drew Mr. Malley's attention to the noise; this man Mr. Malley then ejected from his premises. He was then arrested by Senior-constable Finlay and Constable Jones, and conveyed to the lock-up. This was about 1 a.m.; the senior-constable then went to his quarters and Constable Jones went on duty at the Roman Catholic Chapel, where a public ball was being held. The constable remained at the ball until 3 a.m., when he returned to the lock-up in company with his wife, who was coming home from the ball. The constable then returned to the chapel, and was in the company of two residents of this district until 10 minutes to 5 a.m. These two young men are the two witnesses which the constable mentioned to Sub-Inspector Thorpe as not being able to attend as they were both out of the town when the late investigation was being held. Had the constable been aware of the manner in which investigations are held he could have had both these witnesses present.

The constable would most respectfully request that this matter be brought before the local Bench of Magistrates when the constable will be able to prove that he was not in Mr. Malley's hotel on the morning of the 18th March, between the hours of 1 and 5·20 a.m.

Constable Jones begs respectfully to state that Mr. Sub-Inspector Thorpe has made a great error in stating that the constable asked Mr. Thorpe to deal leniently with him, as the constable never asked any favour at all. The constable was asked by Mr. Thorpe if he was there, and the reply the constable made was that he was not near the house at the time the constable was accused of being there. Senior-constable Finlay was present during the time this question was asked by Mr. Thorpe, and both Senior-constable Finlay and Constable Jones can positively swear on oath that no such favour was asked by the constable from Mr. Thorpe. As for partiality being shown the constable has no hesitation in stating that he has never shown any since he has been in the Force, and no animus ever existed on the part of Constable Jones towards either Mr. John M'Pherson or his son.

A. W. JONES,
Constable.

Mr. Superintendent Morisset to Mr. Sub-Inspector Thorpe.

Police Department, Superintendent's Office, Maitland, 7 April, 1879.

The attached explanations from Senior-constable Finlay and Constable Jones, with reference to an inquiry lately held by Mr. Thorpe at Taymond Terrace, are referred to him for his observations.

E. V. MORISSET,
Superintendent.

Mr. Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir, Police Station, Newcastle, 10 April, 1879.

With reference to explanations of Senior-constable Finlay and constable Jones, the case noted in the margin, I do myself the honor to inform you that my opinion is not altered as expressed in my general report. I notice a marked discrepancy in Senior-constable Finlay and Constable Jones' description of the conduct of themselves and the persons in Mr. M'Pherson's yard.

M'Pherson *ats.* Senior-constable Finlay and Constable Jones—Misconduct.

I see that constable Jones has given me the lie direct. I fail to find in any part of my report where I have not given every fact as they arose

With reference to the two witnesses mentioned by Constable Jones, he had every opportunity to produce them, as I offered to postpone the inquiry to enable both the senior-constable and him to produce evidence for their defence.

I have, &c.,
C. THORPE,
Sub-inspector.

Mr. G. Martin to The Inspector General of Police.

Dear Sir, Raymond Terrace, 7 April, 1879.

I intended to have got my friend, Mr. Shepherd, to present this letter to you, but as I am afraid he is too busy just now I have thought it better to address you personally.

I beg most respectfully to draw your attention to a case that has just occurred here, in which I consider there is a great miscarriage of justice. Sergeant Finlay and Constable Jones, who are both men highly respected in this district, have been charged with certain offences, and, after being confronted with their accuser and his witnesses, who are considered men of very little character here, were, from all I hear, not allowed either to ask any pertinent questions or make any defence, but were at once condemned by the inspector who conducted the affair—the inspector himself after leaving the room being seen in the company of the man who brought the charges. Of course in an affair of this kind, and conducted in such a manner, it is almost impossible to arrive at any conclusion regarding the reason these charges are brought (I fully believe them to be without foundation), but from the action of the inspector, and other causes that have come to my ears through one of the witnesses of the complainant, I imagine there are others behind the scenes who do not wish to show themselves in the business, and for whom the accuser is acting; in my humble opinion the police have only done their duty, but that duty having offended certain parties has caused what I can only call a petty persecution of the police, which I trust will meet with its due reward.

As.

As regards Messrs. Finlay and Jones I am only writing the feeling of the district when I say that two more conscientious, sober, and upright men never did duty, and they are held in high esteem by all classes in this district. I trust that you will not consider I am exceeding my privileges as a citizen in bringing this case under your notice. As a *bonâ fides* of my integrity I submit names for reference in Sydney.

I remain, &c.,

GEO. C. MARTIN.

John Shepherd, Esq., M.P., John Hurley (*Hartley*), Esq., M.P., J. G. Thurlow, Esq., H. Wager, Esq., C. J. Roberts, Esq., J.P. Referred to Supt. Morisset.—EDMUND FOSBERY, I.G.P.

Mr. Superintendent Morisset to Mr. Sub-Inspector Thorpe.

Re charges against Raymond Terrace Police.

Police Department, Superintendent's Office, N.-E. District, Maitland, 10 April, 1879,

THE attached letter, addressed by Mr. Geo. C. Martin to the Inspector General of Police, is referred to Sub-Inspector Thorpe for any remarks he may think necessary for him to make.

E. V. MORISSET,
Superintendent.

If the other papers have not been sent from your office I will have them sent to-morrow.—C. THORPE, Sub-Inspector, 17/4/79. E. V. Morisset, Superintendent of Police, Sydney.

Mr. Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir,

Police Station, Newcastle, April 17, 1879.

Investigation *re* R. M'Pherson against Senior-constable Finlay and Constable Jones—misconduct.

I have the honor to acknowledge receipt of letter from you, written by C. G. Martin, of Raymond Terrace, in reference to case investigated by me, noted in the margin, full report of which has been forwarded to your office.

Whoever this Mr. Martin is I should like to know—how he became aware that a miscarriage of justice had taken place, when no decision has yet been arrived at.

How was he aware of who were the accusers and witnesses, or what transpired at the investigation, considering that it was a private police inquiry?

Notwithstanding the *bonâ fides* of his integrity, and his numerous references as to character, he does not confine himself to the truth when he states that the accused were not allowed to ask questions pertaining to the case before me; as previously reported it was the complaint of Mr. M'Pherson of the conduct of Senior-constable Finlay and Constable Jones on the night of the 17th instant—of March last. I confine Mr. M'Pherson and both constables to that particular night; there had evidently been previous occasions where the conduct of both men had been objectionable to Mr. M'Pherson. He (Mr. M'Pherson) attempted several times during the investigation to revert to them, as also did Senior-constable Finlay and Constable Jones. I declined to hear anything referring to them from either sides, but, as I have already stated, confined them to the night of the 17th March, and repeat that I consider Mr. M'Pherson had just grounds of complaint on that occasion.

As to the men not being allowed to make a defence, this is another untruth told by Mr. Martin; their defence was called for in the usual course, and is at present attached to the original depositions.

He further states that both Senior-constable Finlay and Constable Jones were at once condemned by the inspector conducting the inquiry? How was he to know what my opinion was? I made my official report to you, sir, which was subsequently sent to Senior-constable Finlay and Jones for their explanation. My opinion of their conduct was therein plainly expressed, "and only in that report"; therefore the only conclusion I can arrive at is that Senior-constable Finlay and Constable Jones have been guilty of a breach of the Police Regulations, by supplying information to this Mr. Martin, and seeking his interference. I must again revert to this Mr. Martin's integrity, relative to contemptible innuendo as to my having been seen in the company with the person who brought the charge against the police, and must thank him for his moderation, for on adjourning for dinner I went to a private friend's place to dine; it was in the same direction as M'Pherson's. M'Pherson and several other persons walked in company, and the principal witness for the police (Malley) was one of the number, and this man of integrity forgot to state that I left M'Pherson's company, and went into Malley's public-house, and had a glass of ale, and when the investigation was completed I went to M'Pherson's, junior, from whence the coach starts for Newcastle, and there had my tea before leaving.

In conclusion, to show the *bonâ fides* of the manner of my conducting the inquiry (so strongly complained of by Mr. Martin) Malley, the principal witness for the defence, stated that Mr. M'Pherson was not at his house on the night in question, therefore could not have seen Constable Jones there. Mr. M'Pherson requested me to call in a person who was outside, who he said was with him at Malley's, and who would contradict Malley's statement; the case having been closed for the prosecution I told M'Pherson that Malley should be present while this person gave his evidence. Malley was then called in, with the witness whose name I have forgotten, but he is the last on the depositions; he endorsed M'Pherson's statement. Malley accepted the contradiction without a question, and subsequently admitted to me that Jones had been at his house on that night. I regret taking up so much of your time, sir, but I feel it incumbent upon me to reply fully to such an untruthful and insulting communication. It is the first time that motive has ever been imputed to me, and I feel very strongly in the matter to think that my conduct should be reviewed in the manner it has been by this man of integrity, Mr. G. C. Martin.

I have, &c.,

C. THORPE,
Sub-inspector.

Mr. Superintendent Morisset to Mr. Sub-Inspector Thorpe.

Police Department, Superintendent Office, N.E. District, Maitland, 21 April, 1879.

IT will be better for Sub-Inspector Thorpe to lay an information against Senior-constable Finlay and Constable Jones, and charge them with neglect of duty for having allowed a publican to keep his house open during prohibited hours.

They

They should also be charged with misconduct for having obliged one publican to close his house while they allowed another publican to keep his house open.

The information should be laid under the 12th section of the Police Act.

Mr. Thorpe should endeavour to secure the attendance of a full Bench to investigate these charges.

E. V. MORISSET,
Superintendent.

P.S.—I attach previous papers in this matter, as they may be useful to Mr. Thorpe in the investigation.

Mr. Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir, Police Station, Newcastle, 2 May, 1879.

I do myself the honor to report for your information that, in accordance with instructions, I charged Senior-constable Finlay and Constable Jones with misconduct—two charges against each, viz., for allowing Malley to keep his licensed house open during prohibited hours, also for their conduct at M'Pherson's on the 18th March last. The cases were heard this day before the Police Magistrate and several other Justices at the Police Court, Raymond Terrace. The first case heard was that against Senior-constable Finlay for allowing Malley's house to be open. The complainant (M'Pherson) failed to prove that Finlay knew that the place was open. When pressed, he did not see Finlay near the place, but had been told that he was there. He had no witness that would come to prove the fact, consequently the case was dismissed.

I wish to draw your attention, sir, to the subsequent proceedings. Senior-constable Finlay was defended by Mr. R. Thompson, solicitor, of West Maitland, who, after being spoken to by Senior-constable Finlay, addressed the Bench, and stated that he had been requested to make application, which he considered ill-advised, but still he must do as requested—that was, to apply for costs against the prosecution. The Police Magistrate (Mr. Middleton) at once agreed to grant costs against me, although I explained the case to him clearly as to it arising out of a complaint of misconduct made by a civilian against a police constable, not a direct charge preferred by me, but one that I was ordered to prefer by my superior officers, in order that the complaint made by the civilian against the constable be investigated by the Bench; however, Mr. Middleton granted costs, amounting to £1 5s.

There were several other Magistrates on the Bench who seemed to adopt Mr. Middleton's very decided opinion on this matter. I think, sir, that it will scarcely be asking too much to have the Attorney General's opinion on this decision, as to whether there are not good grounds for a prohibition.

Mr. Thompson raised technical objections to the information (Mr. Middleton's own information) in the other cases, and all were sustained by Mr. Middleton, the Police Magistrate, and agreed to by the other gentlemen on the Bench.

Mr. M'Pherson named eleven witnesses for the prosecution; all were subpœnaed; two only attended. I consider it utterly useless to proceed further, taking all things into consideration.

I have, &c.,
C. THORPE,
Sub-Inspector.

Mr. Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir, Police Station, Newcastle, 2 May, 1879.

In addition to the attached report, I do myself the honor to inform you that on opening the case against Senior-constable Finlay, Mr. Thompson objected to my reverting to the investigation held by me. Mr. Middleton, the Police Magistrate, agreed with him, and refused to hear any further remarks I had to make; therefore I had no opportunity of informing him of the fact that it was at the earnest request of Senior-constable Finlay that the case be heard before the Bench; *vide* his explanation. And, as he could not accuse himself, a formal information had to be laid in order to carry out his wishes, and for doing which I am cast into costs by Mr. Middleton and the Bench, although the attorney for the Senior-constable deemed the application ill-advised.

I have, &c.,
C. THORPE,
Sub-Inspector.

Superintendent Morisset to The Inspector General of Police.

Sir, Police Department, Superintendent's Office, N.-E. District, Maitland, 3 May, 1879.

I have the honor to forward a report received from Sub-Inspector Thorpe, informing me that the charges brought against Senior-constable Finlay and Constable Jones, of the Raymond Terrace police, for neglect of duty and misconduct, have been dismissed by the Bench, and costs awarded against Sub-Inspector Thorpe.

These cases have terminated very unsatisfactorily for more reasons than one, as charges were brought against these men by civilians, and some of which were proved at a former investigation, notably those against Constable Jones, for drinking in a public-house and allowing the publican to keep his house open at an unlawful hour, and the matter now remains just as it was.

The conduct of Senior-constable Finlay appears to me to have been most improper, and his insisting on his attorney applying for costs against Sub-Inspector Thorpe shows a spirit of vindictiveness and insubordination which I think should not be overlooked, and I venture to hope you, sir, will take steps to prevent Mr. Thorpe being made a victim.

Sub-Inspector Thorpe was instructed to investigate the previous charges against these men, and did so, in my opinion, in an impartial and satisfactory manner.

Senior-constable Finlay, however, being dissatisfied, requested in his explanation that the case might be reinvestigated by the Bench, pretending to court inquiry, and Sub-Inspector Thorpe was accordingly instructed to lay the informations, but when the opportunity for clearing himself was afforded him Senior-constable Finlay did everything in his power to burk inquiry, and applied for costs in the cases which were brought on at his own instigation.

The

The non-appearance of all the witnesses subpœnaed against him is very remarkable.

I enclose all previous papers, and am more than ever of opinion that Senior-constable Finlay should be removed from Raymond Terrace.

The fact of the Police Magistrate, Mr. Middleton, who is also, I believe, Clerk of Petty Sessions, drawing the informations himself, and afterwards upholding every objection made to them by Senior-constable Finlay's attorney, and afterwards granting costs against Sub-Inspector Thorpe, knowing the cases were brought on at the senior-constable's own request, needs no comment from me, but if the investigation should be brought on again I certainly should recommend its being held at any court than Raymond Terrace.

I have, &c.,
E. V. MORISSET,
Superintendent.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Sir, Police Department, Inspector General's Office, Sydney, 5 May, 1879.

I have the honor to report that certain charges were recently preferred against two constables at Raymond Terrace, by a resident there, upon which an inquiry was held by Sub-Inspector Thorpe, but as I considered the investigation should have been before the Bench, as provided by the Act and regulations, I directed that course to be taken, the accused constables also desiring same.

The charge was dismissed, and the Police Magistrate and Bench (most improperly, I think), awarded £1 5s. costs against the police officer who laid the information.

I therefore beg to apply for the authority of the Colonial Secretary to pay the above amount from the vote for incidental expenses—Police.

The attached reports relating to the case I need not trouble the Colonial Secretary to read, but I beg to suggest that they may be forwarded for the information of the Minister of Justice, &c.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

The Inspector General of Police to Mr. Superintendent Morisset.

Police Department, Inspector General's Office, Sydney, 5 May, 1879.

Supt. Morisset will see by the attached memo. what action I have taken in this matter.

The result is very unsatisfactory, but I do not feel justified in reviewing the decision of the Bench; the charges must be considered as disposed of.

S.-c. Finlay's action in urging his attorney to apply for costs against his officer evinces a highly reprehensible spirit in a member of the Force, notwithstanding the fact that the Bench upheld his application.

It is evident that he must be transferred to some station where he will not be in Sub-Inspector Thorpe's sub-district. If he be sent to Gosford I should wish some little time to be allowed to Mallarky to make arrangements as he has a large family, and his son has, I believe, an appointment in the Telegraph Department.

As Constable Jones has resigned he may receive his discharge at once.

EDMUND FOSBERY,
Inspector General of Police.

The Inspector General of Police to Mr. G. Martin.

Sir, Police Department, Inspector General's Office, Sydney, 5 May, 1879.

With reference to your letter, dated the 7th instant, respecting certain charges against the Raymond Terrace Police, I have the honor to state that you have apparently been misinformed as to the facts of the case, which have, however, now been investigated and dealt with.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

Mr. G. Martin to The Inspector General of Police.

Sir, Raymond Terrace, 9 May, 1879.

I have the honor to acknowledge receipt of your's of the 5th instant. I cannot think that you have either read or studied the depositions in the case mentioned, or you would not say I had been misinformed, nor can I think that you have investigated the circumstances with your usual perspicacity, or you would not allow such injustice to be perpetrated as has been done in this matter. However, I hear that the case is likely to go before Parliament, when justice will be shown.

I have, &c.,
GEO. C. MARTIN.

Senior-constable Finlay to The Inspector General of Police.

Police Station, Raymond Terrace, 8 May, 1879.

Senior-constable Finlay (No. 404), begs most respectfully to apply to the Inspector General of Police that he, the senior-constable, may not be transferred to Gosford Station, as he has served four years at that station, and was transferred from there upon the certificate of a doctor that his, the senior-constable's, wife was suffering from chronic rheumatism, and would suffer if allowed to remain at Gosford. The senior constable has a large family of seven children, and would be certain to have his wife crippled if sent back to Gosford. When the senior-constable's solicitor was applying for costs last Friday, the solicitor told the Bench the costs would come out of a reserve fund. The senior-constable can assure the Inspector General that he has no bad feelings towards his sub-inspector, but that he would, as in duty bound, treat him for the future, as hitherto, with the highest respect.

As

As Senior-constable Finlay is informed that Senior-constable O'Sullivan, of Dungog, has applied for a transfer from that station, the Inspector General would confer a great benefit to Senior-constable Finlay, if transferred from here, to be transferred to Dungog. The senior-constable has a son who went under a serious operation for the removal of a tumour from the face, and this boy requires medical attendance at times. When at Gosford his mother had to bring him to Newcastle to a doctor.

And as the senior-constable has suffered, and still suffers, from a rupture this last fifteen years, he is scarcely fit for active service now. Not long ago an insurance company refused to insure his life.

The senior-constable trusts the Inspector General will give this application his kind consideration.

HENRY FINLAY,
Senior-constable.

P.S.—Solicitor's receipt herewith attached.—H. FINLAY, Senior-const.

Forwarded through Senior-constable Finlay's Superintendent.

Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir,

Police Station, Newcastle, 13 May, 1879.

I do myself the honor to report, for your information, that a resident of Raymond Terrace informed me that a disgraceful scene was enacted at Raymond Terrace last night. It appears that an indignation meeting was held, to protest against the removal of Senior-constable Finlay from Raymond Terrace. Subsequent to the meeting a number of persons paraded the streets in a very disorderly manner, and finished up by burning Mr. R. M'Pherson, "the person who preferred the charges against Senior-constable Finlay and Constable Jones," in effigy, also Mr. Fenwick, J.P., who has also complained of the constable's conduct, and who has, I believe, given evidence in M'Pherson's behalf, I cannot vouch for the truth of my informant's statement. Perhaps Mr. Morisset will ascertain from Senior-constable Finlay whether such conduct took place; if so, what steps he took to prevent such disorderly conduct, and if he has yet taken action with the view of punishing the persons implicated in such a disgraceful affair. Ex-constable Jones, I am informed, took a most prominent part throughout.

I have, &c.,
C. THORPE,
Sub-inspector.

Forwarded to Senior-constable Finlay for immediate report.—E. V. MORISSET, 14 May, 1879.
Senior-constable Finlay. To be returned.

Senior-constable Finlay to Mr. Superintendent Morisset.

Police Station. Raymond Terrace, 15 May, 1879.

SENIOR-CONSTABLE Finlay (No. 404), begs to report, for the information of his superintendent, and in answer to Sub-Inspector Thorpe's report, dated 13th inst.:—

That, on night of 12th inst. a number of persons went through Raymond Terrace with two effigies and afterwards set fire to them convenient to a swamp on private property. There was no riotous behaviour carried on in the streets, and after the straw was burnt the people dispersed and went to their homes. A similar occurrence happened on two occasions at Raymond Terrace previous to Senior-constable Finlay taking charge of this station, when Mr. Winnirt and a Mr. Doyle were burnt in effigy, and the police took no action in these matters. Recently the effigy of a man was burnt at Back Creek, and the senior-constable is credibly informed the effigy of Mr. Dibbs was burnt in Newcastle, and the police in these cases took no action.

Mr. Thorpe has been misinformed, and if the person who made the complaint wishes to have the case investigated, Senior-constable Finlay can bring several of the most respectable inhabitants of Raymond Terrace to prove that there was no riotous or disgraceful behaviour in the streets of Raymond Terrace on night of 12th inst. The senior-constable is not aware of Mr. Fenwick, J.P., ever complaining of the senior-constable's conduct, neither did Mr. Fenwick ever give evidence in M'Pherson's behalf. The senior-constable did not see or hear anything on night of 12th inst. to cause him to take any proceedings in this matter. There was no bad language used, and neither Mr. Fenwick nor Mr. M'Pherson made any complaint to the senior-constable. Sub-Inspector Thorpe's report returned to superintendent's office as directed.

HENRY FINLAY,
Senior-constable.

Forwarded for Sub-Inspector Thorpe's perusal and any observations he may consider it necessary to make.—E. V. MORISSET, Superintendent, 16 May, 1879. Sub-Inspector Thorpe,

I have read Senior-constable Finlay's explanation, and, I suppose, must believe his statement that a number of persons paraded the township in a perfectly orderly manner, carrying effigies for the purpose of burning, or, as he puts it, "straw." Under the circumstances he might have saved himself the trouble of naming so many precedents to excuse himself. I think it useless proceeding further in the matter.—C. THORPE, Sub-Inspector, 18/5/79. The Superintendent of Police, Maitland.

A. D. Middleton, Esq., to The Inspector General of Police.

Sir,

Raymond Terrace, 13 May, 1879.

I have the honor to submit to you, as chairman of a large and influential meeting, held at Raymond Terrace on the 12th instant, for your earnest consideration, a petition signed by a large number of the inhabitants of the town and district, relating to the removal of Senior-constable Finlay on charge which, in the opinion of your petitioners, emanated from a source unworthy of consideration, and which were dismissed by a full Bench of Magistrates as totally unfounded and "paltry in the extreme."

I have, &c.,
A. D. MIDDLETON.

P.S.—I also enclose copy of testimonial signed by the Bench at Brisbane Water, where constable was at one time stationed.—A.D.M.

Referred to Supt. Morisset for his observations.—EDMUND FOSBERY, I.G.P., 14 May.

[*Enclosure.*]

12

[*Enclosure.*]

We, the undersigned, members of the Bench of Magistrates at Gosford, in the district of Brisbane Water, have much pleasure in certifying that during the time we have known Mr. Senior-constable Finlay, he has discharged his important duties in an active, intelligent, straightforward manner, and that we very much regret, owing to the ill-health of his wife, his removal from this district.

W. ELLIOT, P.M.
JOHN A. OSBORNE, J.P.
CHAS. C. FAGAN, J.P.
THOS. C. BATTLEY, J.P.

Brisbane Water, 26 May, 1875.

I hereby certify this to be a true and correct copy,—A. D. Middleton, Raymond Terrace, 13/5/79.

Petition from the Inhabitants of Raymond Terrace to The Inspector General of Police.

Raymond Terrace, 12 May, 1879.

Sir,

1. We, the undersigned, in public meeting assembled, and residents of the district of Raymond Terrace, feel in duty bound to express our opinion to you, the Inspector General of Police, upon the character of the proceedings which have lately been instituted against Senior-constable Henry Finlay and Constable Jones; as also to place before you the estimation in which these constables are held by us.

2. With a view to satisfying you that this communication is the result of an influential public meeting, we enclose herewith, marked No. 1, the requisition to A. D. Middleton, Esq., J.P., calling the meeting at which the views expressed in this letter to you were unanimously adopted.

3. In order that you may be informed of the paltry nature of the charge preferred against these constables, we enclose (marked No. 2), accounts of the proceedings which took place at the Police Court, Raymond Terrace, on the 2nd May instant, before C. R. Middleton, Esq., P.M., and G. Carmichael, M. J. Purnell, A. D. Middleton, and H. T. Adams, Esqs., Justices of the Peace, from which report it will be seen that not only was the charge dismissed, but that the Police Magistrate is reported to have said respecting the affair that he considered the charges preferred against the police were very paltry affairs indeed, and spoke highly of the conduct of both officers, especially the senior-constable, who has been twenty-one years in the Force, and this was the first charge ever brought against him, and remarked that both left the court without a stain upon their character.

4. We further respectfully request that you will have the goodness to require, in connection with any report which you may call for relating to this matter, a statement of police proceedings in which the parties involved in the present case have necessarily been engaged at this police court.

5. We need scarcely mention that the large and increasing traffic through Raymond Terrace to the Barrington Gold-fields has made it more than ever necessary that we should have in Raymond Terrace active and vigilant constables, and to the credit of the present men we unhesitatingly affirm that their careful watchfulness in doing their duties has brought down upon them these paltry proceedings.

6. With a full knowledge of the state of this town, and of the matter under consideration, we feel sure that if constables can be removed by such influences as have now been used, disorder and vice will soon be in the ascendant.

7. In conclusion, we place our united opinion on record that nothing whatever has occurred to make the removal of these constables necessary, and we earnestly request that you will take our statements into consideration and direct that both the officers in question may remain in this district. Should this course not be practicable in the case of both, we trust you will be able to continue the services of Senior-constable Henry Finlay, who has, during the whole period of his career, discharged his duties in an active, intelligent, straightforward, and impartial manner.

8. We enclose (marked No. 3) a character of Senior-constable Finlay from several magistrates in this district of Brisbane Water, which we lay before you as confirmatory of the high opinion we have formed of him.

We are, &c.,

A. D. Middleton.	John O'Brien.	J. H. Cochrane.
Samuel Lunn.	C. O'Brien.	H. Neale.
W. H. M'Spau.	Patrick Corbitt.	Thos. Holwell.
John Barry.	Patrick Gillgon.	Jos. Holwell.
Chas. B. Parker.	N. Markay.	Rich. Wilkinson.
William Bain.	Con. Bowen.	Edmund Apps.
R. H. Bourles.	P. Meere.	Philip Doherty.
R. J. Fitzgerald.	William King.	Thos. Wilson.
James Inglis.	Geo. King.	John Wilson.
Jonas Foot.	G. Lancaster.	George Sketchley.
W. Curtis.	I. Monkley.	Wm. Sketchley.
G. G. Street.	John Monkley.	John Magin.
E. Singleton.	Wm. Monkley.	William Sketchley, jun.
John Grady.	John Rich.	Stuart H. Black.
Henry Martens.	Henry Reavell.	James Barrey.
Edward M'Grath.	D. Norley.	William Lynch.
Chas. Palmer.	Charles Norley.	William Burns.
Thos. M'Dermot.	H. Norley.	Jno. Delaney.
William Campbell.	James Gallen.	Thos. Flaulare.
Wm. Shelley.	William Osborn.	William Gibbett.
C. M'Donagh.	James Coote.	Wm. Brown.
P. Gallon.	T. W. Coote.	Samuel Clark.
I. Lynch.	John Spruce.	James Cameron.
P. Lynch, jun.	John Bisby.	John Kilgour.
M. Lynch, sen.	W. O'Donnell.	Patrick Hill.
S. Lynch.	F. E. Coote.	George Murray.
John Nally.	F. Dean.	R. May. John

John Heaslip.	David Watters.	John T. Barnes.
Patrick Cunningham.	G. Otto.	James Cuckney, J.O.
John Hart.	James Campbell.	Henry M'Namara.
Jno. Richardson.	William Bain.	John Malley.
Stephen Davis.	Joseph Dennett.	B. F. Levey.
Rich. Gilmour.	William Dennett.	James Gelm.
G. Welh.	John Barry, junr.	John Boots.
Thos. Dennett.	Edward Milgate, S.S.	Geo. C. Martin.
Thos. M'Pherson.	D. M'Donald, S.S.	E. H. Richardson.
Joseph Kerlm.	W. S. Read.	Wm. Scully.
Wilbert Gilbert.	D. Gurrett, S.S.	
Richard Lamburn.	John Newman.	

Mr. Superintendent Morisset to The Inspector General of Police.

Police Department, Superintendent's Office, North-Eastern District, Maitland, 15 May, 1879.

With reference to the attached papers, forwarded to me by the Inspector General of Police for my observations, I can only reiterate that I consider the investigation held by Sub-inspector Thorpe, on the charges preferred against the Raymond Terrace police, was carried out most fairly and impartially, and in my opinion the proper estimate of the constables' conduct on the occasion complained of was arrived at by Mr. Thorpe.

As regards Mr. Middleton's opinion of the merits of the charges which Mr. Thorpe was afterwards instructed to bring against Senior-constable Finlay and Constable Jones, I need scarcely remind the Inspector General that the charges were not gone into by the Bench but dismissed by them on technical objections, or on account of the blunders made by Mr. Middleton himself in drawing out the informations. Apart from this, the principal witnesses did not appear. Had they done so, and the cases been tried on their merits, I have no doubt the result would have been different. As it is, I have nothing to judge of the constables' conduct by but Mr. Thorpe's investigation, which I thought, and still think, perfectly satisfactory. I enclose a newspaper paragraph, containing an account of the speeches at the meeting alluded to by Mr. Middleton.

It has been reported to me by Mr. Thorpe that after the above meeting a most disorderly scene occurred, and the effigies of Mr. M'Pherson, and Mr. Fenwick, J.P., were burnt in the town in the presence of Senior-constable Finlay (and I suppose in the presence of Mr. Middleton), and no action was at the time taken to suppress the disorderly conduct, nor since against the principal actors in it, the most active and noisy of whom, I understand, was ex-constable Jones.

As I have called on Senior-constable Finlay for his report perhaps the Inspector General will defer dealing with this case until he receives it.

E. V. MORISSET,
Superintendent.

The Inspector General of Police to Mr. Superintendent Morisset.

Police Department, Inspector General's Office, Sydney, 22 May, 1879.

I send for Superintendent Morisset's information copy of my reply to the memorial forwarded by Mr. A. D. Middleton, regarding the police at Raymond Terrace.

Before making final arrangements for transfer of Senior-constable Finlay, Mr. Morisset will perhaps be good enough to communicate with me.

EDMUND FOSBERY, I.G.P.

[*Enclosure.*]

The Inspector General of Police to A. D. Middleton, Esq.

Sir, Police Department, Inspector General's Office, Sydney, 22 May, 1879.

I have the honor to acknowledge the receipt of your letter, dated the 13th instant, as chairman of a meeting recently held at Raymond Terrace, regarding charges preferred against Senior-constable Finlay and Constable Jones, and transmitting a memorial in the matter.

In reply I beg to remind you, and the gentlemen signing the memorial, that the charges against Senior-constable Finlay and Constable Jones were investigated by the Bench in accordance with the Police Regulation Act and express direction of the Regulations (sec. 67), and also at the instance of Senior-constable Finlay himself.

The charges were dismissed, and therefore, as far as I am concerned, they must be held to have been finally disposed of, notwithstanding the fact that the dismissal was not upon the merits of the case after hearing all the evidence. I regret that I am unable to concur in the opinion said to have been expressed by the Police Magistrate, that the charges were "paltry affairs." The police had been accused of partiality and neglect in the discharge of their duty, and for the protection of the public as well as in justice to the men themselves an inquiry was certainly called for.

The only "influences" which have been brought to bear affecting Senior-constable Finlay's transfer have been the recommendations of the Superintendent of Police in charge of the district, and I do not at present see any reason for disallowing the arrangements of the Force under his control, which he considers would be for the benefit of the service.

Senior-constable Finlay has already applied that he may not be sent back to Gosford, and for the reasons he gave it has been decided that he should not be sent there.

I regret that I cannot concur in the opinion contained in the seventh paragraph of the memorial. Senior-constable Finlay's attitude towards his superior officers has not been subordinate, especially in the matter of applying for costs against his officer, who was only acting under instructions and discharging a public duty—the course followed being, moreover, at Finlay's own instance.

I might take exception to some of the statements reported to have been made at the public meeting by yourself and others—statements which I may be pardoned in saying are calculated to subvert discipline in the Force under my control; I content myself however with observing, in reference to a statement attributed to the Rev. Mr. Simm, to the effect that an appeal would be made, under certain circumstances, through Members of Parliament to the Government, to reverse my decision, can only be viewed as a threat, and my desire to give my best and most favourable consideration to a request emanating from such a large number of residents in the district would not be favourably influenced thereby.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

Mr.

Mr. Superintendent Morisset to The Inspector General of Police.

Police Department, Superintendent's Office, N.-E. District, Maitland, 23 May, 1879.

I HAVE read the attached copy of the Inspector General's letter to Mr. A. L. Middleton, &c., and now return it.

The Inspector General not long ago concurred with me in thinking that it would be advisable to remove Senior-constable Malarkey from Gosford; and as Senior-constable O'Sullivan is very desirous of a change from Dungog, he might be allowed to relieve Senior-constable Malarkey, who might be sent to Raymond Terrace, and Senior-constable Finlay might be transferred to Dungog.

E. V. MORISSET,
Superintendent.

Mr. W. Shaw to The Inspector General of Police.

Raymond Terrace, 2 June, 1879.

Sir,

1. On receipt of your reply to the memorial forwarded to you by A. D. Middleton, Esq., J.P., chairman of the meeting at which it was adopted, on the subject of the charge of "partiality and neglect of duty" preferred against Senior-constable H. Finlay and Constable Jones, a public meeting was called to hear your reply, and to consider what course ought to be pursued under the circumstances. Your letter having been read, I have been instructed, as chairman of this meeting, to convey to you the following communication:—

2. Without dwelling at any length upon the fact mentioned by you in the first part of your letter, and which is at least favourable to Senior-constable Finlay, that the investigation was made under the 67th section of the "Police Regulation Act," and at the instance of Senior-constable Finlay himself, we desire to point out, in the first place, that we are at a loss to understand the meaning you intend to convey by the words—"notwithstanding the fact that the dismissal was not upon the merits of the case after hearing all the evidence"—because if this be true then representations ought to be made to the proper authorities, and those five Magistrates who composed the Bench on the occasion should be called upon to answer the most serious charge of malfeasance, but we have no doubt that these gentlemen will be prepared to answer the charge which you have virtually made. Nevertheless we think that, amidst your multitudinous duties, you must have omitted to notice the nature of the evidence.

3. We venture to affirm that it cannot be fairly said that the dismissal *was not* upon its merits, except, as before observed, by charging the Magistrates with corruption, or by implying that the constables screened themselves under some informality of the proceedings, being afraid to meet the charge; but what are the facts? In the case against Senior-constable Finlay the Bench heard all the evidence adduced by Sub-inspector Thorpe, but which disclosed nothing to substantiate the charge, and consequently the Bench had no alternative but to dismiss it. And as against Constable Jones, although the information was objected to, his solicitor offered to allow it to be amended, and to go at once into the merits of the case.

4. After carefully reading your letter the only reason we can discover for the removal of Senior-constable Finlay is "his attitude towards his superior officer"; but as you do not give one instance of his insubordination, excepting in the matter of "applying for costs," you deprive him of the opportunity of offering any defence, and with respect to this *new charge* of "applying for costs," and to which he has not been called upon to offer any explanation, we beg to make the following observations:—

5. When an officer of police is charged with a serious offence, by which his character and living are assailed, and not knowing what witnesses or legal ability might be brought against him, is it at all surprising—nay, would it not be considered culpable on his part—if he, in the interests of his wife and children, neglected to take all proper means for his defence, especially when arraigned on a charge of a more serious character, and one that might be more direful in the result than any he might be called on to resist of a pecuniary nature? He therefore placed himself in the hands of a respectable solicitor, and being successful in resisting the charge costs were applied for, Senior-constable Finlay having been put to considerable expense, but not as against Sub-Inspecter Thorpe, he being the only nominal complainant, but against the parties setting him in motion; and if it be not customary for costs to be given in which the police are concerned, it speaks very strongly in Finlay's favour, and ought to have great weight with his superior officers, that a Bench composed of five Magistrates should so far go out of their way, and do what is not usual in such cases (that is, to give costs), in order to show the groundlessness of the charge, and to give effect to the remark of the Police Magistrate that "he left the Court without a stain upon his character."

6. We exceedingly regret (and did not think it possible) that any action taken by the residents of any district, or any utterances by them in a public meeting, could stand in the way of justice being done by any officer of police towards his subordinates, and they naturally supposed that an official—especially one of high standing—would take cognizance *only* of such utterances or letters as might be directly addressed to him; and in conclusion we cannot refrain from saying that we think it unfortunate you did not think it necessary before you came to any determination to remove Senior-constable Finlay, and, in order that you might more fully understand the merits of the case, to send for and procure a statement of the "police proceedings in which the parties were involved," and as suggested in the 4th section of our memorial.

7. In view of the above circumstances, we would respectfully request you to reconsider your previous decision, and allow Senior-constable H. Finlay to remain in the district where he possesses the confidence and respect of the people.

I have, &c.,
WM. ED. SHAW,
Chairman at Meeting.

The Inspector General of Police to Mr. Superintendent Morisset.

[Immediate.] Police Department, Inspector General's Office, Sydney, 5 June, 1879.

REFERRED to Superintendent Morisset for his careful consideration and observations. I think Mr. Thorpe should also see the letter, and append his remarks.

I cannot understand how the reference in my letter to the charges not being dismissed on their merits could be construed as any reflection upon the Bench. I understood that evidence was not fully gone into in Finlay's case, and none at all adduced against Jones.

As

As the matter is to be brought before Parliament I shall, of course defer further action regarding transfer for the present.

As regards the application for costs, it was I believe stated that S.-C. Finlay insisted upon the application being made against the advice of his attorney.

EDMUND FOSBERY,
I.G.P.

Mr. Superintendent Morisset to The Inspector General of Police.

Memo.

Police Department, Superintendent's Office, N.-E. District, Maitland, 6 June, 1879.

THE only conclusion I can arrive at, having carefully perused a letter forwarded to the Inspector General of Police by Mr. Shaw, as chairman of a meeting held at Raymond Terrace, concerning charges lately preferred against the Raymond Terrace Police, is, that the Bench of Magistrates, or whoever it was convened the meeting for the purpose of considering and replying to the Inspector General's letter of the 22nd ultimo, entirely mistook the meaning of that portion of the Inspector General's letter which says—"notwithstanding the fact that the dismissal was not upon the merits of the case after hearing all the evidence." It is possible this sentence may have been understood to convey that it was the Inspector General's opinion that the Magistrates, *after hearing all the evidence*, dismissed the case, and not upon its merits. I think it must have been some such incorrect interpretation of the Inspector General's words that caused so much indignation to a few, though it does not appear to have affected the Magistrates themselves, who probably for the most part took the correct view of the Inspector General's words.

I consider the Inspector General was fully justified in writing as he did if the correct meaning be taken from his words, as all the charges were not dismissed on their merits, but on technical objections taken to the informations, and the cases were not gone into.

Sub-Inspector Thorpe distinctly informed me that Senior-constable Finlay pressed for costs against him in opposition to the advice of his (Senior-constable Finlay's) attorney. I also understood from Mr. Thorpe that his reason for not applying for a postponement of the cases against the police, to amend the faulty informations drawn out by the Police Magistrate, was, that M'Pherson's witnesses, although duly subpœnaed, and willing enough to give evidence on a former occasion, did not appear.

This fact I have always looked upon with considerable suspicion as against the police interested in this case.

Sub-Inspector Thorpe is at present absent on inspection duty, but I will keep a copy of Mr. Shaw's letter for his perusal, and obtain his report as early as possible after his return.

I enclose an account of the proceedings at the late meeting at Raymond Terrace, taken from the *Maitland Mercury* of the 5th instant.

E. V. MORISSET,
Superintendent.

The Inspector General of Police to Mr. W. Shaw.

Sir,

Police Department, Inspector General's Office, Sydney, 7 June, 1879.

I do myself the honor to acknowledge the receipt of your letter dated the 2nd instant, written as chairman of a public meeting held at Raymond Terrace on that date, to consider my reply to Mr. A. D. Middleton's letter.

In reference to my remark (incidentally made) that the case against the police "was not dismissed upon its merits, after hearing all the evidence," I am quite at a loss to conceive how such an observation could be construed into an implication that the magistrates had been guilty of corruption, unless my meaning has been entirely misunderstood. I intended to convey that the whole of the evidence which it was proposed to lay before the Bench had not been gone into, and I should extremely regret if the adjudicating magistrates thought for one moment that I cast any slur upon them. No doubt, however, had they interpreted my letter as you have done, they would have written to me on the subject.

With reference to the 4th and 5th paragraphs of your letter, I may remark that you are mistaken in supposing that Senior-constable Finlay did not write an explanation of his conduct in applying for costs against his superior officer, after desiring himself that the case should be heard by a Bench of Magistrates, I am further informed that Finlay passed his application for costs even against the advice of his attorney.

As stated in my former letter, it was "my desire to give my best and most favourable consideration to a request emanating from such a large number of residents in the district," but, if it were intended to take the matter beyond me for the decision of a higher authority (as it appears it is), it might be expected that I should refrain from taking any action to overrule the recommendation of the officer in responsible charge of the district.

Allow me, in conclusion, to state that you are under a misapprehension in supposing that all the papers connected with the case have not been laid before me, or that I have failed to give them my best attention.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

Mr. Superintendent Morisset to The Inspector General of Police.

Police Department, Superintendent's Office, N.-E. District, Maitland, 12 June, 1879.

Memo.—Sub-Inspector Thorpe's report, called for by the Inspector General of Police in his memo. of the 5th instant, is herewith forwarded.

E. V. MORISSET,
Superintendent.

Sub-Inspector Thorpe to Mr. Superintendent Morisset.

Sir,

Police Station, Newcastle, 11 June, 1879.

With reference to inquiry held by me in cases noted in the margin, I do myself the honor to report that, owing to the voluminous correspondence, the principal facts of the cases may be lost sight of; I will therefore endeavour to epitomize the whole proceedings.

R. M'Pherson *v.* Senior-constable Finlay and Constable Jones.—Misconduct.

As you, sir, are aware, complaint was made by Mr. M'Pherson, son of an innkeeper of Raymond Terrace, against Senior-constable Finlay and Constable Jones, that on the night of the 17th of March, Senior-constable Finlay ordered M'Pherson to close his house at a little before 12 o'clock p.m., that Constable Jones was very abusive to him. M'Pherson entered his yard and assaulted a man who was then there without any provocation. That

That between 1 and 2 o'clock a.m. the licensed house of a person named Malley was open. A number of persons in parlour and bar drinking and singing, Senior-constable Finlay being outside, but took no notice of what was going on. No steps were taken by the senior-constable to punish Malley for such a flagrant breach of the Act, which surprised Mr. M'Pherson after his action towards him in insisting upon his closing before 12. Hence his complaint, strengthened from the fact of Constable Jones being seen at intervals from the time he assaulted the man in M'Pherson's yard until daylight, drinking in Malley's, in company with others.

I may here state that, in answer to me, Senior-constable Finlay admitted that he did not know what became of Constable Jones from the time he left M'Pherson's until he saw him about 9 o'clock the following morning. I called for his diary. I found no entry as to hours of duty.

In accordance with your instructions I proceeded to Raymond Terrace on the 28th March, to inquire into the matter. Mr. M'Pherson produced several witnesses, who bore out his statements entirely to my satisfaction.

However, Senior-constable Finlay applied to have the cases heard before the Bench of Magistrates, Raymond Terrace. His request was granted, and I instructed to lay informations, which were drawn by Mr. Middleton, P.M. and C.P.S. The cases came on for hearing on May 2nd. There were a number of witnesses subpœnaed, at the instance of Mr. M'Pherson, to prove his case. Two out of eleven appeared. The material witnesses to prove the case against Senior-constable Finlay were absent. Therefore, as M'Pherson could only give secondary evidence, the case was at once dismissed—but not upon its merits. I was afterwards informed that the witnesses were afraid to appear against the police, as two of those who gave evidence at the inquiry held by me had been subsequently arrested or summoned and fined. I presume they deserved it. However, it had the effect of keeping them away.

Senior-constable Finlay was defended by Mr. R. Thomson, solicitor, Maitland.

After his case was dismissed he spoke to Mr. Thomson, who at once addressed the Bench, saying, "I have been instructed by my client to apply for costs, but I consider it very ill-advised to do so. However, I must do as I am instructed." Mr. Middleton, the Police Magistrate, notwithstanding his perfect knowledge of the fact that it was at Senior-constable Finlay's own instance that the case was brought before him, together with my remarks upon the absurdity of the application, and the remarks of the solicitor for the defence, yet he thought he saw the justice of the application and explained his views to his brother and the other gentlemen on the Bench, who at once adopted them, and gave a verdict for costs against me for £1 5s., or seven days' imprisonment.

There were two charges against each man. The only case tried was that against Senior-constable Finlay. The other charge against him, and both those against Constable Jones, were dismissed upon technical objections. Therefore, not one of them were dismissed on their merits.

Constable Jones resigned immediately after.

I have observed that several public meetings have been held at Raymond Terrace, relative to Senior-constable Finlay's case, and have read portion of the 3rd clause of report of proceedings on the 2nd instant, Mr. Shaw, chairman, where he states that in case of Constable Jones, where the information was objected to, his solicitor offered to allow it to be amended and go at once to the merits of the case. So far true; but he neglects to add that I agreed with Mr. Thompson, as I had evidence against Jones; but when the matter was submitted to the Police Magistrate he declined to hear it, as it had been already disposed of.

I send herewith copy of the *Newcastle Herald* of 30th May, containing an article from that journal's Raymond Terrace correspondent, showing that the conduct of the police at Raymond Terrace is not universally approved of.

I am credibly informed that Senior-constable Finlay has some valuable property in the Raymond Terrace District. That may account for his strong objection to removal.*

In conclusion, I would again call your attention to the conflicting statements made by Senior-constable Finlay and Constable Jones as to the conduct of each at M'Pherson's, on the night of the 17th March. (*Vide* written explanations attached to papers previously forwarded.)

I have, &c.,
C. THORPE,
Sub-Inspector.

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* Memo.—I saw Senior-constable Finlay this morning and was informed by him that he owns 100 acres of land near Stroud, and half an acre in Raymond Terrace. I am not aware if the land at Stroud is stocked or not.—E. V. Morisset, Superintendent, 12 June, 1879. The Inspector General of Police, Sydney.

Raymond Terrace, 21 May, 1879.

Received from Senior-constable H. Finlay, 5 guineas as costs of defence in two cases, Thorpe *versus* Finlay, at Raymond Terrace Police Office.

R. W. THOMPSON.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Sir, Colonial Secretary's Office, Sydney, 18 June, 1879.

Referring to your letter of the 5th ultimo, reporting that certain charges recently preferred against two constables at Raymond Terrace, by a resident there, were investigated before the Police Magistrate and Bench of Magistrates at that place, by whom the charges were dismissed, and £1 5s. costs awarded against the police officer who laid the information, I am directed to inform you that in compliance with your request the Colonial Secretary approves of your paying the above amount from the vote for incidental expenses—Police.

2. I am desired to add that, as suggested by you, the papers relating to the matter have been referred to the Minister of Justice and Public Instruction.

I have, &c.,
CRITCHETT WALKER.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 18 June, 1879.

The Inspector General of Police having reported that certain charges recently preferred against two constables at Raymond Terrace by a resident there, were investigated before the Police Magistrate and Bench of Magistrates at that place, by whom the charges were dismissed and £1 5s. costs awarded against the police officer who laid the information, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that authority has been given for the payment of the above amount from the vote for incidental expenses—Police.

I have, &c.,
CRITCHETT WALKER.

The

17

The Police Magistrate, Raymond Terrace, to The Under Secretary, Department of Justice, &c.

Sir, Police Office, Raymond Terrace, 9 July, 1879.

I have the honor to acknowledge the receipt of your letter dated 20 June, 1879 (No. 79/5,002), addressed to the Bench of Magistrates, Raymond Terrace, together with a copy of an address of the Legislative Assembly for certain information respecting the Police at Raymond Terrace.

In accordance with instructions contained in your letter, I herewith enclose you copies of all informations laid by Sub-Inspector Thorpe, against the Police at Raymond Terrace, and depositions taken therewith before the Magistrates at Raymond Terrace, also minutes made at the hearing of the case, &c.

I have, &c.,
CHAS. R. MIDDLETON,
P.M. and C.P.S.

These papers may be forwarded to the Colonial Secretary as requested.—F.B.S., 12 July, /79.
The Under Secretary, Colonial Secretary's Department, B.C., 16 July, 1879.—W.E.P.

[*Enclosures.*]

No. 1.

New South Wales, to wit. } *Information—(General Purposes.)*

Be it remembered, That on this 25th day of April, in the year of our Lord one thousand eight hundred and seventy-nine, at Raymond Terrace, in the Colony of New South Wales, Charles Thorpe, Sub-Inspector of Police, of Newcastle, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen in and for the Colony of New South Wales, and informs me, that on or about the 18th day of March last, in the year of our Lord one thousand eight hundred and seventy-nine, Henry Finlay, senior-constable of Raymond Terrace, was guilty of neglect of duty by knowingly allowing one John Malley, publican, of Raymond Terrace, to keep his licensed house open during prohibited hours, contrary to the Act in such case made and provided; whereupon the said Charles Thorpe prays that I, the said Justice, will proceed in the premises according to law.

C. THORPE.

Exhibited at Raymond Terrace, in the said Colony, on the day first above-written, before me,—
Charles R. Middleton,
Police Magistrate.

Police Office, Raymond Terrace, 2 May, 1879.

Before Chas. R. Middleton, P.M.; G. T. Carmichael, Esq., J.P.; M. J. Parnell, Esq., J.P.; A. D. Middleton, Esq., J.P.; and H. J. Adams, Esq., J.P.

Henry Finlay, senior-constable, of Raymond Terrace, appears on summons and information charged by Sub-Inspector Thorpe with neglect of duty (see Information No. 1). Pleads not guilty.

Sub-Inspector Thorpe appears for the prosecution. Mr. R. W. Thompson for the defence.

Charles Thorpe, being sworn, states: I am a sub-inspector of police for the District of Newcastle; the information is true to the best of my knowledge and belief, and the senior-constable now before the Court is the party I complain of.

Taken and sworn before us, this 2nd day of May, 1879,— C. THORPE.
Charles R. Middleton, P.M.
A. D. Middleton, J.P.

By Sub-inspector Thorpe—Robert Douglas M'Pherson, being sworn, states: I am agent for Tuck and Co.'s coaches, and agent for John M'Pherson, of the "Cosmopolitan Hotel," Raymond Terrace; I know the senior-constable (Finlay); I recollect the night of the 17th March last, or morning of the 18th March; about seven minutes to 12, according to my clock and watch, I saw the senior-constable at that time at the "Cosmopolitan Hotel"; I saw the senior-constable afterwards, about two minutes past 12, but did not see him afterwards on that night; the reason that I complained of the senior-constable was because he had not dealt fairly with all, as he had shown partiality in ordering my father's house to be closed and the lights put out, and people turned out of the yard before 12 o'clock, while another house was allowed to remain open all night.

By Mr. Thompson: I am not going to prove by my own evidence that Finlay knew that the house was kept open, but the officer under him knew it, and ought to have reported it to his superior officer; I knew that Finlay has had Malley up and had him fined; I was not aware that Finlay had not been on speaking terms with Malley for nearly a year; I manage the hotel for my father; I am agent for Tuck and Co.; I have spoken to Mr. Adams on the subject of the firm, but cannot say that he is a partner of the firm; the present is not the first complaint that I have made of Senior-constable Finlay; I believe I was told that I had no grounds of complaint against him; I don't know how many times my father has been fined; he was fined once for music and dancing; he was fined for "Tambaroora"; he was fined for obscene language, but not for drunkenness; he was once locked up by the defendant.

Taken and sworn before us, this 2nd day of May, 1879,— ROBERT D. M'PHERSON.
Chas. Middleton, P.M.
Gavin T. Carmichael, J.P.
H. J. Adams, J.P.
A. D. Middleton, J.P.

Sub-inspector Thorpe informed the Bench that he had no more evidence. Case dismissed. Bench unanimous.—Chas. Middleton, P.M.

Mr. Thompson applied for costs. Complainant ordered to pay £1 5s. costs, or in default seven days' imprisonment.—Chas. Middleton, P.M.

No. 2.

No. 2.

New South Wales, } *Information—(General Purposes.)*
to wit. }

Be it remembered, that on this 25th day of April, in the year of our Lord one thousand eight hundred and seventy-nine, at Raymond Terrace, in the Colony of New South Wales, Charles Thorpe, Sub-Inspector of Police, of Newcastle, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen in and for the Colony of New South Wales, and informs me, that on or about the eighteenth day of March last, in the year of our Lord one thousand eight hundred and seventy-nine, Alfred William Jones, constable of Police Force, of Raymond Terrace, was guilty of neglect of duty by knowingly allowing one John Malley, publican, of Raymond Terrace, to keep his licensed house open during prohibited hours, contrary to the Act in such case made and provided; whereupon the said Charles Thorpe prays that I, the said Justice, will proceed in the premises according to law.

CHARLES THORPE.

Exhibited at Raymond Terrace, in the said Colony, }
on the day first above written, before me,— }

Chas. R. Middleton,
Police Magistrate.

Police Office, Raymond Terrace, 2 May, 1879.

Before Chas. R. Middleton, P.M.; G. T. Carmichael; M. J. Parnell, J.P.; A. D. Middleton, J.P.; and H. J. Adams, J.P.

Constable Alfred William Jones charged with neglect of duty. (See information No. 2.)

Note.—This case was not proceeded with by Sub-Inspector Thorpe.—C. R. Middleton, P.M.

No. 3.

New South Wales, } *Information—(General Purposes.)*
to wit. }

Be it remembered, that on this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and seventy-nine, at Raymond Terrace, in the Colony of New South Wales, Charles Thorpe, Sub-Inspector of Police, of Newcastle, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen in and for the Colony of New South Wales, and informs me, that on or about the eighteenth day of March last, in the year of our Lord one thousand eight hundred and seventy-nine, Henry Finlay, senior-constable of Raymond Terrace, was guilty of misconduct by entering the back yard of John M'Pherson's licensed public-house, Raymond Terrace, and made use of insulting language towards one Robert M'Pherson, whereby a breach of the peace might have been committed, contrary to the Act in such case made and provided; whereupon the said Charles Thorpe prays that I, the said Justice, will proceed in the premises according to law.

C. THORPE.

Exhibited at Raymond Terrace, in the said Colony, }
on the day first above written, before me,— }

Charles R. Middleton,
Police Magistrate.

Police Office, Raymond Terrace, 2 May, 1879.

Before Chas. R. Middleton, P.M.; G. T. Carmichael, J.P.; M. J. Parnell, J.P.; A. D. Middleton, J.P.; and H. J. Adams, J.P.

Henry Finlay, senior-constable, charged with misconduct. (See information No. 3.)
This case was not proceeded with by Sub-Inspector Thorpe.

CHAS. R. MIDDLETON, P.M.

No. 4.

New South Wales, } *Information—(General Purposes.)*
to wit. }

Be it remembered, that on this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and seventy-nine, at Raymond Terrace, in the Colony of New South Wales, Charles Thorpe, Sub-Inspector of Police, of Newcastle, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen, in and for the Colony of New South Wales, and informs me that on or about the eighteenth day of March last, in the year of our Lord one thousand eight hundred and seventy-nine, Alfred William Jones, constable, of Police Force, Raymond Terrace, was guilty of misconduct by entering the back yard of John M'Pherson's licensed public-house, Raymond Terrace, and made use of insulting language towards one Robert M'Pherson, whereby a breach of the peace might have been committed, contrary to the Act in such case made and provided; whereupon the said Charles Thorpe prays that I, the said Justice, will proceed in the premises according to law.

C. THORPE.

Exhibited at Raymond Terrace in the said Colony, }
on the day first above-written, before me,— }

Charles R. Middleton,
Police Magistrate.

Police Office, Raymond Terrace, 2 May, 1879.

Before Chas. R. Middleton, P.M.; G. T. Carmichael, J.P.; M. J. Parnell, J.P.; A. D. Middleton, J.P.; and H. J. Adams, J.P.

Alfred William Jones appears charged on information and summons with misconduct. (See Information No. 4.)

Mr. Sub-Inspector Thorpe for prosecution. Mr. R. W. Thompson for defence.

Mr.

Mr. Thompson took exception to the wording of the information,—

Firstly—On the ground that the word "committed" was not in accordance with Act.

Secondly—That the information should have charged the defendant as a constable with the offence.

The Bench did not consider the first point material, but regarded the second as fatal, and dismissed the charge.

CHAS. R. MIDDLETON, P.M.

Mr. Sub-Inspector Thorpe to The Police Magistrate, Raymond Terrace.

Sir, Police Station, Newcastle, 3 May, 1879.

I do myself the honor to apply to you for a copy of the depositions taken in case noted in the margin, which was adjudicated upon by you and several other Magistrates at the Police Court, on Friday, the 2nd instant, at Raymond Terrace, the case being dismissed, and I adjudged to pay 25s. costs.

Sub-Inspector Thorpe v. Senior Constable Finlay —misconduct.

I also beg to give you notice that I intend to apply for a writ of prohibition on the following grounds:—

First. That an investigation in the case of complaint of Mr. R. M'Pherson was held before me by order of the Inspector General of Police, all the evidence procurable having been taken on both Mr. R. M'Pherson's and Senior-constable Finlay's sides, my report made to my superior officers, who at once forwarded all papers in connection with the case, and calling upon him for his written defence, he accordingly forwarded his defence, in which he made a very strong appeal to have the case reopened, and tried at the Police Court at Raymond Terrace. I need scarcely say that every facility is given to members of the Police Force to defend themselves from complaints made against them by the public; consequently Senior-constable Finlay's petition was granted, and as he could not lay an information against himself, I, by the orders of my superior officers, had to lay the information *pro formâ;* therefore it having been the senior-constable's own act, no other person could be held liable for any expenses incurred.

Second. There was no intention to bring the matter before the Police Court until the demand was made by the senior-constable.

I have, &c.,

C. THORPE,

Sub-Inspector.

I wrote to Sub-Inspector Thorpe soon after receiving this, and informed him that the documents would be forwarded by me to him on the receipt of the fees, which amount I mentioned. I did not keep a copy of this letter, but the original, no doubt, can be procured from Mr. Thorpe.—C. R. MIDDLETON, P.M., and C.P.S., Police Office, Raymond Terrace, July 9th, 1879.

Received May 4th, 1879.—C.R.M.

Sydney: Thomas Richards, Government Printer.—1879.

[1s.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JOHN BYRON.

(PETITION OF.)

Ordered by the Legislative Assembly to be printed, 11 *March*, 1879.

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

The humble Petition of John Byron, of Sydney,—

RESPECTFULLY SHOWETH:—

That your Petitioner having served many years with credit in the British Army, joined the Police for some time, when he was appointed an overseer on the Cockatoo Island, in the year 1852, which situation he filled till 1860, when he was promoted to be principal warder, at a salary of £180 per year, the duties of which he fulfilled, as well as the duties of prison storekeeper and assistant superintendent, till the abolition of the establishment in 1869.

That your Petitioner having been just 18 years in the Government service, and being 62 years of age, applied to the Government for a yearly pension, and was informed that his length of service did not entitle him to a pension under the Superannuation Act of 1864.

That your Petitioner contributed to the fund under that Act, from the date of its commencement until the abolition of his office in 1869, that is to say, a total amount of £41 8s. was deducted from his salary for the purposes of that Act.

And your Petitioner humbly prays that your Honorable House will be graciously pleased to take his case into your kind consideration and cause to be granted to him such relief as to your Honorable House may seem just.

Your Petitioner, as in duty bound, will ever pray.

JOHN BYRON.

7th March, 1879, Rushcutters' Bay.

551— [3*d*.]

1878-9.

NEW SOUTH WALES.

REPORT

OF THE

COUNCIL OF EDUCATION

UPON THE CONDITION

OF THE

PUBLIC SCHOOLS,

FOR

1878.

Presented to both Houses of Parliament, in pursuance of the Act 30 Vic. No. 22, sec. 27.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1879.

617—A

THE COUNCIL OF EDUCATION TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,

SUBMITTING

REPORT UPON THE CONDITION OF THE PUBLIC SCHOOLS FOR 1878.

To His Excellency Sir Alfred Stephen, Companion of the Bath, Knight Commander of the Order of Saint Michael and Saint George, and Lieutenant-Governor of New South Wales and its Dependencies.

May it please your Excellency,

In accordance with the provisions of the Public Schools Act, we have the honor to submit this our Twelfth Annual Report, being that for the year 1878.

I.—COUNCIL.

The Members of the Council were :—

The Honorable Sir Wigram Allen, Speaker of the Legislative Assembly.
William Augustine Duncan, Esquire.
The Honorable Sir John Robertson, K.C.M.G., M.P.
The Honorable John Smith, M.D., LL.D., C.M.G., M.L.C.
The Honorable Sir Alfred Stephen, C.B., K.C.M.G., M.L.C.

Sir John Robertson resigned his seat at the Council some time during the year, and the Hon. John Smith, Hon. Sir Alfred Stephen, and Mr. Duncan ceased to be members by effluxion of time on the 31st December. The vacancies thus caused were filled by the re-appointment of the retiring members, and the appointment of Robert Wisdom, Esquire, M.P.

The Honorable John Smith was President for 1878, and has again been elected to the office.

II.—FINANCE.

The funds, amounting to £437,605 18s. 5d., available for primary instruction in schools controlled by the Council, were derived from five different sources, viz. :—

Balance from 1877	£44,705	16	10
Parliamentary vote for 1878	320,000	0	0
Church and Schools Estates Revenue	2,838	5	8
Interest	1,033	7	2
School fees	69,028	8	9
	£437,605	18	5

The total expenditure for this purpose was £410,725 19s. 10d.

The amount given as school fees, being by law the property of the teachers, was not at the disposal of the Council, and cannot, therefore, be said to form part of its expenditure. Excluding this amount, the total sum expended by the Council was £341,697 11s. 1d.

The annual expenditure for the maintenance and extension of the system naturally falls under certain well-defined heads, upon each of which we proceed to offer some brief remarks.

The cost of administration was £9,696 4s. 3d. In this sum is included, not simply the amount paid for officers' salaries, but also a considerable expenditure for other purposes, some of which ought, in strictness, to be charged to other accounts. The great and rapid increase in the business to be transacted during the last two years, has rendered the augmentation and re-arrangement of the staff in some measure absolutely necessary.

The cost of inspection amounted to £12,704 16s. 4d., being an increase of £578 10s. upon the sum expended for that service in 1877. As will be seen from a later portion of this Report, a larger number of schools was inspected in 1878 than in any previous year.

For the Training School in Sydney and the Training of Teachers for small country schools, the sum of £6,623 12s. 7d. was paid in 1878. Of this amount, the expenditure of £227 16s. was on account of the proposed Training School at Ashfield.

In payment of teachers' salaries the following sums were expended :—

Public Schools	£101,737	4	2
Provisional Schools	17,800	1	7
Half-time do.	4,777	7	1
Denominational do...	33,549	12	6
	£157,864	5	4

The amount paid for this service in 1877 was £121,426 1s. 7d. ; and the increase thereupon in 1878 was £36,438 3s. 9d.

For buildings, repairs, rent, and furniture, the total expenditure was £144,510 12s. 8d., of which sum £138,499 14s. 11d. was provided from the Parliamentary vote, and the balance, £2,838 5s. 8d., from Church and Schools Estates Revenue. The expenditure for these purposes upon each class of schools was :—

Public

Public Schools	£142,959	10	1
Provisional Schools	148	8	6
Half-time do.	9	12	6
Denominational do. C. E.	630	5	3
Denominational do. R. C.	577	0	3
Denominational do. Pres.	79	15	0
Denominational do. Wes.	106	1	1
	£144,510	12	8

The expenditure on account of Certified Denominational Schools was paid entirely from the portion of the Church and Schools Estates Revenue appropriated by the Government to schools of this class.

To arrive at the expenditure on account of Public School buildings *for the year* 1878, a deduction must be made of the sum of £1,790 14s. 6d., which, on the authority of a resolution passed by the Legislative Assembly on the 7th May last, on the motion of Mr. Watson, was paid to Local Boards of Public Schools, to enable them to liquidate the debts for which they were respectively liable on account of buildings erected prior to the 20th April, 1875, when by a resolution of the House, local contributions towards school buildings were dispensed with.

The following particulars will show the several items which compose the total amount expended upon Public School Buildings :—

Refund to Local Boards	£1,790	14	6
Purchase of school sites	8,214	18	4
Purchase of school buildings	150	2	6
Rent of school buildings and allowances to teachers in lieu of residences	2,771	18	10
Furniture	860	1	8
Repairs	4,704	1	8
Additions to buildings	16,444	5	5
New buildings	104,850	15	1
Commission to architects	3,172	12	1
	£142,959	10	1

This statement shows a net increase of £26,659 4s. 1d. upon the amount expended for the like purposes in 1877, and an increase of £30,008 5s. 7d. in the outlay upon new school buildings.

The total cost of supplying books, stationery, registers, and all other materials necessary for carrying on the work of instruction, was £6,088 15s. 10d.

At the end of the year a balance of £26,879 18s. 7d. remained to the Council's credit. This sum is available for part payment of works which were undertaken but not completed in 1878, and which, including actual contracts, amount to upwards of £150,000.

Appendix I. A balance sheet showing the receipts and disbursements for 1878 is appended hereto, and the exact amount spent upon each school may be ascertained upon inspection of the Appendices.

III.—GENERAL STATISTICS AND RESULTS.

Appendices B, D, F The three tables which follow show that during the year 1878 there were in operation 1,187 schools, attended in the aggregate by 128,125 children, who paid in school fees the sum of £69,028 8s. 9d. Compared with similar results in 1877, these figures give a net increase of 70 schools, an addition of 10,873 pupils enrolled, and an augmentation in the amount of school fees paid to the extent of £3,478 16s. 9d.

Other noteworthy facts in connection with the work of the year are the following :—1,177 schools or departments were inspected and reported upon, being 108 more than in 1877 ; 63,047 children—an increase of 6,599—were examined ; 1,825 teachers were employed ; 89 were regularly trained for the profession ; 157 were examined ; and 47 promoted for good service.

TABLE 1.—SCHOOLS.

Year.	Public.	Provisional.	Half-time.	Denominational.	Total.
1867	288	31	6	317	642
1868	318	103	38	284	748
1869	336	146	61	264	807
1870	359	164	82	241	846
1871	378	181	96	223	878
1872	396	194	101	211	902
1873	400	216	117	209	942
1874	420	244	122	204	990
1875	461	262	116	191	1,030
1876	503	279	110	181	1,073
1877	561	266	112	178	1,117
1878	620	285	115	167	1,187

From this table it will be seen that in the case of Public, Provisional, and Half-time Schools there is a net increase of 59, 19, and 3 respectively, the total increase in these classes of schools being 81. On the other hand, although one new school was certified in 1878, there is a net decrease of 11 in Denominational Schools.

As settlement extends to new districts, and population grows more dense in localities already supplied in some measure with schools, new buildings to meet the one case, and enlargements to provide for the other, will continually be required. With a view to exhibit the number and distribution of existing schools, and, by inference, the amount of accommodation still to be provided, a series of maps has been prepared, in which the character and position of schools of each class are indicated with as much precision as the circumstances permit.

If

If the amount of population in any locality be known, it may further be ascertained from the maps whether the school accommodation is adequate to, in excess of, or insufficient for the educational wants of the place. The following remarks upon the maps will serve further to elucidate the several points they are intended to exhibit.

Metropolitan District.—This district includes the City of Sydney and the adjoining Municipalities. In it there were 71 schools in operation at the close of 1878; 26 being Public, 3 Provisional, and 42 Certified Denominational Schools. Of the Denominational Schools, 20 were Church of England, 16 Roman Catholic, 2 Presbyterian, 3 Wesleyan, and 1 Hebrew. Map No. 1.

Four new Public Schools were opened in 1878, and one in January, 1879. Commodious schools were completed or commenced at Balmain West, Crown-street, Darlington, Marrickville, Pyrmont, St. Leonards, Waverley, and Woollahra. The Public Schools in this district now provide accommodation for 11,790 pupils. A site has been secured for Surrey Hills South, where it is the Council's intention to erect school buildings. Application has also been received for a school at Double Bay, but the difficulty of procuring a suitable site at a reasonable cost has hitherto proved insuperable. A similar cause of delay has prevented the erection of school buildings in Lower Woolloomooloo, and necessitated the use of the present temporary schoolroom in Dowling-street. The attention of the Council has also been directed to other places in which schools are now, or shortly will be, required. The chronic difficulty in obtaining suitable sites at a cost not utterly unreasonable, has hitherto proved a serious hindrance to the Council's operations in this direction, and without legislation similar to that suggested by the Council in 1875, must continue to be a perpetual source of embarrassment.

PUPILS.

Aggregate enrolment	39,217
Average quarterly enrolment...	24,816
Daily attendance	16,147

Cumberland District.—This inspectoral district comprises the northern and western portions of the county of Cumberland and adjoining portions of Cook, Hunter, and Northumberland. During 1878, 49 Public Schools, 9 Provisional, 8 Half-time, and 26 Denominational Schools were in operation. New Public Schools have been established at Castlereagh Upper, and Rookwood, since the 1st January. New school buildings were erected at City View, Emu, Freeman's Reach, and Springwood; and similar works are in progress at Castlereagh, Castlereagh Upper, Erskine Park, Gladesville, and Kellyville. School sites have been applied for at Riverstone and Peate's Ferry. Premises have been purchased and adapted for school purposes at Bringelly. New schools have been applied for at Parramatta Junction, Druitt Town, Erskine Park, Comleroy, and Longueville. Map No. 2.

PUPILS.

Aggregate enrolment	8,874
Average quarterly enrolment	6,638
Daily attendance	4,661

Camden District.—The remaining portions of the county of Cumberland and the northern and eastern portions of Camden constitute this Inspector's district. In it are situated 52 Public Schools, 14 Provisional, 6 Half-time, and 21 Denominational. The new Public Schools at Canterbury, Charcoal Creek, Clifton, Holdsworthy, and Jamberoo were opened in 1878. Buildings are in progress at Belmore, Canterbury, Clifton, and Moorfields. Map No. 2.

Applications for new schools at Cambewarra West, Camden Park, and Tullimbar have also been received, and will be dealt with by the Council when the necessary information respecting them has been obtained.

PUPILS.

Aggregate enrolment	7,492
Average quarterly enrolment	5,610
Daily attendance	4,231

Maitland and Newcastle Districts.—These form but one geographical district, embracing the basin of the Hunter River and its tributaries, with a few outlying localities. It includes the whole of the counties of Northumberland, Durham, and Gloucester, with the southern portion of Macquarie, the eastern half of Brisbane, and the northern portion of Hunter. In the combined districts are situated 108 Public Schools, 56 Provisional, 20 Half-time, and 31 Denominational. The new Public Schools opened in 1878 were those at Broke, Bulladeelah, Elderslie, Glendon Brook, Hillsborough, Iona (in temporary premises), Kangyangy, Tighe's Hill, and Wickham. School buildings are in course of erection at Adamstown, Barrington, Bishop's Bridge, Brookfield, Cape Hawke, Charlestown, Cooranbong, Iona, Kimbriki, Minmi, Monkerai, Musclebrook, Newcastle, New Lambton, Rainbow Creek, Redbank, Wallsend, and Wingham. Definite action on the part of the Council with respect to proposed schools at Back Creek, Belford, Gundy, Gungal, Jerry's Plains, Mangrove Lower, Moonan Brook, Muscle Creek, Pokolbin, Salisbury, Underbank, and Wollamba River is deferred pending the grant or promise of school sites by the Government. Map No. 3.

PUPILS.

Aggregate enrolment	21,813
Average quarterly enrolment	15,631
Daily attendance	10,620

Grafton District.—This district occupies the coast line from Point Danger to Camden Haven, and extends westward to the edge of the Table-land. This coincides nearly with the counties of Rous, Richmond, Clarence, Fitzroy, Raleigh, Dudley and the northern portions of Macquarie. There were in operation 88 schools in 1878; 52 Public, 30 Provisional, 2 Half-time, 4 Denominational. The Public School at Kinchela Creek was re-opened since 1st January, and Provisional Schools have, within the same period, been established at Nymboida, Raleigh East, and Towallum. New buildings are in progress at Fredericton, Grafton South, Nambucca and Ulmarra. School sites, already applied for, are still needed at Buccarumbi, Barragon, Eatonsville, Gerrymberryn, Lawrence, Meerschaum, North Creek, Pelican Creek, Pimlico, Tacking Point, Tweed Junction, Urara, Wilson's Ridges, Wooram, and Yenrabar. An application for a school at Valla has been granted since 1st January, and others for schools at Dango and Ulmarra have yet to be reported upon before a decision can be arrived at. Map No. 4.

PUPILS.

PUPILS.

Aggregate enrolment	6,222
Average quarterly enrolment	4,867
Daily attendance	3,389

Map No. 5. *Goulburn District.*—This district includes the county of Argyle and portions of Camden, Georgiana, and St. Vincent. It contained in 1878, 103 schools, viz. : 53 Public, 30 Provisional, 14, Half-time, and 6 Certified Denominational. The new schools opened in this year were Argyle East, Burrawang, Greenwell Point, Milton, and Mullengullenga. Eight applications for new schools of different kinds are now under consideration. Buildings are in course of erection at Baw Baw, Barrengarry, Burrawang East, Cotta Walla, Sutton Forest, and Worragee. Sites have been applied for, but are not yet granted, at Broken Bridge, Bullamyah, Bunnaby, Curraweela, Dick's Flat, Gullen Flat, Gurrundah, Irishtown, Rhyanna, and Yorkborough.

PUPILS.

Aggregate enrolment	6,261
Average quarterly enrolment	4,891
Daily attendance	3,447

Map No. 5. *Braidwood District.*—Included in this district are the counties of Dampier, Auckland, Wellesley, Beresford, and Wallace, besides a portion of St. Vincent in which Braidwood is situated. The schools in operation were 34 Public, 19 Provisional, 32 Half-time, 9 Denominational. School buildings are in course of erection at Adaminaby, Eurobodalla, Moruya, Toll-bar Creek, Ulladulla, and Yatteyattah. School sites have been applied for at Bombay, Burry, Boro Lower, Delegate, Dignam's Creek, Derrengullen, Meringlo, Nelson, Rocky Hall, Tilba Tilba, and Turlinjah.

PUPILS.

Aggregate enrolment	4,922
Average quarterly enrolment	3,611
Daily attendance	2,536

Map No. 5. *Yass District.*—The boundary of this district on the north is the Lachlan River. It takes in the counties of Bland, Harden, Monteagle, and Murray, with portions of Georgiana and King. In 1878, there were in operation 77 schools, of which 35 were Public, 19 Provisional, 13 Half-time, and 10 Certified Denominational. New Public Schools were opened at Binda and Chain of Ponds, and, in the current year, at Yass. Public school buildings were erected at Yass, Binda, Dalton, Jindalee, Harden, Peelwood, Two-mile Creek, and Weetangera ; and similar works are now in progress at Binalong, Brawlin, Bungendore, Carwoola, Chain of Ponds, Murrumburrah, Rye Park, Tuggranong, and Wallendbeen. The cases awaiting decision with respect to school-sites are those at Bango Creek, Barwang, Bethungra, Burrangong Heights, Bedellick, Catherine Creek, Congo Creek, Demondrille, Fell Timber, Ginninderra, Hoskingtown, Inglewood Forest, Jugiong, Jier, Junee, Lost River, Michelago, Marengo North, Manton, New Line, Nine-mile Creek, Numby, Tallagandra, Third Creek, Wandoon, Windellama, and Wheeo.

PUPILS.

Aggregate enrolment	4,767
Average quarterly enrolment	3,473
Daily attendance	2,368

Map No. 6. *Bathurst District.*—The boundaries of the Bathurst District are east, the Blue Mountains; north, the Turon River and the high ground forming the watershed between the Macquarie and the Bogan on one side and the Lachlan on the other ; west, the county of Flinders ; and south, the Lachlan and Abercrombie Rivers. Out of the 118 schools open last year, 72 were Public, 28 Provisional, 14 Half-time, and 4 Certified Denominational. New schools were opened at Boreenore, Coffee Hill, Mandurama, Newbridge, Nyrang, Springhill, and Grantham. New buildings were erected at Bathurst, Boreenore, Caloola, Canowindra, Cargo, Lucknow, Springhill, and Springside. Since the commencement of the present year, new public schools have been brought into operation at Milltown, Nangar, Shaw, and Yarra ; and applications for the establishment of others at Eugowra and Goobang are under consideration. The erection of new school buildings has been sanctioned at Bowan, Cudal, Eskbank, Hartley Vale, King's Plains, Marangulla, Mimosa Dell, Newbridge, Nyrang, Tarana, Trunkey, and Wheatfield. Sites have been applied for, but have not yet been granted, at Ben Bullen, Binni, Brisbane Valley, Campbell's River, Coffee Hill, Eugowra, Flyer's Creek, Goobang, Hobby's Yards, Jocelyn, Marangulla, Meranburn, Millburn, Mount Lawson, Nangar, Spring Mount, Thornshope, Walang, and Waugoola.

PUPILS.

Aggregate enrolment	9,753
Average quarterly enrolment	6,558
Daily attendance	4,648

Map No. 7. *Armidale District.*—In this district is included the country extending from the Liverpool Range to the Queensland boundary, and from the edge of the table-land to the river Barwan. In 1878 it contained 63 schools, viz., 40 Public, 19 Provisional, 2 Half-time, and 2 Certified Denominational. New Public Schools were opened at Bingera, Blackville, Cockburn River, Manilla, Moor Creek, Nemingha, and Hanging Rock. Building operations have not been very active in this district during the past year, though considerable additions were made to the schools at Inverell and Gunnedah, and contracts have been taken for new schools at Brodie's Plains, Fairview, Manilla, Manie's Creek, Moree, Rob Roy, Wallabadah, and Walgett. When the school-sites applied for at Stonehenge, Oakwood, Colley Blue, Salisbury Plains, Blackville, Rose Hill, Attunga, Fernhill, Little Plain, Hanging Rock, Gilgai and Cockburn River have been granted or promised by the Government, it is the Council's intention to take such steps as may be found necessary for the establishment of schools or erection of buildings.

Aggregate enrolment	5,546
Average quarterly enrolment	3,899
Daily attendance	2,810

Mudgee District.—This district extends from the Blue Mountains to the Darling River, and embraces the basins of the Castlereagh and Bogan, and the lower portion of that of the Macquarie. The following counties are included in its area: Wellington, Phillip, Bligh, Napier, Lincoln, Gordon, Kennedy, Narramine, Ewenmar, Gower, Baradine, Leichhardt, Clyde, Gregory, Oxley, Flinders, Canbellego, Cowper, and Yanda, with portions of Roxburgh and Brisbane. It contained, in 1878, 88 schools, viz.: 47 Public, 33 Provisional, 2 Half-time, and 6 Certified Denominational. The new Public Schools opened were, Bourke, Brocklehurst, Cannonbah, Cobar, Irvanstown, and Springfield; and during the present year aid has been granted to schools at Bunninyong, Cundumble, Mount Morris, and Narrango. School buildings were erected at Bourke, Brocklehurst, Cudgegong, Ilford, Mudgee, Pyramul, and new schoolrooms are in course of erection at Baradine, Cobbora, Coonamble, and Molong. School sites are needed at Belarbigill, Canadian Lead, Coomber, Denison Town, Eulomogo, Farnham, Garra, Goolma, Mundooran, Minore, Mount Morris, Newrea, Redbank Creek, Warren, Wellington, Wollar, and Yullundry. Map No. 6.

Aggregate enrolment	7,039
Average quarterly enrolment	4,816
Daily attendance	3,467

Albury District.—The area of this extensive district is very great, stretching as it does from the river Murray to beyond the north bank of the Murrumbidgee, and from the Munniong Range to the Darling River. Over this immense area 83 schools are scattered, of which 52 are Public, 25 Provisional, 2 Half-time, and 4 Certified Denominational. New schoolrooms were erected at Bowna, Brocklesby West, Brucedale, Corowa, Downside, Hopefield, Moama, and Redlands; and new buildings or extensive additions are in progress at Adelong Grove, Coolac, Deniliquin, Hovell, Lacmalac, Uranquintry, Wagga Wagga, Walbundry, and Woomargama. The new Public Schools opened in 1878 were those at Brocklesby West, Corowa, Downside, Forest Hill, Redlands, Walbundrie, and Windowie. The Public School at Wagra has since been re-opened. Applications for new schools at Bonnie Bush, Humula, Springbank, Taramia, and Tarcutta Lower have yet to be dealt with. Sites are needed at Berrigigama, Black Range, Broome, Conargo, Caloola, Darlington Point, Marrar, Major's Plains, Mathoura, Moorwatha, Oberne, Perricoota, Piney Ridge, Rowan, Shepherdstown, Tamar, Tumberumba Upper, Umbango, Wondalga, Wyangle, and Yarragundry. Map No. 8.

Aggregate enrolment	6,072
Average quarterly enrolment	4,210
Daily attendance	3,046

TABLE 2.—PUPILS.

Year.	Public.	Provisional.	Half-time.	Denominational.	Total.
1867	28,434	733	267	35,306	64,740
1868	34,284	3,113	593	35,930	73,920
1869	37,593	4,788	1,242	37,026	80,649
1870	39,731	5,185	1,445	36,460	82,821
1871	43,494	5,633	2,267	35,919	87,313
1872	46,458	6,673	1,792	33,564	88,487
1873	48,831	7,466	2,209	33,512	92,018
1874	53,702	8,002	2,462	36,218	100,384
1875	58,811	8,786	2,350	34,509	104,456
1876	64,414	9,196	2,265	35,394	111,269
1877	71,794	8,707	2,213	34,538	117,252
1878	81,229	9,531	2,337	35,028	128,125

School Enrolment.—A large accession of pupils, it will be seen, was secured in 1878, the total number enrolled being 128,125. This shows an increase of 10,873 over the number reported for 1877. The increased attendance was distributed among the different classes of schools as follows:—

In Public Schools	9,435
In Provisional Schools	824
In Half-time Schools	124
In Certified Denominational Schools	490

The number of scholars enrolled in each quarter was 87,485, 88,501, 90,207, and 89,809 respectively. The average quarterly enrolment—89,000—shows an increase of 8,071, and corresponds proportionately with the increase in the aggregate enrolment for the year.

It may be interesting to note the proportion which, during the last five years, the average has borne to the aggregate enrolment as disclosed in the following table:—

Year.	Aggregate Enrolment for the year.	Average Quarterly Enrolment.	Percentage.
1874	100,384	69,747	69·0
1875	104,456	72,057	68·9
1876	111,269	76,587	68·8
1877	117,252	80,929	69·02
1878	128,125	89,000	69·4

A large proportion of the augmented enrolment took place in the Sydney District, the returns for which show an addition of 3,369 pupils. This increase may be accounted for partly by the more extensive accommodation provided, but chiefly by the steps taken to secure the attendance of children not previously enrolled. It would appear, however, that regularity of attendance falls below the general standard in this district, for with an aggregate enrolment of 39,217 for the year, the average quarterly enrolment was but 66·2 per cent. of that number, or 24,818. Appendix K.

Average Attendance.—For the whole year the average daily attendance, as exhibited in the quarterly returns

returns was 59,132, being 66·4 per cent. of the average quarterly enrolment, 89,000. The following table gives similar information for each quarter of the year :—

Appendix A

Average Daily Attendance.			
Quarter.	Number enrolled.	Average attendance.	Proportion per cent.
First	87,485	57,453	65·67
Second	88,501	58,368·9	65·9
Third	90,207	60,178	66·7
Fourth	89,809	60,529·4	67·4

Notwithstanding the absolute increase—4,539—in the average number of pupils in daily attendance, the proportion between that number and the number enrolled, by which regularity is measured, has not improved.

Fees.—As may be seen from the following table, the gross amount of fees paid was £69,028 8s. 9d. This shows a net increase of £3,478 16s. 9d., although in Public Schools alone the increase was £4,632 2s. 9d. In other classes of schools the amounts paid were diminished by the following sums :—

Provisional	... £574 6 0
Half-time	... 68 3 2
Denominational	... 510 16 10

Year.	Public.	Provisional.	Half-time.	Denominational.	Totals.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1867	14,404 0 10½	162 12 5	18 9 7½	16,134 5 10	30,719 8 9
1868	17,588 8 11	1,099 14 11	77 15 11	15,398 3 9	34,164 3 6
1869	20,658 19 7	1,981 9 9	174 13 8	16,803 10 11	39,618 13 11
1870	21,113 8 10½	2,077 10 6	234 0 10	16,158 3 2	39,583 3 5
1871	24,824 0 8	2,154 2 3	284 4 3	16,240 4 6	43,503 1 8
1872	27,048 18 11	2,701 4 6	456 9 3	15,787 9 11	45,994 2 7
1873	28,579 15 11	3,430 15 11	529 16 11	16,406 18 0	48,947 5 11
1874	31,656 1 7½	3,670 1 11½	769 13 0	17,440 8 7	53,536 5 2
1875	33,985 12 6½	3,860 14 4½	677 9 9	17,722 15 11	56,246 12 8
1876	37,952 12 1	4,395 18 1	730 5 11	18,466 16 6	61,545 12 7
1877	41,430 14 4½	4,500 2 7	762 17 2½	18,855 17 10¼	65,549 12 0
1878	46,062 17 2	3,925 16 7	694 14 0	18,345 1 0	69,028 8 9

The average amount paid per head is somewhat lower than in 1877, although the number of avowed free scholars was less by 798. The Sydney, Newcastle, and Bathurst districts are remarkable for the large number of free scholars attending the schools therein ; while the Yass, Grafton, and Braidwood districts, in the order named, are equally noticeable for the small proportion of non-paying pupils.

IV.—PUBLIC SCHOOLS.

Appendix B & C.

During 1878, 620 Public Schools were in operation, being a net increase of 59. Of the 561 schools existing in the previous year, 8 were closed ; consequently the total number of new schools was 67. Since the commencement of the present year 12 others have been opened, making the present total 632. In previous remarks we have given all necessary detailed information as to the number of schools, buildings, and scholars. It only remains to add that we received 75 applications for the establishment of Public Schools, of which 46 were granted, 15 were declined, and 14 have yet to be dealt with.

In our Report for 1877 we specified 122 cases in which applications had been made for school sites, but which had neither been granted nor promised. We have now to report that up to the present date 76 of these sites have been granted, of which 48 were notified to us in 1878, and the remaining 28 in the present year. In addition to these, 28 other grants of sites have been received.

Conveyances of school sites from private persons to the Council were completed in 38 cases, and 6 others in the current year.

In consequence of this large number of sites (148) being now available for the erection of schools, the building operations of the Council in 1879 can proceed without further hindrance, except such as may arise from deficiency of funds.

V.—PROVISIONAL SCHOOLS.

Appendix D, E

Schools of this kind, as might be anticipated from the accounts given of them in our previous Reports, continue to fluctuate in number and in character. Last year was no exception to the usual course, inasmuch as 22 schools were closed, 15 were converted into Public Schools, and 2 into Half-time Schools. This reduced the number to 227 ; but as 58 new schools were aided, the total was eventually raised to 285. If there be added to this number 18 schools aided since 1st January, the whole number in operation will be 303. The remarks contained in our previous Report upon schools of this kind and their teachers continue to apply to them respectively at the present time.

VI.—HALF-TIME SCHOOLS.

Appendix F, G

Little change has taken place in regard to these schools, the number in operation being 115, as against 112 in the previous year.

VII.—INSPECTION.

Staff.—The arrangements for the inspection of schools foreshadowed in our Report for 1877 were fully carried out last year. The following table will exhibit the changes made in the disposition of the Inspectoral Staff.

Inspector.	From.	To.
C. Hookins	Albury District	Sydney District.
J. D. Bradley	Armidale ,,	Maitland ,,
J. C. Maynard	Braidwood ,,	Newcastle ,,
W. M'Intyre	Camden ,,	Goulburn.
J. M'Credie	Cumberland ,,	Sydney.
D. S. Hicks	Goulburn ,,	Braidwood.
T. Dwyer	Grafton ,,	Mudgee.
J. S. Jones	Maitland ,,	Camden.
G. O'Byrne	Mudgee ,,	Albury.
W. Dwyer	Newcastle ,,	Armidale.
E. Johnson	Sydney ,,	Cumberland.
J. W. Allpass	Bathurst ,,	Bathurst.
J. H. Murray	Yass ,,	Yass.

As it seemed impossible for the existing staff to visit all the schools, and also perform the other multifarious duties entrusted to Inspectors, we determined to appoint an additional Inspector, and selected for the office Mr. W. F. Thompson, who had creditably filled a similar position in Victoria. Leave for twelve months, from 1st October, was granted to Mr. W. M'Intyre, who had been in the school service about twenty-two years, and who in his application had intimated his intention to visit Europe.

Schools inspected.—An increase of 108 in the number of schools or departments inspected is to be noted for 1878. The following table will exhibit the number of schools inspected in each district, with other particulars on the subject :—

Districts.	Number of Schools or Departments existing in 1878.	Number fully or regularly inspected.	Number not regularly inspected.
Albury	86	57	29
Armidale	63	58	5
Bathurst	127	96	31
Braidwood	94	91	3
Camden	95	92	3
Cumberland	98	98	0
Goulburn	102	102	0
Grafton	91	68	23
Maitland	106	106	0
Mudgee	94	80	14
Newcastle	126	122	4
Sydney	126	126	0
Yass	79	75	4
Totals	1,287	1,171	116

Efficiency of Schools.—Reports from the several Inspectors upon the condition of the schools under their charge during the past year are appended hereto. The detailed descriptions of schools hitherto forming part of such reports have on this occasion been omitted. For some years past it has appeared to the Council that these detailed reports have been open to misconstruction, inasmuch as they have not been published until a long time—in some cases more than twelve months—after the state of things described in them has ceased to exist. Moreover, it was found necessary, from the pressure of more important work, to diminish in every practicable way the merely clerical work of Inspectors. But when informed of the decision of the Council not to require them to furnish the detailed statements, they were at the same time instructed so to amplify their general reports that they might contain a sufficiently complete account of the state of primary education in their respective districts. Appendix H

The changes in the staff have on the whole worked beneficially, though one of the first effects, as shown in the subjoined table, has been an apparent falling off in the degree of efficiency reported. Still, the retrogression is, we believe, only in appearance; for if allowance be made for the fact that many of the Inspectors were new to their districts, to the teachers, and to the pupils,—and if it be also kept in view that a large number of new and probably untrained pupils were admitted during the year,—it will be understood that the decline in the efficiency reported arises out of temporary causes, and is more apparent than real.

TABLE.

Schools.	Below Standard.			Up to Standard.			Above Standard.		
	1876.	1877.	1878.	1876.	1877.	1878.	1876.	1877.	1878.
Public	29·	29·2	34·3	36·5	34·5	34·4	34·4	36·3	24·1
Provisional	65·4	61·	66·5	29·9	29·1	4·6	4·6	9·8	6.
Half-time	51·6	54·	57·4	35·4	33·6	12·9	12·9	13·	8·9
Denominational	38·2	37·2	39·	34·9	39·	26·7	26·7	30·	22·
All	40·9	39·4	43·5	34·6	37·5	24·3	24·3	27·7	18·8

Proficiency of Pupils.—The foregoing remarks apply equally to the estimated proficiency of the pupils, which are shown in the annexed table :

ESTIMATED

ESTIMATED Proficiency of the Pupils in all the Council Schools.

Subjects.	Estimated Proficiency.				
	Good.	Fair.	Tolerable.	Moderate to Indifferent.	Totals.
Reading—					
Alphabet	2,542	2,958	1,729	1,537	8,766
Monosyllables	5,053	9,182	3,951	2,258	20,444
Easy narrative	3,789	9,512	3,998	1,609	18,908
Ordinary prose	4,688	6,986	2,481	774	14,929
Totals	16,072	28,638	12,159	6,178	63,047
Writing—					
On slates	10,829	10,296	3,434	1,538	26,097
In copy-books and on paper	13,421	13,458	4,004	1,368	32,251
Totals	24,250	23,754	7,438	2,906	58,348
Arithmetic—					
Simple rules	5,305	12,191	9,759	12,630	39,885
Compound rules	1,040	2,704	2,663	3,801	10,208
Higher rules	681	1,302	1,147	1,298	4,428
Totals	7,026	16,197	13,569	17,729	54,521
Grammar—					
Elementary	3,426	7,514	3,914	3,602	18,456
Advanced	3,069	5,255	3,258	2,680	14,262
Totals	6,495	12,769	7,172	6,282	32,718
Geography—					
Elementary	5,185	7,709	5,155	4,897	22,946
Advanced	3,833	4,933	2,917	2,313	13,996
Totals	9,018	12,642	8,072	7,210	36,942
Other Subjects—					
Scripture and moral lessons	5,036	6,019	2,344	1,700	15,099
Object lessons	14,354	23,582	12,276	8,400	58,612
Drawing	6,741	11,847	6,995	3,339	28,922
Music	11,011	17,530	6,345	4,433	39,319
Euclid	793	773	474	228	2,268
Algebra	220	562	335	347	1,464
Mensuration	115	170	102	142	529
Latin	73	310	195	98	676
Trigonometry	0	0	0	14	14
Needlework	6,189	6,470	1,959	587	15,205

Attention having been drawn to the subject of needlework, special efforts were made last year to improve the teaching of that useful art. To accomplish this object effectually, work-mistresses were appointed in the larger schools of the Sydney district, and where the number of pupils warrants the expenditure, a similar course will be followed in country schools. Sufficient time has not yet elapsed to test the effect of this measure, the utility of which, however, will be fully shown by the end of the current year.

VIII.—TEACHERS.

Staff.—The whole staff in 1878 included—

1,116 Principal Teachers
281 Assistants
428 Pupil Teachers.

More difficulty was experienced in providing situations than in procuring teachers.

Pupil Teachers.—Out of 310 applicants examined, 136 passed successfully. A few were necessarily rejected on medical grounds, their constitutions being insufficiently strong to bear the fatigues incidental to teaching in the Council's schools. Parents who desire that their children should adopt the teaching profession should, before taking any steps, fully consider whether the health of these young persons may not be injured by introducing them to a pursuit for which they do not possess the requisite physical qualifications. In the usual examinations of the Pupil Teachers employed the following were promoted :—

From Class IV. to Class III.	108
,, III. to ,, II.	95
,, II. to ,, I.	71
,, I. to Training School	58
Failed to gain promotion	63
Total number examined	395

Training School.—During the year 592 students were admitted, of whom 89 completed the full course of study and passed the prescribed examination. The results are exhibited in the following table :—

AWARDED CLASSIFICATIONS OF—

		Male.	Female.	Total.
Second Class	A	3	6	9
	B	6	25	31
Third Class.	A	8	5	13
	B	10	8	18
	C	7	11	18
				89

Training for Small Schools.—This training is effected during the candidate's attendance at a good country school, where a certain amount of instruction is imparted, and some practical insight is afforded into school management. The number of candidates so trained was 83. Of this number 77 passed the required examination, and 6 failed.

Examination

Examination of Teachers.—For the most part the Teachers who underwent examination voluntarily submitted themselves to the ordeal, in the hope, if successful, of gaining a higher classification and increased pay. The number examined was 157, of whom 85 passed with credit and received promotion as follows :—

To Class III C	25
,, III B	17
,, III A	22
,, II B	17
,, II A	3
,, I B	1
	85

Promotion for Good Service.—For promotion on this ground applications were received from 113 Teachers, of which 47 were granted, viz. :—

To Class III C	3
,, III B	13
,, III A	13
,, II B	4
,, II A	11
,, I B	1
,, I A	2
	47

Of the remaining 66, 59 were declined, and 7 await decision.

Emoluments of Teachers.—As pointed out in an earlier part of this Report, the sum paid as Teachers' Salaries exceeded that for 1877 by £36,438 3s. 9d. This large addition raised the average salary of the different classes of Teachers, as may be seen from the annexed table :—

AVERAGE RATES of Emoluments of Classified Teachers in 1876, 1877, and 1878.

Classification of Teachers.	Salaries.			Fees.			Totals.		
	1876.	1877.	1878.	1876.	1877.	1878.	1876.	1877.	1878.
	£	£	£	£	£	£	£	£	£
Class I A	156	156	204	237	201	238	393	357	442
,, I B	144	144	192	194	198	165	338	342	357
,, II A	132	132	168	139	120	147	271	252	315
,, II B	120	120	156	84	81	87	204	201	243
,, III A	108	108	132	41	49	42	149	157	174
,, III B	102	102	120	41	39	45	143	141	165
,, III C	96	96	108	26	30	31	122	126	139

Reference has been made in former Reports to the number of small Public Schools which barely reach the minimum attendance required by the Public Schools Act. The Teachers in these schools are, in many instances, probationers receiving a smaller salary than those better qualified, who have gained a classification. In the following tables the difference in the average emoluments of Teachers in the several classes of schools is shown in two forms, the first including all principal Teachers, the second excluding the probationers.

Emoluments of Principal Teachers, including those Unclassified.

	Salaries.		Fees.		Total.
Public Schools	£130	+	64	=	£194
Certified Denominational Church of England ...	141	+	83	=	224
,, ,, Roman Catholic... ...	132	+	51	=	184
,, ,, Presbyterian	142	+	93	=	235
,, ,, Wesleyan	136	+	104	=	240
Provisional Schools	77	+	17	=	94
Half-time Schools	95	+	15	=	110

Emoluments of Principal Teachers, excluding those Unclassified.

	Salaries.		Fees.		Total.
Public Schools	£151	+	100	=	£251
Certified Denominational Church of England ...	134	+	83	=	217
,, ,, Roman Catholic... ...	132	+	66	=	198
,, ,, Presbyterian	141	+	93	=	234
,, ,, Wesleyan	141	+	104	=	245

Local Supervision.—Since the passing of the resolution by the Legislative Assembly dispensing with local subscriptions towards Public School Buildings, the Boards of those Schools have in many cases supposed that their duties were at an end. But speaking generally, it may be stated that some improvement is discoverable in the local supervision, and that greater interest is manifested in local management than for many years previously.

We submit this as our Report upon Public Schools for the year 1878 ; and in testimony thereof we have caused our Corporate Seal to be affixed hereto, this seventh day of April, one thousand eight hundred and seventy-nine.

J. SMITH, President.
W. A. DUNCAN.
G. WIGRAM ALLEN.

(L.S.)

W. WILKINS, Secretary.

APPENDIX A.

APPENDIX A.

Quarter ending—	Number of Children on Rolls.									Average Attendance.			Amount of School fees paid.
	Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Others.	Total.	Boys.	Girls.	Total.	£ s. d.
MARCH, 1878.													
Public Schools	29,732	25,953	55,685	26,234	9,899	6,488	7,603	5,461	55,685	19,920·4	16,628·8	36,549·2	9,936 15 9½
Provisional Schools	3,463	3,342	6,805	2,983	2,514	702	523	83	6,805	2,418·2	2,323·7	4,741·9	799 7 5¾
Half-time Schools	762	794	1,556	815	525	111	94	11	1,556	532·5	563·6	1,096·1	135 1 1
Totals	33,957	30,089	64,046	30,032	12,938	7,301	8,220	5,555	64,046	22,871·1	19,516·1	42,387·2	10,871 4 3¾
JUNE, 1878.													
Public Schools	30,171	26,342	56,513	26,794	10,098	6,710	7,725	5,186	56,513	20,363·7	17,000·4	37,364·1	11,825 19 11½
Provisional Schools	3,581	3,516	7,097	3,140	2,638	684	546	89	7,097	2,478·6	2,434·5	4,913·1	961 3 8¾
Half-time Schools	826	839	1,665	843	558	120	133	11	1,665	589·0	617·6	1,206·6	176 12 11
Totals	34,578	30,697	65,275	30,777	13,294	7,514	8,404	5,286	65,275	23,431·3	20,052·5	43,483·8	12,963 16 7¼
SEPTEMBER, 1878.													
Public Schools	30,799	26,912	57,711	27,387	10,431	6,831	7,878	5,184	57,711	21,264·4	17,435·4	38,699·8	11,688 2 1
Provisional Schools	3,604	3,606	7,210	3,164	2,706	671	574	95	7,210	2,490·1	2,461·7	4,951·8	973 7 10¾
Half-time Schools	885	867	1,752	878	603	120	142	9	1,752	641·3	632·2	1,273·5	179 8 2¾
Totals	35,288	31,385	66,673	31,429	13,740	7,622	8,594	5,288	66,673	24,395·8	20,529·3	44,925·1	12,840 18 2½
DECEMBER, 1878.													
Public Schools	30,510	26,658	57,168	27,101	9,103	6,814	8,808	5,342	57,168	21·017·6	17,447·1	38,464·7	12,611 19 4¼
Provisional Schools	3,849	3,893	7,742	3,438	2,851	714	649	90	7,642	2,629·9	2,694·5	5,324·4	1,191 17 6¾
Half-time Schools	908	850	1,758	844	646	115	144	9	1,752	618·6	611·3	1,229·9	203 11 9½
Totals	35,267	31,401	66,668	31,383	12,600	7,643	9,601	5,441	66,668	24,266·1	20,752·9	45,019·0	14,007 8 8½

APPENDIX B.

ATTENDANCE of Children at the Public Schools, as certified by the Public School Boards, for the Quarter ending 31st December, 1878, or for the last Quarter of that year during which the Schools were in operation.

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Aberdeen	21	16	37	11·3	9·9	21·2	24 12 0	134 18 9	5 14 9	.....	.....	165 5 6
Aberglasslyn	23	20	43	15·5	14·2	29·7	20 16 11	108 0 0	2 2 1	.....	2 2 0	133 1 0
Adaminaby	17	21	38	11·1	14·2	25·3	37 5 11	106 0 0	2 10 6	2 0 0	15 15 0	163 11 5
Adamstown	66	50	116	39·5	26·3	65·8	67 4 0	146 18 0	3 9 6	17 5 0	938 19 0	1,173 15 6
Adelong	107	140	247	82·0	103·8	185·8	355 13 0	313 11 9	27 10 9	6 10 0	1,847 14 0	2,550 19 6
Adelong Crossing	24	18	42	15·6	10·6	26·2	50 15 7	122 17 4	3 0 2	.....	2 0 0	178 13 1
Adelong Grove	16	13	29	12·9	9·7	22·6	24 11 6	84 0 0	2 12 1	.....	1 4 0	112 7 7
Adelong Upper	11	14	25	9·1	11·6	20·7	8 8 2½	85 12 0	0 6 11	.....	9 0 8	103 7 9½
Albion Park	33	28	61	22·5	17·7	40·2	51 9 0	190 7 4	11 12 0	.....	88 8 3	341 16 7
Albury	151	110	261	108·2	74·7	182·9	285 14 3	469 0 6	14 19 10	5 18 0	26 10 0	802 2 7
Aldavilla	34	28	62	21·4	22·0	43·4	45 19 6	135 8 10	2 1 7	.....	6 0 0	189 9 11
Alstonville	16	27	43	12·5	21·9	34·4	18 15 2	84 0 0	5 3 10	1 2 6	.....	109 1 6
Alumny Creek	34	22	56	21·2	13·9	35·1	39 5 4	132 0 0	2 5 11	.....	.....	173 11 3
Amosfield	22	34	56	14·3	21·1	35·4	44 6 9	110 0 0	10 2 5	.....	569 0 0	733 9 2
Appin	26	27	53	16·8	18·3	35·1	31 5 9	129 0 0	2 7 11	4 7 6	13 0 0	180 1 2
Araluen	46	61	107	38·5	45·0	83·5	93 4 4	219 5 4	5 4 11	.....	80 17 2	398 11 9
Araluen Upper	20	24	44	13·5	19·0	32·5	30 3 7	132 0 0	.....	.....	3 6 8	165 10 3
Araluen West	29	28	57	18·9	17·4	36·3	29 12 0	132 0 0	2 16 0	.....	12 14 0	177 2 0
Argyle East	22	10	32	17·6	9·0	26·6	8 1 6	34 10 10	7 16 6	4 8 0	369 7 0	424 3 10
Armidale	150	106	256	108·3	70·9	179·2	252 19 6	300 11 3	10 3 10	.....	51 8 4	615 2 11
Ashfield	133	132	265	96·6	82·9	179·5	310 8 3½	411 18 8	11 17 0	5 5 0	34 13 3	774 2 2½
Ash Island	28	19	47	21·5	13·8	35·3	40 9 2	118 0 0	3 5 3	.....	.....	161 14 5
Avondale	25	24	49	17·0	17·7	34·7	42 6 0	148 4 2	2 13 5	.....	.....	193 3 7
Baker's Swamp	10	11	21	5·6	5·7	11·3	3 7 10	54 16 8	.....	.....	.....	58 4 6
Ballina	44	46	90	29·8	26·9	56·7	42 19 2	136 2 11	2 2 9	.....	1 4 0	182 8 10
Balmain	507	438	945	361·6	309·4	671·0	845 4 8	1,003 2 3	26 4 10	0 17 6	620 0 2	2,495 9 5
Balmain West	181	166	347	120·9	106·7	227·6	192 13 7	275 8 9	59 19 4	.....	1,226 19 10	1,755 1 6
Balranald	45	47	92	30·3	30·5	60·8	98 3 10	132 0 0	10 2 0	.....	83 19 6	324 5 4
Bandon Grove	24	18	42	15·7	10·5	26·2	31 0 0	102 16 9	2 1 1	1 10 0	48 17 0	186 4 10
Bankstown	30	21	51	19·2	13·1	32·3	29 4 0	113 10 11	4 5 8	.....	130 0 0	277 0 7
Baradine	15	14	29	10·3	9·8	20·1	21 13 0	70 0 0	.....	.....	6 2 0	97 15 0
Barraba	21	21	42	13·2	13·2	26·4	63 17 0	100 0 0	3 12 2	.....	.....	167 9 2
Barrengarry	12	26	38	6·0	16·2	22·2	12 18 8	84 0 0	8 18 11	.....	58 1 0	163 18 7
Barrington	23	17	40	18·9	13·4	32·3	15 8 11	121 1 3	3 9 5	5 7 0	452 6 3	597 12 10
Bateman's Bay	37	26	63	30·0	13·2	43·2	58 2 9	132 0 0	2 19 4	.....	.....	193 2 1
Bathurst	297	249	546	203·3	162·3	365·6	569 1 5	728 6 10	64 7 0	27 0 3	3,214 0 0	4,602 15 6
Batlow	26	25	51	16·0	17·6	33·6	17 18 0	96 0 0	1 14 10	.....	12 0 0	127 12 10
Baulkham Hills	26	31	57	17·1	22·6	39·7	51 17 0	136 3 10	3 17 1	.....	11 14 0	203 11 11
Bega	91	81	172	64·8	54·8	119·6	128 5 0	220 7 6	8 10 7	.....	65 0 1	422 3 2
Bellinger	27	20	47	17·1	14·3	31·4	22 13 9	132 0 0	1 6 4	.....	4 0 0	160 0 1
Bell's Creek	24	16	40	14·6	11·4	26·0	24 4 3	84 0 0	3 1 2	.....	15 0 0	126 5 5
Belmore River	24	14	38	18·3	11·8	30·1	26 18 10	122 12 1	1 14 4	.....	.....	151 5 3
Bendeella	13	12	25	8·9	8·0	16·9	11 9 3	63 11 2	8 4 0	3 10 7	192 0 0	278 15 0
Bendemeer	20	15	35	13·7	5·5	19·2	23 5 3	86 5 0	2 8 5	.....	.....	111 18 8
Bergalia	31	24	55	26·3	19·7	46·0	43 6 6	132 0 0	3 19 10	.....	77 15 0	257 1 4
Berkeley	25	22	47	14·9	11·3	26·2	25 14 5	135 4 6	1 17 3	10 0 0	.....	172 16 2
Berrima	41	33	74	34·1	25·3	59·4	85 4 7	213 17 10	1 14 7	.....	20 0 0	320 17 0
Bethungra	18	19	37	7·7	9·6	17·3	51 17 9	125 10 0	1 14 11	.....	5 4 7	184 7 3
Binalong	23	29	52	16·2	21·7	37·9	39 17 6	155 2 8	5 10 9	1 17 0	.....	202 7 11
Binda	25	21	46	14·3	11·7	26·0	16 3 0	66 0 0	9 10 8	5 0 0	540 16 0	637 9 8
Bingera	36	41	77	28·7	30·3	59·0	81 7 9	132 0 0	16 7 6	.....	172 9 6	402 4 9
Bishop's Bridge	36	20	56	22·5	12·5	35·0	14 7 2	123 2 3	3 5 7	3 14 0	399 17 6	544 6 6
Black Range	26	31	57	16·3	20·4	36·7	15 13 10	71 4 10	.....	.....	.....	86 18 8
Blacktown	35	29	64	30·0	22·3	52·2	65 1 4	136 0 0	7 15 1	.....	2 2 0	210 18 5
Blackville	18	19	37	15·3	14·3	29·6	31 2 10	84 0 0	3 8 1	.....	.....	118 10 11
Blayney	55	45	100	40·4	32·0	72·4	54 8 8	71 1 8	3 18 1	.....	13 4 0	142 12 5
Bloom Hill	22	16	38	12·1	10·1	22·2	12 18 2	96 0 0	2 10 8	.....	.....	111 8 10
Blowering	18	17	35	15·1	15·4	30·5	40 15 0	95 9 3	7 2 1	15 0 0	.....	158 6 4
Blue Gum Flat	32	19	51	22·3	13·0	35·3	12 9 4	80 17 4	2 13 7	7 1 6	.....	103 1 9
Bodalla	35	34	69	20·7	21·3	42·0	44 5 0	112 16 0	20 5 9	5 0 0	1,127 17 0	1,310 3 9
Boggabri	24	15	39	17·7	10·6	28·3	53 16 6	135 14 10	1 12 1	.....	.....	191 3 5
Bombala	81	55	136	58·2	35·1	93·3	95 2 6	195 0 0	5 4 9	.....	2 12 0	297 19 3
Boolambayte	18	17	35	14·1	12·0	26·1	17 13 5	86 0 0	0 12 0	1 10 0	.....	105 15 5
Boolong	26	27	53	17·1	16·2	33·3	30 13 0	121 8 6	3 2 8	.....	.....	155 4 2
Booral	32	17	49	17·7	10·8	28·5	30 15 6	112 0 0	.....	.....	40 0 0	182 15 6
Borenore	18	28	46	13·1	19·9	33·0	21 15 11	66 0 0	10 0 6	10 0 0	712 14 0	820 10 5
Botany	100	84	184	68·7	51·8	120·5	119 6 0½	203 10 11	7 3 4	6 5 0	191 9 6	527 14 9½
Botany Road	182	165	347	106·6	85·0	191·6	309 1 2½	331 6 3	2 10 11	.....	20 8 5	663 6 9½
Bourke	26	21	47	15·3	10·5	25·8	21 6 6	58 10 11	9 18 11	37 1 6	1,530 15 0	1,657 12 10
Bowenfels	22	21	43	11·4	9·0	20·4	25 9 11½	96 0 0	3 3 3	.....	2 11 0	127 4 2½
Bowling Alley Points	37	32	69	25·4	21·8	47·2	61 0 0	132 0 0	3 6 8	.....	134 18 0	331 4 8
Bowna	29	26	55	17·6	17·2	34·8	27 10 4	108 0 0	1 14 1	.....	455 15 0	592 19 5
Bowning	35	37	72	22·9	20·6	43·5	47 3 3	132 6 3	4 13 8	1 0 0	1 4 0	186 7 2
Bowra	29	24	53	14·0	13·6	27·6	27 7 5	103 11 5	.....	7 2 0	.....	138 0 10
Bowral	35	30	65	19·5	17·4	36·9	58 19 6	133 18 11	3 16 10	.....	2 17 0	199 12 3
Braidwood	52	50	102	41·3	36·6	77·9	109 18 0	194 14 10	2 17 9	.....	164 9 6	472 0 1
Brandon Hill	25	23	48	17·2	14·5	31·7	38 14 6	108 0 0	5 11 7	1 10 0	.....	153 16 1
Branxton	47	42	89	30·9	20·7	51·6	65 11 5	208 13 8	3 7 6	.....	134 16 6	412 9 1

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Bredalbane	20	16	36	15·6	10·3	25·9	38 0 9	132 0 0	6 7 3	3 0 0	2 14 0	182 2 0
Brewarrina	30	26	56	21·5	17·7	39·2	104 0 6	125 19 0	6 16 5	3 0 0	10 13 0	250 8 11
Bringelly	14	18	32	10·8	13·3	24·1	17 13 3	97 10 0	1 17 9	2 5 11	223 2 0	342 8 11
Brocklehurst	14	11	25	9·9	7·5	17·4	13 5 0	49 18 8	8 6 8	17 4 9	380 10 0	469 5 1
Brocklesby West	13	18	31	9·2	14·3	23·5	8 8 6	19 13 10	8 17 3	8 8 2	758 16 4	804 4 1
Brodie's Plains	23	33	56	13·1	21·0	34·1	59 3 6	133 0 6	.....	1 10 0	3 18 0	197 12 0
Broke	15	21	36	10·8	12·1	22·9	28 2 1	123 1 3	8 16 2	7 7 6	.....	167 7 0
Brokenback	20	20	40	14·1	9·2	23·3	20 1 10	114 10 3	.....	.....	37 9 8	172 1 9
Brookfield	26	24	50	14·2	13·3	27·5	6 4 6	88 0 0	0 18 0	1 8 0	25 2 0	121 12 6
Broughton Creek	45	43	88	28·3	20·3	48·6	59 14 0	184 4 11	4 6 5	.....	2 8 0	250 13 4
Broughton Vale	17	24	41	10·5	18·2	28·7	35 3 0	123 8 3	8 16 7	2 0 0	2 8 0	171 15 10
Broughton Village	26	28	54	20·3	21·7	42·0	51 8 10	128 18 8	2 14 10	.....	5 0 0	188 2 4
Brown's Creek	32	31	63	25·6	22·2	47·8	58 14 6	120 0 0	4 3 9	.....	12 4 0	195 2 3
Brucedale	26	12	38	11·6	5·1	16·7	25 5 0	81 6 5	2 11 6	5 0 0	450 5 1	564 8 0
Bryan's Gap	28	31	59	17·6	20·2	37·8	48 16 9	84 0 0	1 12 0	.....	442 8 6	576 17 3
Bulladelah	38	34	72	26·7	22·4	49·1	26 5 1	125 0 0	13 6 1	8 10 0	238 15 6	411 16 8
Bulli	104	83	187	70·2	51·9	122·1	112 16 0	175 15 1	8 11 7	5 7 6	.....	302 10 2
Bulli North	16	18	34	11·6	11·8	23·4	24 18 0	104 0 0	1 16 6	.....	1 4 0	131 18 6
Bundanoon	27	20	47	16·4	10·2	26·6	24 7 9	86 10 0	3 2 9	16 0 0	.....	130 0 6
Bundarra	47	48	95	33·6	38·2	71·8	66 5 0	157 0 7	5 7 4	7 19 9	.....	236 12 8
Bundywalla	12	23	35	8·6	16·5	25·1	10 5 0	91 0 0	2 6 0	2 10 6	.....	106 1 6
Bungendore	36	26	62	23·4	15·4	38·8	34 10 3	128 11 5	9 18 5	3 19 9	35 0 2	212 0 0
Bungowannah	34	33	67	19·3	20·3	39·6	73 3 0	153 11 9	12 13 2	.....	117 3 6	356 11 5
Bungwall	26	27	53	17·6	17·8	35·4	33 10 5	122 13 4	2 16 3	1 15 0	.....	160 15 0
Burkeville	10	15	25	8·1	11·9	20·0	27 12 7½	82 0 0	.....	2 0 0	.....	111 12 7½
Burrawang	23	29	52	18·9	23·1	42·0	54 13 3	156 0 0	12 6 1	1 1 3	.....	224 0 7
Burrawang East	21	19	40	9·2	11·1	20·3	23 3 3	84 0 0	4 18 4	9 0 0	469 1 0	590 2 7
Burrier	28	27	55	17·4	13·9	31·3	33 3 9½	132 0 0	0 17 8	.....	649 17 0	815 17 9½
Burrill	27	21	48	18·8	15·5	34·3	30 7 0	117 16 0	5 19 2	7 0 0	71 7 6	232 9 8
Burrowa	38	22	60	27·2	13·8	41·0	62 0 6	156 0 0	5 2 3	5 0 0	299 9 6	527 12 3
Burrundulla	19	18	37	15·0	15·3	30·3	20 3 4	61 13 6	.....	.....	.....	81 16 10
Burry	19	15	34	13·0	11·8	24·8	2 3 6	11 8 8	4 0 3	.....	....	17 12 5
Burwood	285	128	413	213·5	90·8	304·3	556 8 6	462 8 9	14 6 5	3 0 0	477 19 4	1,514 3 0
Cadia	32	46	78	20·7	26·8	47·5	63 4 8	96 0 0	2 13 8	.....	75 0 0	236 18 4
Caloola	10	10	20	6·1	6·4	12·5	13 14 6	41 0 0	.....	.....	441 16 0	496 10 6
Cambewarra	32	30	62	25·7	24·2	49·9	52 18 9	196 16 5	.....	.....	18 0 0	267 15 2
Camden	77	57	134	52·0	39·5	91·5	122 15 6	187 14 5	17 2 6	.....	52 12 6	380 4 11
Campbelltown	74	51	125	53·8	36·3	90·1	117 18 6	242 0 5	5 14 8	.....	.....	365 13 7
Camperdown	131	128	259	86·2	74·9	161·1	176 13 8½	355 14 2	7 18 9	.....	16 1 8	556 8 3½
Campsie	13	7	20	8·2	4·5	12·7	10 9 11	77 0 0	1 1 6	2 0 0	.....	90 11 5
Candelo	32	15	47	23·6	10·9	34·5	74 10 3	135 4 7	1 8 8	.....	.....	211 3 6
Cannonbar	15	12	27	11·4	8·7	20·1	27 13 0	78 0 7	.....	.....	21 4 0	126 17 7
Canobolas	20	8	28	14·8	5·0	19·8	22 7 3	84 0 0	.....	2 0 0	869 14 0	978 1 3
Canowindra	24	25	49	14·8	12·8	27·6	37 2 9	120 0 0	4 13 4	.....	470 0 0	631 16 1
Canterbury	37	43	80	30·5	31·4	61·9	84 14 6	147 4 8	21 17 4	3 15 0	563 13 8	821 5 2
Cape Hawke	15	14	29	10·7	10·8	21·5	8 3 8	62 14 3	1 17 6	5 0 0	0 12 0	78 7 5
Carangara	13	21	34	6·2	11·0	17·2	16 17 7	104 14 2	2 7 6	3 1 3	3 0 0	130 0 6
Carcoar	47	42	89	35·1	31·9	67·0	97 6 4½	188 10 0	4 0 7	.....	44 0 0	333 16 11½
Cargo	22	26	48	16·0	18·0	34·0	38 1 2½	108 0 0	6 13 11	.....	1,710 9 0	1,863 4 1½
Carrick	16	20	36	13·0	15·7	28·7	16 9 4	105 0 0	3 7 8	.....	121 19 0	246 16 0
Carr's Creek	22	25	47	13·2	18·7	31·9	35 3 8	123 9 0	1 19 5	.....	10 0 0	170 12 1
Carwoola	14	12	26	6·1	4·7	10·8	15 10 0	78 0 0	1 14 8	3 4 0	.....	98 8 8
Casino	57	54	111	39·2	37·5	76·7	78 5 9	194 9 3	4 5 8	4 0 0	25 12 0	306 12 8
Cassilis	20	17	37	15·1	13·7	28·8	42 15 0	123 4 0	7 0 9	.....	63 0 0	235 19 9
Castlereagh	19	29	48	11·1	14·9	26·0	32 16 0	135 15 0	3 11 10	12 0 0	3 1 0	187 3 10
Cathcart	26	31	57	19·6	22·2	41·8	30 8 0	64 11 2	3 11 10	4 17 6	74 2 6	177 11 0
Cawdor	28	25	53	15·3	13·5	28·8	24 14 6	156 0 0	4 16 0	.....	25 0 0	210 10 6
Cessnock	29	29	58	16·6	16·8	33·4	27 8 3	132 0 0	5 3 3	.....	.....	164 11 6
Chain of Ponds	19	27	46	13·9	19·9	33·8	14 5 4	53 1 3	.....	1 8 0	1 4 0	69 18 7
Charcoal Creek	9	7	16	7·1	4·5	11·6	1 13 0	23 16 0	16 7 6	.....	1,781 13 3	1,823 9 9
Chatsbury	20	15	35	11·9	8·6	20·5	21 9 6	80 16 10	2 10 10	1 18 0	.....	106 15 2
Chatsworth Island	66	49	115	47·0	32·2	79·2	95 16 6	220 0 0	3 18 5	.....	46 0 0	365 14 11
City View	22	23	45	17·8	17·0	34·8	35 2 3	106 15 8	14 3 10	17 13 4	9 3 6	182 18 7
Clarence Town	59	54	113	44·0	42·5	86·5	70 3 3	238 12 0	6 16 6	.....	54 15 0	370 6 9
Cleveland-street	690	598	1,288	481·7	428·2	909·9	1,283 11 9	1,465 18 11	47 19 2	.....	471 11 9	3,269 1 7
Clifton	17	19	36	12·8	12·4	25·2	11 14 9	66 11 7	32 4 3	1 1 0	19 0 0	130 11 7
Cobar	34	29	63	18·6	14·4	33·0	45 3 0	59 0 0	18 0 9	18 0 0	.....	140 3 9
Cobargo	19	25	44	14·5	13·1	27·6	15 16 6	122 12 6	1 2 0	.....	.....	139 11 0
Cockburn River	3	9	12	3·0	8·2	11·2	25 17 0	48 13 6	2 12 2	.....	.....	77 2 8
Coffee Hill	17	15	32	7·9	8·1	16·0	9 7 6	47 7 0	7 15 11	.....	.....	64 10 5
Collector	23	25	48	13·4	15·4	28·8	29 11 3	108 7 6	3 5 10	7 10 0	2 14 0	151 8 7
Colombo	20	15	35	16·0	9·8	25·8	25 7 6	86 0 0	.....	1 5 0	.....	112 12 6
Colyton	20	13	33	14·5	8·1	22·6	19 2 6	135 11 3	.....	.....	.....	154 13 9
Condobolin	47	28	75	33·7	19·9	53·6	86 2 0	120 0 0	.....	.....	97 0 0	303 2 0
Cooerwull	53	55	108	37·7	32·4	70·1	92 2 4	200 10 2	6 7 4	.....	.....	298 19 10
Coogee	43	17	60	27·1	10·5	37·6	58 17 9	198 16 8	6 18 7	1 2 6	.....	265 15 6
Coolac	13	16	29	9·4	12·2	21·6	22 2 9	81 5 0	3 11 8	7 0 0	264 7 6	378 6 11
Coolah	27	16	43	19·8	9·9	29·7	19 7 6	84 0 0	3 16 8	5 10 0	.....	112 14 2
Coolangatta	27	21	48	17·8	11·2	29·0	38 19 0	157 12 6	3 13 0	.....	.....	200 4 6
Cooma	59	38	97	45·5	26·6	72·1	157 16 0	138 18 9	4 2 0	.....	.....	300 16 9
Coonabarabran	50	42	92	38·6	32·7	71·3	88 3 0	201 0 0	3 12 1	.....	1 7 0	294 2 1
Coonamble	69	34	103	40·5	19·2	59·7	102 12 3	131 4 10	6 3 4	17 18 0	3 12 0	261 10 5

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Coopernook	16	20	36	11·9	15·4	27·3	20 10 0	122 18 10	4 16 3	.....	395 0 0	543 5 1
Cooranbong	28	36	64	18·3	20·9	39·2	16 19 10	84 0 0	2 8 8	71 3 0	.....	174 11 6
Cootamundra	56	44	100	38·6	26·9	65·5	89 10 1	144 0 0	2 1 0	6 10 0	8 18 0	250 19 1
Cooyal	20	30	50	7·4	10·2	17·6	38 18 2	160 10 11	2 19 11	.....	102 0 0	304 9 0
Coraki	23	22	45	15·0	15·7	30·7	30 1 3	144 0 0	0 18 6	.....	10 0 0	184 19 9
Cordeaux River	14	15	29	12·1	11·2	23·3	13 13 7	86 6 7	4 0 11	1 10 0	.....	105 11 1
Corowa	7	4	11	4·6	2·9	7·5	0 13 6	12 3 2	26 16 2	30 0 0	2,244 16 6	2,314 9 4
Cottawalla	23	24	47	12·6	14·0	26·6	17 9 0	93 0 0	3 19 10	.....	1 7 0	115 15 10
Cow Flat	48	46	94	34·0	33·0	67·0	80 3 5	194 3 7	7 14 10	1 10 0	47 6 6	330 18 4
Cowper	41	31	72	28·0	22·4	50·4	58 8 4	136 5 0	2 14 9	.....	20 0 0	217 8 1
Cowra	64	35	99	46·9	21·8	68·7	79 0 10½	139 10 0	5 4 5	4 13 2	.....	228 8 5½
Croki	41	34	75	31·6	25·9	57·5	40 16 6	156 0 0	4 6 10	.....	.....	201 3 4
Croobyar	20	29	49	16·6	22·8	39·4	.....	78 16 8	.....	3 9 0	7 1 0	89 6 8
Crookwell	48	22	70	35·5	13·5	49·0	42 2 8	118 10 0	4 13 2	.....	52 17 0	218 2 10
Croom Park	15	12	27	10·8	8·5	19·3	14 8 0	82 0 0	3 10 4	1 15 0	60 15 0	162 8 4
Crown-street	864	541	1,405	608·6	356·6	965·2	1,065 4 4	907 14 11	86 15 0	.....	3,880 15 5	5,940 9 8
Crudine	21	12	33	15·6	10·0	25·6	10 14 0	108 0 0	3 3 4	2 10 0	.....	124 7 4
Cudal	23	22	45	13·5	13·5	27·0	40 11 10	84 0 0	3 7 1	.....	15 12 0	143 10 11
Cudgegong	28	8	36	14·4	3·6	18·0	45 2 3	127 2 0	2 2 6	53 11 6	1,128 4 2	1,356 2 5
Cullenbone	31	25	56	16·1	12·3	28·4	52 7 10	96 0 0	3 7 6	.....	.....	151 15 4
Cundletown	27	41	68	21·3	32·1	53·4	43 3 7	136 4 4	2 14 3	.....	.....	182 2 2
Cunningar	9	12	21	5·8	8·3	14·1	19 2 6	71 0 0	3 2 1	1 16 6	25 0 0	120 1 1
Currawang	50	40	90	31·2	22·9	54·1	67 15 10½	192 0 0	.....	.....	12 0 0	271 15 10½
Dalton	18	17	35	12·5	11·0	23·5	26 19 8	110 13 4	2 16 11	.....	906 0 0	1,046 9 11
Dapto	24	20	44	16·5	13·5	30·0	32 19 0	156 0 0	.....	.....	37 7 0	226 6 0
Darlington	204	183	387	138·7	110·7	249·4	223 1 10	263 3 4	40 7 6	.....	2,214 2 3	2,740 14 11
Delegate	18	19	37	13·0	13·6	26·6	19 1 9	70 0 0	3 15 1	.....	4 17 6	97 14 4
Deniliquin	80	62	142	49·8	40·0	89·8	138 14 6	222 2 1	9 2 3	.....	66 3 2	436 2 0
Dennis Island	12	9	21	8·5	7·9	16·4	4 13 3	18 0 0	.....	.....	.....	22 13 3
Devonshire-street	204	149	353	132·0	87·9	219·9	280 5 7	383 0 0	11 6 11	.....	101 2 6	775 15 0
Dingo Creek	12	15	27	9·5	13·1	22·6	7 2 4	84 0 0	1 11 6	2 2 0	.....	94 15 10
Doughboy Hollow	35	31	66	18·1	16·6	34·7	50 0 0	160 10 11	2 3 7	.....	.....	212 14 6
Dowling-street	111	63	174	61·9	41·5	103·4	41 19 2½	81 1 10	22 0 5	.....	165 18 9	311 0 2½
Downside	21	21	42	16·0	14·0	30·0	25 9 6	74 10 0	.....	10 0 0	22 2 7	132 2 1
Dubbo	116	95	211	81·1	58·7	139·8	228 1 0	266 19 2	7 3 0	.....	.....	502 3 2
Dumaresque Island	32	32	64	20·1	22·6	42·7	24 0 5	132 0 0	0 18 6	.....	.....	156 18 11
Dundas	43	44	87	30·5	28·2	58·7	68 16 10	190 13 7	3 19 3	.....	34 3 0	297 12 8
Dundee	10	11	21	8·0	5·0	13·0	49 6 6	54 0 0	3 10 2	5 0 0	.....	111 16 8
Dungaree	16	18	34	9·2	11·0	20·2	18 14 10	108 0 0	2 19 1	7 1 0	107 12 0	244 6 11
Dungog	30	22	52	23·0	16·5	39·5	33 15 1	160 5 1	3 15 11	.....	21 0 0	218 16 1
Dunmore	57	42	99	34·1	25·6	59·7	50 14 4	223 10 11	1 16 11	.....	.....	276 2 2
Dural	18	28	46	8·7	17·9	26·6	26 7 9	120 0 0	2 18 0	.....	10 0 0	159 5 9
Eagleton	29	21	50	18·2	16·3	34·5	31 12 5	120 0 0	2 0 1	.....	.....	153 12 6
Eden	27	17	44	15·1	8·7	23·8	67 10 3	154 13 6	5 3 1	.....	.....	227 6 10
Edwardstown	13	14	27	10·6	10·6	21·2	24 15 6	76 0 0	0 1 4	.....	.....	100 16 10
Eglinton	32	23	55	15·4	14·8	30·2	47 17 9	136 3 1	1 15 7	.....	.....	185 16 5
Elderslie	24	24	48	16·2	13·9	30·1	23 16 3	92 0 0	14 17 0	3 15 0	308 17 3	443 5 6
Eling Forest	12	14	26	8·4	8·2	16·6	14 3 4½	72 0 0	0 19 9	1 16 0	.....	88 19 1½
Elizabethfield	10	19	29	5·6	8·6	14·2	14 10 2	92 18 0	3 3 0	.....	.....	110 11 2
Ellalong	25	22	47	16·2	15·9	32·1	28 6 1½	103 7 6	2 10 4	.....	0 15 0	134 18 11½
Emu	52	43	95	32·8	24·5	57·3	101 18 6	181 14 6	1 17 7	.....	81 12 1	367 2 8
Ennis	13	15	28	11·1	10·6	21·7	12 3 0	61 0 0	3 11 11	4 10 0	.....	81 4 11
Esk Bank	86	74	160	52·6	44·5	97·1	113 18 9	209 1 0	3 2 2	.....	22 10 0	348 11 11
Eurobodalla	11	16	27	9·0	11·1	20·1	24 14 3	74 13 4	.....	3 10 0	0 12 0	103 9 7
Euroka	30	22	52	25·0	14·6	39·6	50 1 9	157 0 0	1 4 9	.....	86 17 0	295 3 6
Eurunderee	45	27	72	27·4	12·8	40·2	53 2 0	113 0 0	1 4 4	1 0 0	116 19 9	285 6 1
Evan's Plains	16	14	30	9·7	9·4	19·1	19 18 5	72 0 0	1 19 4	.....	.....	93 7 9
Fairy Meadow	33	39	72	19·7	20·5	40·2	40 15 6	180 11 11	2 6 8	.....	.....	223 14 1
Fallbrook	14	14	28	8·6	9·5	18·1	13 16 11½	72 0 0	2 6 9	.....	.....	88 3 8½
Fernmount	22	28	50	15·0	17·2	32·2	29 10 10	111 3 0	0 16 5	.....	.....	141 10 3
Fishery Creek	18	14	32	12·0	10·4	22·4	27 1 3	132 5 4	2 18 3	.....	6 5 0	168 9 10
Fish River Creek	13	27	40	8·4	14·5	22·9	17 5 2	76 0 0	3 4 7	2 10 0	561 0 0	659 19 9
Five Dock	59	31	90	42·7	18·5	61·2	98 19 6	188 12 8	5 2 0	.....	16 16 0	309 10 2
Forbes	129	101	230	86·2	57·8	144·0	174 1 3	231 17 0	6 14 3	4 3 6	31 7 0	448 3 0
Forest The	28	38	66	18·2	20·3	38·5	44 1 9	132 0 0	.....	.....	1 4 0	177 5 9
Forest Hill	14	20	34	7·7	9·6	17·3	19 19 9	126 12 3	14 12 7	.....	16 14 0	177 18 7
Forest Vale	17	13	30	9·2	6·4	15·6	30 14 0	81 0 0	3 7 8	.....	20 0 0	135 1 8
Fort-street	833	664	1,497	582·9	459·8	1,042·7	1,835 13 8	1,659 5 6	60 13 1	8 0 0	78 18 4	3,642 10 7
Four-mile Creek	18	14	32	12·0	10·4	22·4	14 19 2	85 19 2	0 14 11	.....	.....	101 13 3
Frederickton	59	57	116	40·4	38·0	78·4	76 19 7	164 3 6	6 2 5	2 16 0	93 12 0	343 13 6
Freeman's Reach	46	25	71	29·3	16·1	45·4	65 9 6	122 1 4	6 5 7	3 3 0	142 9 6	339 8 11
Frogmore	44	42	86	31·4	32·7	64·1	66 2 0	136 11 0	7 4 4	.....	592 8 4	802 5 8
German Hill	18	12	30	11·6	9·3	20·9	9 11 6	40 0 0	.....	.....	.....	49 11 6
Germanton	27	24	51	16·3	15·9	32·2	26 17 9	96 0 0	10 0 11	.....	36 0 0	168 18 8
Gerringong	36	57	93	27·0	39·1	66·1	70 7 8	191 6 2	3 17 8	.....	278 0 0	543 11 6
Ghinni Ghinni	15	11	26	11·7	7·9	19·6	7 2 0	67 0 0	0 7 11	.....	.....	74 9 11
Giant's Creek	24	17	41	14·8	14·8	29·6	22 18 1	110 0 0	3 19 6	.....	.....	136 17 7
Gininderra	15	17	32	10·3	14·0	24·3	22 8 0	89 0 0	.....	.....	.....	111 8 0
Gladstone	29	38	67	21·0	24·7	45·7	40 5 6	120 0 0	1 14 0	.....	0 12 0	162 11 6
Glebe	344	280	624	233·2	188·2	421·4	598 5 1	687 9 4	20 1 8	.....	393 17 0	1,699 13 1
Gledswood	15	15	30	11·1	10·6	21·7	14 17 4	94 0 0	2 4 1	.....	....	111 1 5
Glendon Brook	15	25	40	12·3	21·1	33·4	1 3 7	13 18 8	15 11 5	6 0 0	656 19 0	693 12 8

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Glen Innes	81	96	177	55·6	65·0	120·6	235 11 4	234 0 0	.....	.....	135 8 2	604 19 6
Glenmore	18	12	30	11·2	7·3	18·5	38 10 6	130 19 4	1 15 3	.....	.....	171 5 1
Glenwilliam	14	18	32	10·1	12·9	23·0	17 1 6	84 0 0	2 14 11	.....	161 10 0	265 6 5
Gocup	27	24	51	18·2	13·1	31·3	46 3 0	132 0 0	4 2 8	.....	.....	182 5 8
Gongolgon	15	17	32	7·7	12·0	19·7	26 0 0	84 0 0	2 7 9	.....	123 8 11	235 16 8
Goodrich	14	19	33	8·8	10·4	19·2	19 3 5½	84 0 0	3 19 3	.....	.....	107 2 8½
Goorangoola	13	17	30	8·0	8·9	16·9	23 13 5	114 0 0	3 13 4	.....	498 10 0	639 16 9
Gosford	46	45	91	31·2	28·3	59·5	38 6 6	149 14 2	3 0 5	1 0 0	.....	192 1 1
Gosforth	36	26	62	24·9	19·6	44·5	36 7 3	133 16 1	5 12 0	1 10 0	1 10 0	178 15 4
Gosling Creek	22	29	51	15·0	20·0	35·0	40 3 5	135 14 8	2 11 10	.....	.....	178 9 11
Goulburn	205	181	386	150·6	117·0	267·6	306 4 8½	642 6 5	15 10 11	3 0 0	12 16 0	979 18 0½
Goulburn, North	89	81	170	65·2	62·0	127·2	114 6 9	221 15 8	6 17 2	1 17 3	20 13 0	365 9 10
Grafton	230	204	434	172·8	149·1	321·9	421 8 0	499 17 8	25 11 0	.....	75 16 0	1,022 12 8
Grafton, South	85	70	155	68·0	57·3	125·3	135 17 5	214 2 6	3 11 6	.....	4 6 0	357 17 5
Grantham	18	11	29	11·8	7·5	19·3	1 16 0	26 0 0	8 15 6	5 0 0	855 5 0	896 16 6
Greendale	16	12	28	8·9	6·7	15·6	28 13 7½	83 0 0	1 8 9	1 18 0	5 0 0	120 0 4½
Green Gully	14	10	24	11·8	7·5	19·3	8 8 6	38 0 0	.....	.....	.....	46 8 6
Greenwell Point	22	20	42	17·0	14·6	31·6	16 14 9	94 0 0	1 18 6	.....	.....	112 13 3
Greghamstown	27	24	51	14·3	11·9	26·2	29 1 2	135 17 7	6 11 8	.....	320 0 0	491 10 5
Grenfell	98	85	183	69·4	57·3	126·7	174 19 8	293 5 4	1 18 1	5 18 3	481 0 6	957 1 10
Greta	114	111	225	91·6	77·9	169·5	127 5 7	294 16 7	13 15 9	0 19 9	2,234 17 0	2,671 14 8
Guildford	14	25	39	6·7	18·0	24·7	28 13 7½	132 0 0	0 14 10	.....	49 17 0	211 5 5½
Gulgong	84	70	154	62·1	49·4	111·5	119 16 7	304 11 0	5 5 2	5 9 6	15 0 0	450 2 3
Gullen	29	46	75	13·0	24·8	37·8	30 4 10	108 0 0	1 8 9	.....	8 7 0	148 0 7
Gundagai	70	68	138	45·8	39·4	85·2	136 10 0	175 8 6	12 7 8	.....	5 12 6	329 18 8
Gundaroo	28	23	51	21·2	17·9	39·1	23 6 6	130 0 0	5 17 6	2 13 6	108 9 6	270 7 0
Gundurimba	26	24	50	19·0	15·5	34·5	39 11 9	125 7 2	4 0 11	1 2 6	1 4 0	171 6 4
Gundy	16	20	36	7·8	11·7	19·5	15 16 6	77 0 0	5 0 0	1 19 8	.....	99 16 2
Gunnedah	96	83	179	71·3	61·7	133·0	220 0 1½	255 10 0	10 13 2	.....	1,004 0 0	1,490 3 3½
Gunning	47	42	89	34·8	29·1	63·9	110 8 6	196 12 10	7 14 7	.....	147 11 0	462 6 11
Guntawang	30	35	65	18·3	18·0	36·3	36 12 9	124 18 4	5 13 4	.....	.....	167 4 5
Guyong	16	15	31	11·8	9·4	21·2	35 4 10	135 19 11	1 13 0	.....	29 9 0	202 6 9
Hamilton	165	116	281	113·0	72·2	185·2	212 8 6	362 10 6	16 19 9	.....	1 12 0	593 10 3
Hanbury	138	118	256	83·4	63·8	147·2	121 13 10	360 2 1	10 2 8	.....	30 19 0	522 17 7
Hanging Rock	14	21	35	11·5	16·8	28·3	9 15 6	19 12 10	7 13 9	5 10 6	.....	42 12 7
Harden	13	11	24	9·1	8·0	17·1	7 6 10	41 9 0	6 15 2	4 17 3	378 0 0	438 8 3
Hargraves	26	34	60	16·8	21·4	38·3	38 6 0	120 0 0	2 17 3	.....	1 12 0	162 15 3
Hartley	14	19	33	9·5	13·3	22·8	35 6 4½	99 0 7	0 17 8	6 15 0	20 0 0	161 19 7½
Hartley Vale	32	32	64	17·7	17·5	35·2	61 10 10	118 3 9	3 2 1	13 5 0	409 7 0	605 8 8
Harwood Island	24	31	55	18·8	25·5	44·3	56 16 0	110 0 0	2 4 10	.....	.....	169 0 10
Haslem's Creek	19	24	43	13·9	14·1	28·0	38 16 9	84 0 0	1 3 4	.....	.....	124 0 1
Hawk's Nest	12	20	32	8·6	12·6	21·2	22 5 6	103 0 0	.....	.....	4 0 0	129 5 6
Hay	78	49	127	56·0	35·5	91·5	203 15 4	138 18 4	6 11 3	.....	208 14 6	557 19 5
Hexham	33	24	57	23·6	15·7	39·3	26 16 4	132 0 0	2 1 7	.....	30 0 0	190 17 11
Hill End	128	139	267	87·4	85·5	172·9	297 11 0	531 0 8	18 13 8	4 6 6	37 18 0	889 9 10
Hillsborough	34	42	76	20·9	23·3	44·2	43 16 2	120 0 0	6 5 10	1 9 6	19 8 0	190 19 6
Hinton	71	57	128	48·3	41·9	90·2	47 14 3	219 10 0	12 10 5	.....	1,825 11 6	2,105 6 2
Holdsworthy	12	13	25	5·8	9·0	14·8	9 4 6	65 0 0	9 4 6	7 10 0	607 5 0	698 4 0
Hopefield	25	25	50	12·0	10·8	22·8	24 18 6	120 0 0	0 10 3	.....	.....	145 8 9
Hornsby	25	21	46	14·7	13·0	27·7	32 16 3	135 18 0	.....	.....	73 5 0	241 19 3
Howlong	30	35	65	20·7	24·5	45·2	62 9 6	160 1 8	3 13 7	.....	108 19 0	335 3 9
Hunter's Hill	48	31	79	41·2	22·3	63·5	115 7 0	189 9 3	2 3 9	.....	.....	307 0 0
Hurtsville	32	28	60	18·8	12·7	31·5	39 16 9	172 16 0	2 2 5	.....	11 0 0	225 15 2
Icely	11	21	32	9·2	18·3	27·5	21 2 3	145 0 0	.....	2 9 3	.....	168 11 6
Ilford	36	22	58	24·8	15·3	40·1	43 8 7	112 1 3	.....	39 0 0	516 13 6	711 3 4
Inverell	107	99	206	70·9	59·9	130·8	278 8 5	275 11 1	9 17 0	.....	91 10 1	655 6 7
Iona	39	22	61	26·0	14·6	40·6	32 10 10	132 0 0	11 16 2	... ..	29 2 0	205 9 0
Ironbarks,	37	40	77	24·2	23·8	48·0	76 19 6	123 2 2	3 14 11	.....	78 16 6	282 13 1
Irvanestown	14	18	32	8·0	10·3	18·3	17 7 0	49 12 10	4 11 0	3 12 3	.....	75 3 1
Jamberoo	53	67	120	31·4	43·1	74·5	116 17 6	212 7 3	15 8 10	.....	197 6 6	542 0 1
Jembaicumbene	13	13	26	9·9	5·7	15·6	8 4 6	63 0 0	.....	.....	.....	71 4 6
Jereelderie	49	18	67	33·5	8·7	42·2	60 9 0	124 13 5	22 6 3	.....	.....	207 8 8
Jerrara	22	17	39	15·1	12·0	27·1	52 13 6	124 5 3	1 17 2	.....	.....	178 15 11
Jindalee	15	23	38	6·8	8·9	15·7	26 6 11½	96 0 0	5 2 9	19 0 0	543 12 6	690 2 2½
Jindera	26	20	46	19·8	12·4	32·2	64 9 3	136 11 6	5 18 7	7 4 3	126 0 0	340 3 7
Kangaloon	20	31	51	13·9	19·2	33·1	55 10 10	135 3 2	2 16 8	.....	871 9 0	1,064 19 8
Kangaloon, West	28	21	49	20·9	16·3	37·2	21 11 0	132 0 0	.....	.....	0 8 0	153 19 0
Kangaroo River	17	19	36	12·5	16·1	28·6	33 2 0	132 0 0	11 13 1	.....	2 5 0	179 0 1
Kangaroo Valley	28	37	65	14·5	17·2	31·7	54 17 0	135 0 0	2 13 9	.....	.....	192 10 9
Kangyangy	18	23	41	14·6	19·8	34·4	10 14 7	82 7 8	5 9 2	1 0 0	303 0 0	402 11 5
Kayuga	24	15	39	11·8	5·9	17·7	9 0 6½	84 0 0	2 17 11	1 15 0	346 18 0	444 11 5½
Kelly's Plains	18	21	39	11·6	13·5	25·1	33 12 9	104 6 8	2 17 2	.....	1 18 0	142 14 7
Kellyville	25	32	57	18·3	20·7	39·0	30 7 9	108 0 0	2 5 7	.....	35 6 0	175 19 4
Kelso	25	37	62	17·5	20·7	38·2	52 2 8	168 0 0	5 8 2	.....	12 10 0	238 0 10
Kempsey	86	94	180	63·3	61·9	125·2	139 1 7	249 17 2	9 2 11	3 10 0	771 4 0	1,172 15 8
Kiama	138	98	236	95·6	60·1	155·7	233 3 9	416 12 10	24 1 5	4 16 0	350 9 6	1,029 3 6
Kimbriki	20	24	44	14·4	17·7	32·1	16 14 10	84 0 0	2 3 11	1 8 0	266 14 0	371 0 9
Kincumber	27	16	43	22·0	13·5	35·5	12 16 0	85 0 0	1 9 7	.....	47 10 0	146 15 7
Kiora	13	19	32	11·0	15·1	26·1	21 3 9	81 2 10	0 18 11	2 15 0	.....	106 0 6
Kirkconnell	17	18	35	12·2	12·9	25·1	15 16 0	120 7 6	1 7 2	.....	2 0 0	139 10 8
Kogarah	28	26	54	18·8	17·0	35·8	42 11 6	132 0 0	6 2 9	.....	.....	180 14 3
Kurrajong, North	27	22	49	14·9	13·6	28·5	7 3 0	30 0 0	0 6 6	.....	.....	37 9 6

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Kurrajong, South...	20	20	40	14·9	11·5	26·4	20 15 4	96 0 0	4 4 10	5 5 0	284 14 7	410 19 9
Lacmalac	14	11	25	12·7	10·0	22·7	22 19 6	84 0 0	1 8 2	.....	6 9 0	114 16 8
Laguna	30	19	49	20·0	10·9	30·9	31 13 8	121 14 10	1 9 3	.....	.....	154 17 9
Lake Albert	16	19	35	10·7	12·4	23·1	32 16 6	94 0 0	12 5 3	.....	936 17 0	1,075 18 9
Lambton	316	258	574	213·7	155·0	368·7	400 3 7	735 6 8	26 12 8	1 11 8	354 18 6	1,518 13 1
Lane Cove	35	30	65	26·6	23·3	49·9	65 9 10	132 0 0	5 14 8	.....	12 0 0	215 4 6
Laurieton	9	14	23	5·9	9·9	15·8	21 13 0	120 0 0	4 2 4	.....	.....	145 15 4
Lawrence	28	27	55	19·2	17·1	36·3	37 11 10	118 0 0	.....	.....	35 12 0	191 3 10
Lawson's Creek.....	21	11	32	14·5	8·9	23·6	22 14 6	108 0 0	1 0 0	1 0 0	23 12 0	156 6 6
Leichhardt.....	143	118	261	95·2	71·0	166·2	228 11 2½	332 11 1	17 3 2	.....	126 6 1	704 11 6½
Limekilns	18	11	29	12·5	7·6	20·1	17 7 11	84 0 0	3 3 2	.....	.....	104 11 1
Lismore	49	70	119	34·7	49·1	83·8	97 12 0	208 17 3	5 14 6	3 0 0	.....	315 3 9
Little River	22	21	43	14·3	12·4	26·7	26 14 0	135 10 0	4 1 7	.....	.....	166 5 7
Liverpool	64	54	118	45·1	33·0	79·1	63 9 0	184 2 5	8 8 1	.....	1 19 0	257 18 6
Llandeilo	19	20	39	12·4	15·0	27·4	23 11 3	92 16 4	3 9 0	.....	.....	119 16 7
Lochinvar	30	20	50	15·9	13·7	29·6	27 7 7	132 0 0	7 9 7	1 10 0	1,559 6 0	1,727 13 2
Lucknow	37	34	71	26·5	26·7	53·2	51 13 3	136 10 2	6 12 8	2 10 0	1,271 9 4	1,468 15 5
Luddenham	26	31	57	15·2	21·9	37·1	34 8 11	135 11 6	3 11 2	.....	25 0 0	198 11 7
M'Donald, Central..	18	16	34	12·3	12·2	24·5	12 7 0	85 0 0	3 12 4	3 8 0	12 0 0	116 7 4
M'Donald, Lower...	14	13	27	7·4	6·5	13·9	9 15 9	81 7 4	1 7 1	2 1 8	.....	94 11 10
Macquarie Plains ...	22	28	50	14·0	19·3	33·3	33 8 5½	84 0 0	3 9 1	3 10 0	.....	124 7 6½
Maitland, East	138	104	242	95·3	70·2	165·5	192 10 3	319 0 0	9 15 0	.....	251 10 0	772 15 3
Maitland, West.....	250	183	433	183·0	121·7	304·7	377 18 5	643 2 3	22 8 10	2 14 3	6 0 0	1,052 3 9
Major's Creek	43	43	86	30·1	24·7	54·8	71 5 6	209 0 0	8 12 5	.....	26 16 0	315 13 11
Mandurama	22	14	36	15·0	8·5	23·5	26 14 3	84 0 0	.....	.....	29 5 6	139 19 9
Manilla	15	17	32	10·6	11·3	21·9	32 19 6	77 9 8	.....	.....	2 19 0	113 8 2
Manly	72	68	140	53·3	45·2	98·5	109 1 3	154 2 9	4 10 9	.....	191 0 0	458 14 9
March	25	26	51	15·2	15·6	30·8	43 4 6½	123 17 9	4 1 6	4 0 0	.....	175 3 9½
Marengo.....	29	22	51	18·6	14·2	32·8	41 9 0	132 0 0	1 14 1	.....	2 16 0	177 19 1
Markwell	11	25	36	6·9	18·2	25·1	3 5 3	108 0 0	1 6 3	1 15 0	211 0 0	325 6 6
Marlee	20	19	39	11·2	12·9	24·1	7 15 3	84 0 0	1 10 4	.....	.....	93 5 7
Marrickville	183	127	310	130·3	85·2	215·5	289 12 9½	460 2 5	12 12 4	16 15 0	4,255 2 3	5,034 4 9½
Marshall, Mount ...	20	30	50	8·1	16·4	24·5	31 6 6	156 0 0	2 15 9	.....	2 8 0	192 10 3
Maryland	16	10	26	9·6	4·8	14·4	32 19 6	111 5 8	.....	.....	28 9 6	172 14 8
Meadow Flat.....	31	13	44	17·9	8·8	26·7	21 3 0	107 3 2	3 19 6	3 1 0	.....	135 6 8
Menangle	25	24	49	14·6	13·6	28·2	35 3 6	135 16 6	2 12 5	.....	2 0 0	175 12 5
Menindie	14	17	31	10·8	10·5	21·3	60 18 6	84 0 0	3 6 1	.....	1 14 0	149 18 7
Merimbula.....	16	17	33	9·8	10·0	19·8	37 19 3	136 0 5	2 8 7	.....	94 1 7	270 9 10
Meringlo.....	13	24	37	10·1	16·8	26·9	18 6 6	84 0 0	2 9 1	1 5 0	.....	106 0 7
Meroo	22	20	42	15·8	13·0	28·8	22 17 6	68 7 4	.....	2 0 0	.....	93 4 10
Merilla	13	19	32	8·9	12·2	21·1	26 11 3	108 0 0	6 19 4	.....	2 14 0	144 4 7
Merriwa	37	46	83	26·4	34·8	61·2	67 2 6	183 16 9	20 5 11	8 8 9	463 8 0	743 1 11
Milburn Creek	24	13	37	18·6	9·8	28·4	24 18 7	120 0 0	3 2 6	.....	9 0 0	157 1 1
Millamurra	10	13	23	6·0	11·5	17·5	9 13 0	82 0 0	.....	2 0 0	.....	93 13 0
Millfield	15	18	33	8·5	11·9	20·4	15 2 8	120 0 0	3 0 10	.....	209 15 0	347 18 6
Milton.....	96	91	187	69·2	64·2	133·4	109 9 11	214 1 0	28 4 8	3 0 0	871 6 0	1,226 1 7
Minimbah	26	19	45	19·6	15·1	34·7	19 14 10	120 0 0	2 4 10	2 2 0	.....	144 1 8
Minmi.....	152	118	270	107·9	73·9	181·8	154 5 10	208 18 6	16 9 10	1 0 0	1,251 7 11	1,632 2 1
Mitchell's Creek ...	25	21	46	15·6	13·1	28·7	20 14 0	135 0 0	3 11 7	.....	.....	159 5 7
Mitchell's Island ...	25	26	51	19·2	15·3	34·5	27 18 1	108 0 0	3 3 8	.....	.....	139 1 9
Mittagong, Lower...	12	14	26	7·2	11·0	18·2	22 7 10½	84 0 0	0 15 4	1 19 0	6 3 0	115 5 2½
Mittagong, Upper...	17	21	38	8·5	11·4	19·9	29 12 10½	90 0 0	1 1 0	1 18 3	.....	122 12 1½
Moama	50	53	103	34·6	34·7	69·3	94 19 6	146 13 7	10 12 5	10 0 0	1 4 0	263 9 6
Mobellah	58	44	102	40·5	28·7	69·2	62 11 11	195 10 7	6 5 4	15 15 3	113 0 0	393 3 1
Mogalla	20	22	42	15·1	14·4	29·5	34 11 3	124 9 10	3 17 8	1 5 0	.....	164 3 9
Mogo	13	9	22	12·1	7·9	20·0	4 0 0	44 10 0	.....	3 0 0	339 16 0	391 6 0
Molong	73	50	123	51·1	29·3	80·4	127 14 0	204 18 0	19 15 3	7 15 0	3 12 0	362 14 3
Monkerai	13	17	30	7·1	13·2	20·3	1 19 0	107 0 8	1 18 9	.....	13 19 0	124 17 5
Monkittee	17	14	31	10·2	8·5	18·7	13 3 9	74 0 0	0 17 8	.....	.....	88 1 5
Moor Creek	22	16	38	12·8	9·5	22·3	14 6 6	58 0 0	6 14 1	6 17 6	657 15 0	743 13 1
Moorfields	28	27	45	17·9	9·2	27·1	44 3 10	86 18 0	3 9 10	1 10 0	39 4 0	175 5 8
Moorialda	16	23	39	10·8	12·8	23·6	14 13 9	132 0 0	0 13 7	.....	23 0 0	170 7 4
Mooroowoollen	33	26	59	21·9	14·1	36·0	46 11 0½	129 7 6	1 11 0	5 2 0	1 7 0	183 18 6½
Morebringer	22	18	40	14·3	15·3	29·6	30 16 0	84 0 0	4 9 5	.....	.....	119 5 5
Moree	18	29	47	15·4	24·7	40·1	43 13 7	53 19 4	10 14 0	.....	1 19 0	109 15 11
Morpeth.....	118	90	208	76·8	48·6	125·4	163 17 10	340 13 7	14 16 9	1 15 0	1 19 0	523 2 2
Moss Vale	51	44	95	34·5	28·4	62·9	84 2 11	183 0 4	3 13 11	.....	.....	270 17 2
Mosquito Island ...	29	21	50	19·5	13·7	33·2	38 12 2	160 4 8	2 12 3	.....	79 0 0	280 0 0
Moulamein.....	7	3	10	5·7	2·1	7·8	8 7 6	40 0 0	1 16 7	.....	26 8 0	76 12 1
Mount Adrah	15	10	25	5·6	5·8	11·4	15 0 5	73 0 0	0 4 5	.....	175 0 0	263 4 10
Mount Keira.....	67	45	112	47·8	32·2	80·0	81 13 3	203 9 4	7 11 0	.....	1 4 0	293 17 7
Mount Macquarie...	31	27	58	22·0	19·0	41·0	27 1 6	108 0 0	2 5 2	.....	.....	137 6 8
Mount Tarana	20	22	45	14·8	17·2	32·0	23 15 6	84 0 0	2 16 4	2 0 0	19 2 10	131 14 8
Mount Victoria.....	45	30	75	28·5	17·9	46·4	47 16 4½	96 8 6	1 10 2	24 10 0	1,490 7 6	1,660 12 6½
Mudgee	199	139	338	141·2	96·9	238·1	324 0 8	575 5 8	31 0 10	6 0 0	186 13 9	1,123 0 11
Mulgoa	20	21	41	14·1	14·5	28·6	30 3 5	120 0 0	1 3 7	.....	5 0 0	156 7 0
Mulgoa Forest	9	10	19	6·0	5·4	11·4	11 14 9	108 0 0	3 9 8	.....	21 0 0	144 4 5
Mullengandra	20	21	41	12·2	10·5	22·7	17 2 0	75 16 0	.....	.....	.....	92 18 0
Mullengullenga.....	17	11	28	11·1	7·3	18·4	14 19 6	82 0 0	2 5 11	1 13 0	1 7 0	102 5 5
Mulwala.....	20	13	33	6·6	4·9	11·5	12 19 6	63 0 0	.....	20 9 0	718 14 6	815 3 0
Mummell	14	16	30	8·6	10·0	18·6	13 18 9	56 0 0	1 6 5	.....	.....	71 5 2
Murrumbateman ...	14	15	29	10·6	11·4	22·0	39 14 0	123 13 2	4 1. 6	1. 10 0	.....	168 18 8

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Murrumburrah	28	20	48	20·2	12·5	32·7	41 11 5½	122 0 0	5 9 9	.....	30 5 0	199 6 2½
Murrurundi	92	93	185	52·0	52·9	104·9	104 13 11	222 0 0	5 12 4	4 10 7	4 12 6	341 9 4
Murwillumbah	17	20	37	10·1	15·6	25·7	29 5 0	84 0 0	.....	.....	15 19 5	129 4 5
Muswellbrook	44	35	79	28·4	28·1	56·5	74 0 9	183 0 0	3 10 7	3 0 0	25 16 0	289 7 4
Muscle Creek	15	6	21	8·6	4·2	12·8	11 12 10	81 0 0	5 14 3	.....	.....	98 7 1
Mutton's Falls	13	13	26	7·7	6·9	14·6	12 18 0	65 0 0	.....	.....	10 0 0	87 18 0
Myrtleville	12	17	29	10·5	14·5	25·0	11 3 0	84 0 0	4 8 4	1 18 0	.....	101 9 0
Nambucca	24	20	44	17·3	14·7	32·0	24 19 8	96 0 0	4 0 1	.....	184 7 0	309 6 9
Narandera	32	21	53	23·5	18·0	41·5	66 16 0	136 5 7	6 11 3	.....	.....	209 12 10
Narellan	26	20	46	15·5	13·6	29·1	21 16 3	123 6 0	2 12 8	.....	.....	147 14 11
Narrabri	58	49	107	38·1	27·6	65·7	106 3 6	162 2 10	6 6 11	.....	.....	274 13 3
Nelligen	20	19	39	14·9	14·3	29·2	18 17 6	108 0 0	4 5 0	2 5 0	0 12 0	133 19 6
Nelson's Plains	25	17	42	16·9	11·6	28·5	27 11 4	111 17 2	1 18 7	.....	470 10 0	611 17 1
Nemingha	16	13	29	9·8	6·5	16·3	14 6 0	72 9 5	3 12 11	17 0 0	.....	107 8 4
Nerrigundah	22	18	40	16·3	11·8	28·1	33 1 3	132 0 0	0 16 0	.....	.....	165 17 3
Newbridge	26	32	58	17·4	19·8	37·2	38 9 6½	109 19 1	8 1 7	97 19 2	.....	254 9 4½
Newcastle	331	292	623	237·1	177·2	414·3	673 0 3	727 16 10	33 8 8	20 17 6	3,343 12 0	4,798 15 3
Newcastle South	192	164	356	107·5	89·2	196·7	266 13 9	400 2 10	14 4 4	1 0 0	.....	682 0 11
New Sheffield	48	40	88	31·9	23·8	55·7	60 9 6	156 7 6	2 14 10	12 0 0	1,490 8 0	1,721 19 10
Newtown	497	477	974	323·8	295·6	619·4	818 9 3½	992 1 10	65 1 8	.....	213 3 7	2,088 16 4½
North Sydney	48	43	91	27·2	22·0	49·2	93 17 7	195 5 6	5 4 2	.....	1 9 0	295 16 3
Norwood	29	17	46	12·7	9·0	21·7	17 8 0	76 15 0	.....	.....	.....	94 3 0
Nowra	51	42	93	37·4	26·2	63·6	80 1 4½	203 12 10	5 4 7	.....	34 11 0	323 9 9½
Nowra Hill	19	24	43	13·7	18·3	32·0	21 3 0	108 0 0	3 17 6	.....	.....	133 0 6
Nundle	55	52	107	34·8	37·7	72·5	87 3 6	236 4 8	6 12 5	.....	184 10 0	514 10 7
Nyrang	19	11	30	12·6	6·2	18·8	9 8 0	41 4 6	7 11 6	4 10 0	53 6 6	116 0 6
Oakwood	13	7	20	8·4	6·1	14·5	30 0 11	65 0 0	2 12 7	.....	.....	97 13 6
Oberon	28	28	56	16·7	14·9	31·6	24 12 8	108 0 0	2 13 8	.....	9 10 0	144 16 4
O'Connell	20	18	38	12·7	9·8	22·5	38 12 6	123 16 9	2 2 6	6 5 0	1 16 0	172 12 9
Omega Retreat	20	24	44	15·6	19·1	34·7	56 18 10	160 17 0	2 9 4	.....	60 0 0	280 5 2
Onybigambah	56	51	107	40·9	33·3	74·2	65 5 9	161 14 1	5 12 1	0 15 0	1,085 12 0	1,318 18 11
Orange	161	125	286	128·5	105·3	233·8	304 0 10½	438 1 10	30 10 2	2 13 3	659 12 0	1,434 18 1½
Oswald	15	17	32	11·6	13·0	24·6	14 8 10	106 8 4	.....	.....	.....	120 17 2
Oxley Island	20	30	50	12·7	19·5	32·2	22 5 0	135 5 2	3 19 6	.....	296 0 0	457 9 8
Paddington	442	359	801	301·4	235·7	537·1	717 17 0	880 16 1	27 16 2	.....	56 17 6	1,683 6 9
Palmer's Island	32	35	67	22·6	26·1	48·7	42 13 2	120 0 0	2 13 7	.....	30 18 5	196 5 2
Pambula	18	27	45	10·9	15·5	26·4	31 15 4	145 9 4	2 6 10	20 16 0	1 4 0	201 11 6
Parading Ground	9	4	13	6·2	3·4	9·6	4 10 8	29 0 0	1 4 10	.....	.....	34 15 6
Parkes	74	83	157	49·4	53·4	102·8	169 10 9	245 17 4	12 18 8	7 18 2	.....	436 4 11
Parkesbourne	22	17	39	14·0	11·8	25·8	12 7 6	120 0 0	1 11 7	.....	2 14 0	136 13 1
Parramatta	131	92	223	96·8	67·3	164·1	223 12 6½	419 18 9	19 7 0	2 5 0	49 1 6	714 4 9½
Parramatta South	168	154	322	122·0	102·4	224·4	305 11 6½	480 0 5	3 10 4	2 5 0	1,145 0 6	1,936 7 9½
Paterson	49	44	93	32·3	23·9	56·2	78 0 5	197 7 10	4 18 11	7 0 0	1,345 15 2	1,633 2 4
Peakhurst	32	28	60	23·1	19·8	42·9	42 12 6	120 0 0	3 19 4	.....	3 0 0	169 11 10
Peel	37	30	67	21·0	18·8	39·8	53 5 2	132 0 0	2 9 9	.....	4 10 0	192 4 11
Peelwood	20	20	40	14·3	14·1	28·4	22 0 8½	84 0 0	6 18 2	11 0 0	.....	123 18 10½
Pennant Hills	39	36	75	25·9	20·0	45·9	57 11 10½	160 3 0	2 3 9	.....	51 19 0	271 17 7½
Penrith	136	106	242	98·7	72·4	171·1	106 10 11	450 1 11	15 12 6	8 8 0	228 9 0	809 2 4
Perth	23	23	46	16·6	14·5	31·1	36 2 6½	112 2 0	5 2 10	2 0 0	56 16 0	212 3 4½
Peterborough	44	41	85	29·3	29·6	58·9	59 16 0	123 7 11	1 18 2	.....	.....	185 2 1
Petersham	28	14	42	21·1	11·0	32·1	1 8 7½	9 12 10	45 6 3	17 15 0	3,077 19 6	3,152 2 2½
Picton	93	76	169	59·7	49·5	109·2	122 13 0	258 11 4	5 15 9	.....	39 0 0	426 0 1
Pipeclay Creek	22	36	58	11·3	17·6	28·9	46 11 6	136 0 0	.....	.....	19 1 0	201 12 6
Pitt Town	50	53	103	35·2	44·1	79·3	80 13 7	256 9 0	2 1 2	23 19 8	1,498 2 6	1,861 5 11
Plattsburg	154	127	281	97·5	72·4	169·9	144 10 0	408 10 0	16 19 7	20 5 0	597 19 0	1,188 3 7
Ponto	10	14	24	4·2	7·8	12·0	23 18 0	72 0 0	.....	.....	.....	95 18 0
Portland Lower	16	17	33	9·4	13·1	22·5	27 12 3	123 7 0	2 13 9	.....	.....	153 13 0
Port Macquarie	70	74	144	52·7	48·4	102·1	92 7 6	224 18 11	9 1 11	.....	10 3 6	336 11 10
Prospect	33	22	55	24·5	13·3	37·8	39 11 6	135 18 2	1 6 4	6 0 0	.....	182 16 0
Pyramul	36	33	69	20·9	19·2	40·1	20 3 6	120 0 0	8 1 4	.....	385 0 0	523 4 10
Pyree	50	43	93	36·4	32·3	68·7	75 7 10½	191 3 2	7 7 9	.....	.....	273 18 9½
Queanbeyan	69	68	137	57·7	51·8	109·5	143 14 1	271 13 0	20 4 0	.....	133 7 9	568 18 10
Quirindi	71	53	124	39·7	28·2	67·9	118 3 8	161 15 3	5 11 1	1 8 6	1 19 0	288 17 6
Raglan	16	22	38	9·8	13·2	23·0	27 10 9	84 0 0	0 16 5	.....	48 18 9	161 5 11
Rainbow Reach	38	34	72	24·6	19·8	44·4	42 19 8	85 9 4	.....	.....	1 4 0	129 13 0
Ramornie	36	24	60	28·0	17·6	45·6	48 11 10	124 18 4	.....	5 10 0	.....	179 0 2
Randwick Asylum	334	232	566	279·2	175·8	455·0	240 0 0	898 17 2	33 5 3	7 10 0	32 9 3	1,212 1 8
Raymond Terrace	24	27	51	17·0	18·1	35·1	41 19 0	134 10 0	4 10 0	.....	118 18 0	299 17 0
Redbank	29	27	56	18·7	19·9	38·6	20 14 10	112 0 0	.....	1 8 0	108 6 0	242 8 10
Redlands	10	7	17	9·3	6·3	15·6	.....	13 4 0	12 12 3	21 0 0	785 8 10	832 5 1
Regentville	20	21	41	13·8	12·1	25·9	19 6 9	91 0 0	.....	0 6 0	.....	110 12 9
Richmond	109	118	227	83·9	85·6	169·5	167 6 4	354 14 9	12 16 8	16 10 0	590 6 0	1,141 13 9
Richmond North	29	20	49	23·5	14·2	37·7	54 4 2	156 0 0	.....	.....	.....	210 4 2
Robertson	28	26	54	18·3	17·5	35·8	63 14 10	146 8 0	.....	.....	0 12 0	210 14 10
Rockley	24	17	41	15·2	13·7	28·9	10 1 7	60 0 0	3 18 8	10 0 0	733 6 0	817 6 3
Rocky Mouth	44	32	76	26·9	21·4	48·3	41 5 6	132 0 0	3 5 10	.....	31 0 0	207 11 4
Rocky River	21	27	48	14·4	17·7	32·1	45 18 11	108 0 0	2 10 0	.....	0 12 0	157 0 11
Rooty Hill	12	14	26	9·8	10·5	20·3	43 14 7	72 0 0	0 15 10	1 15 0	.....	117 15 5
Roslyn	3	4	7	3·0	4·0	7·0	.....	10 0 0	.....	.....	.....	10 0 0
Roughit	36	36	72	21·4	19·2	40·6	45 16 6	136 3 11	2 1 10	.....	.....	184 2 3
Round Swamp	22	15	37	16·0	11·3	27·3	45 13 6	108 0 0	5 18 5	3 0 0	17 2 0	179 13 11
Rouse Hill	24	25	49	17·0	18·7	35·7	43 4 7	132 13 10	3 5 9	.....	20 0 0	199 4 2

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Rydal	32	23	55	22·3	16·1	38·4	48 9 0	96 0 0	3 2 9	.....	.....	147 11 9
Ryde	109	95	204	79·4	71·1	150·5	182 13 10½	375 9 7	9 3 6	.....	100 16 0	668 2 11½
Ryde Park	19	14	33	14·8	9·4	24·2	37 7 0	93 17 7	2 19 8	1 10 0	1 8 0	137 2 3
Rylstone	47	40	87	33·3	27·6	60·9	104 9 0	211 15 1	11 15 6	.....	178 12 0	506 11 7
Sackville Reach	14	18	32	9·3	11·3	20·6	17 9 8	99 0 0	7 14 5	22 9 8	503 14 6	650 8 3
Saumarez	42	52	94	29·5	36·4	65·9	52 16 9	130 0 0	3 14 6	.....	.....	186 11 3
Scone	72	61	133	54·0	42·0	96·0	91 13 3	253 3 10	10 1 2	2 1 3	123 16 0	480 15 6
Seaham	18	22	40	9·9	9·9	19·8	7 9 6	55 16 8	1 0 0	.....	3 18 0	68 4 2
Seven Oaks	38	32	70	26·4	21·6	48·0	44 14 0	135 1 8	2 15 3	.....	.....	182 10 11
Shark Creek	29	10	39	22·0	7·6	29·6	40 6 3	84 0 0	3 4 6	1 0 0	.....	128 10 9
Shellharbour	43	49	92	29·4	36·2	65·6	71 3 0	183 12 3	5 0 0	.....	3 5 0	263 0 3
Singleton	156	105	261	111·7	75·5	187·2	181 11 2	415 17 10	10 5 8	.....	.....	607 14 8
Smithfield	42	36	78	31·9	22·5	54·5	53 2 7	140 8 6	2 15 10	.....	181 10 0	377 16 11
Smith's Flat	28	34	62	18·7	25·1	43·8	62 1 2	120 0 0	1 11 5	.....	7 14 11	191 7 6
Smithtown	15	13	28	10·8	9·5	20·3	14 18 1	84 0 0	2 9 11	.....	.....	101 8 0
Sofala	27	18	45	22·0	15·1	37·1	43 16 2	22 0 0	.....	.....	.....	65 16 2
South Arm	31	28	59	21·4	19·6	41·0	39 9 8	120 0 0	2 18 6	.....	.....	162 8 2
South Creek	96	86	182	68·0	55·4	123·4	137 19 1½	354 5 5	19 14 9	7 10 0	850 6 9	1,369 16 0½
Southgate	25	23	48	18·5	17·4	35·9	37 9 6	168 0 0	1 6 10	.....	.....	206 16 4
Southgate, Lower	26	22	48	21·3	16·9	38·2	40 7 0	132 0 0	7 7 2	.....	1 16 0	181 10 2
Spring Creek	26	29	55	17·5	15·6	33·1	40 1 4	156 0 0	5 13 7	5 0 0	8 6 0	215 0 11
Spring Field	22	13	35	15·7	7·8	23·5	42 1 6	42 0 0	5 1 6	2 10 0	.....	91 13 0
Spring Flat	24	17	41	12·0	8·9	20·9	30 8 11	120 0 0	3 0 3	.....	.....	153 9 2
Spring Grove	32	32	64	21·7	21·0	42·7	45 0 9½	160 13 11	7 0 0	.....	3 12 0	216 6 8½
Spring Hill	46	49	95	30·8	28·3	59·1	41 5 9	88 5 4	14 0 10	3 7 0	1,222 14 0	1,369 12 11
Spring Mount	16	23	39	8·0	11·9	19·9	22 0 0½	56 0 0	6 2 9	.....	.....	84 2 9½
Springwood	29	25	54	20·6	15·2	35·8	27 10 9	81 1 8	14 0 11	19 10 0	619 19 9	762 3 1
St. Alban's	26	22	48	16·9	15·4	32·3	22 6 0½	120 0 0	9 15 8	1 10 0	351 16 0	505 7 8½
St. Leonards	233	170	403	161·2	113·8	275·0	315 2 1½	424 14 4	35 14 4	3 0 0	4,221 8 0	4,999 18 9½
Stanhope	24	17	41	16·9	13·6	30·5	24 18 8	132 0 0	5 11 0	1 10 0	426 12 0	590 11 8
Stockton	74	69	143	49·7	40·5	90·2	116 10 4	174 0 0	4 3 9	.....	.....	294 14 1
Strontian Park	13	29	42	8·9	24·1	33·0	35 1 0	136 1 4	2 6 6	.....	.....	173 8 10
Sugarloaf	25	26	51	16·2	17·3	33·5	31 7 6	168 0 0	5 8 10	.....	.....	204 16 4
Summerland	9	27	36	6·4	19·8	26·2	9 6 0	66 0 0	.....	.....	.....	75 6 0
Sussex-street	329	349	678	215·6	223·9	439·5	543 2 9	808 2 2	20 18 11	.....	81 8 0	1,453 11 10
Swan Creek	40	41	81	30·6	32·7	63·3	81 7 7	134 17 3	3 2 10	.....	1 16 0	221 3 8
Tallagandra	13	8	21	8·7	6·4	15·1	14 6 0	85 0 0	4 0 5	.....	.....	103 6 5
Taloumbi	26	18	44	17·6	14·0	31·6	33 3 6	120 0 0	1 0 9	.....	1 16 0	156 0 3
Tambaroora	61	46	107	45·3	30·3	75·6	58 14 4	159 6 7	17 15 2	.....	160 15 0	396 11 1
Tamworth	127	100	227	83·4	68·8	152·2	237 8 2	300 11 6	12 14 10	.....	196 1 6	746 16 0
Tantawanglo	10	8	18	7·4	4·2	11·6	18 2 1	121 16 1	1 18 11	.....	.....	141 17 1
Tarago	23	17	40	17·8	13·2	31·0	25 2 4	110 0 0	2 3 6	.....	.....	137 5 10
Taralga	29	20	49	22·8	14·3	37·1	35 7 10	132 0 0	1 14 6	.....	141 9 0	310 11 4
Taree	97	78	175	66·9	44·1	111·0	64 3 11	258 6 6	7 15 4	.....	30 5 0	360 10 9
Tattaila	12	12	24	6·8	9·7	16·5	41 11 8	134 19 2	3 8 11	.....	11 0 0	190 19 9
Telegherry	33	24	57	25·9	18·1	44·0	32 11 3	156 0 0	1 3 2	.....	.....	189 14 5
Tempe	78	48	126	52·8	29·3	82·1	119 5 9	235 6 3	3 18 10	.....	.....	358 10 10
Tenterfield	87	73	160	64·8	42·4	107·2	147 16 10½	232 11 2	12 17 3	11 0 9	.....	404 6 0½
Teralba	16	14	30	11·4	5·8	17·2	21 15 6	86 9 8	0 13 10	.....	.....	108 19 0
Terrara	20	17	37	15·9	9·4	25·3	62 14 4	127 0 7	4 6 9	.....	.....	194 1 8
Thalaba	22	20	42	9·0	11·7	20·7	12 0 11	132 0 0	.....	.....	.....	144 0 11
Thurgoona	22	25	47	16·6	20·0	36·6	52 16 9	173 5 1	3 6 2	.....	.....	229 8 0
Tighe's Hill	123	88	211	83·9	55·6	139·5	30 10 6	60 19 4	20 1 0	24 0 0	2,023 13 0	2,159 3 10
Tingha	39	29	68	23·5	14·7	38·2	54 12 2	142 2 9	4 3 9	.....	20 0 0	220 18 8
Tinonee	37	44	81	21·8	26·7	48·5	27 6 6	160 3 6	5 0 5	.....	45 0 0	237 10 5
Tipperary Gully	13	22	35	6·1	13·4	19·5	20 10 0	83 7 6	1 9 8	.....	.....	105 7 2
Tirranna	22	8	30	19·2	7·0	26·2	33 16 10	135 1 1	1 3 6	.....	5 0 0	175 1 5
Tirrannia Creek	18	23	41	11·7	14·8	26·5	16 10 9	92 6 9	1 13 10	1 2 6	114 12 0	226 5 10
Tomago	18	13	31	10·6	8·2	18·8	16 4 7	82 0 0	1 2 10	.....	3 10 0	102 17 5
Tomerong	23	18	41	14·8	11·0	25·8	19 1 0	96 0 0	2 3 0	.....	.....	117 4 0
Toolejooa	52	38	90	33·3	24·9	58·2	90 14 0	192 0 0	5 3 6	.....	.....	287 17 6
Towrang	20	18	38	13·9	10·7	24·6	26 9 6	84 0 0	2 14 2	.....	1 1 0	114 4 8
Trunkey	37	32	69	24·4	19·8	44·2	64 11 3	110 1 5	8 12 9	5 18 6	23 13 4	212 17 3
Tuggeranong	20	24	44	14·9	19·1	34·0	7 16 6	80 0 0	12 16 9	.....	4 7 0	105 0 3
Tumberumba	43	52	95	28·0	33·1	61·1	66 6 2	128 0 3	1 16 2	8 0 0	.....	204 2 7
Tumut	59	52	111	46·1	35·3	81·4	160 8 0	217 10 11	7 13 5	.....	17 9 0	403 1 4
Turon	12	19	31	7·7	12·3	20·0	13 0 4	64 3 2	.....	8 0 0	1 12 0	86 15 6
Tweed Junction	11	13	24	9·6	11·8	21·4	15 3 9	84 0 0	.....	.....	.....	99 3 9
Two-mile Creek	15	16	31	8·6	8·6	17·2	23 5 11	108 0 0	8 2 1	.....	687 14 0	827 2 0
Uarbry	19	18	37	7·0	7·9	14·9	8 4 6	84 0 0	.....	3 10 0	.....	95 14 6
Ulladulla	26	16	42	19·2	11·6	30·8	34 2 9	114 0 0	0 15 7	.....	333 11 0	482 9 4
Ulmarra	57	55	112	41·5	38·4	79·9	62 16 0	162 15 9	7 2 11	3 10 0	12 1 0	248 5 8
Ultimo	232	183	415	147·7	107·5	255·2	278 2 4	409 10 6	84 1 8	.....	5,968 10 0	6,740 4 6
Uralla	63	49	112	43·3	31·9	75·2	102 4 3	197 19 3	8 2 11	.....	119 15 0	428 1 5
Urana	24	24	48	13·4	11·1	24·5	34 15 10	104 15 5	.....	4 10 0	78 15 6	222 16 9
Vacy	19	16	35	10·6	11·0	21·6	23 15 10	96 0 0	2 3 10	.....	20 0 0	141 19 8
Violet Dale	24	19	43	14·3	14·9	29·2	25 8 6	134 10 0	0 17 11	.....	.....	160 16 5
Violet Hill	27	22	49	22·2	16·2	38·4	35 15 6	135 19 3	3 2 8	.....	2 8 0	177 5 5
Wagga Wagga	208	137	345	145·6	91·1	236·7	521 9 2	541 11 6	14 8 3	5 0 0	741 1 9	1,823 10 8
Walang	18	22	40	12·0	15·6	27·6	6 19 0	80 14 8	3 17 1	.....	.....	91 10 9
Walcha	36	27	63	25·4	20·0	45·4	71 14 6	136 11 3	7 18 2	.....	.....	216 3 11
Walgett	16	5	21	10·6	2·5	13·1	27 18 6	89 5 0	5 5 2	9 5 0	36 8 0	168 1 8

APPENDIX B—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Wallabadah	38	36	74	25·2	22·4	47·6	63 12 6	156 0 0	1 16 5	.....	659 10 8	880 19 7
Wallalong	45	36	81	30·3	26·1	56·4	35 5 9	151 18 3	5 12 7	8 2 7	.....	200 19 2
Walbundrie	13	11	24	7·0	5·6	12·6	28 6 6	64 14 3	8 9 3	.....	183 17 0	285 7 0
Wallendbeen	22	15	37	15·6	11·4	27·0	49 7 6	156 0 0	.....	.....	689 11 0	894 18 6
Wallerawang	31	38	69	20·7	25·1	45·8	74 10 11	132 0 0	3 12 8	.....	.....	210 3 7
Wallgrove	27	19	46	20·0	12·5	32·5	23 2 8	117 2 6	1 0 8	3 6 0	.....	144 11 10
Wallsend	222	213	435	159·1	135·8	294·9	208 8 5	517 17 4	8 5 3	.....	262 11 6	997 2 6
Waratah	100	61	161	36·8	22·8	59·6	93 19 6	210 3 9	7 1 7	.....	1 19 0	313 3 10
Wardell	27	19	46	16·9	13·1	30·0	32 18 2	84 0 0	2 9 9	.....	241 0 0	360 7 11
Warialda	14	13	27	12·3	9·6	21·9	20 3 6	95 0 0	4 15 7	.....	.....	119 19 1
Warkworth	32	26	58	21·5	16·0	37·5	37 6 10	151 11 3	1 14 6	.....	.....	190 12 7
Warren	28	28	56	17·4	16·6	34·0	72 6 0	132 0 0	2 19 10	.....	1 19 0	209 4 10
Watson's Bay	57	34	91	43·8	26·0	69·8	73 9 2	164 2 3	3 17 1	5 10 0	0 6 0	247 4 6
Wattle Flat	45	31	76	29·3	22·0	51·3	45 8 6	146 2 7	3 18 7	2 10 0	576 15 0	774 14 8
Weetangerra	17	17	34	9·6	10·5	20·1	26 1 6	84 0 0	4 13 2	.....	31 13 4	146 8 0
Wee Waa	19	29	48	12·8	16·5	29·3	31 13 10	84 0 0	3 10 0	.....	.....	119 3 10
Wellington	137	112	248	92·7	72·6	165·4	216 0 3	324 1 7	16 17 2	.....	190 0 0	746 19 0
Wentworth	63	31	94	42·6	23·6	66·2	168 6 0	151 10 0	6 7 2	25 0 0	.....	351 3 2
Westbrook	34	20	54	18·1	13·7	31·8	33 12 0	84 0 0	1 7 4	.....	.....	118 19 4
Wheatfield	19	12	31	12·8	7·3	20·1	7 0 6	82 7 4	2 15 6	1 10 0	2 11 0	96 4 4
White Rock	23	28	51	15·5	11·8	27·3	13 2 0	72 15 9	.....	1 0 0	.....	86 17 9
Wickham	193	222	415	139·6	148·3	287·9	257 2 6	169 6 5	60 1 3	9 14 0	674 4 6	1,170 8 8
Wilbertree	21	21	42	13·3	14·2	27·5	33 9 10	98 0 0	2 15 11	.....	19 16 0	154 1 9
Wilcannia	54	43	97	30·9	24·3	55·2	110 10 6	108 0 0	7 0 0	.....	21 7 0	246 17 6
William-street	503	570	1,073	311·0	382·9	693·9	1,123 11 3¾	1,204 5 8	33 14 2	.....	71 1 0	2,432 12 1¾
William Town	29	23	52	19·0	14·2	33·2	22 0 0	132 7 6	2 0 6	.....	33 17 6	190 5 6
Wilton	19	24	43	10·3	14·4	24·7	18 16 9	132 0 0	.....	.....	.....	150 16 9
Windeyer	30	28	58	19·2	16·0	35·2	24 12 0	84 0 0	.....	2 0 0	.....	110 12 0
Windowe	14	20	34	11·0	15·1	26·1	13 6 9	73 12 10	.....	11 5 8	.....	98 5 3
Wingham	39	31	70	20·1	17·7	37·8	44 1 0	135 10 3	2 14 3	.....	674 4 6	856 10 0
Windsor	105	116	221	68·2	85·4	153·6	222 5 4	366 17 10	10 4 3	.....	.....	599 7 5
Wollombi	37	28	65	18·0	12·2	30·2	48 4 3	137 14 7	5 13 8	.....	.....	191 12 6
Wollongong	97	86	183	73·9	61·4	135·3	214 10 10	326 13 4	10 3 11	1 0 0	73 0 0	625 8 1
Wolumla South	30	24	54	20·1	16·9	37·0	57 15 6	134 10 0	1 9 5	.....	30 0 0	223 14 11
Wombah	33	35	68	24·9	26·9	51·8	67 17 4	106 0 0	5 10 2	.....	131 5 0	310 12 6
Wombat	36	39	75	26·4	24·5	50·9	49 4 9	136 0 0	4 17 9	.....	95 15 2	285 17 8
Wondalga	16	12	28	14·4	9·3	23·7	7 2 0	36 14 10	5 0 9	.....	.....	48 17 7
Woodburn	24	18	42	20·3	13·6	33·9	25 6 0	84 0 0	2 7 3	1 2 6	.....	112 15 9
Woodford Dale	19	22	41	11·1	15·0	26·1	34 6 0	135 19 6	3 0 5	.....	.....	173 5 11
Woodford Leigh	31	38	69	16·0	20·0	36·0	73 19 4	138 15 11	3 15 4	.....	1 16 0	218 6 7
Woodford Park	2	3	5	1·6	2·8	4·4	8 18 0	77 3 2	0 17 0	4 0 0	.....	90 18 2
Woollahra	156	106	262	110·1	69·1	179·1	197 11 11	343 13 10	48 18 1	.....	1,306 15 0	1,896 18 10
Woolla Woolla	20	22	42	15·8	16·6	32·4	26 3 2	200 6 3	1 6 8	20 0 0	109 0 0	336 16 1
Wocmargama	12	15	27	8·9	12·7	21·6	6 12 6	32 18 0	.....	.....	91 13 4	131 3 10
Worragee	24	26	50	17·3	18·5	35·8	25 13 3	84 0 0	4 12 8	.....	11 8 0	125 13 11
Wyagdon	8	5	13	5·5	4·1	9·6	2 17 6	69 5 9	.....	.....	.....	72 3 3
Wyrallah	27	28	55	16·9	19·4	36·3	40 4 4	111 13 3	2 16 10	.....	3 0 0	157 14 5
Yarramundi	27	20	47	17·9	17·0	34·9	30 8 6	123 12 0	3 4 10	.....	13 16 0	171 1 4
Young	91	73	164	66·0	47·0	113·0	171 4 8	329 10 8	12 9 4	.....	376 19 9	890 4 5
Yarrunga	24	21	45	18·6	15·5	34·1	27 11 4	89 3 2	.....	2 8 9	999 10 0	1,118 13 3

APPENDIX C.

APPLICATIONS for the establishment of Public Schools received during the year 1878.

Name of Place.	Distance of nearest School.	Number of Children residing in the locality.								Number of Children promised to attend.								Number of Parents or Guardians undertaking to send Children.						Council's Decision.
		Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	Boys.	Girls.	Total.	E.	R.C.	Pres.	Wes.	Ors.	C.E.	R.C.	Pres.	Wes.	Ors.	Total.	
	miles.																							
Alumny Creek Road	3	22	20	42	29	13	...	...	...	22	20	42	30	12	...	...	...	11	4	...	...	...	15	Declined.
Back Creek	5	29	30	59	26	5	4	14	10	29	30	59	26	5	4	14	10	10	2	2	3	4	21	Agreed to.
Belarbigill	4	21	27	48	27	8	13	...	...	16	14	30	15	7	8	...	...	7	2	3	...	...	12	Agreed to.
Belford	5	16	31	47	9	32	3	3	...	16	30	46	9	31	3	3	...	5	12	1	1	...	19	Agreed to.
Ben Lomond	25	18	21	39	16	3	9	...	7	15	20	35	25	3	...	...	7	7	2	...	...	1	10	Agreed to.
Big Hill	8	19	10	29	19	...	2	...	9	19	11	30	19	...	2	...	9	8	...	1	...	3	12	Under consideration.
Borambil	3	11	21	32	24	7	1	...	...	11	21	32	24	7	1	...	...	7	2	1	...	...	10	Under consideration.
Breeza	25	37	31	68	42	26	...	...	...	24	24	48	30	18	...	...	...	10	4	...	...	...	14	Agreed to.
Brooman	20	18	14	32	21	5	...	6	...	18	14	32	21	5	...	6	...	6	1	...	1	...	8	Declined. Case for Provisional School.
Burragan	10	26	17	43	8	5	20	10	...	40	29	69	21	9	26	13	...	6	3	11	5	...	25	Under consideration.
Burry	5	21	19	40	25	15	...	...	...	21	19	40	25	15	...	...	...	7	4	...	...	...	11	Agreed to.
Cambewarra West	3 to 4	19	27	46	23	...	13	10	...	15	19	34	19	...	7	8	...	5	...	2	2	...	9	Under consideration.
Camden Haven	8	...	...	...	...	...	...	...	...	21	17	38	15	7	14	...	2	5	2	4	...	1	12	Under consideration.
Canadian Lead	2½ to 3	43	42	85	37	18	6	11	13	43	42	85	37	18	6	11	13	17	5	2	5	2	31	Agreed to.
Chain of Ponds	5	15	15	30	9	2	...	19	...	18	22	40	9	2	...	29	...	3	2	...	9	...	14	Agreed to.
Clifden	5	34	26	60	38	19	3	...	...	34	25	59	35	21	3	...	...	8	5	1	...	...	14	Agreed to.
Coal Cliff	5	26	18	44	24	10	10	...	...	22	20	42	21	10	11	...	...	10	4	3	...	...	17	Agreed to.
Cobar	120	31	36	67	31	6	1	29	...	26	35	61	29	6	1	25	...	13	2	1	10	...	26	Agreed to.
Cockburn River	6	31	35	66	49	...	11	6	...	30	40	70	53	...	11	6	...	14	...	4	2	...	20	Agreed to.
Congo	8	7	9	16	3	13	...	...	...	29	14	43	12	31	...	...	...	3	9	...	...	...	12	Declined. Case for Provisional School.
Croobyar Reserve	2¾	44	42	86	17	13	8	21	27	45	46	91	19	13	8	24	27	6	4	3	7	9	29	Agreed to.
Cunningham's Creek	7	25	21	46	29	14	...	3	...	25	21	46	29	14	...	3	...	9	5	...	1	...	15	Under consideration.
Double Bay	1½	30	34	64	55	9	...	...	...	30	34	64	55	9	...	...	...	27	5	...	...	...	32	Under consideration.
Doughboy Creek	16	16	18	34	6	21	4	2	1	21	23	44	14	23	4	2	1	4	12	1	1	1	19	Declined. Case for Provisional School.
Druitt Town	1¼	120	130	250	140	68	...	...	42	40	42	82	48	19	...	...	15	21	10	...	...	6	37	Agreed to.
Erskine Park	4	25	15	40	25	8	7	...	...	25	15	40	25	8	7	...	...	10	2	3	...	...	15	Agreed to.
Eurobodalla	6	13	21	34	13	21	...	...	...	13	21	34	15	19	...	...	...	4	4	...	...	...	8	Agreed to.
Fairview	5	30	27	57	22	25	6	4	...	40	30	70	22	38	6	4	...	7	10	1	1	...	19	Agreed to.
Gerrymberryn	6	26	18	44	22	21	1	...	...	33	21	54	31	22	1	...	...	9	10	1	...	...	20	Agreed to.
Greenwell Point	3	21	21	42	18	9	15	...	...	21	21	42	18	9	15	...	...	6	3	5	...	...	14	Agreed to.
Gummell	13	17	13	30	23	7	...	...	...	17	13	30	23	7	...	...	...	5	2	...	...	...	7	Declined. Case for Provisional School.
Hanging Rock	4½	21	21	42	15	2	5	4	16	21	21	42	15	2	5	4	16	6	1	1	2	7	17	Agreed to.
Hoskingtown	...	15	13	28	5	18	5	...	...	16	14	30	5	20	5	...	...	3	6	1	...	...	10	Declined.
Illuka	8	21	26	47	18	8	6	15	...	21	26	47	18	8	6	15	...	7	4	3	4	...	18	Declined. Case for Provisional School.
Irvanstown	14	26	20	46	17	18	...	11	...	26	20	46	17	18	...	11	...	8	6	...	5	...	19	Agreed to.
Jinjellic Creek	30	22	2	24	15	...	4	...	5	24	5	29	18	...	4	...	7	3	...	1	...	1	5	Declined. Case for Provisional School.
Junee (Railway Station)	12	26	15	41	30	13	...	7	...	33	19	52	32	13	...	7	...	11	5	...	2	...	18	Declined. Case for Provisional School.
Kempsey East	1	53	40	93	37	41	1	14	...	44	28	72	29	31	1	11	...	11	8	1	4	...	24	Agreed to.

APPENDIX C—*continued.*

Name of Place	Distance of nearest School.	Number of Children residing in the locality.								Number of Children promised to attend.								Number of Parents or guardians undertaking to send Children.						Council's Decision.
		Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	C.E.	R.C.	Pres.	Wes.	Ors.	Total.	
Kurrajong North	2½	33	30	63	49	4	6	4	...	23	22	45	33	2	6	4	...	12	1	2	1	...	16	Agreed to.
Little Plain	12	15	20	35	22	8	...	5	...	15	20	35	22	8	...	5	...	7	2	...	1	...	10	Agreed to.
Longueville	over 2	28	24	52	28	10	...	11	3	21	20	41	20	10	...	11	...	8	3	...	4	...	15	Agreed to.
Mandurama	5	38	21	59	20	36	...	...	3	38	21	59	20	36	...	...	3	6	11	...	...	1	18	Agreed to.
Milltown	1	185	205	390	183	83	27	92	5	21	30	51	25	...	14	12	...	11	...	5	5	...	21	Agreed to.
Moonanbrook	3	29	29	58	27	12	19	...	...	29	29	58	27	12	19	...	...	10	4	7	...	...	21	Under consideration.
Moonbi	4	23	21	44	30	3	11	...	...	23	21	44	30	3	11	...	...	9	2	3	...	...	14	Under consideration.
Mount Lawson	9	13	18	31	...	25	6	...	...	16	20	36	...	30	6	...	...	...	11	1	...	...	12	Declined. Case for Provisional School.
Mount Murray	4	26	23	49	21	28	...	...	...	26	23	49	21	28	...	...	...	6	9	...	...	...	15	Declined.
Mount Pleasant	¾	26	20	46	23	19	2	2	...	18	14	32	22	8	2	...	...	6	2	1	...	...	9	Agreed to.
Nangar	14	24	20	44	34	2	...	4	4	21	20	41	30	2	4	4	...	7	1	1	1	...	10	Agreed to.
Nemingha	5½	34	37	71	48	9	9	...	5	43	38	81	54	9	13	...	5	15	4	3	...	2	24	Agreed to.
North Creek	7	24	17	41	30	11	...	...	...	19	14	33	24	9	...	...	...	7	3	...	...	...	10	Agreed to.
Nyrang	6	19	19	38	24	11	...	3	...	29	22	51	36	12	...	3	...	14	4	...	1	...	19	Agreed to.
Oberne	10	13	21	34	26	8	...	...	...	13	21	34	26	8	...	...	...	7	1	...	...	...	8	Declined. Case for Provisional School.
Parramatta Junction	1¼	58	56	114	86	7	...	14	7	52	52	104	86	2	...	9	7	30	1	...	2	2	35	Under consideration.
Pimlico	3	30	25	55	12	35	6	2	...	30	25	55	12	35	6	2	...	3	12	2	1	...	18	Agreed to.
Quipolly	9	21	19	40	30	5	...	...	5	20	27	47	33	12	...	...	2	12	3	...	...	1	16	Under consideration.
Ravensworth	4	24	21	45	33	12	...	...	...	24	21	45	33	12	...	...	...	10	4	...	...	...	14	Agreed to.
Rawdon Island	2½	50	31	81	35	32	5	9	...	44	27	71	30	27	5	9	...	9	6	2	3	...	20	Agreed to.
Rowan	4½	34	31	65	38	23	3	1	...	43	36	79	45	28	3	1	2	13	8	1	1	1	24	Declined. Case for Provisional School.
Salisbury Plains	8	36	28	64	21	37	6	...	...	36	28	64	21	37	6	...	...	6	12	2	...	...	20	Under consideration.
Snowball Copper Mine	5	27	27	54	38	13	3	...	...	29	29	58	42	13	3	...	...	16	5	1	...	...	22	Agreed to.
Sofala	In the Town.	50	53	103	51	49	1	...	2	32	24	56	52	1	1	...	2	19	1	1	...	1	22	Agreed to.
Somerton	12	18	24	42	24	1	10	7	...	18	24	42	24	1	10	7	...	9	1	3	1	...	14	Agreed to.
Springfield	5	28	27	55	31	24	...	...	...	23	18	41	29	12	...	...	...	10	5	...	...	...	15	Agreed to.
Thornshope	1½	34	18	52	18	17	17	...	...	34	18	52	18	17	17	...	...	6	5	7	...	...	18	Declined. Case for Provisional School.
Tullimbar	3	50	35	85	39	21	23	2	...	59	47	106	47	34	23	2	...	14	9	6	1	...	30	Agreed to.
Urangandry	7	12	10	22	18	4	...	...	...	21	20	41	31	10	...	...	...	11	4	...	...	...	15	Declined. Case for Provisional School.
Victoria Creek	4½	31	26	57	41	12	1	...	3	22	22	44	29	12	...	...	3	11	5	...	...	1	17	Agreed to.
Waterloo	15	19	22	41	10	4	23	4	...	19	22	41	10	4	23	4	...	2	1	6	1	...	10	Under consideration.
Wilson's Ridges	3	31	23	54	29	18	1	6	...	28	24	52	31	13	1	7	...	9	6	1	2	...	18	Agreed to.
Windowe Flats	6	28	22	50	20	30	...	...	...	28	22	50	20	30	...	...	...	6	8	...	...	...	14	Agreed to.
Wiseman's Creek (Jocelyn)	6	16	17	33	13	21	...	...	...	21	14	35	13	22	...	...	...	4	7	...	...	...	11	Agreed to.
Woodford	3	26	20	46	8	13	15	10	...	26	20	46	8	13	15	10	...	2	5	5	2	...	14	Under consideration.
Yeurabar	3½	21	40	61	22	35	1	...	3	21	40	61	22	35	1	...	3	7	9	...	...	1	17	Agreed to.
Yullundry	14	23	23	46	26	12	...	...	8	23	23	46	26	12	...	...	8	7	3	...	...	2	12	Agreed to.

APPENDIX D.

ATTENDANCE of Children at the Provisional Schools, as certified by the Local Boards, for the Quarter ending 31st December, 1878, or for the last Quarter of that year during which the Schools were in operation.

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Arthurville	14	20	34	10·4	13·6	24·0	9 3 6	83 19 11	.....	.....	.....	93 3 5
Ashford	10	9	19	5·5	5·2	10·7	16 14 0	44 0 0	.....	.....	.....	60 14 0
Attunga	16	8	24	10·9	5·1	16·0	16 13 6	63 0 0	5 8 9	.....	.....	85 2 3
Back Creek	10	12	22	6·4	7·6	14·0	7 17 0	31 1 5	1 9 7	.....	.....	40 8 0
Baerami Creek	12	8	20	10·9	7·8	18·7	16 14 2	46 16 1	.....	.....	1 15 7	65 5 10
Ballington	17	12	29	11·4	7·9	19·3	12 0 0	72 10 0	0 13 6	.....	.....	85 3 6
Bango Creek	16	21	37	9·4	10·9	20·3	6 11 0	22 8 0	.....	.....	.....	28 19 0
Bargo	21	15	36	14·9	11·5	26·4	22 12 6	84 0 0	1 5 7	.....	.....	107 18 1
Bargo, West	5	14	19	3·8	12·1	15·9	3 14 6	11 8 4	4 17 4	.....	.....	20 0 2
Barwang	15	25	40	10·0	17·2	27·2	29 12 6	84 0 0	4 10 1	.....	.....	118 2 7
Barrenjoey	15	12	27	12·1	9·8	21·9	10 9 0	74 10 0	0 19 6	.....	.....	85 18 6
Beaumont	11	7	18	9·5	6·1	15·6	18 8 9	59 0 0	3 3 4	.....	.....	80 12 1
Beechwood	13	13	26	7·9	10·7	18·6	2 9 8	82 9 8	2 13 1	.....	.....	87 12 5
Belarbigill	14	18	32	7·0	7·8	14·8	15 10 7	73 0 0	.....	.....	.....	88 10 7
Bellawongarah	26	13	39	18·0	7·4	25·4	19 3 0	75 8 4	4 13 6	5 0 0	.....	104 4 10
Belltrees	23	13	36	14·7	7·2	21·9	26 13 8	84 0 0	6 19 11	.....	.....	117 13 7
Belmont	13	14	27	10·2	10·2	20·4	22 2 0	84 0 0	3 17 3	.....	.....	109 19 3
Ben Bullen	17	10	27	13·5	7·8	21·3	8 13 9	21 0 0	3 0 6	.....	.....	32 14 3
Berebangalo	13	9	22	10·7	6·9	17·6	14 4 9½	66 0 0	2 14 11	.....	.....	82 19 8½
Berrigigama	8	12	20	4·1	4·4	8·5	27 16 0	64 0 0	.....	.....	.....	91 16 0
Bettowynd	12	15	27	8·9	12·5	21·4	21 14 6	84 0 0	2 1 9	.....	.....	107 16 3
Bibbenluke	14	12	26	9·9	8·3	18·2	8 16 9	29 0 7	1 18 6	3 10 0	.....	43 5 10
Biloela	12	11	23	11·2	10·3	21·5	27 4 7½	84 0 0	3 17 11	.....	.....	115 2 6½
Binglebrah	9	6	15	7·0	3·5	10·5	4 8 11	23 19 4	5 8 11	.....	.....	33 17 2
Binnaway	7	23	30	5·6	17·5	23·1	15 4 7	30 17 5	.....	.....	.....	46 2 0
Blackgoler	12	9	21	7·7	7·2	14·9	0 19 0	63 0 0	.....	.....	.....	63 19 0
Blackman's Point	15	22	37	8·9	13·4	22·3	18 14 5	82 0 0	.....	.....	.....	100 14 5
Blackwall	14	6	20	10·4	3·4	13·8	11 15 10	61 0 0	.....	.....	.....	72 15 10
Bomaderry	14	20	34	10·8	12·0	22·8	29 7 6	84 0 0	1 2 2	.....	.....	114 9 8
Bonshaw	5	2	7	5·0	1·0	6·0	1 13 9	4 0 0	.....	.....	.....	5 13 9
Booligal	15	21	36	9·9	12·8	22·7	45 14 9	67 0 0	.....	.....	.....	112 14 8
Botany Heads	17	7	24	15·5	6·5	22·0	19 6 8	84 0 0	1 13 2	.....	.....	104 19 10
Bowman's Creek	13	9	22	11·4	7·4	18·8	13 11 9	75 0 0	2 14 10	.....	.....	91 6 7
Box Ridge	16	16	32	9·5	7·5	17·0	13 6 4	80 0 0	.....	.....	.....	93 6 4
Brogo	13	12	25	3·9	3·4	7·3	4 2 6	24 12 3	3 12 11	.....	.....	32 7 8
Brombin	11	18	29	7·5	15·7	23·2	10 13 6	83 0 0	.....	.....	.....	93 13 6
Brook's Point	13	9	22	6·7	5·0	11·7	8 17 6	73 15 0	1 9 5	.....	.....	84 1 11
Buccarumbi	15	11	26	11·1	9·8	20·9	24 18 0	84 0 0	7 3 0	.....	.....	116 1 0
Buckley's Crossing	9	13	22	6·0	12·0	18·0	20 0 0	12 0 0	.....	.....	.....	32 0 0
Budgerabong	16	15	31	11·9	10·7	22·6	30 16 6	79 0 0	1 17 6	.....	.....	111 14 0
Bulga	17	24	41	6·7	12·8	19·5	13 6 6	72 7 0	1 13 4	.....	.....	87 6 10
Bulli Mountain	22	20	42	18·1	14·4	32·5	14 10 3	84 0 0	4 6 10	.....	.....	102 17 1
Bumbury	12	19	31	8·9	12·5	21·4	4 5 0	25 10 0	4 9 0	3 10 0	.....	37 14 0
Bungawalbyn	12	15	27	7·5	9·4	16·9	15 18 0	74 0 0	1 15 9	.....	.....	91 13 9
Bungay	14	16	30	9·2	13·1	22·3	8 13 6	85 9 8	0 7 6	.....	.....	94 10 8
Bungonia	12	12	24	8·3	6·9	15·2	5 10 8½	56 0 0	1 3 2	.....	.....	62 13 10½
Burragan	14	7	21	11·0	6·3	17·3	17 6 7	65 0 0	.....	.....	.....	82 6 7
Burragowang	14	14	28	10·1	10·9	21·0	10 5 4	80 0 0	4 19 8	.....	.....	95 5 0
Burrandong	9	18	27	5·1	14·9	20·0	15 1 1	37 8 4	.....	.....	.....	52 9 5
Burrowa Flats	23	18	41	14·3	12·2	26·5	23 1 7	83 0 0	4 1 8	.....	.....	110 3 3
Busby's Flat	10	8	18	9·2	6·9	16·1	14 8 8	59 0 0	.....	.....	.....	73 8 8
Buttsworth Swamp	14	12	26	12·3	10·1	22·4	7 1 0	56 0 0	.....	.....	.....	63 1 0
Caergurle	20	25	45	10·2	14·5	24·7	19 17 2	78 11 6	3 10 5	.....	.....	101 19 1
Camboon	15	7	22	8·2	4·2	12·4	13 4 6	60 0 0	0 16 8	.....	13 16 6	87 17 8
Camden Haven	9	7	16	3·6	3·3	6·9	3 13 0	73 0 0	1 16 5	.....	.....	78 9 5
Campbell's River	15	7	22	9·2	3·9	13·1	3 15 6	80 10 0	1 16 6	.....	.....	86 2 0
Carangula	13	9	22	10·1	8·1	18·2	12 1 0	58 1 3	.....	.....	.....	70 2 3
Carroll	19	24	43	9·5	14·4	23·9	18 10 0	83 0 0	2 1 0	.....	.....	103 11 0
Carrow Brook	11	9	20	9·8	8·2	18·0	7 8 2	72 0 0	.....	.....	.....	79 8 3
Casino, South	18	12	30	15·4	6·9	22·3	22 7 0	83 0 0	2 9 7	.....	.....	107 16 7
Castle Rock	15	8	23	12·0	5·1	17·1	14 19 0	55 0 0	4 17 7	0 17 0	.....	75 13 7
Catherine Creek	17	17	34	10·6	12·0	22·6	35 16 4	84 16 8	4 11 5	.....	.....	125 4 5
Circular Reach	18	24	42	9·9	14·3	24·2	14 5 3	83 0 0	1 10 1	.....	.....	98 15 4
Clifden	18	12	30	10·6	7·6	18·2	28 3 4	84 0 0	.....	1 0 0	.....	113 3 4
Codrington	14	14	28	8·3	11·2	19·5	5 0 0	59 0 0	.....	.....	.....	64 0 0
Coldstream, Lower	17	17	34	12·8	13·3	26·1	27 17 0	84 0 0	.....	.....	.....	111 17 0
Coldstream, Upper	21	16	37	18·1	13·7	31·8	10 2 6	75 0 0	1 11 8	.....	.....	86 14 2
Collie	13	8	21	11·7	7·2	18·9	8 15 0	19 12 0	.....	.....	.....	28 7 0
Collingullie	14	10	24	12·3	6·3	18·6	9 11 0	29 3 10	5 2 9	.....	.....	43 17 7
Conjola	17	14	31	9·9	10·0	19·9	9 2 6	61 14 2	0 17 0	.....	37 5 0	108 18 8
Cooba Creek	12	7	19	6·3	3·3	9·6	12 19 3	56 0 0	.....	.....	.....	68 19 3
Coomber	13	21	34	6·4	13·2	19·6	8 19 1½	61 10 0	.....	.....	.....	70 9 1½
Coree	2	11	13	0·1	6·3	6·4	4 18 0	24 0 0	0 14 3	.....	.....	29 12 3
Cornbury Park	14	10	24	11·6	8·2	19·8	16 9 11	81 1 3	2 9 1	.....	.....	100 0 3
Cullarin	14	18	32	12·4	12·4	24·8	5 19 3	46 13 4	3 9 4	.....	.....	56 1 11
Cullen Bullen	16	19	35	7·5	11·6	19·1	10 15 2	38 16 9	.....	.....	.....	49 11 11
Cuttycuttygang	13	17	30	11·4	13·7	25·1	14 15 10½	66 0 0	2 8 5	.....	.....	83 4 3½
Dangelong	9	21	30	5·0	15·0	20·0	24 9 9	84 0 0	1 6 2	.....	.....	109 15 11
Dark Corner	16	15	31	9·0	7·1	16·1	13 19 5½	66 0 0	1 10 3	.....	.....	81 9 8½
Denison Town	10	12	22	8·5	10·6	19·1	7 2 0	18 0 0	.....	.....	.....	25 2 0
Deep Creek	17	14	31	13·0	11·7	24·7	.....	7 0 0	3 13 8	.....	.....	10 13 8
Dingo Creek	9	17	26	7·2	11·6	18·8	7 18 0	71 0 0	0 16 3	.....	.....	79 14 3

APPENDIX D—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Doyle's Creek	15	15	30	8·2	7·1	15·3	22 14 10	83 0 0	2 6 10	.....	.....	108 1 8
Dry River	7	7	14	3·3	1·8	5·1	7 18 0	70 0 0	.....	.....	.....	77 18 0
Duckmaloi	12	7	19	6·9	4·5	11·4	7 19 9½	25 12 10	.....	.....	.....	33 12 7½
Dungowan, Lower	17	17	34	12·5	11·8	24·3	39 0 6	84 0 0	3 14 9	.....	.....	126 15 3
Eccleston	15	14	29	10·7	11·0	21·7	9 8 9	66 14 3	1 3 10	.....	.....	77 6 10
Emu Valley	14	16	30	5·4	8·5	13·9	11 1 0	70 0 0	2 15 6	.....	.....	83 16 6
Erina	16	15	31	10·4	10·6	21·0	8 11 4	84 0 0	2 9 9	.....	.....	95 1 1
Euston	17	16	33	12·9	9·9	22·8	45 14 9	35 0 0	1 7 9	7 0 0	.....	89 2 6
Farnham	30	41	71	21·0	26·3	47·3	75 18 6	84 0 0	4 0 1	.....	.....	163 18 7
Ferndale	12	18	30	9·0	9·6	18·6	12 0 0	84 0 0	3 6 9	.....	.....	99 6 9
Fisher's Creek	14	15	29	11·5	12·3	23·8	20 19 4	72 0 0	.....	.....	.....	92 19 4
Fitzgerald's Valley	10	24	34	7·0	18·6	25·6	24 0 11	72 0 0	.....	.....	.....	96 0 11
Frankfield	13	14	27	10·8	11·6	22·4	25 8 4½	77 5 9	3 0 2	.....	.....	105 14 3½
Galgabba	14	16	30	10·5	13·2	23·7	11 6 0	77 0 0	3 8 8	.....	.....	91 14 8
Garra Creek	18	11	29	13·8	7·6	21·4	22 12 11	59 14 8	6 3 0	.....	.....	88 10 7
Gilgai Creek	21	20	41	13·1	11·6	24·7	10 12 0	38 0 0	7 0 4	.....	.....	55 12 4
Gillford	9	10	19	4·9	6·0	10·9	6 2 1	23 0 0	2 1 3	.....	.....	31 3 4
Gingkin	12	7	19	11·1	5·7	16·8	2 7 6	13 0 7	4 2 10	.....	.....	19 10 11
Glen Morrison	12	14	26	7·5	9·9	17·4	14 6 10½	74 0 0	2 9 4	.....	.....	90 16 2½
Glenthorne	22	15	37	14·1	9·8	23·9	15 15 8	82 0 0	1 0 4	.....	.....	98 16 0
Goobang	20	18	38	13·2	13·6	26·8	10 15 9	38 17 5	.....	.....	.....	49 13 2
Good Hope	12	12	24	10·3	7·9	18·2	18 6 6	52 14 0	4 7 3	.....	.....	75 7 9
Goolagong	16	16	32	8·5	9·6	18·1	16 10 3	83 0 0	4 18 6	.....	32 12 0	137 0 9
Goolma	12	7	19	10·9	4·3	15·2	6 9 2	27 0 0	2 8 6	.....	.....	35 17 8
Goonoo Gonnoo	10	11	21	5·1	7·5	12·6	31 17 3	55 17 1	3 3 9	.....	.....	90 18 1
Goorangoola, Lower	17	12	29	11·9	10·4	22·3	20 19 10	77 10 3	1 15 3	.....	.....	100 5 4
Gostwyck	8	10	18	6·4	8·5	14·9	15 9 2	70 0 0	1 2 8	.....	.....	86 11 10
Grabben Gullen	10	8	18	8·5	6·5	15·0	0 4 6	3 14 2	.....	.....	.....	3 18 8
Greenwich	16	14	30	11·4	9·9	21·3	21 8 8¾	82 0 0	0 16 6	.....	.....	104 5 2¾
Gresford	19	24	43	14·5	18·9	33·4	21 10 6	84 0 0	.....	.....	.....	105 10 6
Gullen Flat	15	24	39	7·0	14·5	21·5	9 12 0	59 0 0	8 11 8	.....	.....	77 3 8
Gundillion	12	8	20	9·0	6·9	15·9	15 0 3	60 12 0	.....	.....	.....	75 12 3
Gunnenbene	20	18	38	12·0	9·3	21·3	6 6 0	63 0 0	.....	.....	.....	69 6 0
Gurrundah	18	16	34	13·2	10·7	23·9	14 15 0	81 0 0	1 4 8	.....	.....	96 19 8
Harrington	6	11	17	5·5	8·6	14·1	10 14 0	55 0 0	0 6 11	.....	.....	66 0 11
Hawkesbury, Lower	12	14	26	9·9	12·3	22·2	6 15 6	83 0 0	2 19 7	.....	.....	92 15 1
Hillas Creek	13	13	26	9·7	9·5	19·2	4 16 6	38 1 11	.....	.....	.....	42 18 5
Hobby's Yard	15	17	32	10·2	14·0	24·2	7 19 9	16 9 8	.....	.....	.....	24 9 5
Howe's Valley	6	14	20	6·0	12·0	18·0	5 5 3	36 9 3	.....	.....	.....	41 14 6
Huon	5	6	11	4·8	4·1	8·9	2 14 4	6 0 0	0 11 10	.....	.....	9 6 2
Huntingdon	10	14	24	8·0	13·4	21·4	8 5 4	79 5 1	2 7 9	.....	.....	89 18 2
Jacqua	15	12	27	13·5	9·4	22·9	17 7 0	36 14 8	.....	.....	.....	54 1 8
Jannung	14	15	29	9·8	8·6	18·4	16 5 0	84 0 0	2 9 1	.....	.....	102 14 1
Janugarrah	16	7	23	12·6	5·2	17·8	13 7 6	71 15 0	1 0 7	.....	.....	86 3 1
Kangaroo Flat	18	11	29	11·8	9·3	21·1	18 5 6	83 0 0	0 7 0	.....	.....	101 12 6
Keepit	21	17	38	14·0	11·9	25·9	7 0 10	32 10 3	3 9 11	.....	.....	43 1 0
Kellick	7	11	18	4·8	9·1	13·9	18 15 4½	59 0 0	8 12 5	.....	.....	86 7 9½
Kelvin Grove	22	18	40	15·1	10·1	25·2	7 17 10	84 0 0	1 15 4	.....	.....	93 13 2
Kemp's Creek	13	10	23	8·9	6·5	15·4	8 17 0	45 0 0	1 18 0	.....	.....	55 15 0
Kentucky	12	19	31	8·7	13·9	22·6	20 4 0	83 0 0	1 1 9	.....	.....	104 5 9
Kiandra	10	18	28	7·3	11·5	18·8	21 7 0	76 9 8	6 19 8	.....	.....	104 16 4
Killawarra	18	12	30	12·0	10·0	22·0	3 12 1	54 17 5	.....	.....	.....	58 9 6
Kirkdale	14	13	27	10·1	11·6	21·7	15 10 0½	74 5 4	.....	2 9 0	.....	92 4 4½
Knockfin	24	17	41	13·1	12·7	25·8	20 4 5	81 11 3	1 13 4	.....	.....	103 9 0
Kohan	6	10	16	5·5	9·5	15·0	5 13 0	62 8 0	.....	.....	.....	68 1 0
Laggan	13	19	32	10·4	15·2	25·6	5 3 6	70 0 0	.....	.....	.....	75 3 6
Lagoons	15	16	31	8·1	11·4	19·5	12 8 6	83 0 0	1 12 0	.....	.....	97 0 6
Lewis Ponds	12	13	25	9·7	8·4	18·1	11 0 3	50 12 0	2 17 5	.....	.....	64 9 8
Limeburner's Creek	8	11	19	7·0	8·0	15·0	12 1 4	60 0 0	.....	.....	.....	72 1 4
Limestone Flat	7	5	12	4·7	3·3	8·0	1 9 6	9 0 0	.....	.....	.....	10 9 6
Lismore, South	9	17	26	5·4	14·0	19·4	3 11 6	20 0 0	.....	.....	.....	23 11 6
Little Creek	5	13	18	4·0	7·7	11·7	0 1 6	4 0 0	4 5 9	.....	.....	8 7 3
Longueville	25	18	43	15·0	10·5	25·5	29 1 0	81 0 0	3 14 0	.....	.....	113 15 0
Lostock	16	8	24	15·0	6·7	21·7	3 15 2	23 16 10	6 10 4	.....	.....	34 2 4
McDonald River	20	16	36	15·1	12·4	27·5	25 13 0	84 0 0	2 4 8	.....	.....	111 17 8
Macquarie Plains	12	13	25	8·0	8·6	16·6	15 9 0	72 0 0	.....	.....	.....	87 9 0
Major's Plains	16	11	27	7·5	5·3	12·8	19 17 0	70 0 0	1 1 3	.....	.....	90 18 3
Majura	12	19	31	7·8	10·7	18·5	24 12 9	72 7 1	.....	.....	.....	96 19 10
Malmsbury	19	19	38	10·4	9·1	19·5	26 0 0	78 0 0	1 12 11	.....	.....	105 12 11
Manchester Square	11	14	25	9·2	11·2	20·4	12 18 2	75 0 0	3 10 7	.....	.....	91 8 9
Mandagery	26	17	43	13·4	9·6	23·0	16 9 0	64 17 5	4 5 10	.....	.....	85 12 3
Mandelong	13	14	27	10·4	11·7	22·1	.....	8 8 0	.....	.....	.....	8 8 0
Mangamore	11	12	23	6·7	7·6	14·3	.....	72 0 0	.....	.....	.....	72 0 0
Mangrove, Lower	23	13	36	14·3	7·4	21·7	9 14 7	84 0 0	2 3 1	.....	.....	95 17 8
Markdale	22	15	37	14·2	9·5	23·7	30 8 0	84 0 0	3 3 9	.....	.....	117 11 9
Mathoura	20	18	38	12·6	13·2	25·8	28 1 11	75 0 0	6 3 4	.....	.....	109 5 3
Maxton	9	17	26	6·9	14·2	21·1	13 7 10	79 0 0	.....	.....	.....	92 7 10
Merrendee	19	8	27	13·4	5·2	18·6	19 4 10	77 0 0	.....	.....	.....	96 4 10
Merrill Creek	14	12	26	12·9	7·8	20·7	28 18 9	78 0 0	4 14 2	.....	.....	111 12 11
Michelago	17	9	26	13·4	7·4	20·8	22 14 0	84 0 0	4 16 5	.....	.....	111 10 5
Middle Arm	15	10	25	11·4	7·4	18·8	17 2 3	75 6 5	3 14 4	.....	40 0 0	136 3 0
Middle Creek	12	17	29	7·8	11·4	19·2	12 16 5	84 0 0	.....	.....	.....	96 16 5

APPENDIX D—*continued.*

Name of School	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Mimosa Park	8	11	19	6·8	8·2	15·0	7 17 9	56 0 0	0 13 10	.....	.....	64 11 7
Minore	7	12	19	7·0	11·4	18·4	14 2 0	37 18 1	4 6 2	.....	.....	56 6 3
Mitchell's Creek Mine	8	24	32	4·7	15·2	19·9	23 11 0	77 0 0	.....	.....	.....	100 11 0
Mohonga	6	7	13	5·0	6·2	11·2	17 19 6	41 3 10	.....	.....	.....	59 3 4
Moonan Brook	24	20	44	21·0	15·4	36·4	18 17 6	77 13 6	1 15 5	.....	.....	98 6 5
Moonan Flat	13	6	19	10·4	5·4	15·8	16 1 11	66 0 0	2 12 3	.....	.....	84 14 2
Moorwatha	21	17	38	14·4	14·9	29·3	11 18 9	84 0 0	.....	.....	.....	95 18 9
Mount George	10	12	22	8·6	10·6	19·2	7 14 6	48 0 0	.....	.....	.....	55 14 6
Mount Lawson	13	24	37	7·8	15·6	23·4	4 3 6	12 16 8	5 6 3	.....	.....	22 6 5
Mount Morris	8	11	19	6·4	5·5	11·9	10 16 6	50 0 0	1 7 10	.....	.....	62 4 4
Mount Murray	15	17	32	5·0	6·1	11·1	12 11 7	82 0 0	6 7 11	.....	.....	100 19 6
Mount Rivers	11	21	32	5·3	11·0	16·3	10 15 3	84 0 0	3 3 2	.....	.....	97 18 5
Mount Thorley	14	16	30	5·0	8·1	13·1	11 0 1	67 0 0	0 9 11	.....	.....	78 10 0
Mount Wills	11	19	30	5·3	7·3	12·6	10 11 8	79 0 0	0 13 6	.....	.....	90 5 2
Mudmelong	15	18	33	11·3	10·7	22·0	4 19 6	84 0 0	.....	.....	.....	88 19 6
Mullamuddy	15	16	31	9·3	9·8	19·1	6 1 6	62 0 0	7 3 0	.....	.....	75 4 6
Mundooran	15	11	26	11·3	8·5	19·8	14 13 9	63 9 8	.....	.....	.....	78 3 5
Mundorama Ponds	12	10	22	11·2	9·2	20·4	17 17 6	57 15 5	1 0 6	.....	.....	76 13 5
Munghorn	11	17	28	8·5	11·4	19·9	3 16 11	12 16 8	4 17 10	.....	.....	21 11 5
Murray's Run	15	10	25	11·2	8·5	19·7	16 13 10	72 0 0	2 7 7	.....	.....	91 1 5
Myall River	10	9	19	8·1	5·4	13·5	3 18 8	40 9 0	0 14 9	.....	.....	45 2 5
Nangus Creek	17	21	38	11·4	14·9	26·3	23 0 2	70 0 0	3 7 5	.....	.....	96 7 7
Narrango	9	5	14	4·3	2·7	7·0	3 9 6	15 0 0	.....	.....	.....	18 9 6
Nerriga	18	17	35	11·7	11·0	22·7	16 8 6	84 0 0	0 17 5	.....	14 15 0	116 0 11
New Line	19	14	33	12·1	8·9	21·0	13 9 0	80 16 9	3 0 9	.....	.....	97 6 6
Newport	17	13	30	10·4	10·2	20·6	15 0 8	84 0 0	1 6 5	.....	.....	100 7 1
Newrea	18	21	39	7·7	12·6	20·3	16 14 5	83 0 0	2 0 5	.....	.....	101 14 10
New Run	8	7	15	5·0	5·6	10·6	0 7 6	4 0 0	2 9 2	.....	.....	6 16 8
Newstead	12	12	24	10·8	11·2	22·0	6 8 6	32 0 0	.....	.....	.....	38 8 6
Nimitybelle	11	13	24	8·6	9·7	18·3	12 11 3	76 0 0	0 16 0	.....	.....	89 7 3
North Rocks	9	16	25	6·7	12·1	18·8	16 11 10	80 16 9	1 17 7	1 15 0	.....	101 1 2
Norton	16	8	24	9·7	7·2	16·9	11 10 0	61 0 0	8 0 6	.....	.....	80 10 6
Noucome	24	30	54	12·6	19·5	32·1	18 17 6	84 0 0	2 6 2	.....	.....	105 3 8
Oakdale	14	17	31	9·5	11·9	21·4	2 8 6	62 0 0	3 17 4	.....	.....	68 5 10
Oakendale	14	9	23	9·5	7·2	16·7	0 19 0	60 0 0	1 11 11	.....	.....	62 10 11
Oakhampton	19	21	40	14·5	16·8	31·3	16 9 1¾	74 9 11	.....	.....	.....	90 19 0¾
Oberne	13	15	28	10·9	13·0	23·9	10 8 0	31 14 6	3 17 6	.....	.....	46 0 0
Obley	13	11	24	10·8	6·2	17·0	1 16 6	35 0 0	5 0 4	.....	.....	41 16 10
Palmer's Oakey	5	9	14	3·6	7·8	11·4	7 16 0	46 13 4	3 10 0	.....	.....	57 19 4
Park	13	15	28	9·4	11·6	21·0	12 9 6	77 3 4	.....	1 5 0	.....	90 17 10
Pearse's Hill	13	15	28	8·7	6·8	15·5	15 17 3	80 0 0	4 6 1	.....	.....	100 3 4
Pejar	22	14	36	9·4	5·5	14·9	10 11 6	83 0 0	1 19 11	.....	.....	95 11 5
Pimlico	14	10	24	7·2	4·3	11·5	6 9 9	72 0 0	4 1 5	.....	.....	82 11 2
Point Danger	9	8	17	7·1	6·8	13·9	11 18 0	29 0 0	.....	.....	.....	40 18 0
Pomeroy	16	11	27	12·1	9·5	21·6	6 14 3	42 13 4	2 5 6	2 17 6	.....	54 10 7
Portland Head	17	9	26	11·4	5·4	16·8	10 1 4	70 0 0	.....	.....	.....	80 1 4
Quipolly	20	22	42	11·1	12·3	23·4	12 16 3	45 5 4	1 14 3	3 4 6	.....	63 0 4
Quirindi Creek	11	17	28	5·9	12·9	18·8	15 13 10	75 0 0	2 16 7	.....	.....	93 10 5
Quorrobolong	16	13	29	9·2	11·2	20·4	13 6 6	84 7 6	4 5 7	.....	.....	101 19 7
Raleigh	14	14	28	9·2	9·4	18·6	7 14 9	59 0 0	2 8 9	.....	.....	69 3 6
Rawdon Island	20	14	34	13·4	7·6	21·0	11 7 0	84 0 0	6 0 11	.....	.....	101 7 11
Redground	10	9	19	6·8	6·9	13·7	1 5 0	8 18 6	.....	.....	.....	10 3 6
Red Hill	24	33	57	17·1	16·3	33·4	18 7 11	32 10 3	7 2 4	.....	.....	58 0 6
Rexcourt	8	9	17	5·9	5·3	11·2	2 8 0	8 7 8	.....	1 11 6	.....	12 7 2
Rocky Hall	19	16	35	7·4	7·1	14·5	9 8 3	73 0 0	1 1 10	.....	10 0 0	93 10 1
Rouchel	14	10	24	7·6	6·8	14·4	16 6 6	63 0 0	2 7 9	.....	.....	81 14 3
Rowan	19	16	35	12·1	10·3	22·4	4 15 6	16 9 8	.....	.....	.....	21 5 2
Saggart Field	10	12	22	3·7	4·8	8·5	4 6 9	60 0 0	.....	.....	.....	64 6 9
Salisbury	15	11	26	8·9	8·0	16·9	4 9 5	73 0 0	2 5 2	.....	.....	79 14 7
Shaw	19	20	39	13·0	14·6	27·6	23 1 0	67 18 8	2 1 7	.....	.....	93 1 3
Shaw's Creek	24	12	36	16·1	8·1	24·2	2 14 6	61 12 10	.....	3 0 0	.....	67 7 4
Sherwin's Flat	13	12	25	10·5	11·1	21·6	9 12 0	59 18 0	6 10 4	.....	.....	76 0 4
Shepherd's Creek	14	13	27	7·2	7·9	15·1	16 0 0	35 0 0	3 17 10	.....	.....	54 17 10
Six-mile Swamp	17	8	25	12·5	6·2	18·7	6 3 0	5 4 6	3 11 7	.....	.....	14 19 1
Spicer's Creek	10	17	27	7·0	14·0	21·0	6 7 3	26 3 2	2 17 9	.....	.....	35 8 2
Spring Vale	8	14	22	6·4	11·3	17·7	15 17 0	66 0 0	0 18 7	.....	.....	82 15 7
Springs, The	12	10	22	9·3	6·8	16·1	13 7 0	71 8 4	4 6 11	.....	.....	89 2 3
St. Joseph's	21	16	37	12·8	10·1	22·9	6 14 6	84 0 0	1 18 1	.....	.....	92 12 7
Stone Hut	9	11	20	5·8	7·3	13·1	16 1 6	50 0 0	3 13 1	.....	.....	69 14 7
Summerhill	12	19	31	7·1	13·7	20·8	17 5 0	84 0 0	0 19 1	.....	.....	102 4 1
Swanbrook	11	18	29	4·1	13·7	17·8	11 8 3	40 12 10	7 17 3	.....	.....	59 18 4
Sweetman's Creek	4	16	30	2·3	11·9	14·2	3 1 7	12 0 0	5 16 3	.....	.....	20 17 10
Tanja	16	11	27	10·9	6·0	16·9	.....	17 0 0	3 10 11	.....	.....	20 10 11
Tanner's Mount	15	9	24	9·7	6·5	16·2	7 10 6	61 0 0	.....	.....	.....	68 10 6
Tara	13	14	27	10·2	9·1	19·3	5 14 0	69 6 5	5 16 3	.....	.....	80 16 8
Tarlo Gap	12	16	28	6·1	14·3	20·4	6 1 0	72 6 10	1 3 11	.....	.....	79 11 9
Tarramia	3	8	11	2·0	6·0	8·0	.....	3 0 0	.....	.....	.....	3 0 0
Theresa Park	31	23	54	14·0	11·8	25·8	19 6 6	84 0 0	3 3 5	.....	.....	106 9 11
Third Creek	15	19	34	10·4	13·8	24·2	11 15 3	49 0 0	5 18 9	.....	.....	66 14 0
Timbribungie	14	10	24	12·3	7·5	19·8	32 18 0	84 0 0	2 10 4	.....	.....	119 8 4
Toogong	14	13	27	9·2	9·0	18·2	9 2 0	68 0 0	3 14 10	.....	.....	80 16 10
Tooma	12	4	16	7·6	3·4	11·0	12 9 8	36 18 8	.....	.....	.....	49 8 4

APPENDIX D—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Tucki Tucki	14	18	32	9·2	13·9	23·1	22 13 0	82 0 0	3 5 2	.....	.....	107 18 2
Tumberumba Upper	7	9	16	3·7	7·5	11·2	6 10 0	48 0 0	6 17 1	.....	.....	61 7 1
Tumut Plains	17	16	33	12·8	11·1	23·9	23 4 4	52 16 8	5 13 9	.....	.....	81 14 9
Tunstall	17	24	41	12·5	19·4	31·9	17 8 2	77 0 0	3 0 5	1 2 6	.....	98 11 1
Turee Creek	12	13	25	9·7	10·0	19·7	3 13 6	52 16 6	.....	.....	.....	56 10 0
Turner's Flat	9	12	21	7·9	7·7	15·6	14 6 7	60 0 0	5 6 6	.....	.....	79 13 1
Tynedale	11	16	27	7·0	10·5	17·5	17 12 6	78 0 0	0 19 4	.....	.....	96 11 10
Umaralla	16	10	26	13·9	8·1	22·0	27 15 9	80 3 2	.....	.....	.....	107 18 11
Vegetable Creek	37	50	87	28·3	37·7	66·0	59 19 8	84 0 0	.....	.....	.....	143 19 8
Vere	14	19	33	8·9	10·2	19·1	15 2 9	84 0 0	0 19 6	.....	.....	100 2 3
Vineyard	11	25	36	5·8	13·1	18·9	9 9 11	53 5 9	4 8 9	.....	.....	67 4 5
Vittoria	15	19	34	9·8	14·9	24·7	22 9 2	81 10 3	.....	.....	.....	103 19 5
Waggalallah	11	14	25	8·3	8·0	16·3	11 10 3	71 14 10	2 9 0	.....	.....	85 14 1
Wagragobilly	7	13	20	6·8	11·7	18·5	1 19 6	9 8 0	4 14 8	.....	.....	16 2 2
Wagra, Upper	11	13	24	8·7	10·3	19·0	7 11 6	26 0 0	.....	.....	.....	33 11 6
Wamberall	12	11	23	9·8	8·6	18·4	6 0 6	81 0 0	2 8 0	.....	.....	89 8 6
Wandella	12	16	28	6·0	13·2	19·2	5 15 0	55 4 0	1 4 10	.....	.....	62 3 10
Wanganella	14	13	27	6·9	7·2	14·1	17 16 8	57 0 0	.....	.....	.....	74 16 8
Warrumbungul	6	11	17	5·3	8·8	14·1	14 0 0	25 0 0	.....	.....	.....	39 0 0
Waterland	13	14	27	8·9	7·0	15·9	17 3 9	68 0 0	3 5 10	.....	.....	88 9 7
Wattamulla	17	9	26	15·7	8·8	24·5	15 10 0	57 8 0	.....	.....	.....	72 18 0
Wauchope	13	21	34	10·5	16·6	27·1	14 15 1	80 9 8	1 18 9	.....	.....	97 3 6
Webber's Creek	19	10	29	12·1	8·4	20·5	20 1 9	84 0 0	2 10 0	2 5 0	.....	108 16 9
Welaregang	10	14	24	6·5	9·2	15·7	18 16 8½	57 10 0	.....	.....	.....	76 6 8½
Welshman's Creek	14	17	31	9·2	13·2	22·4	.....	81 0 0	5 14 4	.....	.....	86 14 4
Werombi	18	11	29	8·7	4·9	13·6	9 9 8	71 0 0	2 4 10	.....	.....	82 14 6
Werriberri	15	10	25	12·5	8·9	21·4	16 10 6	77 0 0	2 16 3	.....	.....	96 6 9
Wheeo	16	9	25	10·5	5·6	16·1	14 16 6	74 0 0	3 4 8	.....	.....	92 1 2
Whelan's Creek	11	16	27	8·2	10·5	18·7	8 16 9	61 4 7	5 0 10	2 10 0	.....	77 12 2
Wingen	19	23	42	12·3	13·9	26·2	17 15 0	80 7 4	2 3 3	.....	.....	100 5 7
Wollar	15	15	30	10·4	7·2	17·6	17 14 2	77 0 0	.....	.....	.....	94 14 2
Wollongbar	13	15	28	10·3	10·7	21·0	7 9 6	73 0 0	0 3 4	.....	.....	80 12 10
Wolloman	6	16	22	5·2	14·6	19·8	9 15 3	41 9 0	3 13 9	.....	.....	54 18 0
Woodhill	12	20	32	5·7	13·1	18·8	21 15 8	84 0 0	1 10 11	.....	.....	107 6 7
Woodlawn	18	20	38	12·6	13·7	26·3	6 7 6	84 0 0	2 11 10	.....	.....	92 19 4
Wybong	20	10	30	13·0	6·1	19·1	19 6 9	80 0 0	1 11 0	.....	.....	100 17 9
Wyong Creek	11	18	29	6·6	11·8	18·4	8 18 5	80 0 0	1 15 0	.....	.....	90 13 5
Yarragundry	17	15	32	11·1	9·9	21·0	3 10 6	14 2 6	5 7 4	.....	.....	23 0 4
Yarralomla	11	7	18	7·7	6·6	14·3	0 9 0	5 0 0	.....	.....	.....	5 9 0

APPENDIX E.

APPLICATIONS for the Establishment of Provisional Schools, received during the year 1878.

Name of Place.	Distance of nearest School.	Number of Children residing in the locality.								Number of Children promised to attend.								Number of Parents or Guardians undertaking to send Children.						Council's decision.
		Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	C.E.	R.C.	Pres.	Wes.	Ors.	Total.	
	Miles.																							
Bargo West	6	9	17	26	24	2	...	...	...	7	15	22	21	1	...	...	...	6	1	...	...	...	7	Aid granted.
Bibbenluke	8	12	14	26	15	...	11	...	...	12	14	26	15	...	11	...	...	5	...	4	...	...	9	Aid granted.
Big Creek	5	19	11	30	21	8	1	...	...	23	12	35	21	8	1	...	5	8	3	1	...	1	13	Aid granted.
Binnaway	27	17	28	45	41	4	...	...	...	17	28	45	41	4	...	...	...	14	3	...	...	...	17	Aid granted.
Binglebrah	7	5	2	7	1	6	...	...	...	20	12	32	15	17	...	...	...	6	5	...	...	...	11	Aid granted.
Bonnie Bush	9	4	7	11	...	6	5	...	...	11	9	20	...	6	14	...	...	...	1	3	...	...	4	Under consideration.
Bumbury	10	16	14	30	20	10	...	...	...	16	14	30	20	10	...	...	...	10	2	...	...	...	12	Aid granted.
Brogo	7	23	15	38	8	18	6	3	3	12	7	19	4	4	6	5	...	1	1	1	1	...	4	Aid granted.
Carawa	7	8	9	17	2	18	...	...	...	10	10	20	2	18	...	...	...	1	6	...	...	...	7	Aid granted.
Chain of Ponds	7½	13	7	20	8	7	5	...	...	13	7	20	12	6	...	2	...	4	1	...	1	...	6	Aid granted.
Conargo	15	12	11	23	8	5	10	...	...	10	9	19	5	5	9	...	...	3	1	3	...	...	7	Aid granted.
Coobong	5½	9	8	17	4	6	...	4	3	16	15	31	15	6	...	7	3	6	2	...	2	1	11	Aid granted.
Copymorumbilli	80	12	11	23	13	7	...	...	3	11	7	18	8	7	...	...	3	2	2	...	...	...	4	Aid granted.
Cross Roads (Collengullie)	15	24	16	40	15	20	3	2	...	24	16	40	15	20	3	2	...	7	5	1	1	...	14	Aid granted.
Cullen Bullen	8	7	11	18	8	2	5	...	3	7	11	18	8	2	5	...	3	2	1	1	...	1	5	Aid granted.
Dalmorton	13	10	16	26	13	9	...	4	...	9	15	24	13	9	...	2	...	6	3	...	1	...	10	Aid granted.
Deep Creek	3	19	16	35	10	25	...	...	...	16	10	26	10	16	...	...	...	5	6	...	...	...	11	Aid granted.
Doughboy Creek	15	16	20	36	13	19	4	...	...	10	11	21	7	14	...	...	...	2	6	...	...	...	8	Aid granted.
Eatonsville	4	21	12	33	5	28	...	...	...	20	11	31	3	28	...	...	...	1	6	...	...	...	7	Aid granted.
Eschol	6	21	13	34	25	4	5	...	...	21	13	34	25	4	5	...	...	8	3	3	...	...	14	Aid granted.
Eulomogo Creek	6	11	8	19	13	...	...	6	...	11	8	19	13	...	...	6	...	5	...	...	1	...	6	Aid granted.
Euston	60	9	9	18	13	3	2	...	...	9	9	18	13	3	2	...	...	5	2	1	...	...	8	Aid granted.
Gilgai Creek	6	12	14	26	15	1	...	9	1	12	14	26	15	1	...	9	1	5	1	...	2	1	9	Aid granted.
Gingkin	17	15	8	23	6	5	...	12	...	15	8	23	6	5	...	12	...	2	2	...	3	...	7	Aid granted.
Grabben Gullen	5½	13	16	29	..	27	...	5	...	15	17	32	...	27	...	5	...	...	11	...	1	...	12	Aid granted.
Gundurimba South	4	21	16	37	4	31	2	...	...	18	9	27	...	25	2	...	...	...	8	1	...	...	9	Under consideration.
Hall's Creek	7½	...	...	...	...	...	...	...	...	12	18	30	26	4	...	...	...	8	1	...	...	...	9	Under consideration.
Hemsby	3½	19	11	30	15	15	...	...	...	10	11	21	13	8	...	...	...	3	4	...	...	...	7	Aid granted.
Hobby's Yards	6	29	21	50	16	20	9	5	...	19	15	34	16	10	4	4	...	5	4	2	1	...	12	Aid granted.
Holt's Flat	10	15	15	30	4	26	...	...	...	15	15	30	4	26	...	...	...	2	8	...	...	...	10	Aid granted.
Humula	11	...	2	2	23	2	5	...	...	11	13	24	17	2	5	...	...	4	1	1	...	...	6	Under consideration.
Inchbyra	28	4	8	12	...	12	...	...	...	6	12	18	...	18	...	...	...	...	5	...	...	...	5	Declined. Case for Half-time Schools.
Kanoona	5½	23	9	32	24	3	5	...	...	26	15	41	30	5	6	...	...	7	1	1	...	...	9	Aid granted.
Kellick	8	11	13	24	6	18	...	...	...	15	15	30	6	18	6	...	...	1	4	1	...	...	6	Aid granted.
Kellymount (Osborne Hill)	5	17	7	24	7	17	...	...	...	17	7	24	7	17	...	...	...	2	5	...	...	...	7	Aid granted.
Killawarra	1½	15	10	25	20	...	5	...	...	15	10	25	20	...	5	...	...	7	...	2	...	...	9	Aid granted.
Kincumber	2½	34	25	59	36	23	...	...	...	12	15	27	4	23	...	...	...	1	7	...	...	...	8	Declined.
Little Creek	14	11	20	31	31	...	...	...	...	9	20	29	29	...	...	...	...	5	...	...	...	...	5	Aid granted.
Lostock	3	13	3	16	11	5	...	...	...	13	3	16	11	5	...	...	...	5	2	...	...	...	7	Aid granted.
Manilla, Upper	8	16	17	33	10	15	3	5	...	16	17	33	10	15	3	5	...	3	6	1	1	...	11	Under consideration.
Mandelong	5	8	14	22	...	22	...	...	...	8	14	22	...	22	...	...	...	...	7	...	...	...	7	Aid granted.
Marangulla	5	23	17	40	20	14	6	...	...	20	12	32	20	10	2	...	...	8	3	1	...	...	12	Aid granted.
Marengo North	6	6	12	18	1	16	...	...	...	6	12	18	1	16	...	...	...	...	3	...	...	...	3	Aid granted.
Marrar	7	10	14	24	9	11	4	...	...	10	14	24	9	11	4	...	...	3	3	1	...	...	7	Aid granted.

APPENDIX E—*continued.*

Name of Place.	Distance of nearest School.	Number of Children residing in the locality.								Number of Children promised to attend.								Number of Parents or Guardians undertaking to send Children.						Council's decision.
		Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Ors.	C.E.	R.C.	Pres.	Wes.	Ors.	Total.	
	Miles.																							
Mullamuddy	4	21	15	36	30	5	...	1	...	21	15	36	30	5	...	1	...	12	3	...	1	...	16	Aid granted.
Mulyan	5	17	11	28	7	17	...	4	...	17	11	28	7	17	...	4	...	4	5	...	2	...	11	Aid granted.
Mundarloo	4	8	14	22	22	...	...	...	...	8	14	22	22	...	...	...	...	6	...	...	...	...	6	Declined.
Munghorn	6	16	21	37	12	19	...	6	...	16	21	37	12	19	...	6	...	4	8	...	2	...	14	Aid granted.
Newstead	...	18	17	35	19	...	13	3	...	12	12	24	15	...	8	1	...	5	...	3	1	...	9	Aid granted.
Newton Boyd	50	...	...	...	...	...	...	...	...	12	14	26	...	4	11	...	11	...	1	1	...	2	4	Declined. Case for Half-time School.
Nymboida	12	10	10	20	17	...	3	...	...	14	11	25	17	...	8	...	...	6	...	2	...	...	8	Aid granted.
Oberne	15	12	11	23	16	7	...	...	...	12	13	25	17	8	...	...	...	5	1	...	...	...	6	Aid granted.
Ournie Reefs	20	16	22	38	29	9	...	...	...	16	22	38	29	9	...	...	...	10	2	...	...	...	12	Aid granted.
Pelican Creek	4	14	16	30	...	25	5	...	...	9	12	21	...	17	4	...	...	...	6	1	...	...	7	Aid granted.
Perricoota	10	...	...	26	...	...	...	...	...	14	10	24	18	2	4	...	...	3	1	1	...	...	5	Under consideration.
Pola Creek	3	25	24	49	26	7	14	2	...	16	13	29	13	3	11	2	...	4	1	4	1	...	10	Under consideration.
Raleigh, East	3 to 4	12	17	29	11	15	...	3	...	13	19	32	14	16	...	2	...	4	7	...	1	...	12	Under consideration.
Redhead	8	23	20	43	35	1	7	...	...	23	20	43	35	1	7	...	...	7	1	2	...	...	10	Under consideration.
Redhills	7	27	25	52	20	20	5	7	...	16	13	29	29	...	...	...	...	7	...	...	..	...	7	Aid granted.
Red Range	12	19	9	28	13	4	8	3	...	14	10	24	16	4	4	...	...	5	3	1	...	...	9	Aid granted.
Rexcourt	9	17	10	27	15	12	...	...	...	17	10	27	15	12	...	...	...	3	3	...	...	...	6	Aid granted.
Riverstone	4	15	12	27	19	6	...	...	2	14	7	21	16	3	...	...	2	8	3	...	...	1	12	Declined.
Rosenthal	3	7	9	16	12	...	...	4	...	6	11	17	12	...	...	5	...	4	...	...	2	...	6	Declined.
Shepherd's Creek	14	8	15	23	10	13	...	...	...	8	15	23	10	13	...	...	...	5	4	...	...	...	9	Aid granted.
Sherwin's Flats	4½	16	17	33	6	27	...	...	...	16	17	33	6	27	...	...	...	4	8	...	...	...	12	Aid granted.
Six-mile Swamp	6	28	10	38	10	19	3	6	...	21	15	36	11	16	...	9	...	4	4	...	4	...	12	Aid granted.
Slippery Creek	4	18	12	30	...	30	...	...	...	22	14	36	...	36	...	...	...	...	11	...	...	...	11	Aid granted.
South Passage	2½	25	23	48	28	18	2	...	...	17	17	34	23	11	...	...	...	6	3	...	...	...	9	Aid granted.
Spicer's Creek	8	17	10	27	16	11	...	...	...	11	10	21	14	7	...	...	...	5	2	...	...	...	7	Aid granted.
Springbank	25	11	9	20	...	2	13	...	5	21	6	27	8	2	17	...	...	1	1	7	...	...	9	Under consideration.
Summervale	8	11	17	28	1	2	4	...	...	6	11	17	4	4	9	...	...	1	1	3	...	...	5	Declined. Case for Half-time School.
Sweetman's Creek	5	6	19	25	20	5	...	...	...	6	19	25	20	5	...	...	...	7	3	...	...	...	10	Aid granted.
Tabrabucca Swamp	8	18	17	25	23	10	...	2	...	18	17	35	23	10	...	2	...	7	4	...	1	...	12	Under consideration.
Tabulam	20	7	9	16	12	4	...	...	...	7	9	16	12	4	...	...	...	4	2	...	...	...	6	Under consideration.
Tanja	10	28	15	43	34	1	3	...	5	21	14	35	26	1	3	...	5	8	1	1	...	1	11	Aid granted.
Tarcutta, Lower	6	11	11	22	3	17	...	2	...	10	12	22	5	17	...	...	...	3	3	...	...	...	6	Under consideration.
Tawallum	15	12	11	23	...	6	17	...	...	14	14	28	...	6	22	...	...	...	1	4	...	...	5	Aid granted.
Urara	10	15	8	23	15	8	...	...	...	15	5	20	14	6	...	...	...	7	2	...	...	...	9	Aid granted.
Velt's Creek	10	19	13	32	25	3	4	...	...	10	13	23	16	3	4	...	...	...	6	1	1	...	8	Under consideration.
Wagragobilly	10	12	19	31	4	27	...	...	...	12	13	25	2	23	...	...	...	1	9	..	...	...	10	Aid granted.
Wallaroo	...	11	16	27	9	18	...	...	...	10	11	21	9	12	...	...	...	3	3	...	...	...	6	Under consideration.
Wallendoon	6	19	14	33	16	12	2	3	...	17	13	30	11	12	3	4	...	4	3	1	1	...	9	Aid granted.
Warrumbungle	34	8	14	22	5	4	13	...	...	8	14	22	5	4	13	...	...	2	2	4	...	...	8	Aid granted.
Waterloo	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Under consideration.
Weybridge Grove	5	16	19	35	9	2	...	1	3	21	25	46	43	3	...	...	...	13	2	...	..	...	15	Under consideration.
Willow-tree	8	14	23	37	12	21	2	...	2	14	23	37	12	21	2	...	2	6	9	1	...	1	17	Declined.
Wilson	14	12	15	27	6	...	21	...	...	12	15	27	6	...	21	...	...	2	...	5	...	...	7	Aid granted.
Wooram	4½	23	13	36	17	11	6	2	...	13	9	22	10	8	3	1	...	4	5	2	1	...	12	Aid granted.
Wyangle	8	8	5	13	4	9	...	...	...	14	8	22	7	12	3	...	...	2	3	1	...	...	6	Aid granted.
Wyhee	9	7	10	17	17	...	...	...	...	7	10	17	17	...	...	...	...	5	...	...	...	...	5	Aid granted.
Yamba	10	14	11	25	13	3	6	3	...	14	11	25	13	3	6	3	...	5	1	2	1	...	9	Aid granted.
Yarralomla	8	14	14	28	3	25	...	...	...	14	14	28	3	25	...	...	...	1	6	...	...	...	7	Aid granted.

APPENDIX F.

ATTENDANCE of Children at the Half-time Schools, as certified by the Local Boards, for the Quarter ending 31st December, 1878, or for the last Quarter of that year during which the Schools were in operation.

Name of School.	Number of Children on Rolls			Average weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Australian Farm	16	9	25	8·8	5·8	14·6	5 12 4	46 0 0	1 7 11	5 17 5	.....	58 17 8
Back Creek	8	3	11	6·3	2·6	8·9	3 3 0½	35 8 4	.....	5 0 0	.....	43 11 4½
Bamarang	9	10	19	7·0	6·0	13·0	5 11 3	42 16 3	.....	3 19 6	.....	52 7 0
Bar Point	1	11	12	0·9	9·9	10·8	5 4 7½	54 0 0	1 2 4	.....	4 16 3	65 3 2½
Bedellick	10	5	15	7·4	4·5	11·9	4 10 3	25 1 3	3 19 10	4 9 4	.....	38 0 8
Belmore	26	14	40	18·0	8·5	26·5	10 16 9	61 10 7	0 5 3	5 0 0	.....	77 12 7
Benvenue	7	4	11	5·9	3·9	9·8	5 6 7	42 0 0	.....	4 3 4	.....	51 9 11
Beri Creek	3	2	5	1·6	1·6	3·2	13 2 9	34 0 0	.....	4 3 4	.....	51 6 1
Bermagui	7	7	14	3·6	2·9	6·5	5 5 4	62 16 2	1 14 4	5 15 0	.....	75 10 10
Bimlow	13	5	18	7·5	3·4	10·9	0 8 0	21 0 0	.....	1 13 4	.....	23 1 4
Bombay	11	12	23	7·9	7·8	15·7	12 16 0	67 15 8	1 16 5	5 0 0	.....	87 8 1
Bombay, Little	11	6	17	7·9	4·1	12·0	10 5 6	67 15 9	1 16 4	5 0 0	.....	84 17 7
Boro, Lower	5	9	14	3·6	6·9	10·5	6 18 0	36 0 0	.....	5 0 0	.....	47 18 0
Boro, Upper	9	2	11	6·4	1·5	7·9	5 14 0	36 0 0	.....	5 0 0	.....	46 14 0
Broken Bridge	5	9	14	5·0	9·0	14·0	5 9 6	24 10 0	.....	2 10 0	.....	32 9 6
Bunnaby	8	9	17	6·6	6·5	13·1	4 10 4	39 3 10	.....	3 15 0	.....	47 9 2
Burra	6	4	10	2·8	2·5	5·3	4 11 8	56 17 9	2 1 11	4 3 4	.....	67 14 8
Carrarawell	10	7	17	5·6	4·9	10·5	3 19 11	42 16 3	.....	3 19 6	.....	50 15 8
Charleville	11	7	18	7·4	5·4	12·8	6 1 6	54 0 0	.....	5 0 0	.....	65 1 6
Charleyong	12	9	21	6·9	6·3	13·2	8 2 6	35 8 4	.....	5 0 0	.....	48 10 10
Chilcott Plains	10	5	15	6·1	4·5	10·6	14 1 10½	36 10 0	1 8 5	5 0 0	.....	57 0 3½
Clifton Hill	4	12	16	2·9	6·8	9·7	7 15 0	42 0 0	.....	1 13 4	.....	51 8 4
Colley Blue	13	5	18	8·5	5·0	13·5	6 10 9	16 9 8	3 9 8	2 19 1	.....	29 9 2
Colo, Upper	14	5	19	9·6	3·4	13·0	7 9 4½	66 6 7	1 9 10	5 0 0	.....	80 5 9½
Cookardinia	12	9	21	7·9	4·8	12·7	6 9 4	42 0 0	0 17 6	5 0 0	.....	54 6 10
Coolagolite	6	5	11	3·9	3·0	6·9	4 3 3	62 16 1	1 14 3	5 15 0	.....	74 8 7
Cootralantra	6	4	10	3·8	2·2	6·0	4 3 0	37 0 0	1 7 1	4 15 0	.....	47 5 1
Corang River	6	6	12	4·1	4·7	8·8	.....	54 0 0	0 14 2	5 0 0	.....	59 14 2
Cox's River	15	5	20	10·5	3·5	14·0	14 16 3	42 0 0	.....	6 0 0	.....	62 16 3
Cundle Flat	6	7	13	6·0	6·4	12·4	.....	14 13 7	.....	1 13 4	.....	16 6 11
Curran's Creek	8	14	22	5·3	10·7	16·0	8 1 0	60 0 0	2 11 6	5 0 0	.....	75 12 6
Curraweela	10	7	17	8·1	6·9	15·0	2 4 6	12 19 0	2 8 4	1 15 1	.....	19 6 11
Dennis Island	14	6	20	8·2	4·6	12·8	2 13 6	30 0 0	.....	2 9 2	.....	35 2 8
Dignam's Creek	4	12	16	2·5	9·2	11·7	4 6 9½	38 10 0	0 6 9	5 7 11	.....	48 11 5½
Durran Durrah	8	11	19	7·1	9·2	16·3	4 4 6	43 1 4	.....	5 0 0	.....	52 5 10
Essex Hill	18	11	29	12·6	7·0	19·6	6 18 3	61 10 7	0 5 3	5 0 0	.....	73 14 1
Farringdon	13	11	24	9·5	7·8	17·3	9 2 0	50 12 6	2 17 3	5 18 11	.....	68 10 8
Flyer's Creek	6	6	12	5·2	4·5	9·7	7 14 9	43 16 8	2 0 0	5 19 11	.....	59 11 4
Forrest Vale	13	10	23	7·4	7·3	14·7	2 0 0	15 0 0	.....	1 5 0	.....	18 5 0
Foxlowe	5	3	8	4·7	2·9	7·6	0 18 6	18 10 0	.....	1 5 0	.....	20 13 6
Ganbenang	15	12	27	10·0	5·9	15·9	15 14 4½	42 0 0	.....	6 0 0	.....	63 14 4½
Gejedzerick	13	10	23	7·4	7·2	14·6	9 16 4½	37 0 0	1 7 1	4 15 0	.....	52 18 5½
Ginnabrothers	3	5	8	1·5	2·5	4·0	0 13 6	6 0 0	.....	0 16 8	.....	7 10 2
Glenmore	7	13	20	4·6	9·9	14·5	3 3 6	42 0 0	1 12 3	5 0 0	.....	51 15 9
Grace Mount	9	10	19	6·8	8·5	15·3	6 15 8	39 3 10	.....	3 15 0	.....	49 14 6
Hanging Rock	7	12	19	4·1	8·5	12·6	3 10 4	34 10 0	2 7 5	5 0 0	.....	45 7 9
Harold's Cross	7	9	16	6·2	6·0	12·2	2 18 0	50 12 6	2 17 3	5 18 10	.....	62 6 7
Haverton Hill	11	9	20	5·7	6·0	11·7	9 4 9	43 16 8	2 0 0	5 19 11	.....	61 1 4
Hobby's Yards	6	6	12	3·8	3·9	7·7	1 4 10½	13 0 0	.....	.....	.....	14 4 10½
Hoskingtown	10	15	25	7·9	12·8	20·7	5 14 10½	52 12 1	.....	4 18 0	.....	63 4 11½
Huskisson, North	5	10	15	4·0	8·7	12·7	11 10 6	48 0 0	1 13 1	5 0 0	.....	66 3 7
Inglewood Forest	12	8	20	10·0	7·3	17·3	9 10 5½	47 18 0	.....	6 8 6	.....	63 16 11½
Island Flat	4	11	15	2·4	8·1	10·5	4 1 4	30 4 8	1 3 4	5 2 10	.....	40 12 2
Jier	14	17	31	8·5	10·0	18·5	6 7 6	25 1 3	3 19 10	4 9 4	.....	39 17 11
Jellat Jellat	8	12	20	3·8	8·1	11·9	10 6 6	65 10 0	1 3 6	5 10 0	.....	82 10 0
Jellore	9	4	13	6·9	3·6	10·5	8 19 0	46 10 0	1 1 2	5 19 9	.....	62 9 11
Jerrabatgulla	11	7	18	7·7	4·4	12·1	3 8 0	67 13 4	1 3 10	5 0 0	.....	77 5 2
Jinden	7	5	12	3·9	2·2	6·1	5 8 6	67 13 4	1 3 10	5 0 0	.....	79 5 8
Johnson's Creek	12	2	14	10·2	1·8	12·0	3 6 0	51 9 8	.....	2 19 7	.....	57 15 3
Junction Creek	3	4	7	2·5	3·8	6·3	3 7 9	45 18 0	0 12 0	1 16 3	.....	51 14 0
Landsdowne	9	6	15	6·6	3·7	10·3	4 4 8	34 10 0	2 7 5	5 0 0	.....	46 2 1
Larbert	14	5	19	9·3	4·4	13·7	12 3 6	67 14 0	0 11 7	5 0 0	.....	85 9 1
Larry's Point	7	5	12	5·7	4·4	10·1	2 17 0	21 0 0	0 8 5	2 10 0	.....	26 15 5
Limekilns	14	2	16	11·0	0·7	11·7	6 12 0	67 14 0	0 11 7	5 0 0	.....	79 17 7
Lionsville	5	8	13	4·6	7·3	11·9	13 18 3	39 0 0	0 13 5	5 0 0	.....	58 11 8
Lochiel	16	13	29	8·5	4·7	13·2	11 3 8	40 11 5	0 19 7	4 4 3	.....	56 18 11
Long Reach	7	5	12	6·3	3·7	10·0	2 12 0	24 10 0	.....	2 10 0	.....	29 12 0
Lost River	10	18	28	5·7	12·3	18·0	7 14 0	60 0 0	2 11 6	5 0 0	.....	75 5 6
Lowther	23	11	34	13·9	7·1	21·0	5 6 6	46 9 8	1 19 6	4 5 0	.....	58 0 8
M'Donald's Flat	4	8	12	3·2	7·2	10·4	5 1 8	56 17 8	2 1 10	4 3 4	.....	68 4 6
M'Lean River, Lower	10	10	20	6·4	7·1	13·5	7 6 9	61 10 0	0 11 11	6 1 0	.....	75 9 8
M'Lean River, Upper	4	8	12	3·5	4·8	8·3	3 6 3	61 10 0	0 11 11	6 1 0	.....	71 9 2
Malundi	9	6	15	5·8	3·5	9·3	2 6 6	21 0 0	.....	1 13 4	.....	24 19 10
Mandemar	12	8	20	8·5	7·0	15·5	11 10 0	46 10 0	1 1 3	5 19 9	.....	65 1 0
Merannie	8	12	20	4·0	7·5	11·5	8 15 3	60 0 0	0 16 4	5 0 0	.....	74 11 7
Morongla Creek	7	6	13	5·1	4·7	9·8	6 8 0	42 1 3	3 19 2	.....	.....	52 8 5
Morven	6	8	14	4·3	7·2	11·5	6 11 11	42 0 0	0 17 6	5 0 0	.....	54 9 5
Mulgoa Forest Mount	7	11	18	6·1	9·6	15·7	2 2 6	54 0 0	.....	5 0 0	.....	61 2 6
Mulloon	9	9	18	6·9	7·3	14·2	5 3 11¼	47 18 0	.....	6 8 6	.....	59 10 5½
Munni	6	8	14	4·3	5·8	10·1	1 16 11	42 0 0	1 12 3	5 0 0	.....	50 9 2

APPENDIX F—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Myalla	11	3	14	7·6	1·2	8·8	1 11 9	6 0 0	.....	0 16 8	.....	8 8 5
Native Home	14	10	24	9·3	7·2	16·5	7 14 6	56 0 0	.....	2 9 2	.....	66 3 8
Neila Creek	7	8	15	4·5	5·5	10·0	1 9 6	21 0 0	.....	.....	.....	22 9 6
New Bristol	10	9	19	6·5	6·0	12·5	5 1 6	48 0 0	1 13 1	5 0 0	.....	59 14 7
Nubrygyn	5	8	13	3·6	5·9	9·5	8 6 6	34 1 3	.....	4 3 4	.....	46 11 1
Off Flat	12	6	18	6·8	3·5	10·3	5 1 6	46 9 8	1 19 6	4 5 0	.....	57 15 8
Peat's Ferry	6	7	13	5·5	6·2	11·7	5 5 0	54 0 0	1 2 5	.....	4 16 3	65 3 8
Pelican Creek	6	8	14	2·7	4·5	7·2	1 10 0	12 0 0	.....	0 18 9	.....	14 8 9
Pipanpinga	3	6	9	2·8	5·4	8·2	0 17 0	14 13 6	.....	1 13 4	.....	17 3 10
Ravensworth	8	4	12	5·0	1·3	6·3	9 6 4¾	36 10 0	1 8 5	5 0 0	.....	52 4 9¾
Redbank	1	11	12	1·0	7·6	8·6	3 5 0	30 4 8	1 3 4	5 2 10	.....	39 15 10
Richlands	10	8	18	6·8	5·9	12·7	5 5 6	36 0 0	.....	5 0 0	.....	46 5 6
Rossi	3	11	14	0·7	7·3	8·0	3 19 9	35 2 2	.....	6 2 11	.....	45 4 10
Six-mile Flat	6	2	8	5·0	1·5	6·5	3 8 6	43 1 4	.....	5 0 0	.....	51 9 10
Snaphook	8	11	19	4·8	8·3	13·1	2 12 0	21 0 0	0 8 5	2 10 0	.....	26 10 5
Solferino	4	8	12	3·8	5·6	9·4	8 6 6	39 0 0	0 13 5	.....	5 0 0	52 19 11
Sparke's Creek	7	9	16	6·4	8·4	14·8	7 16 0	45 18 0	0 11 11	1 16 3	.....	56 2 2
Spring Ridge	11	8	19	7·7	5·1	12·8	5 12 0	16 9 7	3 9 7	2 19 0	.....	28 10 2
Stony Creek	9	11	20	7·3	8·7	16·0	16 18 9	54 5 9	.....	3 15 0	.....	74 19 6
Tanilbah	6	12	18	5·0	11·5	16·5	9 3 11	42 0 0	.....	4 3 4	.....	55 7 3
Tanmangaroo	9	8	17	5·1	3·9	9·0	6 1 8¼	44 16 9	.....	1 10 0	.....	52 8 5¼
Tarragandah	11	9	20	6·5	6·0	12·5	13 2 8	54 5 8	.....	3 15 0	.....	71 3 4
Tatham	5	4	9	3·1	3·2	6·3	1 15 0	12 0 0	.....	0 18 9	.....	14 13 9
Throsby Creek	6	9	15	4·3	4·4	8·7	6 10 7½	44 16 8	.....	1 10 0	.....	52 17 3½
Tilba Tilba	6	5	11	4·5	4·5	9·0	3 10 1	38 10 0	0 6 9	5 7 11	.....	47 14 9
Tomboye	7	2	9	6·5	1·8	8·3	3 2 6	54 0 0	0 14 3	5 0 0	.....	62 16 9
Toonulli	7	10	17	3·8	8·0	11·8	5 8 4½	42 0 0	.....	1 13 4	.....	49 1 8½
Ward's River	9	9	18	6·3	5·9	12·2	5 3 0	51 9 8	.....	2 19 7	.....	59 12 3
Warragubra	12	13	25	7·3	6·9	14·2	11 16 0	65 10 0	1 3 5	5 10 0	.....	83 19 5
Wheeney Creek	4	8	12	3·7	7·8	11·5	5 3 9	66 6 7	1 9 9	5 0 0	.....	78 0 1
Wiseman's Ferry	5	8	13	2·6	5·0	7·6	5 15 4	46 0 0	1 7 10	5 17 4	.....	59 0 6
Woodburn	9	14	23	4·4	9·7	14·1	7 14 4½	60 0 0	0 16 4	5 0 0	.....	73 10 8½
Wyndham	15	15	30	5·8	9·0	14·8	14 13 0	40 11 5	0 19 7	4 4 3	.....	60 8 3
Yelbraith	8	8	16	4·7	6·1	10·8	8 5 2	36 0 0	.....	5 0 0	.....	49 5 2
Yorkborough	4	8	12	3·8	6·7	10·5	1 11 0	12 19 0	2 8 5	1 15 2	.....	18 13 7

APPENDIX G.

APPLICATIONS for the Establishment of Half-time Schools, received during the year 1878.

Name of Place.	Distance of nearest School.	Number of Children residing in the locality within two miles of site.								Number of Children promised to attend.								Number of Parents or Guardians undertaking to send Children.						Council's decision.
		Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Others.	Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Others.	C.E.	R.C.	Pres.	Wes.	Others.	Total.	
	Miles.																							
Buckley's Crossing	12	7	1	8	..	10	..	..	..	8	2	10	..	10	..	..	..	..	4	..	..	..	4	Agreed to.
Bulgundra Creek		9	5	14	..	16	..	.	..	9	7	16	..	16	..	..	..	..	4	..	..	..	4	
Clarendon	5	6	7	13	11	..	2	..	..	15	10	25	11	11	3	..	..	6	3	2	..	..	11	Agreed to.
Wantabadgery		5	5	10	4	3	3	..	..	11	12	23	10	6	7	..	..	5	3	2	..	..	10	
Gumma Gumma	3	6	4	10	4	..	6	..	..	6	4	10	4	..	6	..	..	1	..	1	..	..	2	Declined.
Pilot Station (Macleay River.)		4	6	10	10	..	..	..	..	4	6	10	10	..	..	..	..	4	..	..	..	..	4	
Maryland	5	10	8	18	8	8	..	2	..	10	7	17	6	9	..	2	..	4	3	..	2	...	9	Agreed to.
Ruby Creek		11	5	16	10	6	..	..	..	11	5	16	10	6	..	..	..	3	1	..	..	..	4	
Taramia	7	9	7	16	13	3	..	..	..	9	9	18	13	3	2	..	..	5	1	1	..	..	7	Under consideration.
Collindina		8	4	12	12	..	..	..	..	7	6	13	13	..	..	..	..	2	..	..	..	..	2	
Tudor Valley	4	11	9	20	1	19	..	..	..	11	9	20	1	19	..	..	..	1	5	..	..	..	6	Agreed to.
Monga		5	10	15	4	2	9	..	..	5	10	15	4	2	9	..	..	2	1	2	..	..	5	

APPENDIX H.

APPENDIX H.

ALBURY DISTRICT.

INSPECTOR'S GENERAL REPORT on the condition of the Schools for the Year 1878.

I HAVE the honor to submit for the information of the Council of Education my Report on the condition of schools examined by me in the Albury District during the year 1878, and on the general prospects of primary education in that part of the Colony.

I took charge of the district on 21st February, and in the beginning of October was transferred to the Goulburn District. This will account for the large number of schools in the Albury District left unvisited.

At the beginning of the year there were seventy-five schools on my list. During the portion of the year referred to above, Provisional Schools were opened at Tumberumba (Upper), Wagrogabilly, Tumut Plains, Collengullie, Rowan, Wagra (Upper), Wilson, Yarragundry, and Oberne. Half-time Schools were established at Clarendon and Wantabadgery. The Public Schools at Euston and Wondalga, which had been closed for some time, were reopened. All the necessary arrangements were made for opening a much needed school at Conargo, but after the teacher had been appointed she declined taking charge, and the school lapsed for the present. An attempt to revive the school at Wandook failed through the want of a suitable teacher.

Preliminary steps were taken for the establishment of schools at Bombowlee, Ournie, Jingellic, Wyangle, and Perricoota. An application for a Provisional School at Mundarloo was declined; as also an application for a certificate for a Roman Catholic School at Gundagai.

The Provisional School at Windowie was converted into a Public School, and the Church of England School at Corowa lapsed. At the latter place a new Public School was built, and the building belonging to the Church of England was disused.

The Provisional Schools at Coree, Tarramia, and Huon were closed in consequence of small attendance. The Half-time Schools at Upper and Lower Tarcutta were closed for the same reason.

It will thus appear that, during the year or some portion of it, there were eighty-eight schools in operation in the Albury District. Of these, fifty-two were Public, twenty-seven Provisional, four Half-time, one Church of England, and four Roman Catholic Schools. The school at Corowa is put down as Church of England, because the new school was not opened at the time of inspection. Fifty-eight of these schools were fully inspected. The absolute increase in the number of schools was about 12 per cent. on the previous year.

Although this increase denotes considerable activity in the spread of education in Riverina, yet it is to my mind far from being satisfactory, because it is scarcely keeping pace with the growth of settlement. During the past two years there has been a great influx of population from Victoria to settle on the rich lands along the Murray, the Yanko, the Columbo, the Billabong, and the Edwards. We are gaining much in this way by the accession of a vigorous and enterprising population; but, for the first few years of their settlement, their attention is solely directed to subduing the wilds of the bush into homesteads, and the education of their children is for the time lost sight of. Parents console themselves with a vague hope that the State will, in time, bring the means of education within their reach; but unfortunately, in the meantime, a generation of children may outgrow the school age. From what I saw of this vast district, I estimate that twenty or thirty places still remain where schools, either Provisional or Half-time, might be established with great advantage. It is to be regretted that the Inspector's time is so fully occupied with travelling, examining, holding special inquiries, and reporting, that he has little time left to visit remote and neglected places, with a view to stimulate action towards the establishment of schools. It sometimes happens that just as an Inspector has returned from a remote corner of his district, an application for a new school comes in from that neighbourhood, and the final consideration by the Council must be delayed until the Inspector can revisit the locality months afterwards. This delay causes great dissatisfaction to the promoters; yet nothing can be done to prevent it, unless the Inspector takes a long and costly trip to deal with this one case, to the neglect of other duties equally pressing. For this mishap in point of time, it not infrequently happens that persons ignorant of the necessity of official inquiry lay the blame on the Council or its officers.

Discipline.—There are fair grounds, on the whole, for satisfaction regarding the moral aspect of the schools. Habits of order, attention, and decorum are the prevailing characteristics. Cleanliness is perhaps the most creditable feature in the discipline, and it is worthy of remark that in the country schools the pupils are clean and tidy to a degree that would scarcely be anticipated. Whilst I have reason to commend generally the discipline, I am yet of opinion that sensible improvement could be effected if more attention were given to drill. In very few of the schools is this matter taken up in any regular or sustained way. Teachers do not appear to realize sufficiently the great aid it is to the maintenance of discipline to have their pupils trained in the playground to habits of united and prompt action. If this is well done, there is little difficulty in securing that ready attention and concentrated thought in class teaching on which depends the success of lessons. Under the late more stringent instructions regarding drill, improvement in this matter may be expected.

In nearly all schools in the towns punctuality is reasonably good, and in some of the best there is nothing left to be wished for under this head. In rural schools punctuality is not nearly so satisfactory. In many places children keep coming in for fully an hour after the time set down for assembling.

Regularity still continues to be the weakest point in the discipline. Even in towns where schools are within easy reach of all, children may be seen during school hours loitering about in the highways without any apparent occupation. From observation, and from inquiries made, I am led to the conviction that very little over 40 per cent. of the total number of children in the district will be found in school on any given day.

Instruction :—I examined 1,704 pupils in reading; of these 56·6 per cent were marked as ranging from fair to good, and 43·4 per cent as from indifferent to tolerable. In some of the schools, I found that sufficient practice in reading was not given. In all cases I recommended that two reading lessons should be given each day to children in the first and second classes. The leading defects in this subject are a want of roundness and firmness of intonation. These defects can only be remedied by giving plenty of practice in reading and recitation, and by exemplar reading of the teacher.

Writing :—The results obtained in writing are creditable. In referring to my notes of the year's work, I find that 68 per cent. presented for examination passed as from fair to good. Throughout the Albury District, with rare exceptions, I found the copybooks clean and well kept, and the writing generally of a satisfactory character. The prevailing defects are want of boldness and uniformity. This is especially noticeable in the girls copybooks, in which, as a rule, the writing is too angular and scratchy. Attention is rarely paid to the character of the penmanship in dictation and home exercise. Want of attention to these produces uneven and slovenly penmanship. I feel it my duty to call attention to the badness of the pupils' figures when required to work their arithmetical tests on paper. In after-life, the habit of setting an account in neat and well arranged figures is very important. Working "sums" on paper, either in school or as home exercises, should be practised systematically in all classes above the second.

Arithmetic :—I regret that I have little to say in commendation of how this subject is dealt with in most schools, and that I am bound to report the general results of my examinations as unsatisfactory. Of the total number examined, only 28 per cent. passed as from fair to good, the remainder being marked as from indifferent to tolerable. A very large number of failures was noted in simple addition and subtraction.

subtraction. Even with children professedly learning proportion and practice, I found a great number inaccurate when required to add six lines of abstract numbers made up principally of sevens, eights, and nines. Had I interspersed a good sprinkling of the digits under six, the percentage of passes would have been much higher. The mental grasp of dealing with the higher digits seemed not to have been well cultivated. In the same way, a great number failed in subtraction, from not thoroughly understanding the use of the nought and the principle of our notation. In the course of the examinations, I have often been sorry to see the pained and disappointed expression on the faces of the advanced pupils, when they broke down on the tests in the simple rules. The chagrin of the teachers was not less evident, and usually found vent in the expression,—"Well, I can't make it out—they should have done that." The simple explanation is, that the difficulties had been evaded or cursorily passed over. Throughout the examinations, I tested the pupils on the whole of the back work, commencing at the simple rules and proceeding up to the point to which they had attained. In doing this, special stress was laid on the operations that come into play oftenest in every-day life, such as money calculations, avoirdupois weight, and square measure. Throughout the district I found very general inability to work questions on square measure. This ought to be remedied, as a knowledge of land measure is of great importance to a large portion of our population. From my observations during 1878 and in previous years, I am led to the conclusion that too little attention is given to the explanation of *principles* in arithmetic, and, consequently, the study is made too mechanical and loses a great deal of its intellectual worth. As in a measure accounting for the low results in this subject, I may state that the tests were fully up to the standard laid down by the Council, and that they were applied with unvarying strictness. My constant intention was to give the teachers a higher aim in dealing with this important subject.

Grammar.—In this subject 44·2 per cent. of the scholars examined passed as from fair to good, and the remaining 55·8 per cent. ranged from indifferent to tolerable. Most teachers overlook almost entirely one of the great advantages of the study of grammar,—the correct practical use of the language. Their scholars know, in theory, the correct use of words, yet fall into the most grievous errors in speech and writing. A boy of a third class would parse every word in the sentence, "Those books are mine," quite faultlessly, and yet on turning his back on the school-door will inform a comrade, "Them books belongs to me," a sentence which, most probably, he would laugh to scorn if put before him on a blackboard. To remedy this evil, I consider that much of the time now sacrificed to the thousandth repetition of definite articles and common nouns should be given to the correction of the ordinary colloquial errors.

In geography the results were rather low—much lower than might be expected, from the facilities now afforded for teaching the subject. Nearly every school in the district is well or fairly supplied with excellent maps, and there seems little excuse for the subject not being a popular one. The outline of the geography prescribed on the standard for each class is fairly well taught. Names and lengths of rivers and mountain chains, and the heights of peaks, are as a rule well known; but the names and uses of the circles drawn on the map, the zones, and the motions of the earth, are matters that are rarely touched upon. Five-and-twenty years ago too much importance was attached to the ability to point out places on the map, but I think we are now drifting to the other extreme. I have met with classes who could tell me in a chorus the heights to a foot of Mount Everest, Mont Blanc, Mount Kosciusko, and the Peak of Teneriffe, and who could not find on the map of their own country the towns of Sydney, Albury, Bathurst, Goulburn, &c. Similarly, for instance, questions on the heights of mountains and lengths of rivers in France and Spain will be answered promptly; but I venture to say that, if the pupils are questioned regarding the population, the chief cities, the climate, soil, and productions of these countries, they will reveal an amount of ignorance that would not be anticipated. I by no means wish to disparage the important part of geography now usually taken up in schools, but I wish to say a word in favour of equally important parts which there seems to be a tendency to neglect. The defects I have been pointing out do not call for any alteration in the approved standard; their remedy is simple, and lies entirely in the hands of the Inspectors. A little modification in the scope of the examinations will produce the desired effect. Everyone connected with the work of primary education knows that the teaching is largely influenced and moulded by the Inspector's examination. If a subject be neglected or slightly passed over by an Inspector, in all probability the teacher will not attach sufficient importance to it in preparing for the next examination. I should be glad to see portable globes more commonly used in the schools.

Object lessons have a place in the course of instruction in nearly all the schools. There is a great sameness in the subjects chosen and in the modes of questioning. In a very large number of schools you find the same lessons given in nearly the same words. It is to be desired that more originality be displayed in dealing with this subject. Having regard only to the lessons examined on, 55 per cent. passed as from fair to good. This result may be regarded as fairly satisfactory.

With regard to the other subjects, there is nothing calling for special remark. They are taught with varying success according to the attainments, intelligence, and enthusiasm of teachers. In seven schools the rudiments of Algebra, Geometry, and Latin are taught; but little substantial advancement has been made in these subjects, excepting at the Wagga Wagga Public School.

Classification.—In more than half the schools I found the classification entirely satisfactory, and the instruction carefully and judiciously regulated. In one-fourth of them these matters received passable attention, but in the remaining schools the instruction was so poorly regulated as to be almost valueless. These latter schools were conducted either by unclassified or untrained teachers. In one instance I discovered deliberate falsification of the records.

G. O'BYRNE,
Inspector.

Mittagong, 28th February, 1879.

ARMIDALE DISTRICT.

General Report for the Year 1878.

The number of schools open during the whole year or any portion thereof is as follows:—

Public Schools	40
Provisional	19
Half-time	2
Church of England	1
Roman Catholic	1
Total	63

Of these, 8 have been brought into operation within the year. Applications from 6 or 7 other localities are still awaiting the usual formalities of inquiry and report; but there is a reasonable probability that the result in each case will be favourable, in which event the total number of schools for the coming year, including those now either in process of erection or duly authorized, will be from 75 to 80. In many portions of the district settlement is progressing very rapidly; and, in consequence, a considerable annual addition to the schools already in existence may be anticipated for the next 10 or 12 years. At present every town and village of any importance has its school; and most of the agricultural and pastoral centres of population have theirs; but there are still a few places whose wants are not yet supplied. One hindrance to the more rapid establishment of schools, is the distance to be travelled by an Inspector before he can collect the necessary information, and judge from personal observation of the merits

merits of each case. It often happens that applications for new schools are received from one portion of the district when the Inspector is on duty a hundred or two hundred miles away in another direction; and, as urgent duties either of examining schools or of correspondence are almost constantly pressing, while the means of locomotion are slow and wearisome, it is obvious that such prompt attention cannot be given to these applications as the circumstances surrounding them might seem to require. Hence, they are often obliged to be deferred to more convenient opportunities, or reported upon from information privately obtained. Regarding the amount and distribution of the schools of this district, it may be said that in both respects they are fairly up to present requirements, and that the several applications not yet disposed of will be dealt with as soon as practicable.

Of the 63 schools stated to be in operation, 3 were opened during the last quarter of the year, and 1 at the commencement of the preceding quarter; these could not be examined on account of distance and want of time, and one was closed owing to the resignation of the teacher at the time of my visit. All the remaining schools (58 in number) were duly inspected and reported upon in Forms E and F, which, together with the prescribed "Summary," constitute what is designated a "General Inspection." The total number of pupils enrolled at the dates of inspection was 3,734, being an average of about 64 to each school; and the total number present at examination was 2,902, nearly 78 per cent. of the enrolment, and giving an average of 50 to each school.

Inquiries respecting permanent absentees are in some cases impracticable, owing to the existence of other schools—in some very difficult—and in almost all, not thoroughly reliable. Different persons in the same locality give different estimates of the numbers, and a stranger has no opportunity of verifying them without considerable loss of time. Taking those given for each school district, there appears to be a total of 428 children receiving no instruction,—a number very considerable in the aggregate, and amounting to about 10 per cent. of the entire estimated school population. Some of these had only just settled in the several places, some were there only a short time, and some were detained at home for work of various kinds. In some localities, and notably at Blackville, Brodie's Plains, Walcha, and Vegetable Creek, the accommodation is inadequate, owing, as far as I am aware, in the cases of the first and second, to the fact that the respective sites had not been conveyed to the Council, in those of the third and fourth to the want of proper representation on the part of the Boards concerned. Hence, a greater number of children could not be received with safety to health and general convenience; so that, allowing for this defect, with the other considerations referred to, the absolute number of children permanently absent and wholly uncared for is probably small. There are 16 localities where no children of school age are known to be absent; 23 in which the number in each case is under 10; 11 in which it is under 20; 7 from 20 to 30; and in one place 40 are supposed to be absent, but in this accommodation and appliances are very defective.

With regard to the material condition of the schools inspected, the average estimate may be set down as nearly fair, about half the number being fair to good and upwards, the remainder from tolerable to bad. The majority are reasonably well furnished and provided with all essential requisites, and effectively organized. In the matter of discipline their prevailing character is satisfactory, the pupils being, in general, very regularly and carefully drilled, and evincing, for the most part, commendable rectitude of conduct and habits.

The value of the instruction given may be estimated with reasonable accuracy, from the fact that 21 schools are above the standard, 32 up to it, and only 5 below it. These results serve to show that the subjects are, as a whole, imparted with intelligence and skill, perseverance and effect; and that primary education, as far as the teachers are responsible, is beneficially received by the children, and appreciated by the generality of parents.

To speak more in detail, at least of the principal subjects, it may be said that the reading of three-fourths of the pupils examined is from fair to good, and upwards; the writing, as regards penmanship, generally satisfactory; but facility in the art of composition, small. In arithmetic there is comparatively little advance beyond the simple rules; but in these fair knowledge is manifested. In elementary grammar and geography, fair progress is evident; but in the advanced portions, especially of the former subject, the proficiency evinced is not satisfactory. In almost all there is evidence of reasonable progress having been made; and this fact affords fair grounds from which to expect a higher, more general, and more accurate knowledge in the future.

In conclusion, it may be asserted that the schools of the district are working with, for the most part, fair and satisfactory efficiency; and that the teachers, as a body, are competent and painstaking, respectable members of society, and popular in their respective fields of labour.

Full statistical information, illustrating the proficiency of the pupils in the several classes of schools and as a whole, have been already forwarded.

WM. DWYER, Inspector.

BATHURST DISTRICT.

INSPECTOR'S GENERAL REPORT on the condition of Schools inspected during the year 1878.

THE schools that have been in operation in this district during the year under report, number *one hundred and twenty-seven*, viz.:—

Public Schools	76
Provisional Schools	27
Half-time Schools	14
C. E. Schools	3
R. C. Schools	7
Total	127

Of these, *seven* are new Public Schools, viz., Borenore, Coffey Hill, Grantham, Newbridge, Nyrang, Spring Hill, and Spring Mount.

One—Orange Public, Girls—is a newly-formed department.

Caloola, Mandurama, and Walang, which were Provisional Schools, have been converted into Public ones.

The Public School at Dennis Island, and the Provisional one at Native Home, were converted into Half-time Schools, pending the erection of the central school at Grantham. *Eight* additional Provisional schools have been formed; but through the closing of others of the kind, the actual increase is but *one*.

Handsome and spacious premises have been completed at Bathurst.

Substantial school-houses have been erected at Borenore, Caloola, Cargo, Canobolas, Fish River Creek, Grantham, Lucknow, Mount Victoria, Rockley, Spring Hill, and Yarra; and contracts have been accepted by the Council for school premises at Benerce, Brown's Creek, Canowindra, Cow Flat, Eskbank, Hartley Vale, King's Plains, Mount Tarana, Mimosa Dell, Newbridge, Trunkey, and Wheatfields.

The claims of the following places are under consideration:—Blayney, Box Ridge, Mount Macquarie, Milltown, Nyrang, and Orange. Delays in connection with sites still interfere with the school interests of Bowan, Brolgar, Mandurama, Spring Mount, Sofala, Walang, Meranburn, Marangulla, Waugoola, and Wood's Flat.

Applications have been received for schools at Jocelyn near Oberon, and Nangar near Eugowra in both instances Public ones), and aid has been promised to Provisional Schools at Carawa, Mulyan, Slippery Creek, Thorpe's Pinch, Wallaroo, and The Wolgan.

INSPECTION.

Ninety-six schools were fully inspected during the year. Pressure of clerical and special duties vented visitation to *thirty-one* schools, viz.:—*Eleven* Public, *fourteen* Provisional, and *six* Half-time Schools.

When it is stated that the schools that already call for inspection during 1879 reach *one hundred and thirty-seven*, it will readily be understood that it is work that cannot be covered by one officer.

The majority of the schools of the district are what is termed three-classed. *Twenty-five* have but two classes; the following schools have a *fourth* class, as the highest:—Bathurst Public (Boys'); Bathurst Public (Girls'); Bathurst C.E.; Bathurst R.C. (Girls'); Cooerwull, Public; Forbes, Public; Orange Public; Orange R.C. (Boys'); and Parkes, Public.

The comparative position of the schools—in relation to the Council's standard—examined during the past and the two previous years, is exhibited in the following table:—

Year.	Above the Standard.	Up to the Standard.	Below the Standard.
1876	6	53	39
1877	11	46	43
1878	8	50	38

This mode of showing the average efficiency of schools has been usually followed, but as the number of classes in the schools vary, and consequently differing ranges of instruction are taken, a clearer conception of the state of the schools inspected during the year may be gathered from the following:—

Schools having *four* classes:—

I.—Attainments high as regards the standard:—Bathurst Public (Boys'); Bathurst Public (Girls'); Bathurst C. E., Primary; Bathurst R. C. (Girls'); Orange R. C. (Boys').

II.—Fairly meeting standard requirements:—Cooerwull, Public; Forbes, Public; Orange Public, Primary; Parkes, Public.

Schools having *three* classes:—

I.—Attainments high as regards the standard:—Bathurst R. C. (Infants'); Esk Bank, Public; Vittoria, Provisional.

II.—Fairly meeting standard requirements:—Bathurst, Public (Infants'); Blaney, Public; Bowenfels, Public; Brown's Creek, Public; Burkeville, Public; Cadia, Public; Carcoar, Public; Condobolin, Public; Cowra, Public; Eglinton, Public; Hartley, Public; Kelso, Public; March, Public; Mitchell's Creek, Public; Moorialda, Public; Mount Tarana, Public; O'Connell, Public; Orange, Public (Infants'); Peel, Public; Perth, Public; Rydal, Public; Spring Grove, Public; Spring Hill, Public; Trunkey, Public; Wallerawang, Public; Budgerabong, Provisional; Dark Corner, Provisional; Norton, Provisional; Shaw, Provisional; Kanimbla, Half-time; Morongla, Half-time; Bathurst C. E. (Infants'); Bathurst R. C. (Boys'); Orange R. C. (Girls'); Orange R. C. (Infants'); Sofala C. E.

III.—Below standard requirements:—Bloom Hill, Public; Borenore, Public; Cargo, Public; Carangarra, Public; Evans' Plains, Public; The Forest, Public; Gosling Creek, Public; Grahamstown, Public; Hartley Vale, Public; Icely, Public; Kirkconnell, Public; Lucknow, Public; Macquarie Plains, Public; Millburn Creek, Public; Mount Macquarie, Public; Mount Victoria, Public; Mutton's Falls, Public; Oberon, Public; Raglan, Public; Spring Mount, Public; Walang, Public; Box Ridge, Provisional; Duckmaloi, Provisional; Goolagong, Provisional.

Schools having two classes only:—

I.—Attainments high as regards the standard:—Newbridge, Public.

II.—Fairly meeting standard requirements:—Canowindra, Public; Fish River Creek, Public; German Hill, Public; Mandurama Ponds, Provisional; Ganbenang, Half-time; Haverton Hill, Half-time; Flyer's Creek, Half-time.

III.—Below standard requirements:—Canobolas, Public; Cudal, Public; Mandurama, Public; Meadow Flat, Public; White Rock, Public; Back Creek, Provisional; Campbell's River, Provisional; Emu Valley, Provisional; Lewis' Ponds, Provisional; Macquarie Plains, Provisional; Malmsbury, Provisional; Toogong, Provisional; Cullen Bullen, Half-time; Forest Vale, Half-time.

SUMMARY.

I.—Schools having *four* classes:—

High in relation to the Standard.	Fairly meeting the Standard.	Below Standard.
5	4	—

II.—Schools having *three* classes:—

High in relation to the Standard.	Fairly meeting the Standard.	Below Standard.
3	35	24

III.—Schools having *two* classes only:—

High in relation to the Standard.	Fairly meeting the Standard.	Below Standard.
1	7	14

The enrolments, gathered from the records of the schools at the times of inspection, amount in the aggregate to 5,536 pupils. If to this number the enrolments for the year in the 31 uninspected schools be added, viz., 1,121, a gross enrolment of 6,657 is obtained.

This

This number is approximately verified by the totals given in the quarterly returns that have been received from the teachers, *e.g.*,—

March quarter	6,163
June „	6,478
September quarter	6,701
December „	6,871
Average quarterly enrolment	6,554 nearly.

Of the 5,536 children enrolled in the inspected schools, 4,174, or nearly four-fifths of the said enrolment, presented themselves for examination.

First, or lowest, class tests were applied to 1,805 pupils; 1,538 were subjected to *second* class standards; 661, to *third* class; and the remaining 150 were examined in the *fourth*, or highest, standards.

From the foregoing it will be perceived that four-fifths of the children examined have not progressed beyond a second class. This apparently unsatisfactory state of things may, to a large extent, be explained by the fact that but few of the children remain at school after they are *ten years* of age, and of the number who are not removed from school at so early a period of life many attend with marked irregularity; but it may be that, in part, the low status is due in many schools to negligent and unskilful instruction. Of this, however, I do not trust myself to offer a decided opinion, as through the unavoidable infrequency of inspection, I have very insufficient opportunities of testing the *inner* life and practical working of the schools that are placed under my control.

Instruction.

Reading.—In a mechanical sense, the children are fairly proficient in this branch of instruction, but the *educative* opportunities which such a subject affords are sadly neglected by most teachers. In the schools having a *fourth* class, something like a good and intelligent style of reading obtains. In *elementary* reading, I am in a position to cite a noteworthy exception to the monotony one is fated to endure in the majority of schools—I allude to the Vittoria Provisional School.

Spelling (oral and from dictation).—As stated on previous occasions, this subject is the most unsatisfactory feature in the schools of the district, and the teachers generally appear to have neither *inventiveness* nor *tact* in the mastery of this grave defect.

Writing is well taught.

Arithmetic.—Of the 224 examined in the higher rules (all beyond the simple and compound rules), 49 passed well, 65 succeeded fairly, but the remaining 102 were below the requirements. In the compound rules 582 were examined, and of these 25 were found good, 272 fair, 114 tolerable, and 171 very indifferent. The remaining 3,368 were in the lower rules; and of these 178 were good, 849 fair, 735 tolerable, and 2,606 very indifferent. Estimating the proficiency in all the rules of arithmetic that have been taught, 2,436 children failed to make a fair approach to standard requirements.

In *Grammar*, 2,076 pupils were tested, and 624 were found to satisfy the standards.

Geography.—In this subject, of the 2,236 examined, 1,674 gained good and fair marks.

Scripture and Object Lessons.—These subjects are satisfactorily taught.

Special Subjects.

	High in relation to Standard.	Fairly approaching Standard.	Below requirements.
Euclid (1st Book)	33	22	41
Algebra (Elementary).....	25	12	13
Mensuration (Elementary).....	...	25	...
Latin (Elementary)	...	25	...

My opinion, as expressed in the Report for 1877, respecting assigning proficiency marks for such subjects as Object Lessons, Drawing, and Singing, is unaltered. Unless some specialinterferences with the continuous conduct of a school have occurred, it is discreditable to a teacher if his school fails to gain the mark "fair" for the *essential* branches of instruction; that is to say, it is not unreasonable to expect that 60 per cent. of the pupils should make a fair approach to the requirements of the standards in reading, writing, and arithmetic.

Local Supervision by the School Boards.—The following Boards, having the supervision of *fourteen* schools, or departments, deserve favourable notice, forming as they do a pleasing contrast to the general neglect on the part of other school managers:—Bathurst, Public; Carcoar, Public; Forbes, Public; Bathurst, C.E.; Bathurst, R.C.; and Orange, R.C.

Respecting *seventy* schools, it has to be stated that in no instance have the members of the Boards visited, neither have business meetings been held. In many other cases the interest manifested by the Boards is but of nominal character. The only useful purpose that is served by the majority of School Boards is the signing the Teachers' returns; useful as a means of expediting the Accountant's work in the Council's office, but in no other sense, as it is doubtful whether those who sign these documents trouble themselves to become acquainted with the nature of the papers presented to them, and most certainly it would be difficult to find a Board member who attempts to verify the correctness of what he is about to sign by any reference to the school records. The pleas generally advanced respecting the non-visitation of schools and the neglect in relation to Board meetings are,—"There is no business to transact," that "Members will not attend in sufficient numbers to constitute quorums," or that, "Business prevents visits to the school." A result of this state of things is, that so long as a teacher is fortunate enough not to displease the members of his Board, the Council is left to assume that school matters are in a healthy state. If, however, he comes to cross-purposes with any member of his Board, assertions respecting his inefficiency or delinquencies are transmitted to the Council, and, as a consequence the Inspector has to leave his regular work, in perhaps some distant part of his district, and hasten to hold the invoked inquiry. Not infrequently the Inspector finds nothing more tangible to deal with than that Mr. So-and-so had informed a member of the Board had done something wrong, but declines to place the charge in writing, or to appear at a meeting for special investigation, lest the teacher's wife and family should suffer. If members of School Boards did not ignore the duties they have (by allowing themselves to be gazetted as school guardians) undertaken to perform, wrong-doings would be prevented, or at any rate reliable assistance could be given to an officer who has to conduct an investigation.

Teachers.—The schools are under the charge of persons holding the following classification grades:—

Probationers.	III C.	III B.	III A.	II B.	II A.
48		19	22	15	2

Thirty of the forty-eight unclassified teachers have the charge of Provisional and Half-time Schools.

Twelve schools have the assistance of pupil-teachers.

So far as I am in a position to judge, I have no hesitation in stating that the teachers, as a body, appear to have conducted their schools honestly and with fair skill, but it is to be regretted that so few who by length of service may be said to belong to the district, qualify themselves for the higher certificates. They are the losers through this apathetic state of things, as whenever I am requested by the Council to nominate a teacher for an important school, I am compelled to state in reply that I know of no eligible person to recommend.

The pupil-teachers, who now number *nineteen*, are giving good promise of future usefulness.

J. W. ALLPASS,
Inspector of Schools, Bathurst District.

BRAIDWOOD DISTRICT.

INSPECTOR'S GENERAL REPORT for the year 1878.

I.—MEANS OF EDUCATION.

THIS inspectoral district occupies the south-eastern corner of the Colony, and includes the whole of the coast from the Clyde River southwards, and the Braidwood, Monaro, Kiandra, and Snowy River Districts. Owing to its remoteness, its general physical ruggedness, and the great diversity of its climate, soil, and natural resources, its population is scattered, and the schools are consequently widely separated, and comprise a very large proportion of Half-time and Provisional Schools. From the subjoined table of schools in existence during the year, it will be seen that more than half (51 out of 94), are small schools:—

Public Schools	34
Provisional Schools	19
Half-time Schools	32
Denominational Schools	9
Total	94

The precariousness of the existence of these small schools is certainly not increasing, and, as a rule, when one does fall through, another is likely to be brought into existence not far from it, and the original school itself not infrequently springs into new existence after a time. Even these changes are not characteristic of most places, but of gold diggings and sheep localities, where the population is more or less migratory. The great majority of such schools are permanent and useful institutions, and the total number tends to increase. Thus, though three small schools closed during the year, the loss has been more than compensated by the establishment of four others, viz.:—

Bibbenluke,	Provisional.	Gilliford,	Provisional.
Brogo,	"	Tanja,	"

besides which, the Council has agreed to establish Provisional Schools at Numbugga, Holt's Flat, Wallendibby, and Hemsby; and Half-time Schools at Buckley's Crossing and Bulgundra Creek, and Monga and Tudor Valley, when the residents provide and furnish suitable buildings. Applications have also recently been received from Cobobbora, Velt's Creek, and Brushy Hill. Of the educationally destitute places, the greater number, if not all, must be supplied by small schools. Nithsdale, Jinglemoney, The Jingeras, Corrowong, Wogonga, and some places on Monaro may be cited as instances. These circumstances go to show that schools too small for Public Schools according to the present Act perform a highly important part in our educational system, and must receive a constantly increasing amount of attention if educational wants are to be efficiently met. At present the assistance afforded to them by the State consists, except in one or two isolated cases, of payment of the teacher's salary and a yearly grant of school materials.

Most of the educationally destitute places have no schools, simply because the people have not applied for them. Sheer neglect is, however, not the only cause of the non-existence of necessary schools. In one case application was made for Half-time Schools, both parties interested having agreed as to sites. On receipt of a favourable reply from the Council, one party set to work and put up and furnished a neat and substantial schoolhouse in accordance with the requirements usual in such cases; but the other party commenced to differ as to where their schoolhouse ought to be erected, and differed so vigorously that there is now no hope of their agreeing. Months have passed, but no further progress has been made.

Turning now to the more thickly-populated parts, it may be said, speaking generally, that these are pretty adequately provided for; indeed some of them are over-supplied. There is not a town in the district the educational wants of which could not, having regard solely to considerations of efficiency and economy, be best met by one well-organized school; yet Braidwood, Araluen, Moruya, Bega, Cooma, and even Jembaicumbene, have two schools each. Educational agency has been economized by the closing of the C.E. School at Braidwood, but nothing else in this direction has been done.

Twenty-four (24) out of the thirty-four (34) Public School buildings are vested in the Council, and are in most cases substantial and commodious structures. Some of them are decided ornaments to the localities in which they are placed. It is to be regretted that this can be said of only three of the most important towns of the district, viz., Bombala, Cooma, and Araluen. At Braidwood and Bega the buildings are insignificant in comparison with the general importance of the towns and with the principal buildings, and are in inconspicuous places. At Moruya good buildings are in course of erection on an excellent site. In the smaller townships the school buildings generally form a striking feature, and have in some cases been taken as models from which to build residences. The beauty and attractiveness of the premises have, in one or two cases, been considerably enhanced by the attention bestowed by the teachers and Local Boards on the formation of gardens and the planting of trees on the ground. Tenders have been called for erecting proper vested buildings in the place of two of the ten non-vested buildings, and similar action will in all probability be taken with regard to four others as soon as the sites applied for to the Government are secured. Of the remaining four, two are on declining gold fields, where the permanency of the population is doubtful, and two are in localities where all the land is private property, and where, consequently, there is difficulty in getting a suitable site.

Four out of the eight existing Denominational Schools are held in churches. Two of them (Moruya, C. E., and Reidsdale, R. C.) are decidedly unsuitable in their present condition. The other schoolhouses are fairly suitable. Speaking generally of this class of schools, it is to be reported that the external appointments are poor, and the teachers' accommodation and comfort are not sufficiently studied.

II.—ENROLMENT—ATTENDANCE.

The number of children actually belonging to the schools may be roughly set down at about 3,700, of whom about 2,500 attend with ordinary regularity. The exact relation which these numbers bear to the whole school population cannot be estimated, inasmuch as I have no means of ascertaining the school population. It is beyond all doubt, however, that large numbers of children are, without any sufficient reason, deprived of the advantages of available education; and large numbers of others have no means of education within their reach. Amongst the latter are included many whose parents are anxious to educate

educate their children, but cannot get a school established because of the apathy or bad feeling of those whose co-operation is indispensable to the end desired. If the education authorities could, without waiting for local initiative, establish necessary schools, and if neglectful or vicious parents could be compelled to give to their children the advantages of available means of education, the enrolment and attendance could be increased by at least one-fourth of what it is.

III.—Inspection—Condition of Schools inspected.

Three (3) out of the 94 schools collapsed early in the year, before I had an opportunity of visiting them. The remaining 91 were fully inspected, and many of them were also incidentally visited.

a. Organization.

The best framework for the internal organization of schools is pretty clearly set forth in the documents furnished to the teachers by the Council—the Regulations, the Standard of Proficiency, and the printed directions attached to the records and forms. In most cases the required details are intelligently filled in, and the principles upon which the outline is constructed are understood and followed out. There are some exceptions, but they are nearly all in schools under teachers who have had neither experience nor training in the Council's service, and who commenced their schools as private schools. The records are, as a rule, properly kept, though not in all cases with the necessary completeness. The same defect has been observed in connection with the returns, though it has declined during the year.

b. Discipline.

As regards the obedience and general demeanour of the pupils, little is left to be desired. Order too is a very fairly satisfactory feature in most of the schools. But few instances of unpunctuality or of want of cleanliness came under my notice, but as intimations of the inspections were sent beforehand, it may be presumed that the schools were seen under exceptionally favourable circumstances in respect of these features. The government is generally mild, vigilant, and effective. The chief general defects in connection with the discipline are the want of a comprehensive school drill and of thorough playground supervision. The latter should be held to include something more than merely the overlooking of the children, with a view to preventing what is objectionable in conduct or language. The playground has a *positive* function, and this function it should be made to discharge. By joining in and directing the sports of the children, the teachers could do a great deal to promote cheerfulness, harmony, mutual respect, and healthy rivalry, and to develop the characters of the children in a proper direction. This, it is to be regretted, is seldom done; and, as a consequence, instead of genuine, hearty, good-humoured play during the time for recreation, there is to be observed a tame, desultory, and fitful spinning out of the time. To make the playground more attractive than the street does not appear to have struck the minds of many connected with schools, yet there is little doubt that such a course would prove the means of checking some of the objectionable tendencies to which our youth are exposed in almost every town and village in the country. Indeed, the question of throwing open the playgrounds to the children before and after school hours appears to me to be one well worthy of consideration.

In respect of discipline as a whole,—

18	of the schools are	good	}	Average, 6 3, or fair +.
26	„	„ very fair		
26	„	„ fair		
15	„	„ tolerable		
2	„	„ moderate		
4	„	„ indifferent to bad		

c. Instruction.

The prescribed course of instruction for ordinary schools is carried out in its integrity in only 16 out of 34 Public Schools, 2 out of 18 Provisional Schools, 2 out of 30 Half-time Schools, and 1 out of 9 Denominational Schools inspected. The subjects omitted in the other schools comprise singing, drawing, needlework, and scripture lessons—singing and drawing, because of the teachers' want of acquaintance with them; needlework in cases where the teachers are unmarried men, and in a few instances because the parents will not send work by their daughters; and scripture lessons sometimes because the pupils are not sufficiently advanced to read them, and sometimes because the parents object to them. The omission of needlework and scripture lessons in the above cases cannot well be remedied, but much could be effected in respect of singing and drawing were the teachers to devote systematic and determined attention to the matter. Some even who have passed through the Council's Training School are at fault in this respect.

Reading, writing, and arithmetic receive a full share of attention in all the schools; and grammar geography, and object lessons in all, except one or two recently established.

In eight (8) of the larger schools fourth classes have been formed, and extra subjects are taught, geometry in eight (8); algebra in six (6); and mensuration in one (1). On the other hand, deficiencies in the range as well as in the course of instruction are to be noted. This arises in the main from causes beyond the control of the teachers. In many schools the pupils are not left long enough to advance beyond the elementary stage in such subjects as arithmetic, grammar, composition, and geography. They are withdrawn when they can read with tolerable fluency, write so as to be understood, and cast up ordinary accounts. Here and there pupils considerably beyond the ordinary school age are met with, but they are of those whose education was neglected in their early years, and are sent to school for a time during their adolescence in the hope of gaining that which is found to have become indispensable to enable them to compete in the race of life with some chance of success.

Reading is fairly well taught in respect of enunciation and fluency, but the lessons are not, to a satisfactory extent, made vehicles of adding to the pupils' stock of information, of increasing their vocabulary and powers of expression, and of strengthening their memory. The explanation of the subject matter of the lessons, the derivation, meaning, and relationship of the words, the various forms of structure and expression, the mental grasping of the facts and general scope of the lessons, and the committing to memory of special passages, have not received that attention which their importance demands.

Writing is, on the whole, pretty well taught, the number of pupils falling below the mark *fair* bearing a small proportion to the whole.

Arithmetic.—The compound and higher rules are better taught than the simple rules. In the latter, which require accuracy and rapidity, a considerable majority of the pupils fall below the mark *fair*. In the compound and higher rules greater attention should be given to explanation of principles and processes, and the pupils should be better trained to extract the true data of a question, no matter in what form or phraseology presented, or with what extraneous matter surrounded. In the simple rules the chief desideratum is systematic rapid mental exercises in the tables, and in working out questions on the blackboard.

In *Grammar* there is a common tendency to proceed deductively instead of inductively, compelling pupils first to commit to memory a certain formal statement (a definition or a rule of syntax), and then apply it to individual cases, instead of with a selected number of individuals, leading the pupils to successively observe, compare, differentiate, generalize, or classify, and then to construct for themselves distinctive or characteristic descriptions, finally giving them, when they have been made to feel the necessity for them, technical terms or formulæ. Much good might also be effected incidentally in the way of grammatical instruction. By entering into conversation with their pupils, by correcting errors whenever made, and by invariably setting before the pupils an example of simple, correct, and terse speech,

speech, teachers could do much to improve the vernacular, and to enlarge their pupils' command of language. Without this, formal instruction in composition will be of little service. There is plenty of room for improvement in the direction indicated, for it cannot be said that the language of the older children is commonly either correct or expressive. The pronunciation is as a rule pretty good, but the number of words made use of is very limited, and syntactical errors are of frequent occurrence—*e.g.*, "them" is used as an adjective; transitive and corresponding intransitive verbs are used indifferently, as "lay" and "lie," "raise" and "rise," "fell" and "fall," "set" and "sit;" the verb is not made to agree with its nominative, and several vulgarisms are to be heard in every playground. Owing to unfavourable examples and influences extraneous to the school, these defects will not be remedied for a long time, if ever; but the task should undoubtedly be undertaken at the schools and by the teachers. The number of pupils who are able to parse well, to divide a sentence into its parts and tell their relationship, and to describe and exemplify the accidence of the language, bears a very respectable proportion to the whole. They require greater freedom and proficiency in the application and use of a weapon of which they have a hold, and with the nature and structure of which they are gradually becoming reasonably familiar.

In the oral branches—*Geography* and *Object Lessons*—the pupils show themselves fairly proficient in the lessons given. The main defects in connection with these subjects are that the matter of the instruction is not, in many cases, sufficiently full and varied, and that the teaching is too literal. Mere relation or telling things is adopted, and the facts are fixed in the pupils' minds by dint of sheer reiteration and recapitulation. Illustration, both pictorial and concrete, should be much more freely resorted to.

In only sixteen (16) schools is *Singing* taught, and in most of those only by ear. Its place in the management of a school does not appear to be understood. The salutary and cheering effect of a song on marching into school, as a relief to severer exercises, or at dismissal, would not seem to be realized in most of the schools. Yet it is not too much to say that the proper ideal of an efficient school is not reached until this feature characterizes it, and until the pupils before quitting it are able to sing at sight their part in an easy song.

Drawing is attended to with reasonably satisfactory results in 24 schools. Map-drawing should receive more attention in the large schools.

Taking the whole results of the instruction,—

1	school	averaged good	}
8	schools	„ very fair	}
39	„	„ fair	} Average, 5·3, tolerable +.
29	„	„ tolerable	}
10	„	„ moderate	}
4	„	„ indifferent to bad	}

This mark is a full grade below that obtained for discipline. It is not, however, to be inferred that the pupils are more easily governed than taught, or that the teachers are better disciplinarians than instructors. The difference arises from irregularity of attendance, which, while seriously interfering with both, affects instruction more than discipline.

d. General Efficiency.

The general efficiency takes cognizance of the internal organization, the discipline, and the instruction, and is a measure, excepting under unusual circumstances, of the management as a whole. In respect of general efficiency—

2	schools	reached good		"Above the standard," 2.
18	„	„ very fair	}	"Up to the standard," 56.
38	„	„ fair	}	
20	„	„ tolerable	}	"Below the standard," 33.
9	„	„ moderate	}	
4	„	„ indifferent to bad	}	

Average, tolerable to fair, 5·7.

The mark has been reduced by two or three schools that were established under temporary arrangements pending my visit.

IV.—Teachers.

The supply of teachers is fully equal to the demand; indeed so many persons apply for preliminary training for small schools that the competition becomes pretty keen, and persons of really satisfactory qualifications are obtained. It is still to a considerable extent true that "the surroundings of some of these small schools are so utterly forlorn, and the ordinary necessaries of life such even as wholesome meat and bread so impossible to obtain, that few teachers are willing to remain in them for any length of time." They do not, however, as a rule, leave them until they have earned promotion or gained admission to the Council's Training Institution, and then their places are filled by others bent on the same career. Nearly all such persons are females. Very few men seek admission to the service otherwise than through the Council's Training School, except one or two, generally old men, who have spent some time as private tutors; and these but rarely do well. There are one or two instances in which the qualifications and energy of the teacher are incommensurate with the importance and requirements of his school, but speaking of the teachers as a body it may be said that they are dutiful and competent. Most of them are conscious of the importance of their positions, and many view their responsibilities from a high and dignified stand-point, and are labouring sedulously for the credit and elevation of their profession and for the general good. They gratefully appreciate what the Council has done to improve their circumstances, and not a few of them, while believing that they fairly earned and deserved such consideration, recognise the incumbency thus imposed upon them not to flag in their labours, but to work with the full energies of both heart and brain.

V.—Local Supervision.

Notice of the inspections was sent to the Local Boards. In most cases the members availed themselves of the opportunity thus afforded them of gaining information as to what they could do for the schools, and of promptly taking the necessary action in respect of pressing material requirements. Beyond this, little has been done in the way of local supervision.

VI.—Summary Prospects.

The district is very fairly supplied with schools, and there is every prospect of the total number gradually increasing. The destitute places are those where necessary schools are not likely to be established as long as the initiative devolves on the residents. There is a very considerable number of children of school age within reach of existing schools who are not sent to school, and whose education is not provided for in any other way. Small schools are so numerous and are doing such an important work that the question of according to them the organic advantages now almost solely reserved for "Public" schools, is forcing itself into prominence. The condition of the schools as a whole, in point of efficiency, is fairly satisfactory.

In view of the facts that the teachers generally are competent for their positions and anxious to do well, and that the circumstances of the District are favourable to thorough and regular inspection of the schools, steady progress in existing schools may safely be expected.

Inspector's Office, Braidwood,
31st December, 1878.

D. L. HICKS,
Inspector, Braidwood District.

CAMDEN DISTRICT.

INSPECTOR'S General Report upon Schools inspected in 1878.

THE Camden School District is of large extent, the limits of which may be inferred from the following nine circuits into which it has been divided according to the topographical positions of the schools: Shoalhaven, Kiama, Dapto, Wollongong, Campbelltown, Picton, Camden, Burrogorang, and Home, which last includes schools within 15 miles from Sydney. It is amply provided with schools, most of which are judiciously distributed among the population. In a few places, however, they are somewhat too near each other, and at Jamberoo, Dapto, Charcoal Creek, Wollongong, Campbelltown, Camden, Menangle, Rocky Point, Liverpool, Bankstown, and Ashfield, the number of them, twenty-five in all, is in excess of common sense requirements and in violation of the principles of economy and sound educational organization; for a large school is in every way better than a group of small ones, and should supersede them when practicable. It is not only cheaper and better in point of material organization and management, but also provides for the better classification and supervision of its scholars, and for the more advanced and effective instruction of them. It has, moreover, the highly important advantage of facilitating the formation of 4th and 5th classes, and of thus inducing parents to extend their children's term of schooling beyond their twelfth year, which is practically the present but inadequate limit for 91 per cent. of the scholars in the district.

The number of schools in operation at the close of the year 1877 was ninety-one, viz.:—50 Public, 14 Provisional, 6 Half-time, 9 Church of England, 11 Roman Catholic, and 1 Wesleyan. During the present year, however, the following additions and reductions have been made:—Public Schools have been established at Holdsworthy, Jamberoo, Canterbury, Charcoal Creek, and Clifton (Coal Cliff). West Bargo has been provided with a Provisional School; and the Church of England School at Wonona has been re-opened. The Provisional Schools at New Run, Sugarloaf, and Saggartfield have lapsed for want of sufficient scholars; the non-vested Public School at Woodstock and the Church of England School at Jamberoo have been closed in favour of Jamberoo Public School; the certificate of the Camden Church of England School has been withdrawn, in accordance with the terms of clause 20 of the Council's Regulations; and the Rose Valley Public School has been closed all the year because of the insufficiency of children to maintain it even as a Provisional School. The number of schools now (31st December, 1878) in operation, therefore, is 91, viz.:—53 Public, 12 Provisional, 6 Half-time, 8 Church of England, 11 Roman Catholic, and 1 Wesleyan. Provision has also been made for the establishment of Public Schools at Tullimbar, Druitt Town, Belmore, and Little Meadow, and of a Provisional School at Osborne Hill, 3 of which, when completed, will necessitate the closing of the Church of England School at Macquarie River, the non-vested Public School at Meroo, and the Half-time Schools at Belmore and Essex Hill. In the beginning of the year, an application for a certificate to the Roman Catholic Denominational School at Wollongong was made, but declined on the ground that the educational wants of the locality were sufficiently well supplied by existing schools.

Ninety-two schools have been submitted to general inspection, and sixty-two of them have received incidental visits one, two, or three times, in order to test the character of their ordinary condition with regard to neatness and cleanliness of appearances, regularity of routine, and the observance of quietness, order, and industry. The work of general inspection has not only included that of the regular inspection, but has involved a more elaborate inquiry into the material organization and general efficiency of each school. The results of such inquiry are summarized in the following paragraphs.

As regards the style, structure and condition of the school premises, the accommodation they afford both teachers and scholars, the character of the playgrounds and their appointments, and the quantity and quality of the furniture and apparatus, the condition of the schools has been estimated as follows:—

Schools.	Very fair to very good.	Fair.	Tolerable.	Moderate.
Public	38	4	12	...
Provisional	1	5	6	...
Half-time	2	...	...	4
Church of England	6	2	...	...
Roman Catholic	3	4	4	...
Wesleyan	1	...	...	...
	51	15	22	4

During the year superior Public School buildings have been completed at Holdsworthy, Jamberoo, and Charcoal Creek, and provisions also made for the erection of others at Canterbury, Belmore, Bankstown, Clifton, and Tullimbar. Several schools, Public and Denominational, have been placed in good repair; an infant school in connection with the Public School at Kiama is in course of erection, and steps have been taken to improve the Public Schools at Gerringong, Camden, Liverpool, and Avondale. Most of the schoolrooms are reasonably well ventilated, and they afford the prescribed accommodation for nearly double the number of scholars in average attendance; but several teachers require to be more particular with regard to the opening of the doors and windows when the children retire for play. The playgrounds in general are spacious enough, but very few of them are planted with trees, and in twenty instances only have flower-gardens been formed, the best of which are those in connection with the Public Schools at Shellharbour, Menangle, Picton, Ashfield, and Bulli. The playgrounds connected with vested Public Schools are being gradually improved by the planting of trees, and the construction of weather-sheds and lavatories; but as regards the non-vested schools, the delay in effecting such improvements is due to the difficulty of raising local subscriptions for the purpose. In about four-fifths of the schools the supply of furniture is satisfactory in point of quantity and quality, and each school is provided with an adequate stock of maps, books, &c.; but in several cases the supply of pictures is barely sufficient, and few of the teachers appear to have exercised their ingenuity and industry in the contrivance and accumulation of objects absolutely necessary for the elucidation of their lessons.

The character of the attendance may be summarised as follows:—

I.	Numbers enrolled during the whole or part of the year	7,526
II.	(*a*) Numbers enrolled on the day of inspection	5,237
	(*b*) Average quarterly enrolments	5,611
III.	(*a*) Numbers presented for examination	4,203
	(*b*) Average weekly attendances	3,782
IV.	Numbers not enrolled at the time of inquiry	662
V.	Numbers presented for examination:—	
	1st classes (92)	1,843
	2nd classes (92)	1,331
	3rd classes (79)	913
	4th classes (7)	116
VI.	(*a*) Numbers examined in 1st and 2nd Classes, the ages of whom exceeded 9 years	866
	(*b*) Numbers examined in 3rd and 4th Classes, the ages of whom exceeded 12 years	355

Upon

Upon comparing the figures above, it will be found that the average quarterly enrolments and weekly attendances are 25 and 49 per cent. respectively less than the aggregate enrolments for the year, that only 24 per cent. of the scholars presented for examination were in the upper classes, and that only 9 per cent. of them had passed the age of twelve years. It is pretty clear, therefore, that after making reasonable allowances for the number of elder scholars who have passed through the 3rd and 4th classes to work, and for those who have migrated but not finished their schooling, there remains a large proportion of children who derive little practical benefit from the schools within easy reach of them, and upon the erection and maintenance of which such liberal sums of public money have been expended.

In each school is suspended a printed and duly authorized scale of school fees, both for the guidance of the teacher and for the satisfaction of parents who may bring their children to be enrolled. Many parents, however, do not accompany their children on such occasions, which breach of duty and etiquette is the source of trouble and vexation to the teacher, for he has to find out the age and other particulars of each scholar the best way he can, and is also precluded from making necessary explanations and suggestions with regard to details of school discipline. In many cases, also, the school fees are paid very irregularly, and in many others the proportion of free scholars is unreasonably large and unjust to the teachers. The aggregate number of free scholars for the year is 691, and the average for the four quarters 544, or 15 per cent. of the average weekly attendances. In the Provisional Schools the percentage is 41, and in the case of eleven selected Schools—Public (6) and Denominational (5)—it is 43.

There is no doubt that in some cases free admissions have been made in strict accordance with clause 69 of the Council's Regulations; but in the rest, the Local Boards have failed to do their duty in the matter, in consequence of which many free scholars have, from quarter to quarter, been thrust upon the schools by parents in well-known comfortable circumstances. In some instances members of Local Boards have taken unjustifiable advantage of their position to admit their children as free scholars, but the abuse has been corrected.

As regards the tone, intelligence, and efficiency of the discipline, the schools may be classed as follows:—

Schools.	Very fair to good.	Fair.	Tolerable.	Moderate.
Public	31	15	6	1
Provisional	2	4	7	...
Half-time	2	...	4	...
Church of England	4	4	...	...
Roman Catholic	5	3	3	...
Total	44	26	20	1

In most instances the discipline is mild, healthy, and in reasonable accordance with what is required of the teachers according to their grades of classification; and in twelve of them it exceeds such requirements. In the schools classed as "Moderate," "Tolerable," or "Fair," it is more or less characterized by inadequate firmness of purpose, lively vigour, and thoroughness with regard to details of appearances, order, work, and good manners. In several schools, most of which are in the dairying parts of the district, the punctuality of the scholars is not satisfactory, and to some extent exists the practice of permitting them to leave the school before the prescribed time to engage in milking cows or other farm work. The blame for such practices attaches less to the teachers and the scholars than to the parents, some of whom are too poor or too penurious to employ adult labour, but many of whom manifest a lack of regularity in their habits, and of due respect for the rules of the school. With regard to military drill, it can be said to have but little existence in the schools; for what is meant to be such consists in a few elementary movements, there being very few teachers who enter more fully into the matter, and apparently none who exercise their scholars in the calisthenic movements.

The classification of the scholars according to their average proficiency and intelligence is generally well understood, and in a few schools only exists the practice of making unnecessary and unwise subdivisions. The proportion of scholars in the lower classes, however, is generally too large, and is, in many instances, indicative of weakness in the discipline and the instruction, but more especially of the irregularity of the attendance. Of the 92 schools inspected, 79 contain three classes; 13, two; and 7, four. It is in consequence of the paucity of 4th classes that so large a proportion of the scholars are withdrawn from school before they have acquired the requisite degree of proficiency, intelligence, and taste for books; and the only practicable way of lessening the proportion is both to reduce the scale of average attendances that at present regulates the appointment of pupil teachers, and to amend the Public Schools Act for 1866, with a view to the concentration of children into large schools at such places as Dapto, Liverpool, Jamberoo, and Menangle, &c.

In all the schools the course of instruction is regulated by time-tables and programmes of lessons in the construction of which most of the teachers evince reasonable care and intelligence; but of the two kinds of documents the programmes are generally less satisfactory with regard to method, and are occasionally found to be less strictly observed, or according to the average quarters of enrolment. Reading, writing, arithmetic, grammar, and geography are taught in all the schools; singing, in 28; drawing, in 73; sewing, in 73; and geometry and algebra, in 7. With regard to singing and drawing, it should be explained that the omission of them in so many schools is due to the alleged inability of some teachers to deal with them and to the frivolous excuse of others that they thought them to be optional subjects of instruction. The methods of instruction are its least satisfactory characteristic. In most of the schools they appear to be applied with earnestness and diligence, but with inadequate intelligence and efficiency. They are not sufficiently in harmony with the recognized laws of mental development. The matter of the instruction consists too much of generalizations; and the teaching is too often a matter of telling than of training, or of an appeal to definitions and rules than to examples in the concrete. It has often also been observed in the course of the examinations, that the memories of the scholars have been stored with words, but without the intuitions corresponding to them—intuitions relating to matters within reach of their observation, such as colours, forms, dimensions, textures, &c.

The efficiency of the instruction in the various subjects is indicated by the following percentages of scholars who attained or passed the prescribed standard requirements:—

Reading	69	Scripture Lessons	40
Writing	91	Drawing	86
Arithmetic	20	Singing	76
Grammar	43	Geometry	55
Geography	43	Algebra	41
Object Lessons	64	Sewing	87

The low results in Arithmetic are owing to the defective manner in which it is taught in the smaller schools, and to the inability of many scholars to solve practical questions involving a little thought. Many instances could be cited of scholars in the 3rd classes being unable to solve questions of 2nd class character, consequently the marks have been reduced according to the degrees of failures in them. In Grammar

Grammar and Geography, the results in general are below the standard requirements, but in some schools the subjects are taught with creditable efficiency. In most of the smaller schools, however, the knowledge displayed by the children is oftener more showy than real, and the effect more of verbal memory than of the higher mental faculties.

The following table exhibits the number of schools classed as being below, up to, or above the standard requirements as to organization, discipline, and instruction :—

Schools.	Below standard.	Up to standard.	Above standard.
Public	24	15	14
Provisional	12	1	—
Half-time	4	2	—
Church of England	4	1	3
Roman Catholic.....	6	4	1
Wesleyan	1	—	—
	51	23	18

The condition of eleven schools is below, and of five others above, what is required of the teachers in terms of their classification.

The number of teachers employed in the ninety-two schools in operation is 120, viz., eighty-eight principal, eight assistant, and twenty-four pupil-teachers. As a body, they are respectable and fairly intelligent, and most of them perform their duties in an earnest, conscientious, and regular manner, and to the satisfaction of the public. The majority of them, also, have been trained for their work, and among them are a few men of superior merit. The number of them, however, in the lower grades of classification is rather large, and very few have voluntarily presented themselves for examination during the year. Most of the pupil-teachers have succeeded in passing their examinations; and four principal teachers have been promoted to higher grades, in accordance with Article 46 of the Regulations.

The general character of the local supervision is not satisfactory. Comparatively few Local Boards discharge their duties in an adequately formal, regular, and efficient manner. As regards Denominational Schools, the duties are generally performed by the local clergymen, most of whom manifest a pleasing interest in their work.

Summary remarks.—The district is very well supplied with the means of education; the material condition and organization of 71 per cent. of the schools are satisfactory, and provision has been made for the improvement of others; but the character of the attendance is not satisfactory in point of regularity and duration; and the number of free scholars is unreasonably large for a population in such comparatively well-to-do circumstances. The disciplinary condition of three-fourths of the schools is healthy, promising, and of very fair average merit. The character of the instruction, however, is in most of the schools rather below the standard requirements as to method, efficiency, and the number of pupils learning the prescribed subjects; and the local supervision of the schools is in most instances feeble and informal.

J. S. JONES,
Inspector.

Stanmore, 25th January, 1879.

CUMBERLAND DISTRICT.

Inspector's General Report for 1878.

1. The district assigned me at the beginning of the year comprises the larger part of the County of Cumberland and a small portion of the County of Cook. It contained ninety-two schools in operation. New schools or departments at City View, Springwood, Petersham, Buttsworth Swamp, South Creek, and Leichhardt, have been brought into existence within the year. With the consent of the Local Board, the North Kurrajong C. E. School was closed, and a Public School established in its place. The number of schools now in operation is ninety-eight, consisting of fifty-seven Public, nine Provisional, eight Half-time, and twenty-four Denominational Schools. Applications for Public Schools at Erskine Park, North Kurrajong, Longueville, and Parramatta Junction, and for a Provisional School at Riverstone were reported on. In the first four localities the Council agreed to establish Public Schools, but declined to grant aid to a Provisional School at Riverstone. Public School buildings are in course of erection in the following localities :—Pitt Town, Sackville Reach, Erskine Park, Rookwood, Richmond, Castlereagh, Gladesville, and Penrith. Others are about to be commenced at Castle Hill, Yarramundi, and Kellyville.

2. The schools are fairly distributed throughout the district, and afford sufficient accommodation, not only for all pupils at present in attendance, but for all children not in attendance. There is no locality mustering a dozen children of school age without the means of education. If anything, there is an excess of schools. This is especially true of Parramatta, Windsor, Richmond, Penrith, Petersham, and Ryde, where the number of existing schools might advantageously be reduced. The Denominational Schools at Cobbitty, Seven Hills, Cabramatta, Wilberforce, and Pennant Hills do not meet the educational requirements of these several localities, and will no doubt have to give way to Public Schools. Castle Hill C. E. and Castlereagh Wes. are at present undergoing this process of transformation.

3. All the schools in operation, ninety-eight, were fully inspected during the year; two were inspected twice, while a good number received one or more incidental visits. The number of General or Regular inspections paid was 114. These included, besides the inspection of schools under the Council's supervision in the district, twelve inspections of the six Orphan Schools at Parramatta, one inspection of a school in the Sydney District, and one of a school in the Goulburn District.

4. The school-houses are of mixed character; the best are constructed of stone or brick, and are for the most part the property of the Council. Several of the Denominational School buildings are also good structures. The premises used for Provisional and Half-time Schools are built of wood, and are in many instances roughly put together. They may be said, however, to fairly meet the educational requirements of the several localities in which they are placed.

5. I regret to have to report that the cases are few where teachers manifest a disposition to improve the school grounds placed under their care. There is a striking sameness in the bare, neglected, uninviting appearance of these latter, and there is reason to fear that the general scramble made by many of the School Boards to obtain weathersheds at the public expense will not tend to materially lessen the evil. The following schools may be cited where the teachers deserve to be commended for the labour and care they have displayed in the keeping of the school premises :—Burwood, Blacktown, Five Dock, Hunter's Hill, and Penrith.

6. The internal organization of the schools is, on the whole, fairly satisfactory. In the Provisional, Half-time, and the worst Denominational Schools the furniture is of a crude, make-shift character; but in the

the rest it is of good style and workmanship. In mostly all, however, it affords sufficient sitting accommodation for the pupils, and is arranged with fair judgment. There is no lack of apparatus and books. In several instances I have found the school clocks not in going order, and the teachers quite unconcerned about the matter. Some were under the impression that they were not responsible for keeping them in repair. The sooner this delusion is got rid of the better. It is hardly necessary to add that the schools in which the clocks were in this useless state were not remarkable for punctuality.

7. The weather during the past year has been favourable to school attendance. The degree of regularity has varied from 67 to 69 per cent. This, in the circumstances, is not satisfactory. The prevailing irregularity is mainly attributable to the indifference and cupidity of parents. Pupils are detained from school on the slightest pretext—to assist on the farms, to mind cattle, to do house-work, and to perform various other trifling duties. A wet Monday will spoil the attendance for the week, inasmuch as a large number of parents object to pay for five days' schooling when their children will receive but four. In the small schools where the teachers' salaries are dependent on the average attendance, parents in many instances are mean enough to make the attendance of their children conditional on the non-payment of fees, and it is to be regretted that teachers elect to be defrauded in this way rather than suffer a reduction of salary in consequence of diminished attendance.

8. Apart from the pupils who attend irregularly, and whose education seldom or never goes beyond a mere smattering of the leading elementary branches, there is a large number of children who do not attend school at all. I have endeavoured to ascertain the number of this class, but the means at my disposal for doing so being necessarily imperfect, the total arrived at—698—is, at the best, but an approximate one. I am inclined to believe that this number is at least 200 below the true estimate. The only remedy for this unsatisfactory state of school attendance will be found to lie in a compulsory system of education.

9. With some exceptions teachers devote due attention to the punctuality of their pupils, and, on the whole, this feature of school discipline may be regarded as tolerably satisfactory. The absence of clocks from some schools, and from many of the settlers' houses, renders the observance of punctuality an impossibility. In two or three instances unpunctuality was the result of gross remissness on the part of the teachers. Indeed, it may be safely affirmed that the teacher is largely responsible for the character of the punctuality that marks the attendance of his pupils.

10. In public and in a large number of denominational schools the necessary means for ensuring cleanliness among the pupils are provided. The absence of lavatories in some instances and the want of water in others have proved serious hindrances to the maintenance of cleanliness. Morning and afternoon inspection on the "lines" is rigidly and properly carried out in a minority of schools; in most it is performed in a perfunctory manner, while in others it is either neglected or of no practical utility.

11. Military drill is taught by two special instructors in the schools of Parramatta, Windsor, and Richmond; but their efforts are not, except in two instances, fairly seconded by the teachers. Teachers, even those who have gone through a course of training, either wholly neglect drill or teach it in such a way as to render it well-nigh valueless for disciplinary purposes. From these preliminary observations, it may be inferred that the order of the schools is not satisfactory. In general it may be said that the pupils are fairly subdued in demeanour, and that the operations of teaching are carried on with fair order and decorum, but the marching is deficient in steadiness and precision, the different movements are slovenly performed, and the inner life of the school lacks that active, well-regulated vitality which is the essential characteristic of a thoroughly sound healthy discipline.

12. Inseparably connected with the order is the government. Upon the nature of one will largely depend the character of the other. If the government be feeble or vacillating, the order may be expected to be unsatisfactory; if it unite firmness to gentleness, be uniformly strict, impartial in its operation, and exist side by side with the systematic teaching and exercise of military drill, the very best kind of order may be expected to result. The prevailing defect in the government of most schools is that the teacher is too suave or too easy going. There is an anxiety shown to conciliate and please pupils and parents at the expense at times of even the semblance of order. Teachers in such cases regard the maintenance of a good attendance as the main end to be secured. But it is one thing to herd children together, and another to develop in them healthy moral sentiments and impart to them sound effective teaching. These latter results are only possible of achievement in schools taught by teachers whose first aim is to maintain a high standard of discipline.

13. The schools of the district are not in numerous instances the best exponents of the principles that should underlie a sound classification. In the cases referred to, the pupils are divided into too many classes, some of which classes are again subdivided into smaller sections. One result of this is that a teacher having as many as five or six separate groups of pupils to teach finds the work beyond his grasp: his energies become dissipated or are frittered away; some of the classes are necessarily left to themselves for unduly long intervals; he is unable to maintain anything like a close supervision of his pupils; disorder follows, with bad ineffective teaching in its train. Another fault that characterises the classification of a small number of schools is the maintenance of a pretentiously high classification. In one instance a teacher in charge of a school of about 50 pupils, with no infants' school attached, was vainly attempting to maintain a fourth class. In another a teacher, with an average attendance of between 70 and 80, and receiving no aid from an infants' school, was endeavouring to do the same thing. In both cases it is scarcely necessary to add that the several classes failed to meet the prescribed standards. It may be safely affirmed that no teacher, except one of extraordinary ability, could maintain a fourth class worthy the name in point of numbers and attainments in a school having a less average than 130 or 140 pupils, unsupported by an infants' department. It is a very laudable thing for a teacher to endeavour to raise the status of his school, but this is not to be done by the creation of shams.

14. In a majority of cases the lesson documents are compiled with fair judgment. Bad time-tables are occasionally met with, as also time-tables that are not faithfully adhered to, but teachers as a rule bestow due attention on the arrangement of these documents. The programmes are less skilfully drawn up. The commoner defects of these are an ill-assortment of the lessons and a want of explicitness in the entries. The mechanical execution of these documents, too, is not what it should be. A neatly-written framed programme is the exception rather than the rule. Greater care is also required in the keeping of the lesson registers. Instances have occurred in which the entries in these were not made until days after the lessons had been given, and until after anything like a reliable recollection of them had passed away. These documents are only valuable in proportion to the punctuality with which the entries in them are made.

15. The methods of teaching usually employed are of modern type. Viewed in the abstract, they are fairly suitable, but in general they are not applied with sufficient energy, intelligence, and skill. One pretty general defect of the teaching is that it is too superficial. The lessons are delivered in accordance with the prescribed programmes, but no proper tests are applied to see that they are thoroughly comprehended and retained by the pupils. Too much is taken for granted: there is a want of vigorous, point-blank searching questioning; regular recapitulation is seldom practised; the dull and listless pupils are altogether overlooked; and the answering of two or three bright, intelligent children is not infrequently regarded by the teacher as an evidence of successful labour. Another very common defect of the teaching is that the lower classes are left too much to themselves; work is prescribed for them to do, but it is not properly supervised by the teacher, nor when done, is it tested by oral questioning or by illustrations on the black-board. But the most formidable obstacle to successful teaching is bad discipline. It would be difficult to instance a school where the results, as elicited by examination, are low, in which the discipline and order is of a sound or healthy character; and, on the other hand, it is only in a few of the best disciplined schools that satisfactory work is being done.

5,034 pupils were present at the inspections.
All were examined in Reading.
All were examined in Writing.
4,695 were examined in Arithmetic.
2,895 were examined in Grammar.
3,189 were examined in Geography.
1,600 were examined in Scripture.
4,977 were examined in Object Lessons.
2,826 were examined in Drawing.
3,992 were examined in Music.
319 were examined in Euclid.
205 were examined in Algebra.
116 were examined in Latin.
1,599 were examined in Needlework.

16. The degree of proficiency attained in these subjects is shown at a glance by the subjoined table:—

Subject.	Percentage ranking from Fair to Good.	Percentage ranking from Indifferent to Tolerable.
Reading	59	41
Writing	69	31
Arithmetic	18	82
Grammar	38	62
Geography	49	51
Scripture Lessons	52	48
Object Lessons	59	41
Drawing	66	34
Music	55	45
Euclid	62	38
Algebra	$\frac{1}{16}$	$99\frac{15}{16}$
Latin	100	0
Needlework	81	19

It will thus be seen that Latin and Needlework are taught well; Writing and Drawing very fairly; Reading, Euclid, and Object Lessons fairly; Geography, Scripture Lessons, and Music tolerably; and Arithmetic, Grammar, and Algebra very indifferently. It should be stated however that the absolute attainments in Euclid, Algebra, and Latin are of very limited range.

17. Of the 98 schools inspected, 67 per cent. were in point of efficiency below, and 33 per cent. up to or above, the standard. These results cannot but be regarded as unsatisfactory. They tend to show that much of the teaching is comparatively worthless, and that a good deal of downright hard work has yet to be done before the schools of the district can be placed in a healthy, efficient state. The causes that have operated to produce such poor results are various. First among them may be mentioned the low classification of most of the teachers. Out of 102 engaged in the work of instruction, 17 are unclassified, 52 rank in the Third Class, 32 in the Second Class, and 1 in the First Class. While it is true that those unclassified, together with a few of the Third Class, have received but an imperfect training for the work, it is but fair to say that several of them evince no inconsiderable natural aptitude for teaching, and that in some instances their work has, in point of thoroughness and skill, surpassed that of teachers holding certificates of a higher class. Another principal cause that has contributed to cripple the efforts of teachers is one that prevails more or less throughout the country districts; I mean irregularity of attendance. This, next after unskilful teaching, is the most formidable obstacle to the realization of satisfactory results.

18. Local supervision is moderately vigilant in about one-third of the schools; in the remainder, it nominally exists. In about twelve it may be regarded as active and decidedly beneficial. The plan of inviting meetings of the School Boards at the time of inspection appears to work well, and generally it may be said that increased interest appears to be manifested by School Boards in the oversight and prosperity of the schools with which they are connected.

19. As a body, the teachers are fairly earnest and diligent. They are not, however, sufficiently studious. Comparatively few offer themselves for examination, and there is a want of enthusiasm and active emulation among them.

20. The results of the year's inspection may be briefly summed up thus: The means of education are reasonably well provided in the district; school accommodation satifies existing requirements; school attendance is not sufficiently constant; the organization is fair; the discipline is of tolerable worth, although military drill is but very partially practised; in point of efficiency, the condition of the schools exceeds tolerable.

Inspector's Office, Sydney,
11 January, 1879.

EDWIN JOHNSON,
Inspector, Cumberland District.

GOULBURN DISTRICT.

Inspector's General Report for 1878.

I have the honor to submit my General Report on the schools inspected by me during nine months of the year 1878. I took charge of the district on 1st February last, and from that date to 31st October, I inspected and reported on 82 schools. The information contained in this report relates to the adequacy of the means of education in the district as regards amount and distribution, the material condition, organization, and discipline of the schools, the subjects of instruction, and the progress of the pupils in learning.

Schools in the District.

At the close of the September quarter there were 101 schools in operation in the district, attended by 4,856 scholars. The following statement shows the number of schools of each class, the attendance of scholars, and the average enrolment for each school:—

52 Public Schools,	attended by	3,089	pupils; average for each school,	59
29 Provisional	,,	815	,, ,,	28
12 Half-time	,,	200	,, ,,	16
3 Church of England	,,	276	,, ,,	92
4 Roman Catholic	,,	407	,, ,,	101
1 Presbyterian	,,	69	,, ,,	69

Since the beginning of the year Public Schools have been opened at:—

Milton
Bendella
East Argyle
Mullengullenga
Greenwell Point
Yarrunga.

The

The Public School at Myrtleville has been reopened. Four additional Public Schools will shortly be opened at—

Sutton Forest
Maxton
Woodhouselee
Croobyar Reserve

and Roslyn is to be re-opened. Three new Provisional Schools have been established at—

Sherwin's Flats
Gullen Flat
Third Creek.

The school at Cullarin has been re-opened; the school buildings at Irishtown are finished; and at Rhyanna they are in course of erection. Half-time schools have been opened at Bunnaby and Grace Mount, and the school buildings at Curraweela and Yorkborough are completed.

The Church of England Denominational School at North Goulburn has been closed. The Local Board of the Church of England School at Terrara has proposed to convert it into a Public School. No new Denominational Schools have been established.

As regards the means of education in the district, I am of opinion the schools are fairly distributed among the people. There are no schools in excess of the wants of the population, except in one locality, where one school would do instead of two, but there are a few thinly or recently settled places where Provisional or Half-time Schools are wanted. The establishment of schools in these localities chiefly depends on the action of the people in providing the necessary school accommodation. I am not aware of any place in the district where a Public School is required.

SCHOOL ACCOMMODATION PROVIDED.

Allowing 8 square feet for each scholar, the following statement gives the accommodation provided by each class of schools in the district, with the enrolment and daily average attendance :—

52 Public Schools;	enrolled	3,089	pupils;	average	2,110;	accommodation provided for	3,602 pupils.
29 Provisional	,,	815	,,	,,	584	,,	1,079 ,,
12 Half-time	,,	200	,,	,,	153	,,	334 ,,
3 Church of England	,,	276	,,	,,	180	,,	262 ,,
4 Roman Catholic	,,	407	,,	,,	292	,,	367 ,,
1 Presbyterian	,,	69	,,	,,	50	,,	108 ,,
All Schools	,,	4,856	,,	,,	3,371	,,	5,751 ,,

From this table it appears that the 101 schools in operation in the district on the 30th of September last afford accommodation for 5,751 children, being 895 in excess of the number enrolled, and 2,380 more than the daily average attendance. In the 101 localities where these schools are established there are 654 children of the educable ages reported by the teachers and School Boards as not enrolled, although ample provision has been made for their accommodation and instruction. In almost every instance the children not enrolled are within two miles of a school, and more than one-half of them are quite convenient. Of the 5,510 children in the district fit for school, about one-eighth are not enrolled; and as provision has been made for their education, if one-eighth of the expenditure for public instruction in the district is not wasted, one-eighth of the beneficial results which ought to accrue from the education of the children is lost to the public.

CONDITION OF SCHOOLS INSPECTED.

The following statement gives the enrolment and number of scholars examined :—

43 Public Schools;	enrolled	2,287	scholars;	examined	1,739	
26 Provisional	,,	646	,,	,,	507	
8 Half-time	,,	125	,,	,,	97	
3 Church of England	,,	303	,,	,,	211	
1 Roman Catholic	,,	46	,,	,,	43	
1 Presbyterian	,,	64	,,	,,	51	
Total 82 Schools	,,	3,471	,,	,,	2,648	

Of the 3,471 children enrolled, about three-fourths, or 76 per cent., were present at examination. The absence of one-fourth is chiefly accounted for by sickness and the inclemency of the weather at the time of inspection.

Of the 2,648 children examined, 1,389 were in the first class: of these, 263 were learning the alphabet, 1,126 were reading and writing monosyllables, learning to read and write numbers to three places of figures, to do simple addition on slates, and mental operations involving results up to 60. They were also taught object lessons on domestic animals and common things, and in some schools to sing simple melodies. More than half the pupils examined are in the first class. The proficiency of 2 per cent. of the children in this class was good, 34 per cent. fair to very fair, and 64 per cent. moderate to tolerable in the subjects taught.

751 of the children examined were in the second class. They read easy narrative, write on paper from copies, and on slates from memory and dictation. They learn the simple rules of arithmetic, notation, numeration, and tables, to define the parts of speech, and to distinguish them in their reading lessons, to define the common geographical terms and give examples, the uses of a map, and the topography of the school district. They also receive object lessons on animals and common things, and in some schools they are taught to sing melodies by ear or the tonic sol-fa method, and to draw rectilineal figures on slates. The proficiency of 5 per cent. of the children in this class was good, 53 per cent. fair to very fair, and 42 per cent. moderate to tolerable.

In the third and fourth classes 508 scholars were present, being 20 per cent. of the number examined. The proficiency of 71 per cent. of these pupils was fair to very fair, and 29 per cent. tolerable to moderate in the course of instruction prescribed. That course includes reading and writing ordinary prose, composition, English grammar, analysis of sentences, the geography of the continents and oceans in detail, arithmetic as far as and including fractions, with object lessons on natural history, manufactures, and mechanics. Singing, drawing, and Scripture are also taught in a considerable number of the schools, and in a few some progress has been made in geometry, algebra, and the elements of Latin. Needlework is taught to 990 girls.

The following statement shows the condition of the schools in relation to the Standard of Proficiency :—

Schools.	Tolerable to Moderate, or below Standard.	Fair, or up to Standard.	Very Fair and Good, or above Standard.
43 Public Schools	28	5	10
26 Provisional	23	3	0
8 Half-time	8	0	0
3 Church of England	1	1	1
1 Roman Catholic	0	0	1
1 Presbyterian	0	0	1
All Schools	60	9	13

Allowing

Allowing 10 to be the highest mark attainable by any school, the average proficiency of each class of schools is shown in the following table :—

43	Public Schools, average proficiency	5·6	marks.
26	Provisional	4·8	"
8	Half-time	4·8	"
3	Church of England	5·8	"
1	Presbyterian	6·3	"
1	Roman Catholic	6·3	"
	All Schools	5·0	"

In considering these results it should be remembered that for any student or school to answer 7 or 8 in 10 of the examination questions is usually considered very creditable, higher proficiency under ordinary circumstances being seldom attained. The low proficiency of the schools may be chiefly attributed to the following causes:—The teachers do not adhere with sufficient strictness to the course of instruction prescribed, many are not classified or hold low certificates, several new schools have been opened, and in some, the children are irregular in attendance.

Organization of the Schools.

The schools are generally well situated on dry and healthy sites, and their material condition is rapidly improving. New vested buildings have been completed during the year at Burrawang, Milton, Bendeela, Kangaloon, East Argyle, New Sheffield, and Burrier; three are in course of erection at Ulladulla, East Burrawang, and Woodhouselee; and arrangements are in progress for the erection of eight more at Maxton, Mummell, Towrang, Mullengullenga, Cottawalla, Tarago, Worragee, and Bundanoon. Important additions, repairs, and improvements are in progress, or have been made to a considerable number of schools, but in a few, weathersheds or lavatories are still required. The Public Schools are generally provided with clocks and bells, and a supply of good water. The playgrounds are usually enclosed and provided with outbuildings, but in very few cases have the grounds been planted with trees. Nearly all the schools are well supplied with furniture, apparatus, and books, but in many the copy-books are far from suitable for the children using them. The classification of the scholars is, generally speaking, judicious, but home lessons are much neglected; and although the programmes are, in the majority of the schools, neatly prepared, the work is seldom strictly in accordance with the course of study prescribed on the standard. The teachers, instead of aiming at thoroughness in the work prescribed by the Council, appear to understand that success depends in doing work, if possible, beyond the requirements of the standard, forgetting that "a little and well" is a recognized maxim of the most eminent educationists, that thoroughness in the work is the secret of success by which the requirements of the standard can be exceeded, and that in few schools can that proficiency be attained unless there is a teacher for each class. The suggestion of Ascham should be the rule in all schools—"A small area well cultivated." This is the only course to secure thorough knowledge, strength of mind, and sound education. It appears to be forgotten by many teachers in the district that the standard has been framed for schools in charge of one teacher, and that it indicates the amount of progress expected from the pupils under ordinary circumstances, but that when a larger teaching staff is employed a higher range of proficiency is expected. A strict adherence to the standard and thoroughness in the work I have proved to be highly beneficial in improving the instruction of schools. In fifteen schools, the time-tables do not accord with Regulation 85. In seven, business does not commence till 10 o'clock, half an hour too late; and in eight, the schools close at 3 o'clock, half an hour too soon. In sixteen schools I found the records either incorrectly kept or incomplete, but in general the returns are properly compiled, and forwarded with dispatch at the close of the quarter.

General Discipline.

Discipline may be considered as the means by which the primary and essential requisites of obedience, attention, and exertion on the part of school children are to be called forth. It originally meant education and instruction, but it has now come to signify the means by which this end is attained. Dr. Bell says, "It is in a school as in an army, discipline is the first, second, and third essential." Viewed in connection with school keeping, its chief aim is to incite children to put forth their best efforts for their own personal improvement. Among other things it includes punctuality, regularity, cleanliness, order, and obedience. In but few of the schools in this district are the children all present to commence business at the proper time. In half the number punctuality is decidedly bad, and of the remainder there are a few in each school behind time. I have inspected some schools where the children arrived singly and in groups for nearly an hour after the school business had commenced. Among the many circumstances which are indicative of badly-managed schools, the want of punctuality, when allowed to an extreme, is perhaps the most infallible. It is the result of indifference and a want of vigilance on the part of teachers. Children, if left to themselves, will never be punctual, no matter how late the hour for commencing business. In order to ensure punctuality on the part of children at school, the teacher should be regularly punctual himself; he should commence school business precisely at the minute noted on the time-table; he should appeal to the children themselves as to the necessity of being punctual, and solicit the influence of the parents. After all these means have failed, perhaps the most effectual remedy for late comers is to detain them in the evening after school hours, to make up the time they lost in the morning. This course regularly practised by teachers never fails to ensure punctuality; but I regret that it is adopted in but few schools in this district. A considerable number of teachers keep late pupils in school during the mid-day recess, but this course is very objectionable, as it keeps the pupils from play, and very frequently without their lunch, which cannot be beneficial to their health. In several schools the needlework is not carefully taught, and in few do the teachers' wives attend at the assembling and dismissal of the pupils to take charge of the discipline of the girls. In but few cases are the schoolrooms kept sufficiently clean.

The average attendance of scholars for the September quarter was about 70 per cent. of the number enrolled for the last day of the quarter; but if the average daily enrolment were compared with the average daily attendance, I am of opinion it would show that the proportion of scholars in average attendance is about 75 per cent. Although in some localities children are frequently kept at home by their parents to work on the farms and attend cattle, I am of opinion that so high an average attendance as 75 per cent. ought to be considered as very creditable.

In the majority of the schools in this district the children are clean and orderly; but in a number, the inspection of the pupils as to cleanliness is not sufficiently strict,—the late scholars are seldom inspected in any school, in several a number of the children attend barefooted, and in few do the teachers insist upon the scholars coming to school with clean boots. Instruction in military drill is utterly neglected in nearly all the schools. This is a matter of regret, because a system of drill is so beneficial to the health and habits of school children, so conducive to order, discipline, and the economy of time, that it is now practised by all successful teachers.

Concluding Remarks.

The material condition of the schools is undergoing rapid improvement, and the means of education is fairly distributed among the people. There are very few unnecessary schools in the district. Ample school accommodation has been provided for all the educable children in the district not enrolled, and the schoolrooms are generally well ventilated. The proficiency of the pupils in many schools is low and the discipline weak; but by the teachers adhering more strictly to the course of instruction prescribed, by greater

thoroughness

thoroughness in the teaching, giving home lessons, insisting upon the pupils being more punctual, keeping the school-rooms cleaner, by the female teachers giving more attention to the needlework and the discipline of the girls, by introducing military drill, and adopting the suggestions I have given relative to these matters, I am of opinion the condition of the schools will soon be considerably improved. The members of the Local Boards were generally present at the examinations, and they appear to me to take more interest in the success and usefulness of the schools than they did in former years.

W. McINTYRE.

Sydney, 27th December, 1878. Inspector of Schools, Goulburn District.

GRAFTON DISTRICT.

INSPECTOR'S GENERAL REPORT for 1878.

NINETY-ONE schools were open in the district in the year, or portions thereof, viz.: fifty-three Public Schools, thirty Provisional Schools, four Half-time Schools, and four Certified Denominational Schools. Five of the schools, however, were permanently closed in the year—three because they were unnecessary, and two (H.T.) because they were unsuitable to the requirements of their localities. Twenty-six applications for the establishment of schools have been reported on in the year with the following results: The establishment of twenty schools has been agreed to by the Council, one application is still under consideration, and five of the schools applied for were refused, as being either unnecessary or unsuitable to the wants of the localities. Three other applications recently made (two of them in opposition to schools already granted) have still to be finally reported on. In addition to the applications already referred to, some action has also been taken towards establishing schools in eight other localities, *i.e.*, preliminary inquiry has been made and copies of the printed forms of application have been supplied to the inhabitants. Such forms, however, had not been returned to the Council's office at the close of the year. The matter of endeavouring to secure suitable sites has also been largely dealt with during the year. Nearly forty necessary sites have been the subject of special inquiry; and in twenty-seven cases full action has been taken by the Council towards obtaining the sites required. In only a few instances, however, have such sites yet been obtained. Of the new schools granted, five were to be opened at the beginning of 1879; and the remainder will be brought into operation as soon as sites have been secured, and proper buildings erected. In six of the localities for which Public Schools have been sanctioned the means of education are at present supplied, to some extent, by temporary schools. When all the additional schools for which arrangements are now being made are opened, the total number on the list will be about 115, and the district will (as regards the number of schools established) be well supplied with the means of education.

Several of the Provisional Schools now in existence will eventually become Public Schools; and two out of the four present Certified Denominational Schools (Kempsey, Church of England, and Ulmarra, Wesleyan) will be given up by their Local Boards as soon as the necessary buildings for Public Schools are erected in their localities. A reorganization of the primary department of the Grafton Public School will soon be needed. The importance of this school and its increased attendance of pupils render it desirable that a separate department for girls should be established as soon as practicable.

As regards improvements made in the material condition of schools in the year, I have to report that new buildings have been occupied at West Kempsey, Bowra, and Wardell; and that in twenty other places important improvements had been completed or were in progress at the close of the year. Arrangements had also been made, or were in forward progress, for the erection of new buildings at the undermentioned places—some for new schools, and the remainder for schools already in existence:—

Clifden, Camden Haven, Ballina, Burragan, East Kempsey, Ennis, Eatonsville, Frederickton, Gerrymberryn, Grafton South (Infants' School), Harwood Island, Lawrence, Nambucca, North Creek, Pimlico, Rawden Island, South Arm, Southgate, Tacking Point, Ulmarra, Woodburn, Wilson's Ridges, and Yenrabar.

II.—INSPECTION.

Seventy-three schools were visited, but at the time of my visits five of such schools had no attendance. They have since been permanently closed. Illness, during the month of November, prevented me from visiting the remaining eighteen schools.

As regards regularity, a large number of the schools were far from satisfactory; and in many of the localities visited I found there were considerable numbers of children of a school age (residing near to schools) who were not at the time even *enrolled* for school attendance. The total number of pupils examined in Public Schools would give an *average* of fifty-two for each school, and there were but six schools having an *ordinary* attendance of less than *thirty*. As regards the Provisional Schools, the total number of pupils examined would give an average of twenty-two for each school, and no school of that class had an ordinary attendance of less than *fifteen*. In respect to efficiency, the following was the state of the schools examined:—*Nineteen* schools were below the standard; *forty-four* schools were fairly up to the standard; and *five* schools were above the standard. Complete statistics showing the estimated proficiency of each grade of pupils in the different classes of schools examined have already been furnished.

Throughout the district the *average* work done in the schools is fair; and in a few instances the progress made may be described as highly satisfactory. As a body the teachers are intelligent, earnest, conscientious, and painstaking; and all appear to be anxious to improve their professional qualifications.

The local supervision, as exercised, appears to be fairly beneficial in about half the number of schools visited.

J. HUFFER,
Inspector.

MAITLAND DISTRICT.

INSPECTOR'S GENERAL REPORT for the year 1878.

DURING the year 1878 one hundred and six (106) schools and departments were in operation. Ninety-eight of them were open for the whole, and eight for a part of the year. An increase of six Public and two Provisional Schools has taken place; and one Half-time and one Denominational (C.E.) School have been closed. The list of schools in the district now comprises:—

47	Public Schools
34	Provisional Schools
8	Half-time Schools
8	Cert. Denom. C.E. Schools
9	Cert. Denom. R.C. Schools
Total ... 106	

Ten

Ten applications for the establishment of Public Schools and for aid to Provisional Schools have been reported upon during the year; and the localities concerned and the results of the several applications are thus shown:—

I.—Application for the establishment of Public Schools at...	Pokolbin,	granted
	Rothbury,	do.
	Ravensworth,	do.
	Mount Pleasant,	do.
	Belford,	do.
II.—Application for aid to Provisional Schools at	Sweetman's Creek,	do.
	Big Creek,	do.
	Binglebrah,	do.
	Lostock,	do.
	Sandy Creek,	in abeyance.

Of the above schools, three have been brought into operation, viz:—Sweetman's Creek, Provisional; Binglebrah, Provisional; and Lostock, Provisional. None of the Public Schools applied for have yet been established, although several of the applications were dealt with early in the year. The Public Schools Act provides that no expenditure shall be made towards the erection of school premises until the site for such premises be vested in the Council. While the principal involved in this clause of the Act is unquestionably right, its operation is, and has been since the commencement of the Act, fraught with results calamitous to the educational interests of the Colony, owing to the protracted delay in effecting the conveyance of sites to the Council, especially in cases where such sites are grants from the Crown. Favourable reports upon applications for schools have been furnished by Inspectors, suitable sites have been chosen, application for sites made to the Government, and plans and specifications for the requisite buildings prepared; yet, in not a few instances, months drag wearily along, until years may be numbered, before the Council is placed in a position to commence the work of building. In the meantime the applicants, ignorant of the cause of the delay, heap reproaches upon the Council and its officers for what they consider a cruel indifference to the interests of their children, one-third of whose school life is wasted in waiting for the education the Act professes to provide them with.

In this district there are now but few localities in which schools are not either already provided or in process of establishment. In the more remote parts—on stations and isolated selections—there may be in all some six or seven hundred children without the means of education; but, as far as I am aware, at present, the establishment among them of even Half-time Schools is not practicable. From information furnished by the different teachers throughout the district, it appears that there are altogether 800 children of the school age living within 2 miles of existing schools who do not attend school. For the year 1877, the number was estimated to reach 1,600. These data furnish some ground for satisfaction: still the fact remains that about one child out of every eight that should be in attendance at the Council's schools is—mainly owing to the culpable indifference, neglect, or selfishness of parents—deprived of the education brought almost to its door. The evil is most prevalent in the towns—least, in the more thinly populated places; and West Maitland holds a bad pre-eminence in this particular. This feature, which I have reason to believe is general throughout the Colony, may furnish some inducement to the introduction of a compulsory clause in the Education Act, inasmuch as the remissness and neglect are greatest in the localities where they are most culpable, and where there are most facilities for discovery and punishment.

All the schools and departments in the district were fully inspected during the year; and the attendance of pupils as compared with that of previous years is shown below, and indicates reasonable and steady improvement.

	1876.	1877.	1878.
Number enrolled on the day of inspection.....	5,415	5,642	5,974
Number present at examination.....	3,879	4,437	4,768

The material condition and organization of the Public Schools leave little room for complaint. As a rule, the buildings are suitable, in good condition, and well equipped. In the case of Provisional and Half-time Schools, slab buildings are usually provided. These are erected at the cost of the promoters of the schools, and are of an inferior description; but generally speaking, they fairly meet the requirements of their several localities. The buildings used for Denominational Schools are, with two or three exceptions, very fairly suitable and well furnished; and the stock of working appliances is as good as that found in Public Schools.

In their educational aspect the character of the schools is much less satisfactory, and appears to have deteriorated; but having had charge of the district for only a twelvemonth, I am not in a position to make an accurate comparison of present with former results. In order to a proper understanding of the following table, it is necessary to explain that when the average proficiency of the pupils in a school reaches *fair* (6 marks out of 10 possible), the attainments are considered as *up to* the requirements of the standard of proficiency; and, according ast hey exceed or fall below this estimate, so are they considered *above* or *below* the standard. Measured thus, the results for the year are as follows:—

Class of School.	Below Standard.	Up to Standard.	Above Standard	Totals.
Public	23	9	15	47
Provisional	30	3	1	34
Half-time	8	0	0	8
Church of England.....	5	2	1	8
Roman Catholic	4	3	2	9
Totals	70	17	19	106

For the previous year (1877), of the ninety-six schools examined, fifty-four are recorded as below, twenty-three as up to, and nineteen as above the standard; or, presenting the results of the two years in another form:—

	Below Standard.	Up to Standard.	Above Standard.
Percentage of schools in 1877	56%	24%	20%
Percentage of schools in 1878	66%	16%	18%

Neither of these sets of results can be considered satisfactory, for in nearly all Public and Denominational Schools, trained and classified teachers are employed; and it is not too much to expect that of these schools 80 per cent. should, under ordinarily favourable conditions, satisfy or exceed the standard requirements. In the case of the Provisional and Half-time Schools, thirty-eight out of forty-two—or about 90 per cent.—failed to reach the Council's standard; and, while I am at a loss satisfactorily to account for the poor results in the Public and Denominational Schools of the district, I have no hesitation in stating my belief that in these inferior ones, they are brought about by the teachers attempting too much. In all but three instances, the teachers in these schools are unclassified; and comparatively few have had any special training for their work, or show much natural aptitude for teaching. Notwithstanding this, the full course of instruction is followed, and the issue is, that the general attainments of the pupils are often of the most meagre character.

Early

Early in the year, notification was sent to the teachers of all Public and Denominational Schools that examinations for promotion would be held at intervals of three months at Maitland, Singleton, and Muswellbrook—the most convenient centres in the district—commencing with the former town in April; and applications for examination were invited. A larger number of candidates than usual intimated their desire for examination; and, of the number, seventeen were considered eligible to sit, and passed the ordeal with the following results:—

1 promoted from II. A to I. B.
1 " " II. B to II. A.
3 " " III. A to II. B.
2 " " III. B to III. A.
2 " " Probationer to III. B.
2 " " Probationer to III. C.
6 failed to gain promotion.

The schools and departments (106) in the district at the close of 1878 were under the charge of teachers classified as follows:—

Class of School.	Probationers.	III. C.	III. B.	III. A.	II. B.	II. A.	I. B.	I. A.	Totals.
Public	4	6	6	13	10	7	1	0	47
Provisional	33	0	1	0	0	0	0	0	34
Half-time	4	2	2	0	0	0	0	0	8
Church of England	0	0	2	4	2	0	0	0	8
Roman Catholic	0	0	4	1	4	0	0	0	9
Totals	41	8	15	18	16	7	1	0	106

About two thirds of the teachers employed in Provisional and Half-time Schools have received no proper training for their work. Those of the number who have been most recently appointed have spent a short period—usually two months—in some good Public School for the purpose of improving their attainments, and obtaining some knowledge of methods of teaching and other points of school-management. All teachers so trained have to undergo examination at the end of their probation, in order that their fitness for appointment may be tested; but success in passing such examination does not entitle to classification, as the ordeal is much less severe than that to which teachers are subjected when examined with a view to classification. The teaching and training received, however, supply a foundation for a plan of progress both as regards self-improvement and professional skill that will enable the apt, energetic, and painstaking novice soon to merit the special consideration of the Council, and obtain permission to sit for examination with a view to classification. Within my own experience, three such teachers have gained two grades of promotion at their first examination, and one has in three years worked up to the rank of second class.

The average emoluments of principal teachers accruing from salary and school fees are shown below, arranged according to the several classes of schools:—

Class of School.	Salary.	Fees.	Total.
	£ s. d.	£ s. d.	£ s. d.
Public	127 16 8	43 10 0	171 6 8
Provisional	78 9 5	14 8 1	92 17 6
Half-time	93 0 0	16 8 0	109 8 0
Certified Denominational	126 7 0	55 18 10	182 5 10

The comparatively large amount of fees received in Denominational Schools is accounted for by the fact that nearly all of these schools are situated in the principal *towns* of the district, and have consequently a larger attendance of pupils than is found in the Public and other schools distributed over its whole area, many of which have attendances of from thirty downwards. In almost all of the Public Schools residences are provided for the teachers; where no residence is provided, a rent allowance is paid by the Council.

Eighteen out of the twenty-one pupil-teachers due for examination during 1878 passed successfully; and, of the number, five were admitted to the Public Training School.

Fourteen applicants for the office of pupil-teacher were also examined. Of these, six were accepted, and eight failed.

As regards the local supervision of the schools, little is observed of a gratifying character. In no single instance does it thoroughly effect what is contemplated by the Public Schools Act and Regulations, although in a few cases a very fair approach thereto is made. In the case of the Denominational Schools, the clergy, as a rule, exercise an active oversight, but the lay members of the Boards take little or no direct interest in their welfare.

J. D. BRADLEY,
Inspector of Schools,
Maitland District.

MUDGEE DISTRICT.

General Report for 1878.

I have the honor to inform you that I took charge of this district on 2nd May, 1878, and found on my list of schools forty-nine Public Schools and Departments, twenty-eight Provisional, two Half-time, one Church of England of two Departments, and six Roman Catholic Schools and Departments—in all eighty-seven Schools and Departments. Of these, however, the following Provisional Schools were closed on my arrival, and continued so throughout the year:—Denison Town, Gilgandra, Limestone Flat, Obley, Pipeclay Upper, leaving eighty-two schools virtually on the roll.

At the close of the year the number of schools in operation for some portion of that period was—

52 Public Schools and Departments
31 Provisional Schools
2 Half-time "
2 Church of England Schools and Departments
7 Roman Catholic " "

in all ninety-four Schools and Departments.

New vested Public Schools were opened during the year at Bourke and Brocklehurst; a non-vested Public at Irvanestown; and the Provisional School at Springfield was converted into a Public one during the first half of the year.

Applications for Public Schools were favourably entertained from Yullundry, where vested premises are in course of erection, and Canadian Lead, in which place a non-vested school will be opened in a few weeks.

An

An application for a Public School at Borambil is still under consideration.

The non-vested Public School at Baker's Swamp was closed at the end of September, owing to the smallness of the attendance and the dilapidated state of the building.

Provisional Schools have been recognized in the following places:—

Binnaway	Munghorn
Collie	Red Hill
Doughboy Creek	Rexcourt
Eschol	Spicer's Creek
Larras Lake	Warrumbungul

Woollooman.

Except Doughboy Creek, Eschol, and Larras Lake, all the schools abovenamed were in operation at the close of the year. Doughboy Creek is now ready for a teacher; but at Eschol and Larras Lake suitable buildings have not yet been provided.

A certificate has been granted to the Roman Catholic School at Dubbo.

Appletree Flat, Denison Town, and Berri are now the only centres of population known to me in this district which are not either already, or are about to be, provided with some sort of school.

So far, Half-time Schools have been a failure in this district, the only two in operation having ceased to exist as such at the close of the year; but I am of opinion that the extension of this class of schools is urgently needed, inasmuch as it is next to impossible not alone to provide teachers for small Provisional Schools, but also to keep up the minimum averages therein. In the undermentioned localities, where schools were recognized at considerable cost to the Council, and teachers appointed, it was found very difficult to keep them open with the minimum average for a short time, viz.:—

Gilgandra	Goolma	Narrango
Obley	Pipeclay Upper	Spicer's Creek.

Now, I am clearly of opinion that Full-time Schools cannot efficiently exist, if indeed at all, in the above places, and the only chance for instructing the children in these localities is by the Half-time system. For in such small schools, no competent teacher will remain; and the person willing to teach for £4 per month cannot be worth much as an instructor. Therefore, I say, to improve the quality of the instruction in several small schools in this district, and to keep them in operation, there must be an extension of the Half-time Schools.

The number of schools fully inspected is 80, viz.:—

50 Public Schools and Departments
22 Provisional ,,
2 Half-time ,,
2 C. E. ,, ,,
4 R. C. ,, ,,

All the Public Schools in the district were fully inspected, except Bourke, which was not in operation when I visited that town; and all the Provisional Schools in operation when I was in their respective localities received a full inspection.

Of the 80 schools inspected, 30 Public, 4 Provisional, and 6 Denominational met and exceeded the standard's requirements; and 20 Public, 18 Provisional, and 2 Half-time Schools failed to meet them. Owing to my late arrival in the district, I had to inspect a considerable number of schools in December, when most of the elder pupils were "harvesting," and consequently the results of the examination of the schools attended by these pupils were much below what they otherwise would have been.

As regards the material condition of the Public Schools inspected, it may be stated that all the vested buildings are structures of a superior kind, except Coolah, Coonamble, Eurunderee, Goodrich, Guntawang, Molong, Ponto, Springfield, and Windeyer. But new and superior buildings are either in course of erection, or are about to be built in all the above places, except Guntawang and Windeyer, both of which are to be repaired.

The following are the non-vested schools:—Baradine, Burrundulla, Cannonbar, Cobar, Cullenbone, Gongolgon, Irvanestown.

Except Burrundulla and Irvanestown, vested Public Schools are about to be erected in the other five localities.

Owing to the increased attendance at the Wellington Public School, and to the unhealthy and disagreeable position of the present site, the Council has determined to build a new school of two departments on a higher and more eligible position, already secured.

The following Public Schools are of more than average merit as regards material condition:—Bourke, Brocklehurst, Dubbo, Cassilis, Coonanbarabran, Cudgegong, Gulgong, Hill End, Ilford, Merriwa, Mudgee, Pyramul, Rylstone, and Tambaroora.

The condition of the Provisional and Half-time Schools is only moderately satisfactory.

The Denominational Schools are substantial structures, well organized, and fully supplied with all requisites.

In speaking of the material condition and the general appearance of schools, I need scarcely advert to the pleasing effect on the eye—independently of their educational value—that nicely kept grounds and school gardens produce. I am sorry I cannot say that the practice of keeping neat and useful gardens and playgrounds free from rubbish is general; but I have reason to know that there will be improvement this year in the direction spoken of. Before concluding this paragraph I must cite the names of a few schools where, by the untiring industry of the present teachers, patches of scrub have been converted into beautiful gardens.

Cooyal.—The teacher of this school has devoted time and money towards the formation of a general garden, and he has been eminently successful.

Carbry.—This teacher has also been very industrious, and has a large flower and vegetable garden.

Notwithstanding that a number of schools have been examined during the season of harvest and shearing, and that the usual notice of my intention to inspect had been withheld, the numbers present at examination bear a favourable ratio to the enrolment, as will appear from the following table:—

Schools.	Number enrolled at Examination.	Number present at Examination.	Percentages.
Public	3,052	2,303	75
Provisional	608	431	70
Half-time	29	22	75
C. E.	218	201	92
R. C.	411	337	82

The causes that operate against regular attendance are, in the main, trivial, except one, viz., that at certain seasons the labour of the elder children becomes valuable, and of course their withdrawal from school follows. This is almost inevitable in agricultural and wool-producing districts, inasmuch as the services of children twelve years of age are almost equal to those of men; and labour being scarce at these particular seasons, considerable allowance must be made for the detention of the elder children to aid in the harvesting, &c. But in many places I found no legitimate excuse offered for the unpunctual, irregular,

irregular, and non-attendance of numbers of children of school age. It is curious to note, however, that in nearly all the schools attended by unpunctual and irregular pupils, the teachers themselves have used but slight exertion, if any, to cure these evils. Where the teachers have been watchful in looking after the late scholars, and in making inquiries personally and by note after irregular ones, the percentages of unpunctual and irregular pupils are smallest; and where no action to remedy the faults in question has been taken, of course these features of bad discipline stand most prominently forward.

The order of the greater number of Public and Denominational Schools is satisfactory. I found, nevertheless, in some schools talking and copying prevalent; and in a few others, besides these faults, sullenness and stubbornness.

In the bulk of the Provisional, and in the two Half-time Schools, the children are quiet, which is the best feature of their order.

The classification of the pupils is fairly satisfactory. There is a tendency to unnecessarily subdivide the first and sometimes the second class. This occurs oftenest in schools conducted by untrained and unclassified teachers.

Recourse to the recognized system of regulating and recording the instruction has been general. In several schools the programmes have been constructed without much skill, and have not been always regularly followed; and the entries in the Lesson Register have been too general and meagre. That both these documents are of great value as guides and references cannot be doubted. To make them so, greater attention must be devoted to their compilation.

The methods of instruction practised in all the leading Public and Denominational Schools are of a modern kind, differing only in regard to the ability, or the want of it, displayed in using them. In many schools I found teachers attempting what are called Modern Methods; but they proved by their style that the subject in hand was never previously prepared, and as a consequence the teaching was desultory and ineffective.

The following schools deserve mention for their general efficiency:—

I. Primary Schools, with a fourth class:—Gulgong; Gulgong R.C.; Hill End (boys); Hill End (girls); Mudgee (boys); Mudgee (girls); Mudgee C.E.; Mudgee R.C.; Rylstone, and Wellington.

II. Infant Schools:—Mudgee Public; Hill End Public; Mudgee C. E.

III. Primary Schools, with only three classes:—Brewarrina, Dubbo, Cassilis, Coonabarabran, Coonamble, Cooyal, Hill End R.C., Ilford, Merriwa, Wellington R.C., Wilbertree, Arthurville Provisional, Kellick Provisional, Newrea Provisional, Wollar Provisional.

The general proficiency of the pupils may be thus described.

Reading.—3,105 were examined in this subject. 2,526 passed from fair to good, the remainder from moderate to tolerable.

Writing.—1,898 were examined in this branch. 1,731 being from fair to good, the remainder from moderate to tolerable.

Arithmetic.—2,452 were examined in arithmetic: 159 in the higher, 500 in the compound, and the remainder in the simple rules. The answering of 1,382 was from fair to good, that of the remainder moderate to tolerable.

Grammar.—1,552 were examined: 856 in elementary, and 696 in advanced. 1,082 passed as fair to good, the remainder as moderate to tolerable.

Geography.—1,746 were examined: 1,072 in elementary, and 674 in advanced. 1,365 passed as from fair to good, the remainder as from moderate to tolerable.

Scripture.—660	were examined.	550	passed as fair to good.	
Object Lessons.—2,602	„	1,480	„	„
Drawing.—1,451	„	785	„	„
Music.—1,791	„	454	„	„
Euclid.—117	„	117	„	„
Algebra.—106	„	106	„	as fair.
Mensuration.—20	„	20	„	as tolerable.
Latin.—26	„	26	„	as fair to good.
Needlework.—803	„	769	„	„ „

The teachers employed in this district are a respectable body of persons. In some schools men and women of more than average ability are met with; but unfortunately their number is not as large as is desirable. There are nine probationers in charge of Public Schools, seven of whom underwent examination a few weeks since to secure a classification. Besides these, three classified teachers applied to be examined, with the view of obtaining promotion. Two were permitted to sit; but the application of the third was refused, the proficiency of his school not reaching the mark prescribed by the Council's circular of September, 1871.

The pupil-teachers are a really intelligent and a promising body of young persons. Their conduct has been very satisfactory; and they have discharged their duties with creditable zeal.

The local supervision is active and beneficial in several schools; in others it does not exist at all. In the majority it is of a nominal character.

To sum up, the prospects of primary education in this district are cheering. Two new Public Schools of a superior kind have been opened during the year. Eleven additional Provisional Schools have been recognized. The supply of teachers who received some training has been equal to the demand. All teachers and pupil-teachers obliged to undergo examination have been duly examined, and the teachers themselves seem fully alive to the importance of their work for the current year.

T. DWYER,
Inspector.

NEWCASTLE DISTRICT.

Inspector's General Report for 1878.

During the year 126 schools have been in operation in this district. Thirty-four of these, in the neighbourhood of the Manning River, were allotted to Mr. Inspector Thompson to examine, and ninety-two fell to me. Two of Mr. Thompson's and two of mine were closed for want of teachers, when their localities were visited, but the remaining 122 were all inspected.

These 126 schools occupy the following positions:—

1. Along the Manning River and scattered over the country reaching down to the head of Myall Lake there are thirty-four schools. The majority are small, the largest being Taree, with an average attendance of 120. The number of children present at examination in this group was 1,097.

2. Around Brisbane Water there are sixteen schools. The largest, averaging respectively sixty and forty-five, are at Gosford and Cooranbong. The other schools in this part of the district average from fifteen to thirty. The country is thinly peopled, and there is no probability of any considerable increase either in schools or pupils.

3. In the valley of the Williams there are fifteen schools, the largest being at Clarence Town and Dungog. The schools extend to the head of the Williams, lying right and left of it wherever sufficient children can be collected.

4. Spread over the country, in the neighbourhood of Myall Lakes, Stroud, and Port Stephens, there are thirteen schools. The largest is at Stroud. The schools on the lakes are attached to the various saw-mills

mills established there, and the attendance, depending solely on the number of married men employed at any given time, is liable to sudden fluctuations.

5. In that part of the Hunter Valley reaching from Raymond Terrace to the sea, and including also the mining district, extending south to Lake Macquarie, there are forty-eight schools. Most of these are large, some of them ranking amongst the largest in the Colony.

During the year a large sum of money has been expended upon buildings. Extensive repairs have been undertaken, eight new schools have been completed, and fourteen others are in a more or less advanced stage. New buildings are somewhat urgently needed at Stockton, Hexham, and Ash Island, but difficulties in regard to sites have in these three cases delayed the Council's action. Speaking generally it may be said that there are few children in the district who are cut off from the means of education for want of school buildings.

At any one time there are about 9,500 children enrolled here. The average attendance is about 6,300. As a rule half the children enrolled attend regularly. It would be better if the other half were at work, for their labour might then be of service to some one, whereas their broken attendance at school is of no benefit either to themselves or to their parents. The causes of irregularity have so often been stated that it is merely trifling to go on yearly repeating them. The one important fact to be borne in mind is that parents of irregular children are usually better fortified with reasons in support of regularity than officials, editors, and other counsellors who undertake to advise them. They know all the current arguments against parental neglect, and have special experiences besides unknown to the mere theorist. All that can be said upon the subject of attendance comes in the end to this, that if the Colony determines that every child *shall* be educated, the thing can easily be done; but that while it contents itself, as at present, with simply *inviting* every child to be educated, the thing will not be done.

The rate of fees varies in different schools. The average rate may be taken as sixpence per week per child. The fees actually paid, however, do not amount to this, for there are more than 700 free scholars, and in addition a good many people systematically evade payment, knowing that practically teachers have no redress.

Including the 1,079 children dealt with by Mr. Thompson, 7,025 were examined altogether. The Council's "standard of proficiency" is the gauge uniformly applied to test efficiency. Judged by this, fifteen schools were bad, seven were good, and ninety-eight were in a medium state, exempting them from censure, but not entitling them to praise. This dead level of mediocrity appears to be caused mainly by three things—irregularity, early removal from school, and comparative neglect of the junior classes. These lowest classes in many schools receive but scant justice, especially in reading. The upper classes dwindle and suffer, when this is the case, because the pupils below are not prepared for promotion. The length of time taken to teach children to read is often incomprehensible. In fact the neglect of reading is the defect most noticeable in these dead-level schools. Too little time is generally given to the subject, and much of the time that is nominally given is consumed by the teacher in irrelevant commentary. I examined 5,928 children, and only 470 of them could read ordinary prose without balking or breaking down. If, instead of testing them in the lesson books that they had prepared, I had used a book not previously read by them, or a newspaper, this small number (470) would probably have been at least halved. The teachers are mainly, but not solely, responsible for this state of things, some weight must be attached to irregularity and early removal; but as teachers know that children as a body will not attend school in the country after the age of eleven or twelve, they could prepare for this contingency by teaching them to read between the ages of six and ten, instead of wasting those early years, as they too commonly do, in dawdling over primers and the easier books of the reading series.

Next to reading, the subject most unsuccessfully handled is arithmetic. In old times children learnt arithmetic by working examples from books, with little or no explanation, and picked up the principals in the best way they could, or went without them. Many of our modern teachers go to the opposite extreme and rely too much upon explanation and too little upon the actual working of examples. I only return 128 out of 5,928 as having a good knowledge of arithmetic up to proportion and fractions, and only 346 others as having gone this distance. Dawdling in the junior classes, early removal from school, and undue neglect of practical slate or paper work are the main causes of these poor results.

All other subjects are relatively better taught than reading and arithmetic.

In most of the schools the ordinary routine of movements connected with discipline receives proper attention, but in a good number of them the objects aimed at by these mechanical aids are never reached. The three defects particularly observable are a want of sustained and respectful attention to teachers, the absence of habitual silence during lessons, and the prevalence of dishonest work in the form of copying, prompting, and the like.

There are 143 teachers and 42 pupil-teachers employed in the district. Their salaries from the Council amount to about £16,500, and their fees to about £5,300 per annum. All the pupil-teachers have conducted themselves well, and as a body they are studious and attentive to their duties. With very few exceptions the teachers lead in their centres of population honorable and upright lives, they promote, when opportunity offers, everything of an intellectual character, and they keep themselves silently aloof from the local hatreds and jealousies that tear the social life of small places to pieces.

J. C. MAYNARD,
Inspector, Newcastle District.

SYDNEY DISTRICT.

INSPECTOR'S REPORT for 1878.

At the close of 1877 and 1878 respectively the following schools were in operation in the Sydney District :—

	1877.	1878.
Public Schools	44	53
Provisional Schools	3	3
Church of England Schools	35	35
Roman Catholic Schools	23	23
Wesleyan Schools	5	4
Presbyterian Schools	3	2
Hebrew School...	1	1
Totals.....	114	121

On reference to this list it will be seen that the Public Schools have increased by nine, while the Denominational have decreased by two, thus making an actual increase of seven schools during the year. Of the additional Public Schools or Departments, six have been opened in suburbs hitherto destitute of schools under the Council, viz.:—Balmain West, Darlington, and Woollahra. At Pyrmont and St. Leonards the non-vested premises have been replaced by new vested buildings, and in each case a department has been added to those formerly existing. At Waverley new schoolrooms are ready for opening in 1879, and at Redfern similar buildings will be completed at an early date. Excellent buildings are in course of construction at Crown-street, to replace the temporary school-rooms, to which the Bourke-street pupils were transferred during the year. A Public School has been established in Dowling-street,

Woolloomoloo

Woolloomooloo, temporary premises having been rented by the Council for the purpose. Actually, fifteen new Public Schools have been opened, but, in connection therewith, six non-vested ones have been closed, thus making an actual numerical increase of nine in the number of Public Schools. Applications have been made for the establishment of Public Schools at Double Bay and West Botany, and steps have been taken by the Council to establish a Public School in the outer part of Surrey Hills.

Through the opening of the schools above specified, and improvements, additions, and repairs to others, not specially alluded to, the organization of the schools in this district has been much improved during the year. When the school at Redfern is opened, at an early date, there will be only two Public Non-vested Schools occupying premises of an unsatisfactory character. All others, except Randwick, are vested in the Council, and nearly all are held in premises of a superior description.

Every school in operation during the year was inspected, and in addition, the Biloela Industrial School, and the nautical school ship "Vernon" have been reported upon.

The highest quarterly enrolment and average for the year reached respectively 25,429 and 16,788.5, against 22,886 and 14,907.7 in 1877, while the average of the aggregate quarterly enrolments and averages for 1878 was 24,816 and 16,085.6 respectively, against 22,410 and 14,568.3 in 1877.

New premises are needed at Camperdown and Dowling-street. Further accommodation is necessary to provide for the very young children in some of the more densely peopled parts of the city. It seems desirable that some provision of this kind should be made to relieve the overcrowded infant schools in certain localities, as well as to furnish additional facilities for infant education. Such schools, partaking to some extent of the Kinder-garten type, might probably be established with success at Surrey Hills, Woolloomooloo, Sussex-street, Haymarket, Kent-street North, Glebe, and Waterloo South. With proper limitations as to age and attainments, they would meet a want in these places, and act as feeders to the primary or more advanced classes of existing infant schools.

It seems surprising that greater regularity of attendance does not prevail in this district, and that it should not exceed what generally obtains in country districts. The percentage of pupils in proportion to the enrolment for 1878 only reached 65 per cent. This low result is partly attributable to enrolments of pupils in more than one school during the quarter, to pic-nics, and other prevalent causes of absenteeism in this city, and to holidays, which specially affect the percentage in Public Schools. It is evident that this low percentage—less than two-thirds—to whatever cause or causes it may be owing, is far from satisfactory, and goes to show that a compulsory enactment is equally requisite in the city as in the country.

Generally speaking, the character of the punctuality is fairly satisfactory. It varies, of course, in different schools, according to the personal influence of the teacher; but, on the whole, there is not much ground for animadversion on this point. In the majority of schools teachers require notes explanatory of absence, inquire of parents when they are not forthcoming, and late pupils undergo rigid scrutiny as to the cause of their lateness.

The order in a few schools is excellent, and in the majority it ranks as very fair. Drill is taught in the large schools by specially appointed drill instructors, and it conduces very largely to their improvement in this respect, so far as the marching, the general deportment of the pupils, and their steadiness are concerned. In those schools in which the efforts of the instructor are ably supported by the teachers the effect produced is very satisfactory; but where loose and careless habits prevail from slack discipline, much of the salutary results of the drill is lost to the school.

The discipline in some schools is of a high order, and, on the whole, it is fairly satisfactory. In a considerable number of schools, however, recourse is had too summarily to the use of the cane. Instead of exhausting expedients for the preservation of order and the prevention of faults, appeal is at once made to the cane, and a few strokes settle the business. Such discipline may be vigorous, but it is wanting in kindliness, and is not calculated to foster a high moral tone among the pupils. They are thus familiarized with a mode of punishment which should be infrequent—in fact, only used as an ultimatum. The frequency of the punishment destroys the dread of it, and young teachers in such schools are not trained to patient disciplinary methods, which should be exhausted before corporal punishment comes into play as a last resource. There is reason to believe that such comparatively slight corrections are often not recorded in the Punishment Book, *as they should be in all cases*. It may be remarked that the teacher, in so far as he makes such incessant appeals to the cane, practically admits his weakness as a disciplinarian, and to that extent his failure to govern the pupils by his personal influence.

Fair judgment is shown in the classification of the pupils, and the regulation of the instruction. With regard to the former, however, there is a tendency in some schools to unnecessary divisions of classes. This occurs chiefly in infant schools, and the lower classes of primary departments. It appears to be forgotten, too, that when numbers necessitate divisions in a class, the quarters of enrolment of the pupils should be consecutive. For instance, if a pupil is moved from a division of a class into another division of the same class, having been *three* quarters in the former, the entry for that child in the new division should be *fourth*, not *first*. Nine public schools have fifth classes; there are none in Denominational Schools.

The time-tables and programmes are generally neatly drawn up, and the work is recorded with fair explicitness in the majority of schools. Some, however, appear to forget that the Lesson Register should faithfully indicate *all* the work done, and be as full and explicit as practicable.

The methods are, with few exceptions, of the modern type, but great diversity prevails in their application, and consequent effectiveness. The success of any method must largely depend on the energy, the industry, and the disciplinary power of the teacher. Some, whose theoretical knowledge of methods is good, fail to produce corresponding results from laxity of government, or a lack of vigour and earnestness in the teaching. Again, comparatively low results are sometimes obtained on inspection, owing to the defectiveness of the tests applied by the teacher to ascertain the effect produced by the instruction, and to the want of recapitulation. The success of every lesson should be proved at its close by rapid, searching questioning, and frequent revision should take place, care being taken to vary the questions, so as to stimulate the thinking powers and prevent rote answering. Thus an estimate would be formed of the real value of the teaching, and the actual progress and proficiency of the pupils. In accordance with the instructions of the Council, general inspections were made of all schools in the district. This of necessity entailed minute and careful inquiry into all matters connected with the school in every aspect, whether viewed as to its material condition, its moral character, or its value educationally, as estimated by the proficiency of the pupils. The examinations were careful and searching, and the tests applied were such as to gauge the mental capacity as well as the attainments of the children. Taking an average of "fair" as the standard of reference, it may be stated with respect to the condition of all the schools as regards the estimated proficiency of the pupils, that 43 are below, 45 up to, and 38 above, the standard. Of Public Schools, 14 are below, 17 up to, and 25 above, the standard. These results indicate a falling off as compared with the previous year. The fact may, perhaps, be attributed, to some extent, to the new schools opened in 1878, and to the changes of teachers that have taken place in some schools.

Reading is very well taught in a few schools, and, generally speaking, with very fair success in the majority. The pupils are well practised in word-meanings, synonyms, and the meaning of the subject matter; and in the higher classes of some of the large schools, in particular, they read with intelligence, and considerable taste and expression.

Writing does not appear to reach such excellence in the advanced classes as might be reasonably expected in them. Owing to the pressing claims of other subjects, very little time is given to this subject, and the pupils are inclined to fall into a loose and careless style in their dictation and other written exercises, and the slovenly habits thus acquired tell upon their copy-books. Neatness and pains-

taking

taking care should be insisted upon in the writing of all school work. In dictation the results in spelling show need for care, and in the higher classes greater variety of exercise is necessary in the more difficult words.

In the large majority of schools the proficiency exhibited in arithmetic is not by any means satisfactory. Mere mechanical work is fairly done, but questions involving some amount of mental application give, for the most part, poor results. Copying and prompting appear to prevail to a large extent in many schools, so that when means are taken to prevent this bad practice, and rigid supervision is exercised over the pupils during examination, the weakness becomes apparent in the low marks reached in this subject. Unceasing vigilance and every possible preventive should be employed to eradicate this fatal habit. The following remarks on this point, taken from the work of an English Inspector of considerable experience, may be profitable:—"The successful teaching of arithmetic in a public elementary school is eminently a question of discipline and order. If the results of the teaching have been in many schools unsatisfactory, the fault has been due as much to want of discipline as to anything else. And the discipline, it must be remembered, which is sufficient for teaching reading and writing, or any other subject, is *not* sufficient for the teaching of arithmetic. No serious mischief is done in a writing lesson by one of the scholars overlooking the work of another. And the evil produced by undetected prompting in a reading or geography lesson, though it is, of course, real and serious, is trifling by comparison with the harm produced by undetected copying and prompting in arithmetic. It happens, also, unfortunately, that copying and prompting are particularly easy, and therefore specially difficult to detect in arithmetic. One glance, or one whispered word, will often do the mischief. And teachers and examiners are always apt to underrate the powers of children in carrying on these practices so as to avoid detection. * * * Children who are lazy and anxious to avoid the trouble of thinking, or who have been inattentive during a lesson, and are anxious to avoid being detected and blamed for such inattention, or who have been accustomed to copy, and are therefore not self-reliant, can exercise an ingenuity which is perfectly marvellous in obtaining help at such a pinch from their fellow-scholars. No one who has not had experience of schools would believe how far they can see, and how rapidly take in, the mode of working a sum pursued, or the result obtained, by their more clever or diligent class-fellows. There is only one way of making sure that copying in arithmetic is not practised, and that is to make it impossible. It is absurd to talk as if copying could be stopped by appeals to the children's honor, or by punishment of those who are detected in the practice. The sense of honor in children in an elementary school cannot be expected to be greater than that of Eton boys, or undergraduates, or candidates for the civil and military services, and for holy orders. The code of honor of the examinee is naturally a different one from that of the examiner; and what examinees at the Public Schools and Universities will freely do, unless prevented, children in elementary schools will do. As for punishment, idle or slow boys will run the risk of it. Detection is not certain, but the trouble of having to apply the mind to a difficult question is most certain. So that *the only real way to stop copying in a school is to make it impossible.*"

With regard to grammar and geography, it may be remarked that they are both very fairly taught in a large number of schools. In the former, however, greater attention is needed to the accidence and syntax; and in the latter a tendency prevails in some schools to cram and rote teaching and questioning, which unduly exercise the memory to the exclusion of other faculties. In some schools composition is taught with very fair success, but in the majority only tolerably successful results are reached in this subject.

In so far as the communication of information is concerned, object lessons are very fairly effective, but viewed as a means of educating the mental faculties, they fail in very many instances. They are still given by some as lectures, copied by the pupils from the blackboard or dictation, committed to memory, and reproduced as an exercise in composition. In Public Schools a very fair knowledge of the Scripture lessons prescribed to be read is shown by the pupils. No examination in this subject takes place in Denominational Schools during inspection.

Singing is taught on the tonic sol-fa method. In a few schools it is excellent; in a considerable number it ranks as good; and in the majority of the remainder it may be considered fairly satisfactory.

In a few schools good results are obtained in drawing, but on an average they scarcely reach fair. In many cases this appears to arise from a lack of interest in the subject on the part of the teacher, to slack supervision of the work, and to the injudicious selection of copies for the use of the pupils, which are often unsuitable in character as well as too difficult for the child to reproduce. In some of the larger schools pupils of the higher classes are occupied in producing showy landscapes and figures of animals before they have the slightest knowledge of shading or perspective. The example thus set by the large schools is followed by the smaller, in order to keep the elder scholars from leaving, for both pupils and parents prefer these attempts at sketching to the less striking, but more useful, outline drawing, to the attainment of excellence in which the lessons in this subject should be chiefly, if not entirely, directed in primary schools.

In a few schools the proficiency in geometry and algebra is high, but generally speaking the attainments in these subjects are of a very elementary character. In only one school—a Public one—has there been any attempt made to teach trigonometry.

The attainments in Latin are low. Little attention seems to be given to it as compared with that bestowed on mathematics.

During the year—owing to the appointment of special mistresses—increased attention has been given to needlework, the result of which will be apparent during 1879.

The teachers are as a body hardworking, earnest, and attentive to their duties. Suggestions and directions have generally been received in a proper spirit. The pupil-teachers are, with few exceptions, reported to be well-behaved, attentive to their studies, and assiduous in the performance of their duties.

The character of the local supervision remains unaltered. A considerable number of Public Schools have no Boards, but in only a few instances do the existing ones exhibit an active interest in the welfare of the school with which they are associated. In Denominational Schools the supervision is usually confined to the clergymen.

It may be stated briefly, in conclusion, that the material condition of schools has been improved and greater accommodation provided during the year; that the discipline and general attainments are, on the whole, about fair; and that there is reasonable ground for satisfaction as to the present condition and future prospects of education in the district.

J. McCREDIE,
CHAS. HOOKINS, } Inspectors.

YASS DISTRICT.

Inspector's General Report for 1878.

At the commencement of the year sixty-nine schools were in operation. These were distributed as follows:—thirty-three Public; seventeen Provisional; eight Half-time; three Church of England; and seven Roman Catholic.

During the year the Public Schools at Harden, Binda, and Chain of Ponds were reopened, and a new Public School was opened at Tuggranong. Provisional Schools were opened at Bango Creek and Yarralumla, and the Grabben Gullen Provisional School was reopened; also, Half-time Schools were opened at Jeir and Bedellick, Tangmangaroo and Throsby Creek. The Half-time Schools at Foxlowe and Burra were closed in consequence of small attendance. Hoskingtown Provisional was changed to a Half-time, and McDonald's Flat Half-time was changed to a Provisional. There

There are now, at the close of the year, in existence seventy-nine schools, distributed as follows:—thirty-seven Public; twenty Provisional; twelve Half-Time; three Church of England; and seven Roman Catholic. Provisional Schools will be established at Ironbong, Wallendoon, Congo, and Jerrara as soon as the people in the respective localities have provided furnished school-rooms and accommodation for the teachers.

In Yass there are three schools; there are also three schools in the town of Young. In each of the following towns there are two schools, viz.:—Grenfell, Burrowa, Queanbeyan, and Bungendore. Public money would be saved and the standard of instruction raised by having only one good school in each of these towns instead of two or three competing with each other. In two Denominational Schools the attendance is below the minimum required by the Public Schools Act, and in other three the attendance is only maintained by unhealthy action.

Now that there is no necessity for local contributions towards the cost of providing Public Schools, applications are frequently made for these in localities where the population is insufficient to provide the requisite number of children to maintain them. Much time has been occupied in dealing with these applications. And in all cases of this kind the people have been encouraged to originate Provisional Schools, which could as soon as the attendance would warrant, be converted into Public Schools.

Condition and Keeping of Schools.—During the year new Public School buildings have been erected at Binda, Dalton, Yass, Mitten's Creek, and Brawlin. Improvements have been effected in the Public Schools at Grenfell, Young, and Cootamundra. The material organization of the other schools in the district remains much the same as it was at the commencement of 1878. As a general rule fair care has been taken of the school properties by the teachers and the Local Boards, but there are a few cases, however, in which much negligence in this respect has been manifested.

Discipline.—The discipline in most of the schools in the district is fairly satisfactory. There are some cases, however, to which this remark does not apply. In these schools irregularity and unpunctuality prevail to a large extent, and the teacher excuses his laxity in dealing with these evils by stating that he receives great opposition from the parents when he attempts to do so. In all such cases, however, it is found that where the teacher is himself regular and punctual, and insists with intelligence and firmness upon his pupils being the same, the opposition of the parents speedily vanishes.

From careful inquiries, it is estimated that there are not less than 1,089 children whose names are not even enrolled on the school books, and of those that are enrolled a considerable number is very irregular in attendance. The opinion is now almost universally entertained that nothing but a compulsory law will cure these evils.

Instruction and Methods.—Except in a very small number of schools, the curriculum is of full range, and in the larger Public Schools includes Latin, geometry, algebra, and mensuration, and in a few schools French is taught. In nearly all the schools in the district the methods are intellectual and penetrative, and produce, where the teaching is honest and energetic, fairly satisfactory results.

Reading.—This subject, in most schools, is well taught. As a general rule, teachers throughout the district endeavour to make the pupils understand what they read.

Writing.—As a rule this subject is not well taught. Some trained and classified teachers of high pretensions give themselves but very little trouble in the teaching of this subject. They satisfy themselves with writing a copy on the black-board with a piece of chalk, and then leave their pupils to write the same word or sentence in their copy-books, while they employ themselves with another class, or walk up and down the floor in front of the writing class, satisfying themselves with a cursory examination of three (3) lines at a time of the writing so produced. It would be unreasonable to expect good writing in schools where such a loose system prevails. The practice of teaching writing from a chalked copy on the black-board cannot be too strongly condemned.

Arithmetic.—The statistics of proficiency accompanying this report show that only in a very small number of schools is arithmetic well taught. There were a great many failures, and but few obtained satisfactory marks. This arises from the teachers giving too much theory, and an inadequate number of examples, and not requiring in the junior classes perfect accuracy in the tables. At frequent intervals the pupils should be thoroughly tested in this subject without any help whatever.

Grammar.—This subject, like writing, is taught very loosely. The general practice is to begin with parsing from the reading lesson, and end with analysis of sentences. In some schools accidence and synthesis are unknown, and many failures occurred in these subjects, even in schools under trained and classified teachers.

Geography.—The second classes in most schools passed in this subject satisfactorily, but in many schools the third and fourth classes failed to do so. Their knowledge of the geography of New South Wales was, as a general rule, limited to the physical features, and in some schools these could be only given in a certain order. In only a very small number of schools had any attention been paid to topography.

Object Lessons.—In several schools the time occupied in giving these lessons might advantageously be used in giving lessons in other subjects. The primary object in giving Object Lessons is to train the pupils to think, and where this is lost sight of, the Object Lessons, as a rule, might without loss to the pupils be omitted from the time-table.

Singing.—Although much attention is given to the teaching of this subject in the Training School to all teachers while being trained, the results of such teaching in the schools of this district do not produce results above moderate, and some trained teachers do not even attempt to teach singing, stating their inability to do so.

Scripture.—This subject is, as a general rule, well taught.

Needlework.—In most of the schools much care has been given to the teaching of this subject, with fairly satisfactory results.

Drawing.—This subject is generally taught from copies, and in most cases fair representations of the copies were produced. Models might now, with advantage, be substituted for the copies in use.

Latin.—In the schools in which this subject is taught it is generally taught well.

Algebra.—This subject also is generally well taught.

Geometry.—In most schools where this subject is taught, the pupils are advanced too rapidly, and hence but low results are produced, except in a small number of schools.

Mensuration.—In this subject fair results are produced.

Inspection of Schools.—All the schools in the district were fully inspected, with the exception of the Public Schools at Binda and Harden, and the Provisional Schools at Yarralumla and Grabben Gullen. The Binda school was not opened when I visited the district, and on the day of my visit to Harden only four pupils were present, owing to heavy rain. The Provisional School at Yarralumla was opened, and the Grabben Gullen school was reopened only a few weeks before the close of the year, too late to admit of inspection. Of the seventy-five schools inspected, thirty were below the standard, eighteen up to it, and twenty-seven were above it. Of the thirty schools below the standard, seven were opened only a short time before the inspection, and of course satisfactory results were not expected in these schools. In the case of the remaining twenty-three schools vigorous efforts are being made for their improvement.

Teachers.—As a rule, the teachers perform their work with honesty and zeal, and in some cases they meet with much discouragement from the apathy and indifference of parents, who keep their children at home for the most trifling causes.

Local Supervision.—In a small number of schools the local supervision is active and beneficial, but in far the greater number it is merely nominal or non-existent. In some cases Local Boards never meet at all, and in some others, they only meet to make application to the Council for repairs and additions to the premises. In very few instances indeed are Local Boards found to visit the school with a view to encourage the teachers and pupils in their work, and in still fewer instances are they found visiting the parents of outstanding children, with a view of inducing them to send them to school. In Denominational Schools the local supervision is left almost exclusively to the clergyman.

J. H. MURRAY,
Inspector.

APPENDIX I.

RECEIPTS AND DISBURSEMENTS of the Council of Education, from 1st January to 31st December, 1878.

RECEIPTS.	£ s. d.	DISBURSEMENTS.	£ s. d.	£ s. d.
		GENERAL MANAGEMENT.		
To Balance from 1877	44,705 16 10	By Salaries and allowances	7,164 11 3	
,, Amount received from Treasury on account of Vote for 1878	320,000 0 0	,, Repairs, rent, and furniture	554 10 0	
,, Church and School Estates Revenue	2,838 5 8	,, Books, binding, printing, and stationery	1,176 0 11	
,, Interest	1,033 7 2	,, Miscellaneous expenses :—		
		Duty stamps and telegrams £4 5 8		
		Clerical aid and labour 708 0 8		
		Furniture, fuel, and light 21 15 7		
		Travelling expenses, &c. 21 5 8		
		Legal expenses 5 7 0		
		Sundry small expenses 40 7 6	801 2 1	
				9,696 4 3
		INSPECTION.		
		,, Salaries and allowances	9,200 4 3	
		,, Rent and furniture	338 17 0	
		,, Books, printing, and stationery	289 8 1	
		,, Travelling expenses	2,519 7 6	
		,, Forage allowances	315 10 9	
		,, Sundry small expenses	41 8 9	
				12,704 16 4
		TRAINING DEPARTMENT.		
		,, Salaries and allowances	6,274 7 0	
		,, Repairs and furniture	227 16 0	
		,, Books, printing, and stationery	113 2 7	
		,, Sundry small expenses	8 7 0	
				6,623 12 7
		PUBLIC SCHOOLS.		
		,, Salaries and allowances	101,737 4 2	
		,, Buildings, repairs, rent, and furniture	139,786 18 0	
		,, Books, printing, and stationery	4,392 9 7	
		,, Travelling expenses	2,448 13 9	
		,, Miscellaneous expenses :—		
		Advertising £532 0 0		
		Survey Fees 56 17 0		
		Architects' commission 3,172 12 1		
		Forage allowances 7 5 8		
		Legal expenses 495 10 8		
		Sundry small expenses 64 5 2	4,328 10 7	
				252,693 16 1
		PROVISIONAL SCHOOLS.		
		,, Salaries and allowances	17,800 1 7	
		,, Repairs, rent, and furniture	148 8 6	
		,, Books, printing, and stationery	646 1 3	
		,, Travelling expenses	49 11 4	
		,, Sundry small expenses	3 2 7	
				18,647 5 3
		HALF-TIME SCHOOLS.		
		,, Salaries and allowances	4,777 7 1	
		,, Repairs and furniture	9 12 6	
		,, Books, printing, and stationery	104 10 3	
		,, Travelling expenses	61 18 5	
		,, Forage allowances	403 15 1	
				5,357 3 4
		CERTIFIED DENOMINATIONAL CHURCH OF ENGLAND SCHOOLS.		
		,, Salaries and allowances	15,273 4 8	
		,, Repairs and furniture	630 5 3	
		,, Books, printing, and stationery	389 3 8	
		,, Travelling expenses	25 12 10	
				16,318 6 5
		CERTIFIED DENOMINATIONAL ROMAN CATHOLIC SCHOOLS.		
		,, Salaries and allowances	15,768 6 2	
		,, Repairs and furniture	577 0 3	
		,, Books, printing, and stationery	503 18 6	
		,, Travelling expenses	60 11 7	
				16,909 16 6
		CERTIFIED DENOMINATIONAL PRESBYTERIAN SCHOOLS.		
		,, Salaries and allowances	917 10 4	
		,, Repairs and furniture	79 15 0	
		,, Books, printing, and stationery	18 4 7	
				1,015 9 11
		CERTIFIED DENOMINATIONAL WESLEYAN SCHOOLS.		
		,, Salaries and allowances	1,372 11 4	
		,, Repairs and furniture	106 1 1	
		,, Books, printing, and stationery	30 3 4	
				1,508 15 9
		CERTIFIED DENOMINATIONAL HEBREW SCHOOL.		
		,, Salaries and allowances	218 0 0	
		,, Books, printing, and stationery	4 4 8	
				222 4 8
		,, Balance	.....	26,879 18 7
£	368,577 9 8		£	368,577 9 8

Council of Education Office,
31 March, 1879.

JOHN M. GIBSON,
Accountant.

APPENDIX J.

APPENDIX J.

Sir, Sydney, 19 March, 1879.

I have the honor to furnish you with the report of the results of my duties as visitor in that portion of the metropolitan school district lying within the boundaries of the city of Sydney.

The dwelling-houses visited number 15,338, exclusive of vacant houses, stores, and houses occupied only as places of business. No serious difficulty was experienced in eliciting facts required. In many cases of neglected education, where I had reason to doubt the statement that the child was attending a Public or Certified Denominational School, I examined the records of the school named, or consulted the teacher; numerous cases of attempted deception were thus exposed. Eight heads of families only objected, in the first instance, to furnish information. One of these had been twice summoned by the London School Board; two objectors were members of the Church of England Defence Association; three refused "on principle"; one, a lady, declined to give information to the servant of a Government which tolerated Chinamen; the eighth refused it because, when a teacher, I had expelled his son for stealing books. In each case, however, I succeeded in getting sufficiently accurate information for my purposes.

The number of children between the ages of 5 and 14 was 17,691. In addition to these, 766 children between the ages of $1\frac{11}{12}$ years and 4 years were attending school; there were also 383 pupils between the ages of 15 and 21 receiving instruction. The total number thus taken as of school age was 18,840. Of these, 15,542 professed to attend school.

The proportion of children between the ages of 5 and 14 ascertained as not attending any school was 18·64 per cent. Of this number 364, of ages varying from 8 to 13, were at work. Their ages, employments, and emoluments were principally as follows:—

	Age.	Weekly Wages.
Employed in Boot, Tweed, and Sweetmeat Factories ...	8 to 13 ...	4s. 6d. to 14s.
In Tobacco Factories	do. ...	5s. to 31s. 6d.
,, Bottling ,, ...	10 to 13 ...	10s.
,, Drapers' Shops	11 to 13 ...	5s. to 12s. 6d.
,, Telegraph Department	11 to 13 ...	Unknown.

One hundred and twenty-nine were children whose parents objected to their education commencing before attaining the age of 6 or 7 years. The majority of these children would in all probability attend school until they arrived at from 15 to 19 years of age. Sixty-five more were disabled by constitutional diseases, viz.:—Hip and spinal diseases, blindness, &c. The remainder may be classified as not attending from the following causes:—(*a.*) Restlessness, *i.e.*, removing from school to school with intervals of non-attendance varying from two to eight months; (*b.*) Poverty, *i.e.*, inability to pay fees, or provide proper clothing; (*c.*) Guardian being a stepfather or stepmother, or uncle, or aunt, evincing no interest in the child's welfare, and almost grudging its existence; (*d.*) Excessive indulgence—the child does not care to go, the parent will not force its inclinations; (*e.*) Drunkenness of one or both parents; (*f.*) The mother dead, and the father at work all day. In each of the cases *c*, *e*, and *f* the effects are similar; the children become dirty and neglected street wanderers, and exposed to evil influences.

Of the 15,542 children professing to attend school, 17·3 per cent. between 5 and 14 were noted as irregulars, *i.e.*, loitering about their parents' homes, street wandering, or truant playing. The result of my observations is, that the existence of this last class is attended with more danger to the future of the community than that of any other. The prevailing opinion is that our criminal population is recruited principally from those who are never, or rarely *sent* to school. Undoubtedly these furnish their proportion, and even become sources of contamination, especially where the children are the progeny of depraved and vicious parents, but, on the whole, they are more distinguished as a class by their love of merely animal pleasures, riotous behaviour, foul language, brutality, and general rowdyism, than by actual dishonesty. The truant, however, takes his first step in crime when he becomes a truant; he passes by easy gradations from spending his school fees to evil associations; thence to fruit and flower stealing, to shop-lifting, to pigeon and poultry stealing (a ready source of income), to till-robbing, and plundering his relations. Add to this, that he commits on the average ten crimes before he is found out; that when detected, his victim generally declines to lose time in prosecution; that if prosecuted, he escapes with a fine or nominal imprisonment; and it may be seen that he too often hardens into an incorrigible thief about the time that he enters his teens. Even in the case of the mere loiterer, habits of indolence and an indisposition to continue in any settled employment become marked features of character in after years.

The number of children represented to me as attending Private Schools is 5,259. The number collected by the Police from the teachers of these schools is 4,998. Neither return can be relied on. In the first instance, I had no such access to the records of Private Schools as in the case of Public Schools, for the purpose of checking probable mis-statements. For example, my notes give 852 children represented as attending the Roman Catholic Schools at Church Hill, conducted by religious orders; the number returned to the Police collectors by the teachers is 693. In the second instance, I observe that certain teachers attempt to magnify the importance of their schools by exaggerating the number of their pupils. Some have returned more pupils than could be stowed in their houses. One teacher who so returned 96, had actually 37, my notes from the statements of the parents having been taken at the same time as those of the Police. Two teachers returned night scholars. One returned violin pupils, and two furnished returns after their schools had been closed from paucity of attendance. I estimate the true number at about 4,500.

Orders were issued by me to 631 children unable to pay fees. In addition to these, 918 free children were admitted either by me at subsequent dates on special applications, or by Local Boards, or by teachers on their own responsibility. They were either orphans, children deserted by their fathers, or whose parents could not obtain remunerative employment, or whose parents were disabled by sickness. Of the 631 thus admitted, 389 attended within one month of the date of issue. Many of the laggards presented themselves at a considerably later period, some after the currency of their orders had expired. The parents of 836 children, in fairly prosperous circumstances, also promised attendance. 267 only of these attended within one month of the date of promise. Several teachers complain that a large number of the children admitted on free orders are disorderly, irregular, untidy, and ignorant; and that they are doubly punished by their admission—first, in the loss of fees; and, in the second place, by the standard of their schools being lowered. Some of these children had not attended school previously for years—some had *never* attended school. It would be an improvement if, for children of the above character, special schools could be established in the neighbourhood of the following localities, viz.:—Woolloomooloo, Albion Estate, Chippendale, Glebe, the south-east side of Darling Harbour, and Miller's Point. It is true that the Ragged School Committee maintain three schools—at Harrington-street, the Glebe, and Kent-street; but the efficiency of these schools is cramped by want of means, marred by want of proper supervision, and their field of usefulness narrowed by making the reading of the "authorized version" of the Scriptures compulsory throughout the working school hours, and to children of all denominations.

If, on the one hand, I have been able to record the introduction of 656 new pupils to the city schools, I have also to note a depression of $\frac{1}{10}$ per cent. in the average attendance, that for 1877 having been 66·4, for 1878, 66. This depression, however, is more apparent than real. The opening of a new school, or the appointment of a popular teacher to an established school, gives rise to a double lowering of average, *i.e.*, it gives to the teacher who gains ground an undue preponderance of total enrolled pupils to his attendance in the beginning of the quarter; to the teacher who loses ground it gives a like preponderance at the close of the quarter. Double, treble, and even quadruple enrolments

by

by changing schools are much too common, and render comparison with country schools of no avail. The best test of attendance is for the first four weeks of the quarter, as during that period any pupil who is worth taking into account is in attendance at some school. The averages shown by both methods are :—

	For the Quarter.	For the First Four Weeks.
At Public Schools	67·2	76·3
At Denominational	65·	74·2
For both kinds under the Council...	66·	75·9

The highest averages obtained are :—

	For the Quarter.	First Four Weeks.
St. Mary's R.C. Girls	82·6	86·7
Kent-street North R.C. Girls	76·1	83·4
Cleveland-street Public School Girls	75·6	83·9

The lowest averages obtained are :—

	For the Quarter.	First Four Weeks.
Kent-street North R.C. Boys	53·5	64·3
Hebrew School	55·5	57·1

No average of less than 70· on the quarter, or 78· on the first four weeks, should in future be considered satisfactory. I furnish suggestions, the adoption of which will, I believe, lead to such averages being obtained.

What has been done to improve the attendance? Where I have found children absent from school without the knowledge of their parents, I have communicated with both parents and teachers. In several cases where bad characters were making use of absentees for their own purposes, I warned the parents of the character of their children's companions, and communicated with the Police Inspectors, who had the tempters removed. Where misunderstandings have arisen between parents and teachers I have adjusted the differences, when in my power; when too serious to be dealt with by me, I have forwarded statements to the Council, who has decided on them. Information has also been afforded to parents respecting the schools best adapted for their children when not in attendance at any school; also information respecting the regulations, working, and course of instruction in Public Schools, where such information was required.

The following are suggestions for the improvement of attendance at Metropolitan Schools :—

(1.) That a minimum average attendance be fixed by the Council.
(2.) That abstracts of quarterly and first four weeks attendance be systematically prepared on the model of the accompanying Specimen Form.
(3.) That where the minimum average is not reached, or where any serious diminution occurs in the enrolment at any school, it shall be the duty of the Visitor promptly to ascertain the cause, and to report it to the Council.
(4.) That it shall be a direction to the teachers to communicate with the parents in all cases where the absence of the children is not accounted for.

The teacher of a girls' school attributes her high average solely to the application of this suggestion. In another case, in which the teacher was *compelled* to carry it out, his average was raised from 66·6 in 1877, to 71·6 in 1878. The low average—55—at a certain boys' school is undoubtedly owing to its neglect.

Comparison of attendance, as disclosed in Results of Visits, with the attendance as shown by First Four Weeks of Quarterly Returns :—

Quarterly returns as above	13,038
City children attending suburban Public Schools	134
Total	13,172
Contra.	
Attendance at schools under the Council, as disclosed by visits	10,268
Induced to attend schools, exclusive of children in the south-western portion of the city, viz., Glebe and Cleveland-street districts, which were taken in 1879 ...	550
Attending city schools from the suburbs	2,444
Total	13,262
Children in excess, unaccounted for	90

I have, &c.,
JOHN McDONNELL.

SPECIMEN FORM.

ABSTRACT of Attendance for the Quarter ending 28th December, 1879.

School.	For the Quarter.							For the First Four Weeks.							Remarks.
	Enrolment.			Average.			Per-centage.	Enrolment.			Average.			Per-centage.	
	M.	F.	Total.	M.	F.	Total.		M.	F.	Total.	M.	F.	Total.		
School No. 1	346	—	346	249·6	—	249·6	72·1	315	—	315	253·6	—	253·6	80·5	
,, 2 Infants	344	235	579	232·1	143·8	375·9	64·9	313	196	509	234·3	144·8	379·1	74·4	
,, 3	545	—	545	393·7	—	393·7	72·2	500	—	500	412·1	—	412·1	82·4	
,, 4 Girls	—	283	283	—	194	194·0	68·5	—	264	264	—	206·9	206·9	78·3	
,, 5	204	149	353	132·0	87·9	219·9	62·3	182	133	315	137·6	93·8	231·4	73·4	
,, 6	517	—	517	367·8	—	367·8	71·1	488	—	488	379·5	—	379·5	77·7	
,, 7 Infants	316	223	539	215·1	138·3	353·4	65·6	290	202	492	229·3	143·9	373·2	75·8	
,, 8	161	—	161	119·6	—	119·6	74·2	151	—	151	124·1	—	124·1	82·1	
,, 9 Infants	105	95	200	71·3	54·0	125·3	62·6	89	80	169	64·3	53·0	117·3	69·4	

[Eight maps.]

Sydney : Thomas Richards, Government Printer.—1879.

[4s.]

617—H

1878.

EXPLANATION.

Public Schools shewn Thus ●

Denominational Schools ■

Provisional Schools ◆

Contemplated Schools ○

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

Water Reserve 768 acres

1878–9.

NEW SOUTH WALES.

REPORT

OF THE

COUNCIL OF EDUCATION

UPON THE CONDITION

OF THE

CERTIFIED DENOMINATIONAL SCHOOLS

FOR

1878.

Presented to both Houses of Parliament, in pursuance of the Act 30 Vic. No. 22, sec. 27.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1879.

[6d.] 667—

THE COUNCIL OF EDUCATION TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,

SUBMITTING

REPORT UPON DENOMINATIONAL SCHOOLS FOR 1878.

To His Excellency Sir Alfred Stephen, Companion of the Bath, Knight Commander of the Order of Saint Michael and Saint George, and Lieutenant-Governor of the Colony of New South Wales and its Dependencies.

May it please your Excellency,

We have the honor to lay before your Excellency this our Report upon the condition of the Certified Denominational Schools under our supervision for the year 1878.

Of the number of schools (178) on the list for the previous year, 9 were not re-opened in 1878; a tenth was closed in December; and a certificate was granted to a Roman Catholic School at Dubbo on the 11th November.

The total number of Denominational Schools now returned is therefore 169. Appendix A & C.

The only new application for a Certificate to a Denominational School was that from Dubbo, to which reference is made in the preceding paragraph. Appendix B.

As usual, we have included in our Report upon Public Schools any remarks we have deemed it necessary to make upon the condition of Certified Denominational Schools, and supply in the Appendices detailed information as to the number of pupils and expenditure upon schools of this class.

From the portion of the Church and Schools Estates Revenue placed at our disposal we allotted the following amounts:—

Church of England Schools	£720 11 0
Roman Catholic...	430 3 6
Presbyterian	154 7 11
Wesleyan	114 0 5
	£1,419 2 10

We submit this as our Report upon the Certified Denominational Schools for the year ending 31st December, 1878; and in testimony thereof we have caused our corporate seal to be affixed hereto, this seventh day of April, one thousand eight hundred and seventy-nine.

(L.S.)

J. SMITH, President.
W. A. DUNCAN.
G. WIGRAM ALLEN.

W. WILKINS, Secretary.

APPENDIX A.

APPENDIX A.

ATTENDANCE of Children at the Certified Denominational Schools, as certified by the Local Boards, for the Quarter ending 31st December, 1878, or for the last Quarter of that year during which the schools were in operation.

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
CHURCH OF ENGLAND SCHOOLS.							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Ashfield	44	17	61	28·1	10·4	38·5	69 19 3	21 5 6	5 17 6	.....	5 0 0	102 2 3
Balmain	101	84	185	64·9	52·9	117·8	154 5 3	284 12 0	4 13 5	.....	15 0 0	458 10 8
Bathurst	114	130	244	79·1	76·7	155·8	250 7 4	338 1 1	14 19 3	2 3 6	55 0 0	660 11 2
Bendolba, Upper	25	24	49	12·4	14·2	26·6	24 13 9	123 8 2	1 18 2	.....	5 0 0	155 0 1
Braidwood	16	22	38	12·7	17·6	30·3	27 14 6	129 19 4	0 19 8	.....	.....	158 13 6
Buchanan	35	45	80	19·9	23·9	43·8	46 10 11	123 13 0	3 15 5	.....	.....	173 19 4
Burwood	57	47	104	37·8	30·4	68·2	100 17 11½	135 17 6	3 1 11	.....	5 0 0	244 17 4½
Camden	8	3	11	7·7	2·3	10·0	2 17 6	43 12 2	.....	.....	.....	46 9 8
Canberra	21	23	44	14·5	14·1	28·6	23 3 8	121 9 0	... .	.....	.....	144 12 8
Castle Hill	38	50	88	23·4	33·0	56·4	64 15 0	159 8 10	9 6 0	.....	15 0 0	248 9 10
Christ Church	289	229	518	176·7	128·2	304·9	401 13 5	409 7 8	8 8 8	.....	.....	819 9 9
Cobbitty	22	23	45	16·1	12·4	28·5	25 18 2	120 0 0	3 0 1	1 1 3	15 0 0	164 19 6
Dapto	30	29	59	18·5	18·7	37·2	37 6 0	135 2 0	3 1 2	.....	10 0 0	185 9 2
Darlinghurst	224	156	380	163·4	104·6	268·0	382 7 6	374 0 4	7 1 2	.....	.....	763 9 0
Denman	29	41	70	20·1	27·1	47·2	44 5 11	132 0 0	3 3 2	.....	.....	179 9 1
Double Bay	141	126	267	100·7	84·1	184·8	270 13 4½	389 12 4	7 12 5	.....	.....	667 18 1½
Dungog	32	24	56	24·3	16·1	40·4	24 15 9	135 12 8	4 5 2	.....	5 0 0	169 13 7
Enfield	39	31	70	24·7	18·4	43·1	57 0 4	120 0 0	3 7 7	.....	10 0 0	190 7 11
Fox Ground	27	12	39	17·5	8·1	25·6	32 2 9	108 0 0	0 10 4	.....	.....	140 13 1
Glebe	100	58	158	61·2	34·5	95·7	148 19 10	171 3 5	6 5 11	.....	.....	326 9 2
Goulburn	77	55	132	53·8	40·4	94·2	117 14 2	256 5 1	.....	1 5 6	43 7 9	418 12 6
Goulburn, North	36	36	72	28·1	29·3	57·4	7 9 3	13 4 3	5 7 5	.....	.....	26 0 11
Hexham	35	25	60	23·6	16·6	40·2	37 6 3	117 7 6	2 14 3	.....	.....	157 8 0
Jerry's Plains	30	37	67	19·3	25·3	44·6	48 13 6	120 0 0	3 0 2	.....	15 0 0	186 13 8
Kempsey	40	28	68	23·9	13·2	37·1	42 6 1	122 14 0	2 8 3	.....	22 2 0	189 10 4
Kurrajong, North	29	23	52	15·3	14·8	30·1	28 6 8	93 16 8	6 5 3	.....	.....	128 8 7
Liverpool	52	40	92	37·2	24·3	61·5	64 10 6	188 17 9	5 13 4	.....	20 0 0	279 1 7
Macquarie River	40	31	71	26·7	21·0	47·7	57 16 10	132 0 0	3 16 7	.....	.....	193 13 5
Maitland, East	51	40	91	34·1	28·6	62·7	56 9 2	169 2 11	4 17 5	.....	.....	230 9 6
Maitland, West	81	56	137	47·5	31·5	79·0	93 6 5	180 0 0	3 18 9	.....	10 0 0	287 5 2
Miller's Forest	26	39	65	10·5	16·6	27·1	30 15 11	132 0 0	1 2 8	.....	.....	163 18 7
Moruya	51	55	106	33·2	36·9	70·1	94 15 3	181 10 0	3 11 1	.....	.....	279 16 4
Mudgee	129	122	251	97·7	84·6	182·3	240 1 6	314 18 9	3 5 0	.....	35 0 0	593 5 3
Muswellbrook	75	81	156	57·4	52·4	109·8	124 1 10	253 11 11	5 10 6	.....	.....	383 4 3
Newcastle (Christ Church)	104	121	225	67·9	64·6	132·5	161 5 9	222 9 2	5 14 3	.....	11 12 9	401 1 11
Newcastle (St. John's)	30	39	69	19·8	27·8	47·6	56 19 6	132 0 0	.....	.....	.....	188 19 6
Newtown	158	134	292	105·6	80·9	186·5	211 13 6¾	345 1 4	5 7 2	.....	10 0 0	572 2 0¾
Paddington	45	29	74	27·3	17·5	44·8	56 10 0	124 1 0	0 18 2	.....	10 0 0	191 9 2
Parramatta	83	60	143	63·2	38·5	101·7	113 12 3	220 1 8	.....	.....	.....	333 13 11
Parramatta (North)	108	68	176	81·8	47·1	128·9	151 17 9	244 12 6	5 7 10	.....	15 0 0	416 18 1
Parramatta-street	306	261	567	208·6	168·7	377·3	462 18 4½	444 8 9	21 0 7	.....	5 0 0	933 7 8½
Pennant Hills	48	52	100	32·7	33·3	66·0	88 4 2	111 16 8	7 6 1	.....	8 0 0	215 6 11
Petersham	94	51	145	59·3	36·9	96·2	140 11 1	233 2 2	8 8 5	.....	.....	382 1 8
Pyrmont	186	155	341	114·8	87·3	202·1	270 11 11	288 18 3	13 17 11	.....	.....	573 8 1
Randwick	52	48	100	31·1	30·4	61·5	79 5 3	132 7 6	3 5 1	.....	7 10 0	222 7 10
Raymond Terrace	32	30	62	22·1	18·2	40·3	39 14 10	135 15 1	1 10 7	.....	.....	177 0 6
Redfern	231	194	425	153·8	120·7	274·5	355 12 8½	446 3 10	10 17 4	.....	.....	812 13 10½
Richmond	40	40	80	28·6	22·0	50·6	113 15 0	172 9 0	4 9 1	.....	10 0 0	300 13 1
Ryde	40	24	64	28·1	14·2	42·3	56 9 10¾	135 4 6	3 11 11	.....	7 10 0	202 16 3½
Seven Hills	27	24	51	19·0	18·3	37·3	38 2 6½	111 6 2	5 16 5	.....	15 0 0	170 5 1½
Singleton	50	18	68	31·3	9·2	40·5	58 11 3	136 11 3	2 10 9	.....	10 0 0	207 13 3
St. Andrew's	112	84	196	72·3	48·6	120·9	166 8 4¾	301 15 8	6 16 9	.....	.....	475 0 9¾
St. James's	219	178	397	149·5	122·0	271·5	356 15 6	559 16 1	10 1 6	.....	.....	926 13 1
St. Leonards	75	42	117	53·7	27·8	81·5	106 16 5½	183 0 0	4 5 11	.....	25 11 6	319 13 10½
St. Peter's	143	164	307	100·8	102·2	203·0	270 15 11½	354 18 9	9 9 10	.....	12 10 0	647 14 6½
St. Philip's	328	332	660	237·3	208·2	445·5	567 13 9¾	717 10 6	20 14 6	.....	.....	1,305 18 9¾
Stroud	37	54	91	27·8	39·0	66·8	42 1 0	113 16 9	2 6 6	1 8 0	.....	159 12 3
Surry Hills	153	141	294	95·4	89·4	184·8	264 12 2	432 19 4	7 8 3	.....	15 0 0	719 19 9
Sutton Forest	38	37	75	24·0	25·1	49·1	58 13 10½	125 0 0	2 6 5	.....	.....	186 0 3½
Tamworth	114	94	208	66·4	49·7	116·1	136 17 5	191 10 0	7 9 8	4 9 7	54 0 0	394 6 8
Trinity	148	123	271	95·7	78·9	174·6	200 8 9	373 0 10	9 3 1	.....	.....	582 12 8
Wallsend	94	74	168	71·9	49·6	121·5	94 12 0	168 0 0	10 19 11	.....	40 0 0	313 11 11
Waterloo	156	159	315	104·8	99·7	204·5	239 6 8	340 17 6	7 1 2	.....	7 10 0	594 15 4
Waverley	65	69	134	43·2	40·2	83·4	110 13 9	216 0 0	7 12 0	.....	.....	334 5 9
Wilberforce	37	29	66	29·5	22·5	52·0	62 14 5	134 13 4	3 1 9	.....	20 0 0	220 9 6
Windsor	40	26	66	29·5	17·9	47·4	69 15 3	139 16 4	3 16 10	.....	10 0 0	223 8 5
Wollongong	74	60	134	58·1	42·3	100·4	126 2 0	213 9 2	5 18 3	.....	10 0 0	365 9 5
Woodville	18	19	37	14·3	14·8	29·1	19 4 7	127 0 0	2 2 3	10 0 0	5 0 0	163 6 10
Woonona	64	60	124	42·5	40·4	82·9	88 10 3	102 0 0	6 2 10	.....	10 0 0	206 13 1
Yass	74	64	138	48·6	42·1	90·7	143 18 0	289 16 0	4 11 4	2 10 9	.....	440 16 1
Young	82	70	152	53·3	42·8	96·1	139 15 2	156 0 0	2 4 4	2 14 3	.....	300 13 9

APPENDIX A—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
ROMAN CATHOLIC SCHOOLS.							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Adelong	49	33	82	34·3	24·1	58·4	82 14 0	120 0 0	1 4 0	.....	.....	203 18 0
Albury	144	...	144	112·1	...	112·1	152 10 0	189 4 11	5 9 10	7 2 9	.....	354 7 6
Araluen	61	68	129	45·8	46·7	92·5	105 4 2	216 0 0	4 1 6	.....	.....	325 5 8
Armidale	62	58	120	48·7	47·5	96·2	92 8 0	183 16 6	8 13 1	.....	86 0 8	370 18 3
Balmain	170	...	170	127·1	...	127·1	158 0 0	205 18 0	7 2 5	.....	.....	371 0 5
Bathurst	191	252	443	141·0	216·5	357·5	291 2 9	560 19 11	22 4 6	.....	205 0 7	1,079 7 9
Bega	44	23	67	30·1	14·9	45·0	71 8 3	131 0 0	5 3 10	.....	.....	207 12 1
Blandford	27	39	66	18·8	22·8	41·6	37 2 1	120 0 0	3 7 10	.....	.....	160 9 11
Braidwood	82	88	170	53·8	54·8	108·6	178 10 3	241 7 2	15 4 11	.....	.....	435 2 4
Bungendore	23	21	44	18·2	13·8	32·0	40 13 7	110 0 0	3 9 2	.....	.....	154 2 9
Burrowa	35	54	89	22·6	35·4	58·0	90 8 3½	179 10 0	3 3 1	3 0 0	.....	276 1 4½
Cabramatta	14	20	34	10·1	14·9	25·0	19 8 0	79 0 0	2 10 5	1 18 0	.....	102 16 5
Camden	37	38	75	23·5	27·0	50·5	45 1 9	131 0 0	6 14 1	.....	.....	182 15 10
Campbelltown	65	57	122	42·2	31·3	73·5	87 7 0	210 17 3	6 8 10	.....	.....	304 13 1
Camperdown	20	26	46	14·3	14·6	28·9	35 13 4	120 0 0	.....	.....	.....	155 13 4
Charcoal Creek	25	26	51	15·2	17·0	32·2	40 7 0	77 0 0	.....	.....	.....	117 7 0
Concord	39	34	73	27·7	21·5	49·2	63 5 3	120 0 0	4 17 5	.....	.....	188 2 8
Cook's River	11	32	43	5·1	21·7	26·8	25 19 3½	110 0 0	4 18 0	.....	.....	140 17 3½
Cooma	31	41	72	21·7	33·7	55·4	67 11 6	132 0 0	3 10 1	.....	.....	203 1 7
Dapto	21	22	43	15·6	15·7	31·3	11 6 0	120 0 0	6 7 0	.....	.....	137 13 0
Dubbo	50	71	121	37·5	37·6	75·1	12 17 6	5 6 8	9 7 8	5 7 3	.....	32 19 1
Goulburn	127	180	307	77·0	127·6	204·6	121 1 7	291 4 11	3 19 11	29 0 8	.....	445 7 1
Grafton	70	61	131	46·2	40·4	86·6	92 6 0	174 0 0	7 14 5	.....	.....	274 0 5
Grenfell	38	30	68	31·2	23·8	55·0	42 15 0	166 0 0	5 5 5	4 2 9	10 0 0	228 3 2
Gulgong	102	64	166	82·8	48·1	130·9	141 2 4	227 9 5	5 7 6	4 4 6	.....	378 3 9
Hamilton	77	73	150	49·9	38·9	88·8	78 18 0	206 0 0	10 4 3	1 8 6	.....	296 10 9
Haymarket	151	...	151	88·9	...	88·9	124 6 11	250 3 2	11 3 11	.....	.....	385 14 0
Hill End	31	23	54	25·8	16·9	42·7	52 15 5	120 0 0	.....	.....	.....	172 15 5
Irishtown	21	24	45	14·9	14·9	29·8	15 2 0	120 0 0	2 8 7	.....	.....	137 10 7
Jamberoo	26	22	48	17·3	13·5	30·8	47 1 0	131 18 3	4 14 4	.....	.....	183 13 7
Jembaicumbene	37	39	76	29·7	31·5	61·2	45 0 0	131 9 0	2 6 5	12 0 0	.....	190 15 5
Jugiong	13	24	37	6·5	17·7	24·2	26 13 6	108 0 0	2 19 7	.....	.....	137 13 1
Kent-street, North	94	130	224	50·3	99·0	149·3	148 14 8	347 6 5	11 14 2	.....	.....	507 15 3
Kent-street, South	149	125	274	95·0	71·8	166·8	238 7 9	450 12 0	14 11 8	.....	.....	703 11 5
Kurrajong	28	25	53	21·0	19·0	40·0	28 1 4	108 0 0	2 12 5	.....	.....	138 13 9
Lambton	73	65	138	45·4	39·4	84·8	80 0 6	182 4 3	9 0 1	1 7 6	.....	272 12 4
Lane Cove	28	18	46	16·3	10·7	27·0	20 16 1	86 9 10	3 4 6	1 15 0	.....	112 5 5
Liverpool	25	28	53	18·9	22·0	40·9	59 0 6	136 11 8	3 13 9	.....	.....	199 5 11
Lochinvar	27	33	60	20·5	21·3	41·8	25 11 9	108 0 0	1 18 3	1 7 6	.....	136 17 6
Maitland, East	54	36	90	40·3	24·4	64·7	71 4 11	180 0 0	2 17 1	.....	.....	254 2 0
Maitland, West	199	206	405	143·7	173·7	317·4	239 16 9	478 13 4	16 18 6	.....	86 0 8	821 9 3
Menangle	33	21	54	17·9	13·1	31·0	41 0 0	113 14 0	7 3 3	.....	.....	161 17 3
Miller's Forest	51	35	86	27·2	17·9	45·1	48 10 1	118 0 0	4 16 6	.....	.....	171 6 7
Morpeth	86	69	155	59·9	43·0	102·9	102 14 2	222 16 6	5 3 8	.....	.....	330 14 4
Moruya	55	49	104	40·1	38·2	78·3	80 12 3	179 3 10	2 9 0	.....	.....	262 5 1
Mudgee	111	110	221	79·5	83·3	162·8	156 15 7	272 2 3	26 18 3	.....	29 16 10	485 12 11
Muswellbrook	39	22	61	28·0	14·8	42·8	32 14 4	113 13 2	5 2 2	1 1 0	.....	152 10 8
Nelson	23	24	47	15·6	16·7	32·3	21 1 8	108 0 0	1 19 9	.....	.....	131 1 5
Newcastle	143	177	320	97·5	115·4	212·9	235 7 0	528 14 10	15 16 4	.....	.....	779 18 2
Newcastle, South	65	52	117	48·9	31·5	80·4	68 13 6	193 13 2	.....	0 12 6	.....	262 19 2
Newtown	95	85	180	62·3	50·6	112·9	137 13 8	230 14 7	9 2 10	.....	.....	377 11 1
Oaks, The	24	29	53	16·8	19·8	36·6	20 8 11	78 14 2	0 16 6	1 0 0	.....	100 19 7
Orange	210	198	408	137·7	152·4	290·1	347 0 6	368 5 0	33 0 8	.....	20 0 0	768 6 2
Paddington	72	68	140	56·1	51·6	107·7	115 8 3½	167 6 9	6 11 11	.....	.....	289 6 11½
Parramatta-street	109	269	378	72·3	172·3	244·6	271 5 11	349 12 6	11 18 6	.....	.....	632 16 11
Penrith	33	18	51	19·9	11·7	31·6	45 12 6	111 14 0	2 8 10	.....	.....	159 15 4
Petersham	39	24	63	29·9	14·3	44·2	64 19 9	136 14 9	2 11 10	.....	.....	204 6 4
Plattsburg	73	45	118	52·1	32·3	84·4	80 5 0	186 1 8	4 8 5	1 10 4	.....	272 5 5
Pyrmont	65	74	139	45·2	42·4	87·6	111 6 9½	223 5 1	6 2 7	.....	.....	340 14 5½
Queanbeyan	29	31	60	21·4	21·3	42·7	37 1 5	120 0 0	.....	.....	.....	157 1 5
Raymond Terrace	22	16	38	18·1	14·9	33·0	23 3 10	123 7 4	3 9 7	.....	.....	150 0 9
Reidsdale	46	37	83	27·0	23·4	50·4	70 2 7½	158 13 1	4 2 0	.....	.....	232 17 8½
Richmond	29	28	57	22·7	20·0	42·7	63 10 5	160 13 4	4 6 6	.....	.....	228 10 3
Rocky Point	24	24	48	17·3	19·9	37·2	42 0 3	144 0 0	2 13 8	.....	.....	188 13 11
Ryde	45	38	83	33·5	21·6	55·1	68 13 3	171 16 9	5 14 3	.....	.....	246 4 3
Singleton	45	...	45	33·4	...	33·4	25 4 2	108 0 0	1 11 7	.....	.....	134 15 9
Sofala	17	39	56	9·9	26·7	36·6	58 1 6	136 0 10	1 6 2	.....	.....	195 8 6
Spaniard's Hill	22	15	37	13·5	11·4	24·9	25 11 6	120 0 0	3 4 4	.....	.....	148 15 10
St. Leonards	111	75	186	80·5	47·5	128·0	139 2 9½	251 1 4	10 4 7	10 0 0	.....	410 8 8½
St. Mary's	340	265	605	246·2	207·4	453·6	496 3 10½	677 2 0	11 8 1	.....	86 0 10	1,270 14 9½
Surry Hills	231	203	434	146·2	117·8	264·0	239 9 6½	409 11 8	3 14 5	.....	.....	652 15 7½
Taralga	44	39	83	31·0	25·2	56·2	56 8 6	93 0 0	2 16 3	.....	.....	152 4 9
Tumut	37	48	85	23·2	35·5	58·7	85 16 6	178 0 0	4 9 1	.....	.....	268 5 7
Ulladulla	28	24	52	17·4	18·7	36·1	60 4 8	121 0 0	2 0 6	2 14 0	.....	185 19 2
Victoria-street	83	156	239	56·1	108·2	164·3	168 14 5½	368 13 4	9 10 0	.....	.....	546 17 9½
Villa Maria	41	32	73	28·1	24·3	52·4	62 5 8¾	120 0 0	.....	.....	.....	182 5 8¾
Wagga Wagga	140	...	140	110·7	...	110·7	178 3 0	173 0 7	4 13 6	.....	.....	355 17 1
Waterloo	119	107	226	74·9	55·4	130·3	150 6 1½	239 15 8	8 17 7	.....	.....	398 19 4½
Waverley	72	63	135	50·7	47·6	98·3	73 3 9	119 19 10	5 11 3	.....	.....	198 14 10
Wellington	41	59	100	26·0	30·1	56·1	75 10 3	174 0 0	4 12 1	.....	.....	254 2 4
Windsor	73	49	122	60·5	39·1	99·6	86 17 11	156 0 0	9 16 7	.....	.....	252 14 6
Yass	54	...	54	35·1	...	35·1	46 9 9	144 0 0	.....	.....	.....	190 9 9
Young	75	68	143	43·3	38·1	81·4	108 0 7	129 10 8	6 13 1	.....	25 0 0	269 4 4

APPENDIX A—*continued.*

Name of School.	Number of Children on Rolls.			Average Weekly Attendance.			School Fees.	Expenditure from Public Funds.				Total.
	Boys.	Girls.	Total.	Boys.	Girls.	Total.		Salaries.	Books and Apparatus.	Travelling Expenses and Forage.	Buildings, Rent, Furniture, &c.	
PRESBYTERIAN SCHOOLS.							£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Erskine-street	23	20	43	16·0	7·7	23·7	4 8 6	28 0 0	.....	.....	.....	32 8 6
Kempsey	36	44	80	23·5	25·5	49·0	76 19 11	120 0 0	2 6 3	.....	.....	199 6 2
Shoalhaven	38	22	60	27·7	13·9	41·6	65 17 0	235 1 7	6 8 1	.....	.....	307 6 8
Waverley	75	63	138	53·9	44·6	98·5	141 15 0	255 18 10	5 17 7	.....	39 15 0	443 6 5
Woolloomooloo	128	95	223	87·7	58·9	146·6	184 18 3½	278 9 11	3 12 8	.....	40 0 0	507 0 10¼
WESLEYAN SCHOOLS.												
Botany	24	29	53	19·5	19·4	38·9	44 11 6	120 0 0	2 2 5	.....	6 7 6	173 1 5
Castlereagh	21	27	48	9·2	14·5	23·7	35 14 0	135 18 7	2 11 1	.....	.....	174 3 8
Chippendale	187	165	352	119·8	95·4	215·2	319 3 8	339 0 4	7 10 5	.....	29 19 7	695 14 0
Newtown	91	75	166	57·4	42·1	99·5	32 12 9	77 9 3	.....	.....	25 14 3	135 16 3
Rocky Point	32	42	74	20·6	27·1	47·7	56 0 0	124 4 3	4 0 5	.....	8 14 3	192 18 11
Surry Hills	188	160	348	129·0	91·5	220·5	325 2 7½	467 18 11	10 13 9	.....	35 5 6	839 0 9½
Ulmarra	26	23	49	20·6	17·8	38·4	38 10 8	108 0 0	3 5 3	.....	.....	149 15 11
HEBREW SCHOOL.												
Sydney	63	44	107	37·1	22·3	59·4	61 19 5	218 0 0	4 4 8	.....	.....	284 4 1

APPENDIX B.

APPLICATIONS for Certificates for Denominational Schools, received during the year 1878.

Name of Place.	Number of Children residing in the locality.	Number of Children promised to attend.							Number of Parents or Guardians undertaking to send Children.					Council's Decision.
		Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Others.	C.E.	R.C.	Pres.	Wes.	Others.	Total.	
Dubbo, R.C.	370 to 400 within 3 miles.	69	97	166	4	161	....	....	1	2	60	....	....	106	168	Agreed to.

APPENDIX C.

APPENDIX C.

Quarter ending—	Number of Children on Roll.									Average Attendance.			Amount of School Fees paid.
	Boys.	Girls.	Total.	C.E.	R.C.	Pres.	Wes.	Others.	Total.	Boys.	Girls.	Total.	£ s. d.
MARCH, 1878.													
Church of England Schools	6,033	5,167	11,200	8,160	604	852	947	637	11,200	3,994·2	3,210·0	7,204·2	2,174 4 11½
Roman Catholic do.	5,570	4,790	10,360	721	9,415	53	97	74	10,360	3,639·0	3,062·1	6,701·1	1,724 16 3½
Presbyterian do.	389	285	674	302	70	113	121	68	674	244·3	165·4	409·7	117 16 3½
Wesleyan do.	588	507	1,095	317	47	77	568	86	1,095	385·8	309·3	695·1	220 15 9½
Hebrew School	67	43	110	21	.....	8	8	73	110	35·1	20·6	55·7	13 7 6
Totals	12,647	10,792	23,439	9,521	10,136	1,103	1,741	938	23,439	8,298·4	6,767·4	15,065·8	4,251 0 9½
JUNE, 1878.													
Church of England Schools	6,018	5,072	11,090	8,089	637	835	967	562	11,090	3,958·9	3,124·9	7,083·8	2,267 18 9¼
Roman Catholic do.	5,640	4,821	10,461	697	9,554	61	98	51	10,461	3,690·1	3,100·6	6,790·7	1,968 5 8½
Presbyterian do.	335	257	592	257	66	82	110	77	592	217·1	149·4	366·5	115 1 2¼
Wesleyan do.	524	441	965	270	48	71	518	58	965	314·8	258·1	572·9	119 8 0¼
Hebrew School	71	47	118	15	.....	5	2	96	118	46·6	24·6	71·2	15 16 8
Totals	12,588	10,638	23,226	9,328	10,305	1,054	1,695	844	23,226	8,227·5	6,657·6	14,885·1	4,486 10 4¼
SEPTEMBER, 1878.													
Church of England Schools	6,008	5,192	11,200	8,159	667	854	937	583	11,200	3,966·3	3,210·5	7,176·8	2,331 2 8½
Roman Catholic do.	5,767	4,906	10,673	756	9,701	61	86	69	10,673	3,816·8	3,244·4	7,061·2	1,994 5 2½
Presbyterian do.	321	248	569	242	52	93	115	67	569	203·0	146·9	349·9	119 0 1½
Wesleyan do.	511	463	974	262	50	80	514	68	974	322·3	281·4	603·7	205 12 9¾
Hebrew School	70	48	118	11	1	6	1	99	118	40·1	21·2	61·3	17 5 9
Totals	12,677	10,857	23,534	9,430	10,471	1,094	1,653	886	23,534	8,348·5	6,904·4	15,252·9	4,667 6 7½
DECEMBER, 1878.													
Church of England Schools	5,840	5,046	10,886	7,946	652	825	903	560	10,886	3,944·5	3,179·9	7,124·4	2,347 4 9½
Roman Catholic do.	5,699	5,024	10,723	795	9,704	87	79	58	10,723	3,945·2	3,461·3	7,406·5	2,229 19 1½
Presbyterian do.	277	224	501	209	60	67	107	58	501	192·8	142·9	335·7	122 1 3½
Wesleyan do.	478	446	924	248	39	75	496	66	924	318·7	265·7	584·4	225 8 7
Hebrew School	63	44	107	10	.....	1	2	94	107	37·1	22·3	59·4	15 9 6
Totals	12,357	10,784	23,141	9,208	10,455	1,055	1,587	836	23,141	8,438·3	7,072·1	15,510·4	4,940 3 3½

Sydney: Thomas Richards, Government Printer.—1879.

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COUNCIL OF EDUCATION.

(ATTENDANCES OF MEMBERS AT MEETINGS HELD IN 1877 AND 1878.)

Ordered by the Legislative Assembly to be printed, 12 February, 1879.

[*Laid upon Table in accordance with promise made in answer to Question 2, Votes No. 69, 12th February, 1879.*]

LIST of attendances of Members of the Council of Education at meetings held in 1877 and 1878:—

1877.			
3 January	Hon. J. Smith, President ...		
	„ Sir A. Stephen	3	
	„ „ Wigram Allen ...		
8 „	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
15 „	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. Wigram Allen	4	
	W. A. Duncan, Esq...		
22 „	„ John Smith, President		
	„ Sir A. Stephen		
	„ „ G. Wigram Allen	4	
	W. A. Duncan, Esq...		
29 „	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
5 February	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
12 „	„ Sir A. Stephen		
	„ „ G. W. Allen	3	
	W. A. Duncan, Esq...		
19 „	„ J. Smith, President ...		
	„ Sir G. W. Allen	3	
	W. A. Duncan, Esq...		
26 „	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
5 March	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	„ J. Robertson.....		
9 „	„ J. Smith, President ...		
	W. A. Duncan, Esq...		
	„ Sir A. Stephen	4	
	„ „ G. W. Allen		
12 „	„ J. Smith, President ...		
	„ Sir A. Stephen	3	
	W. A. Duncan, Esq...		
23 „	„ J. Smith, President ...		
	„ J. Robertson.....	3	
	W. A. Duncan, Esq...		

1877.			
26 March	Hon. J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
5 April	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
9 „	„ J. Smith, President ...		
	W. A. Duncan, Esq...		
	„ Sir G. W. Allen	4	
	„ „ A. Stephen		
16 „	„ J. Smith, President ...		
	W. A. Duncan, Esq...		
	„ Sir G. W. Allen	4	
	„ „ A. Stephen		
23 „	„ J. Smith, President ...		
	„ Sir G. W. Allen	3	
	W. A. Duncan, Esq...		
30 „	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
7 May	„ J. Smith, President ...		
	„ J. Robertson.....		
	„ Sir A. Stephen	5	
	„ „ G. W. Allen		
	W. A. Duncan, Esq...		
14 „	„ J. Smith, President ...		
	„ Sir A. Stephen	3	
	„ John Robertson		
21 „	„ J. Smith, President ...		
	„ Sir A. Stephen	3	
	„ „ G. W. Allen		
28 „	„ J. Smith, President ...		
	„ Sir A. Stephen		
	„ „ G. W. Allen	4	
	W. A. Duncan, Esq...		
4 June	„ J. Smith, President ...		
	„ Sir A. Stephen	3	
	„ „ G. W. Allen		
11 „	„ J. Smith, President ...		
	„ Sir A. Stephen	3	
	„ „ G. W. Allen		
18 „	„ J. Smith, President ...		
	„ Sir G. W. Allen	3	
	„ „ A. Stephen		

1877.				
25 June	.....	Hon.	J. Smith, President ...	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
2 July	.....	„	J. Smith, President ...	3
		„	Sir G. W. Allen	
			W. A. Duncan, Esq...	
9 „	.....	„	J. Smith, President ...	4
			W. A. Duncan, Esq...	
		„	Sir A. Stephen	
		„	„ G. W. Allen	
16 „	.....	„	J. Smith, President ...	4
		„	Sir A. Stephen	
		„	„ G. W. Allen	
			W. A. Duncan, Esq...	
23 „	.....	„	J. Smith, President ...	4
		„	Sir A. Stephen	
		„	„ G. W. Allen	
			W. A. Duncan, Esq...	
30 „	.....	„	J. Smith, President ..	4
			W. A. Duncan, Esq...	
		„	Sir A. Stephen	
		„	„ G. W. Allen	
6 August	.....	„	J. Smith, President ...	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
13 „	.....	„	J. Smith	4
			W. A. Duncan, Esq...	
		„	Sir G. W. Allen	
		„	„ A. Stephen	
20 „	.....	„	J. Smith	3
			W. A. Duncan, Esq...	
		„	Sir G. W. Allen	
27 „	.....	„	J. Smith	4
			W. A. Duncan, Esq...	
		„	Sir A. Stephen	
		„	„ G. W. Allen	
3 September ...		„	J. Smith	4
			W. A. Duncan, Esq...	
		„	Sir A. Stephen	
		„	„ G. W. Allen	
17 „	.....		W. A. Duncan, Esq...	3
		„	Sir G. W. Allen	
		„	„ A. Stephen	
26 „	.....	„	J. Smith	4
		„	Sir A. Stephen	
			W. A. Duncan, Esq...	
		„	Sir G. W. Allen	
1 October		„	J. Smith	4
			W. A. Duncan, Esq...	
		„	Sir G. W. Allen	
		„	„ A. Stephen	
8 „	.....	„	J. Smith	4
			W. A. Duncan, Esq...	
		„	Sir A. Stephen	
		„	„ G. W. Allen	
15 „	.....	„	J. Smith	3
		„	Sir G. W. Allen	
		„	„ A. Stephen	
22 „	.....	„	J. Smith	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
29 „	.....	„	J. Smith	2
		„	Sir A. Stephen	
5 November ...		„	J. Smith	2
		„	Sir A. Stephen	
12 „	.....	„	J. Smith	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
26 „	.....	„	J. Smith	2
		„	Sir G. W. Allen	
3 December ...		„	J. Smith	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
10 „	.....	„	J. Smith	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
17 „	.....	„	J. Smith	2
		„	Sir G. W. Allen	
1877.				
28 December	...	Hon.	J. Smith	3
		„	Sir A. Stephen	
		„	„ G. W. Allen	
1878.				
14 January	.....	„	Sir A. Stephen	3
		„	„ John Robertson ...	
		„	„ Wigram Allen.....	
28 „	.....	„	John Smith	3
		„	Sir A. Stephen	
		„	„ Wigram Allen.....	
4 February	...	„	John Smith	3
		„	Sir Wigram Allen ...	
		„	„ A. Stephen	
11 „	.....	„	John Smith	3
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
18 „	.....	„	John Smith	3
		„	Sir A. Stephen	
		„	„ Wigram Allen.....	
25 „	.....	„	John Smith	3
		„	Sir Wigram Allen ...	
		„	„ Alfred Stephen ...	
4 March	.....	„	John Smith	2
		„	Sir Alfred Stephen ...	
11 „	.....	„	John Smith	3
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen ...	
18 „	.....	„	John Smith	3
		„	Sir Wigram Allen ...	
		„	„ Alfred Stephen ...	
25 „	.....	„	John Smith	3
		„	Sir Wigram Allen ...	
		„	„ Alfred Stephen ...	
1 April	.....	„	John Smith	4
			W. A. Duncan, Esq...	
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
8 „	.....	„	John Smith	3
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
15 „	.....	„	John Smith	3
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
29 „	.....	„	John Smith	3
			W. A. Duncan, Esq...	
		„	Sir Wigram Allen ...	
6 May	.....	„	John Smith	4
			W. A. Duncan, Esq...	
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
13 „	.....	„	John Smith	4
			W. A. Duncan, Esq...	
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
20 „	.....	„	John Smith	3
		„	Sir Wigram Allen ...	
			W. A. Duncan, Esq...	
27 „	.....	„	John Smith	4
			W. A. Duncan, Esq...	
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
10 June	.....	„	John Smith	3
			W. A. Duncan, Esq...	
		„	Sir Wigram Allen ...	
17 „	.....	„	John Smith	3
			W. A. Duncan, Esq...	
		„	Sir Wigram Allen ...	
24 „	.....	„	John Smith	3
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	
1 July	.....	„	John Smith	4
			W. A. Duncan, Esq...	
		„	Sir Wigram Allen ...	
		„	„ Alfred Stephen ...	
8 „	.....	„	John Smith	4
			W. A. Duncan, Esq...	
		„	Sir Alfred Stephen ...	
		„	„ Wigram Allen.....	

1878.			
15 July	Hon. John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
22 „	„ John Smith		
	W. A. Duncan, Esq.	4	
	„ Sir Wigram Allen		
	„ „ Alfred Stephen		
29 „	„ John Smith		
	W. A. Duncan, Esq.	4	
	„ Sir Wigram Allen		
	„ „ Alfred Stephen		
5 August	„ John Smith		
	W. A. Duncan, Esq.	3	
	„ Sir Wigram Allen		
12 „	„ John Smith		
	W. A. Duncan, Esq.	4	
	„ Sir Wigram Allen		
	„ „ Alfred Stephen		
19 „	„ John Smith		
	W. A. Duncan, Esq.	4	
	„ Sir Alfred Stephen		
	„ „ Wigram Allen		
22 „	„ John Smith		
	„ Sir Wigram Allen	2	
26 „	„ John Smith		
	„ Sir Wigram Allen	3	
	„ „ Alfred Stephen		
2 September	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
16 „	„ John Smith		
	W. A. Duncan, Esq.	3	
	„ Sir Wigram Allen		
23 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
30 „	„ John Smith		
	„ Sir Wigram Allen	2	

1878.			
7 October	Hon. John Smith		
	„ Sir Wigram Allen	3	
	„ „ Alfred Stephen		
14 „	„ John Smith		
	„ Sir Wigram Allen	3	
	„ „ Alfred Stephen		
21 „	„ John Smith		
	W. A. Duncan, Esq.	4	
	„ Sir Alfred Stephen		
	„ „ Wigram Allen		
28 „	„ John Smith		
	„ Sir Alfred Stephen	2	
4 November	„ John Smith		
	„ Sir Wigram Allen	2	
11 „	„ John Smith		
	„ Sir Wigram Allen	3	
	„ „ Alfred Stephen		
18 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
25 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
2 December	„ John Smith		
	„ Sir Alfred Stephen	2	
9 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
16 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
20 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
23 „	„ John Smith		
	„ Sir Alfred Stephen	3	
	„ „ Wigram Allen		
30 „	„ „ Alfred Stephen		
	„ „ Wigram Allen	2	

Sydney: Thomas Richards, Government Printer.—1879.

[3*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(PUBLIC SCHOOLS—PARTICULARS RESPECTING.)

Ordered by the Legislative Assembly to be printed, 1 *October*, 1878.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 5 March, 1878, That there be laid upon the Table of this House, a Return giving the following particulars of each Public School in the Colony :—

"(1.) The height, length, and breadth, of its schoolroom or schoolrooms.

"(2.) The average number of pupils attending such school, with the "maximum and minimum number of pupils during the six months "immediately preceding the date of the Return.

"(3.) The number and size of the windows and other openings of each "schoolroom.

"(4.) The general plan of ventilation of each schoolroom.

"(5.) If the teachers' residence be under the same roof as the school or "schools.

"(6.) The material of the roofing.

"(7.) If the school be of one or two stories.

"(8.) The distance of the ground-floor from the earth."

(*Dr. Bowker.*)

The Secretary, Council of Education, to The Under Secretary, Department of Justice and Public Instruction.

Sir, Council of Education Office, Sydney, 30 July, 1878.

With reference to your letter of the 12th March last, No. 78-2,073, transmitting an Order of the Legislative Assembly for certain particulars in connection with return regarding the ventilation of Public School buildings, moved for by Dr. Bowker, M.P., on the 5th March last, I am directed by the Council of Education to forward herewith, for the information of the Honorable the Minister of Justice and Public Instruction, the particulars required.

I have, &c.,
W. WILKINS,
Secretary.

EDUCATION.

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**ALBURY DISTRICT.**					
Adelong	Schoolroom	12 0	30 0	18 0	159·4	189	102	2 windows, each 6 ft x 3 ft; 1 door, 6 ft 6 in x 2 ft 9 in	Windows, doors, ventilators in ceiling, and 4 louvres in roof, each 1 sq. ft.	No	Shingles	Ground-floor.	1 ft to 2 ft 4 in
								2 ,, ,, 6 ft x 1 ft 6 in; fireplace, 3 ft 6 in x 3 ft.					
	Classroom	12 0	18 0	14 0	....	....	....	1 window, 6 ft x 3 ft; 1 fireplace, 3 ft 6 in x 3 ft	,, ,,	,,	,,	,,	,,
								2 windows, each 6 ft x 1 ft 6 in; 1 door, 6 ft 6 in x 2 ft 9 in.					
	,,	7 6	17 0	12 0	....	....	....	1 window, 4 ft 3 in x 3 ft 3 in; 1 door. 6 ft 6 in x 2 ft 9 in; fireplace, 3 ft x 3 ft.	,, ,,	,,	,,	,,	,,
Adelong Crossing	Schoolroom	18 2	31 9	15 10	31·1	40	24	4 windows, each 5 ft 9 in x 3 ft 5 in; 1 door, 6 ft 11 in x 2 ft 11 in	Windows, door, and gratings at floor, and spaces between wallplate and roof.	,,	,,	,,	1 ft 4 in
Adelong Grove	,,	13 0	23 0	12 6	24·8	31	16	2 ,, ,, 4 ft x 2 ft 8 in; 1 door, 6 ft 6 x 2 ft 9 in	Windows and door	,,	Bark	,,	9 in
Adelong Upper	,,	8 6	23 3	15 7	24·9	32	9	2 ,, ,, 4 ft 6 in x 2 ft 10; 1 door, 6 ft 10 in x 3 ft 8 in.	,,	,,	Shingles	,,	8 in to 1 ft 2 in
								2 ,, ,, 2 ft 10 in x 2 ft 2 in.					
	Classroom	9 10	10 6	10 5	....	....	....	1 window, 2 ft 4 in x 1 ft 11 in; 1 door, 6 ft 6 in x 2 ft 6 in.	,,	,,	Galvd. Iron	,,	,,
	,,	9 10	11 6	10 6	....	....	....	1 ,, 2 ft 4 in x 1 ft 11 in; 1 door, 6 ft 6 in x 2 ft 4 in.	,,	,,	,,	,,	,,
Albury	Primary schoolroom	25 0	70 0	20 0	95·8	142	30	6 windows, each 5 ft x 3 ft; 1 door, 7 ft. x 3 ft.	Windows, doors, 4 ceiling ventilators each 3 ft x 3 ft, and fireplace.	Yes	Shingles	,,	1 ft
								2 ,, ,, 4 ft x 3 ft; 1 door, 6 ft 9 in x 3 ft 3; fireplace, 3 ft x 3 ft.					
	Classroom	25 0	16 0	12 0	....	....	....	1 window, 5 ft x 3 ft; 2 doors, each 7 ft x 3 ft 3 in	,, ,, ,,	,,	,,	,,	,,
	Infants' schoolroom	25 0	40 0	20 0	72·8	93	31	5 windows, each 5 ft x 3 ft; 1 door, 7 ft x 3 ft 6 in; 1 fireplace, 3 ft x 3 ft; 1 door, 7 ft x 3 ft 3 in.	,, ,, and fireplace	,,	,,	,,	,,
Balranald	Schoolroom	18 0	39 0	16 0	44·9	59	20	4 windows, each 5 ft 8 in x 3 ft 4 in; 2 doors, each 7 ft x 3 ft.	Windows, door, fireplace, and 3 roof ventilators, each 1 ft 6 in diameter.	No	,,	,,	4 in
								3 ,, ,, 2 ft 8 in x 2 ft; fireplace, 3 ft x 3 ft.					
Batlow	,,	13 0	45 0	12 0	33·4	38	25	6 ,, ,, 4 ft x 2 ft 4 in; 1 door, 6 ft x 2 ft 6 in	Windows, door, ventilator on ridge, 45 ft x 4 in.	,,	,,	,,	1 ft
								1 window, 2 ft 10 in x 2 ft 4 in.					
Black Range	,,	12 6	28 0	15 0	27	37	7	4 windows, each 4 ft 6 in x 3 ft; 1 door, 7 ft 6 in x 3 ft 6 in	Windows and door	,,	Bark	,,	,,
Blowering	,,	19 7	26 0	16 0	22·3	31	16	2 ,, ,, 6 ft 2 in x 1 ft 10 in; 1 door, 7 ft 3 in x 3 ft 2 in	Windows, door, fireplace, and 14 gratings at floor and eaves, each 9 in x 6 in.	,,	Shingles	,,	,,
								2 ,, ,, 5 ft 5 in x 1 ft 5 in; fireplace, 3 ft 7 in x 3 ft.					
								1 window, 5 ft 2 in x 3 ft 3 in.					
Bowna	,,	15 0	26 0	15 0	27·5	32·3	20	3 windows, each 5 ft x 2 ft 9 in; 1 door, 6 ft 10 in x 3 ft	Windows and door	,,	,,	,,	1 ft 3 in
Brucedale	,,	15 0	30 4	18 0	27·5	42	8	9 ,, ,, 9 ft x 3 ft; 1 door, 8 ft x 3 ft 9 in	,,	,,	,,	,,	1 ft
Bungowannah	,,	19 0	19 6	16 0	37·4	52	15	2 ,, ,, 5 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft; 1 door, 6 ft 9 x 2 ft 9 in.	Windows, doors, and 8 gratings floor and eaves, each 10 in x 7 in.	Yes	,,	,,	1 ft 3 in
	Classroom	19 0	16 0	10 6	....	....	....	2 windows, each 5 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft.	Windows, doors, and 4 gratings, each 10 in x 6 in.	,,	,,	,,	,,
Coolac	Schoolroom	16 0	20 0	16 0	19	31	14	3 ,, ,, 3 ft 6 in x 2 ft 4 in; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	1 ft
Deniliquin	,,	16 0	38 0	18 0	100	132	50	8 ,, ,, 8 ft x 2 ft; 2 doors, each 6 ft 6 in x 2 ft 6 in	Windows, doors, 2 ventilators, each 1 ft. diar. 2 gratings, each 18 in x 6 in.	,,	Shingles, Slate, and Zinc.	,,	,,
								2 ,, ,, 10 ft x 4ft.					
	Classroom	10 0	15 6	10 0	....	....	....	2 ,, ,, 6 ft x 2 ft; 1 door, 6 ft 6 in x 2 ft 6 in	Windows, doors, 1 ceiling ventilator, 18 in x 12 in.	,,	,,	,,	,,
								1 window, 6 ft x 2 ft 3 in.					
Downside	Schoolroom	18 0	30 0	16 0	28·4	30	27	4 windows, each 6 ft x 3 ft; 2 doors, each 7 ft x 2 ft 8 in	Windows, doors, and 22 gratings, each 9 in x 4 in at eaves and floor.	No	Shingles	,,	9 in to 1 ft 6 in
Edwardstown	,,	15 0	30 0	16 0	19·3	28	10	5 ,, ,, 3 ft 6 in x 3 ft; door, 6 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	,,	,,	,,	9 in
Forest Hill	,,	23 0	36 0	17 0	15	19	9	7 ,, ,, 5 ft x 3 ft; 2 doors, each 6 ft 6 in x 3 ft	Windows, doors, 11 gratings, each 9 in x 6 in at floor and eaves.	,,	,,	,,	1 ft 6 in
								2 ,, ,, 7 ft x 2 ft; 1 window, 9 ft x 2 ft.					
Forest Vale	,,	18 0	20 0	16 0	17·5	28	6	3 ,, ,, 4 ft x 2 ft 6 in; 1 door, 6 ft 6 in x 2 ft 9 in	Windows and door	Yes	,,	,,	1 ft 3 in
Germanton	,,	18 0	31 6	16 0	26	36	10	4 ,, ,, 5 ft x 2 ft 10 in; 2 doors, each 7 ft x 3 ft	Windows, doors, and 4 ventilators at eaves, each 12 in.	No	,,	,,	1 ft 6 in
Gocup	,,	18 0	32 0	16 0	33·2	42	18	4 ,, ,, 4 ft 6 in x 3 ft; 2 doors, each 6 ft 9 in x 3 ft	Windows and doors	,,	,,	,,	,,
Gundagai	,,	21 0	40 0	20 0	68·6	94	28	3 ,, ,, 7 ft x 4 ft; 1 door, 7 ft x 3 ft 6 in; 1 door, 6 ft 8 in x 2 ft 6 in.	,,	,,	Galvd. Iron	,,	2 ft
	Classroom	18 0	20 0	20 0	....	....	....	2 ,, ,, 7 ft x 3 ft 6 in; 2 doors, 6 ft 8 in x 2 ft 6 in	,,	,,	,,	,,	,,
Hay	Schoolroom	16 6	43 0	16 6	65·6	88	45	2 ,, ,, 8 ft 6 in x 6 ft 6 in; 3 doors, each 7 ft x 3 ft	Windows, doors, 10 gratings, each 9 in x 4 in and 3 louvres in roof.	Yes	Galvanized corrugated iron.	,,	1 ft
								4 ,, ,, 4 ft 6 in x 2 ft.					
	Classroom	12 6	14 0	12 0	....	....	....	2 ,, ,, 4 ft 6 in x 2 ft; 1 door, 7 ft x 3 ft.	,, ,,				
Hopefield	Schoolroom	17 0	24 3	16 9	23·2	35	10	2 windows, each 5 ft 11 in x 3 ft 4 in; 1 door, 7 ft 2 in x 3 ft	Windows, doors, and gratings, each 9 in x 6 in, at floor and eaves.	Yes	Corrugated iron.	,,	10 in
								1 ,, 5 ft 2 in x 3 ft 4 in; 1 door, 6 ft 9 in x 2 ft 7 in.					
	Classroom	17 0	16 9	10 9	....	....	....	2 ,, each 5 ft 2 in x 3 ft 4 in; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Howlong	Schoolroom	18 0	40 6	16 0	42·9	60	21	5 ,, ,, 5 ft 2 x 2 ft 9 in; 2 doors, each 7 ft x 3 ft	Windows, doors, 4 gratings at eaves each 6 in x 6 in, and 4 gratings at floor each 9 in x 6 in.	No	Shingles	,,	1 ft 3 in
								2 ,, ,, 5 ft 7 in x 3 ft 4 in.					
Jerilderie	,,	19 0	30 0	18 0	43·2	48	38	4 ,, ,, 5 ft 9 in x 3 ft 6 in; 1 door, 7 ft x 3 ft 6 in	Windows, doors, and 12 gratings, each 9 in x 3 in, at floor and eaves.	Yes	Galv. iron	,,	2 ft
	Classroom	19 0	12 0	18 0	....	....	....	2 ,, ,, 5 ft 9 in x 3 ft 6 in; 1 door, 7 x 3 ft 6 in	Windows, doors, and 13 gratings, each 9 in x 3 in, at floor and eaves.				

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3	4	5	6	7	8
		Height.	Length.	Breadth	Average	Maximum.	Minimum.	Number and size of windows and other openings.	General Plan of Ventilation.	Are Teacher's Residence & School Building under one roof?	Material of Roofing.	No. of Stories.	Distance of ground floor from earth.
								ALBURY DISTRICT—*continued.*					
		ft. in.	ft. in.	ft. in.									
Jindera	Schoolroom	19 0	25 6	16 0	28·7	34	20	3 windows, each 5 ft 9 in x 3 ft; 1 door, 7 ft x 3 ft 2 ,, ,, 6 ft 1 in x 1 ft 11 in; 1 window, 7 ft 1 in x 2 ft 8in	Windows, doors, and gratings at floor and eaves, each 9 in x 6 in.	Yes	Shingles	Ground floor	1 ft
Lacmalac	,,	15 0	20 0	13 0	22·7	24	20	3 ,, ,, 3 ft x 2 ft; 1 door, 5 ft x 3 ft	Windows and door	No	Bark	,,	6 in
Lake Albert	,,	17 6	30 0	15 0	29·5	36	7	4 ,, ,, 3 ft 9 in x 2 ft 6 in; 1 door, 6 ft 6 in x 2 ft. 9 in	,,	,,	Zinc	,,	8 in
Menindie	,,	13 0	25 0	16 0	23·4	31	9	4 ,, ,, 6 ft x 3 ft 4 in; 1 door, 7 ft x 3 ft	Windows, door, and 8 ventilators, each 9 in x 6 in.	,,	Cor. iron	,,	2 ft
Moama	,,	21 0	38 0	17 0	44·5	62	12	7 ,, ,, 7 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, and 10 ventilators, each 9 in x 6 in, and fireplace.	,,	Shingles	,,	1 ft 6 in
	Classroom	17 0	14 6	12 0	....	....	....	2 windows, each 7 ft x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows, doors, and 4 ventilators, each 9 in x 6 in.	,,	,,	,,	,,
Morebringer	Schoolroom	18 0	30 6	16 6	30·2	41	16	4 ,, ,, 5 ft 2 in x 2 ft 10 in; 2 doors, each 7 ft x 3 ft	Windows, doors, and 8 ventilators, each 9 in x 6 in.	Yes	,,	,,	2 ft
Moulamein	,,	16 0	34 7	17 4	44·1	82	15	5 ,, ,, 5 ft 9 in x 3 ft 4 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	,,	,,	,,	9 in
	Classroom	16 0	17 4	11 9	....	....	....	2 windows, each 5 ft 9 in x 3 ft 4 in; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Mount Adrah	Schoolroom	15 6	24 0	14 0	17·7	23	14	2 ,, ,, 5 ft x 2 ft 4 in; 1 door, 6 x 2 ft 4 in	Windows and door	No	,,	,,	4 in
Mullenjandra	,,	17 6	30 0	15 0	21·6	36	13	3 ,, ,, 4 ft 4 in x 2 ft 8 in; 1 door, 6 ft 7 in x 2 ft 8 in	,,	,,	,,	,,	5 in
Mulwala	,,	17 6	30 0	15 0	61·3	41	28	5 ,, ,, 3 ft 8 in x 2 ft; 1 door, 7 ft x 4 ft	,,	,,	,,	,,	1 ft
Narandera	,,	20 0	35 3	18 0	34·4	43	24	3 ,, ,, 5 ft x 3 ft 3 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and 8 gratings, each 8 in x 7 in.	,,	,,	,,	1 ft 6 in
	Classroom	20 0	18 0	10 6	....	....	....	2 windows, each 5 ft x 3 ft 3 in; 1 door, 7 ft x 3 ft	Windows, doors, and 6 gratings, 8 in x 7 in each	,,	,,	,,	,,
Tattaila	Schoolroom	18 6	30 0	16 0	23·4	30	10	5 ,, ,, 5 ft x 3 ft 6 in; 2 doors, each 7 ft x 2 ft 9 in	Windows, doors, gratings at floor and eaves, 9, each 9 in x 6 in.	Yes	,,	,,	9 in
Thurgona	,,	22 0	37 5	19 3	59·1	75	29	4 ,, ,, 4 ft 5 in x 2 ft 8 in; 1 door, 7 ft 4 in x 3 ft 2 in; fireplace, 3 ft x 3 ft 6 in.	Windows, doors, fireplace, and 10 gratings, floor and eaves, each 6 in x 3 in.	No	,,	,,	1 ft 2 in
Tumut	,,	24 0	46 8	22 4	101·4	111	81	2 windows, each 11 ft x 3 ft; 1 door, 12 ft x 5 ft	Windows, doors, 8 gratings at floor and 8 gratings at eaves, each 9 in x 6 in.	,,	,,	,,	3 ft
								4 ,, ,, 9 ft 6 in x 2 ft 6 in; 1 door, 7 ft 6 in x 5 ft.					
	Classroom	18 0	13 2	12 2	....	....	....	2 ,, ,, 6 ft 6 in x 3 ft 9 in; 1 door, 7 ft 6 in x 3 ft 9 in.					
								2 ,, ,, 5 ft x 3 ft 9 in; 1 window, 3 ft 9 in x 2 ft 6 in.					
								2 ,, ,, 6 ft 6 in x 3 ft.					
Urana	Schoolroom	18 0	19 6	16 0	27·2	36	9	2 ,, ,, 5 ft 9 in x 3 ft 2 in; 2 doors, each 7 ft x 2 ft 11 in	Windows, doors, 3 ventilators, each 6 in x 3 in, and 3 do., each 12 in x 4 in.	Yes	Galv. iron	,,	2 ft
	Classroom	18 0	16 0	10 6	....	....	....	2 ,, ,, 5 ft 9 in x 3 ft 2 in; 1 door, 7 ft x 2 ft 11 in	,, ,, ,, ,,	,,	,,	,,	,,
Wagga Wagga	Boys' schoolroom	24 0	37 6	20 3	157·0	191	87	2 ,, ,, 5 ft 6 in x 1 ft 10 in; 2 doors, each 7 ft x 3 ft	Windows, doors, fireplace, 6 ventilators at floor, each 7 in x 8 in, and 6 do. at eaves, each 7 in x 8 in.	No	Shingles	,,	1 ft 6 in
								6 ,, ,, 5 ft x 1 ft 10 in; 1 window, 9 ft 6 in x 2 ft 3 in.					
								2 ,, ,, 7 ft 6 in x 2 ft 3 in; fireplace, 3 ft x 3 ft.					
	,, classroom	20 0	14 0	13 0	....	....	....	2 ,, ,, 6 ft x 1 ft 3 in; 1 door, 7 ft x 3 ft 1 window, 7 ft x 1 ft 6 in.	Windows, doors, 3 gratings at roof, each 7 in x 8 in, and 2 at floor, each 7 in x 8 in.	,,	,,	,,	,,
	Girls' schoolroom	24 0	31 0	17 0	101·5	132	44	5 windows, each 5 ft x 5 ft 10 in; 1 door, 7 ft x 3 ft 2 ,, ,, 6 ft 6 in x 1 ft 6 in. 1 window, 8 ft 10 in x 2 ft; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 6 gratings at floor, 7 in x 8 in, and 6 ditto at eaves, each 7 in x 8 in.	,,	,,	,,	,,
	,, classroom	20 0	17 0	15 0	....	....	....	2 windows, each 6 ft 9 in x 1 ft 7 in 1 window, 8 ft 10 in x 2 ft.	Windows, doors, 3 gratings at eaves and 2 at floor, each 7 in x 8 in.	,,	,,	,,	,,
Walbundrie	Schoolroom	16 0	17 0	15 0	23·4	31	17	1 ,, 4 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 4 ft 6 in; 1 door, 7 ft x 3 ft.	Windows and doors	Yes	Zinc	,,	6 in
Wentworth	,,	14 6	45 0	16 0	64·1	81	45	8 windows, each 5 ft 10 in x 2 ft 6 in; 1 door, 7 ft 3 in x 3 ft 3 in 1 window, 5 ft 10 in x 3 ft; 1 door, 7 ft x 3 ft. 2 windows, each, 5 ft 10 in x 2 ft.	Windows, doors, 6 ventilators at eaves, each 9 in x 9 in, and 3 at floor, each 9 in x 3 in.	,,	Galv. iron	,,	2 ft
	Classroom	14 6	15 0	14 0	....	....	....	2 ,, ,, 5 ft 10 x 2 ft 6 in; 1 door, 7 ft x 3 ft	Windows, doors, 3 gratings at eaves, 9 in x 9in, and at floor, 3, each 9 in x 3 in.	,,	,,	,,	,,
W lcannia	Schoolroom	16 0	28 6	16 0	45·3	53	37	7 ,, ,, 4 ft 6 in x 2 ft 8 in; 2 doors, 7 ft x 2 ft 10 in 2 ,, ,, 5 ft 6 in x 2 ft 8 in; 1 window, 7 ft x 2 ft 10 in.	Windows, doors, and gratings at floor and eaves, each 9 in x 6 in.	,,	,,	,,	1 f
Woomargama.													
								ARMIDALE DISTRICT.					
Amosfield	Schoolroom	12 0	24 0	20 0	35·8	51	19	2 windows, each, 4 ft x 3 ft; 1 door, 6 ft x 3 ft; fireplace, 3 ft x 3 ft	Windows, doors, and fireplace	No	Bark	Ground floor	3 in
Armidale	Primary schoolroom	14 6	54 0	18 0	172·1	195	97	5 ,, ,, 6 ft x 3 ft; 2 doors, each 7 ft x 3 ft.	Windows, doors, 3 roof louvres, and 12 gratings in walls.	,,	Shingles	,,	Nil.
	Classroom	10 0	12 0	10 0	....	....	....	2 ,, ,, ,, 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	,,
	Infant schoolroom	10 0	40 0	18 0	....	....	....	4 ,, ,, ,, 2 doors, each 7 ft x 3 ft	,, ,, 3 louvres in roof	,,	,,	,,	,,
Barraba	Schoolroom	18 6	25 0	17 0	33·1	40	27	3 ,, ,, 5 ft x 3 ft 3 in; 2 doors, each 7 ft x 3 ft; 1 fireplace, 3 ft 8 in x 3 ft 2 in.	Windows, doors, fireplace, and 4 gratings	,,	,,	,,	1 ft 2 in
Bendemeer	,,	11 0	18 0	15 0	21·2	30	13	3 windows, each 6 ft x 3 ft; 2 doors, each 7 ft 6 in x 3 ft 6 in	Windows and doors	Yes	,,	,,	Nil, to 1 ft 6 in

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**ARMIDALE DISTRICT**—*continued.*					
Bingera	Schoolroom	18 0	25 6	15 9	54·1	68	25	3 windows, each 5 ft 4 in x 3 ft 4 in ; 1 door, 7 ft x 3 ft	Windows, doors, & ventilators at floor & eaves	Yes	Shingles	Ground floor	1 ft 4 in
	Classroom	15 0	15 9	10 6	.. .	....	....	2 ,, ,, 5 ft 4 in x 3 ft 4 in ; 1 ,, 7 ft x 3 ft	,, ,, ,, ,,	,,	,,	,,	,,
Blackville	Schoolroom	17 0	15 0	13 6	27·7	32	17	2 shutters, 2 ft x 2 ft ; 1 door, 6 ft x 2 ft 6 in 1 shutter, 2 ft 6 in x 1 ft 3 in.	Shutters and door	,,	,,	,,	6 in
Boggabri	,,	20 0	26 0	17 0	28·9	35	15	2 windows, each 8 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft 1 ,, ,, 9 ft x 3 ft ; 1 door, 6 ft x 2 ft 9 in. 2 ,, ,, 6 ft x 3 ft 6 in.	Windows, doors, 3 ventilators at floor and 4 at eaves.	,,	,,	,,	1 ft 6 in
	Classroom	20 0	17 0	10 8	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft	Windows, doors, ventilator at floor & 2 at eaves	,,	,,	,,	,,
Bowling Alley Pat.	Schoolroom	17 6	41 6	17 0	47·0	57	39	1 ,, ,, 3 ft x 5 ft 6 in ; 2 doors, each 6 ft 3 in x 3 ft 3 in 2 ,, ,, 2 ft x 5 ft 6 in. 5 ,, ,, 4 ft x 5 ft 6 in.	Windows, doors, spaces between wallplate and roof, and 14 gratings, each 9 in x 5 in	,,	,,	,,	1 ft 2 in
Brodie's Plains	,,	17 6	19 6	14 8	36·1	50	12	2 ,, ,, 4 ft 6 in x 2 ft 11 in ; 1 door, 6 ft x 3 ft; fireplace, 5 ft x 2 ft ; 1 door, 6 ft 3 in x 2 ft.	Windows and doors	,,	,,	,,	10 in to 1 ft 2 in
Bryan's Gap	,,	14 6	23 0	15 0	31·3	47	13	2 windows, each 3 ft x 3 ft 3 in ; 1 door, 6 ft 4 in x 3 ft 3 in	Windows and doors	,,	,,	,,	1 ft to 2 ft
Bundarra	,,	17 2	39 0	16 0	58·2	84	35	6 ,, ,, 5 ft 2 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 8 gratings at eaves, each 9 in x 3 in, and 8 ditto at floor, each 9 in x 6 in.	,,	,,	,,	1 ft 8 in
	Classroom	15 0	16 0	12 2	....	....	....	3 ,, ,, 4 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft	Windows, doors, 3 gratings, 9 in x 6 in ; 2 ditto, 9 in x 3 in.	,,	,,	,,	,,
Doughboy Hollow	Schoolroom	9 6	30 0	17 0	56·5	72	24	4 ,, ,, 4 ft 6 in x 3 ft ; 2doors, each 6 ft 6 x 2 ft 8 in ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	No	Iron	,,	1 ft
Dundee	,,	18 0	20 0	16 0	15·1	21	9	4 windows, each 4 ft x 3 ft 6 in ; 6 doors, each 6 ft 2 in x 2 ft 7 in	Windows and doors	Yes	Bark and shingles.	,,	1 ft
Fairview	,,	16 0	21 0	12 0	23·6	26	19	2 ,, ,, 2 ft 6 x 1 ft 8 in ; 2 ,, ,, 6 ft x 2 ft 8 in ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	,,	Bark	,,	3 in
Glen Innes	,,	24 8	60 0	21 0	85·6	107	56	2 windows, each 3 ft x 2 ft 6 in ; 2 doors, each, 7 ft 2 x 3 ft 3 in 1 ,, ,, 4 ft 7 in x 3 ft. 4 ,, ,, 7 ft x 2 ft 3 in ; 2 windows, each 9 ft x 2 ft 6 in.	,, 10 gratings, 8 roof louvres	No	Shingles	,,	1 ft 2 in
	Classroom	19 6	15 0	13 0	....	....	....	2 ,, ,, 5 ft 10 in x 1 ft 8 in ; 1 door 6 ft 10 in x 3 ft 1 ,, ,, 4 ft 7 in x 3 ft.	,, 3 gratings and 2 roof louvres.	,,	,,	,,	,,
Gunnedah	Schoolroom	18 0	37 0	16 0	99·0	122	63	7 ,, ,, 5 ft x 3 ft ; 3 doors, each 7 ft x 3 ft	Windows, doors, gratings, each 9 in x 8 in at eaves and floor.	Yes	,,	,,	1 ft
	Classroom	16 0	14 0	12 0	....	....	....						
Inverell	Schoolroom	24 0	61 6	22 0	141·2	171	81	7 ,, ,, 5 ft x 3 ft ; 2 ,, ,, 7 ft x 3 ft 2 ,, ,, 12 ft x 2 ft 6 in. 4 ,, ,, 10 ft x 2 ft ; 2 fireplaces, 3 ft 8 in x 3 ft.	Windows, doors, fireplaces, gratings at eaves and floor, 8 louvres in roof, each 2 sq. ft	No	,,	,,	1 ft 6 in
	Classroom	20 0	16 0	15 0	....	....	....	3 ,, ,, 5 ft x 3 ft ; 1 door, 7 ft x 3 ft	Windows, doors, gratings, and 4 roof louvres	,,	,,	,,	,,
Kelly's Plains	Schoolroom	18 0	28 0	16 0	27·7	38	9	3 ,, ,, 3 ft 6 in x 2 ft 11 in ; 2 doors, each 6 ft x 2 ft 9 in ; 2 fanlights, 2 ft 11 x 1 ft 4 in.	Windows and doors and fanlights	Yes	,,	,,	2 ft
Manilla	,,	18 0	37 0	22 0	28·7	36	16	6 windows, each 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft 6 in	Windows and doors	No	Zinc	,,	1 ft
Maryland	,,	18 0	23 0	16 6	23·2	30	15	3 ,, ,, 5 ft 3 in x 3 ft 3 in ; 2 doors, each 7 ft x 3 ft	,,	,,	Shingles	,,	3 ft
	Classroom	15 0	16 6	11 0	....	....	....	2 ,, ,, 5 ft 3 in x 3 ft 3 in ; 2 ,, ,, 7 ft x 3 ft	,,	,,	,,	,,	,,
Narrabri	Schoolroom	18 9	34 0	15 9	56·4	70	31	2 ,, ,, 7 ft 6 in x 1 ft 6 in ; 1 door 6 ft 10 in x 3 ft 6 in 4 ,, ,, 5 ft 6 in x 1 ft 6 in ; 1 ,, 6 ft 10 in x 3 ft. 1 ,, ,, 4 ft x 1 ft 6 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and 8 gratings, each 9 in x 6 in.	Yes	,,	,,	,,
	Classroom	15 9	16 0	10 0	....	....	....	2 ,, ,, 5 ft x 3 ft ; 1 door, 6 ft 6 in x 2 ft 6 in	Windows, doors, and 2 gratings each 9 in x 6 in	,,	,,	,,	,,
Nundle	Schoolroom	17 6	48 0	16 0	78·4	93	51	2 ,, ,, 5 ft x 3 ft 2 in ; 2 doors, each 7 ft x 3 ft 1 ,, ,, 5 ft 6 in x 3 ft 2 in. 2 ,, ,, 5 ft 6 in x 2 ft 2 in.	,, ,, and gratings at floor and eaves.	,,	,,	,,	1 ft 6 in
Oakwood	,,	12 0	21 0	12 0	17·0	27	6	1 window, 2 ft x 1 ft 6 in ; 1 door 6 ft x 2 ft 4 in	Windows, doors, fireplace	No	Bark	,,	Nil
Quirindi	,,	20 0	33 0	20 0	65·2	88	36	1 ,, 2 ft 6 in x 2 ft 6 in ; fireplace, 3 ft x 3 ft. 2 windows, each 8 ft x 1 ft 9 in ; 2 doors, each 7 ft x 2 ft 9 in 4 ,, ,, 6 ft x 1 ft 8 in. 3 ,, ,, 4 ft 6 in x 2 ft 9 in.	Windows, doors, and gratings at floor and eaves.	,,	Shingles	,,	2 ft 6 in
Rocky River	,,	18 0	30 0	16 6	30·2	51	18	4 ,, ,, 5 ft x 2 ft 9 in ; 2 doors each, 7 ft x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	Yes	,,	,,	1 ft 6in to 2 ft
Saumarez Creek	,,	18 0	30 0	16 6	37·6	60	18	3 windows, each 5 ft 1 in x 3 ft ; 2 doors, each 7 ft x 3 ft 1 in	Window and doors	,,	,,	,,	1 ft to 2 ft 6 in
	Classroom	15 0	18 0	9 6	....	....	....	1 window, 3 ft 8 in x 3 ft ; 1 door, 7 ft x 3 ft 1 in	,,	,,	,,	,,	,,
Tamworth	Primary schoolroom	29 0	69 0	24 0	71·1	86	37	8 windows, each 5 ft 6 in x 2 ft 10 in ; 3 doors, each 6 ft 10 in x 2 ft 10 in. 2 windows, each 13 ft 9 in x 2 ft 9 in. 4 ,, ,, 10 ft 8 in x 2 ft 5 in.	Windows, doors, gratings at floor, and 12 roof louvres.	No	,,	,,	3 ft
	Classroom	21 0	16 0	16 0	....	....	....	2 ,, ,, 8 ft 8 in x 2 ft 9 in ; 1 door, 6 ft 10 in x 2 ft 10 in 1 window, 5 ft 6 in x 2 ft 10 in.	,, ,, ,,	,,	,,	,,	,,
	Infant schoolroom	26 0	40 0	20 0	69·5	87	16	7 windows, each 5 ft 6 in x 2 ft 10 in ; 1 door, 6 ft 10 in x 2 ft 10 in 1 window, 13 ft 9 in x 2 ft 9 in. 2 windows, each 10 ft 8 in x 2 ft 5 in	,, ,, gratings, and 8 roof louvres	,,	,,	,,	,,

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3 Number and size of windows and other openings.	4 General plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		Height.	Length.	Breadth	Average	Maximum.	Minimum.						
		ft. in.	ft. in.	ft. in.				**ARMIDALE DISTRICT**—*continued.*					
Tenterfield	Schoolroom	12 6	50 0	18 6	108·4	139	57	6 windows, each 6 ft x 3 ft 3 in; 2 doors, each 6 ft 6 in x 2 ft 8 in; fireplace, 4 ft x 3 ft.	Windows, doors, fireplace, and 4 ceiling ventilators, each 1 ft 3 in x 1 ft; and 2 gratings, each 9 in x 3 in.	Yes	Shingles ..	Ground floor	1 ft 4 in
	Classroom	12 6	18 6	16 0	....	....	....	2 windows, each 6 ft x 3 ft 3 in; 2 doors, each 6 ft 6 in x 2 ft 8 in	Windows, doors, 1 ceiling ventilator, 1 ft 3 in x 1 in and 1 grating, 9 in x 3 in	,, ...	,, ..	,, ...	,,
Tingha	Schoolroom	20 0	40 0	20 0	24·8	39	16	4 ,, ,, 7 ft x 3 ft 4 in; 3 doors, each 7 ft 3 ft	Windows and doors	No	,, ..	,, ...	2 ft
Uralla.....	,, ...	22 0	52 0	18 0	76·8	91	52	12 ,, ,, 5 ft 6 in x 1 ft 6 in; 2 doors, each 6 ft 6 in x 3ft	Windows, doors, and 7 louvres in roof	,, ...	,, ..	,, ...	,,
	Classroom	18 0	14 0	10 6	....	....	....	2 ,, ,, 6 ft 6 in x 5 ft.					
								2 ,, ,, 5 ft x 1 ft 6 in; 1 door, 6 ft 6 in x 3.....	,, ,, ...	,, ...	,, ..	,, ...	,,
								1 window, 5 ft x 3 ft.					
Violet Dale	Schoolroom	13 0	25 6	14 2	28·0	38	12	3 windows, each 3 ft 6 in x 2 ft 8 in; 1 door, 6 ft 4 in x 2 ft 7 in..	Windows and door	,, ...	,, ..	,, ...	1 ft 2 in
Walcha	,, ...	9 0	36 0	15 6	44·2	58	29	5 ,, ,, 5 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft	Windows and doors	Yes	,, ..	,, ...	1 ft
Wallabadah	,, ...	15 6	39 0	16 0	53·2	69	36	2 ,, ,, 4 ft 4 in x 2 ft 10 in; 3 doors, each 6 ft 8 in x 3 ft	,, ,, ...	No	,, ..	,, ...	6 in
								6 ,, ,, 4 ft 4 in x 2 ft.					
Warialda	,, ...	8 6	21 0	14 0	22·7	33	18	1 window, 4 ft x 3 ft; 3 doors, each 6 ft x 3 ft	,, ,, ...	Yes	,, ..	,, ...	,,
								1 ,, 3 ft x 2 ft.					
Wee Waa	,, ...	20 0	30 0	16 0	27·1	37	15	2 windows, each 5 ft x 3 ft; 1 door, 7 ft x 3 ft	Windows and door	,, ...	,, ..	,, ...	1 ft 6 in
								BATHURST DISTRICT.					
Bathurst	Boys' schoolroom ..	32 0	64 0	24 0	137·9	164	104	7 windows, each 7 ft x 3 ft 3 in; 2 doors, each 7 ft 6 in x 3 ft 6 in	Windows, doors, 10 roof louvres, each 1½ sq. ft	No	,, ..	,, ...	3 ft
								8 ,, ,, 3 ft x 3 ft 3 in.					
								2 ,, ,, 11 ft x 2 ft 6 in; 2 windows, each 10 ft x 2 ft 6 in	7 gratings at eaves, each 9 in x 6 in; and 7 louvres at floor, each 9 in x 6 in				
	Classroom	32 0	24 0	16 0	....	....	....	3 ,, ,, 7 ft x 3 ft 3 in; 1 door, 7 ft 6 in x 3 ft 6 in.....	Windows, door, 1 grating 9 in x 6 in; and 4 roof louvres, each 1½ sq. ft.	,, ...	,, ..	,, ...	,,
								3 ,, ,, 3 ft x 3 ft 3 in.					
	Girls' schoolroom ..	32 0	64 0	24 0	106·9	134	53	7 ,, ,, 7 ft x 3 ft 3 in; 2 doors, each 7 ft 6 x 3 ft 6 in ..	Windows, doors, 10 roof louvres, each 1½ sq. ft; and 5 gratings at eaves 2 at floor, each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
								6 ,, ,, 3 ft x 3 ft 3 in.					
								2 ,, ,, 12 ft x 3 ft					
	Classroom	32 0	24 0	16 0	....	....	....	2 ,, ,, 12 ft x 3 ft; 1 door, 7 ft 6 in x 3 ft 6 in	Windows, door, 6 roof louvres, each 1½ sq. ft, and 4 gratings at floor, each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
								2 ,, ,, 7 ft x 3 ft.					
	Infants' schoolroom	20 0	60 0	30 0	117·8	146	34	10 ,, ,, 12 ft x 3 ft 7 in; 2 doors, each 6 ft 10 in x 3 ft 10 in; 1 door, 7 ft 10 x 4 ft 6 in.	Windows and doors	,, ...	,, ..	,, ...	2 ft
Ben Bullen	Schoolroom	7 6	19 0	12 0	22·9	30	6	3 windows, each 3 ft 6 in x 2 ft; 2 doors, each 6 ft x 4 ft	,, ,, ...	,, ...	,, ..	,, ...	1 ft 6 in
Blayney	,, ...	9 10	35 0	16 0	60·3	73	44	5 ,, ,, 5 ft 10 in x 3 ft 2 in; 2 doors, each 7 ft x 3 ft ..	,, ,, ...	Yes	Shingles & iron.	,, ...	1 ft 3 in
	Classroom	9 10	16 0	12 0	....	....	....	1 window, 5 ft 10 in x 3 ft 2 in; 1 door, 7 ft x 3 ft	,, ,, ...	,, ...	,, ..	,, ...	,,
Bloom Hill	Schoolroom	20 0	26 0	17 0	19·1	33	3	4 windows, each 5 ft x 3 ft 3 in; 1 door, 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	,, ...	Shingles ..	,, ...	1 ft
Bowenfels	,, ...	20 0	40 0	20 0	26·2	30	23	5 windows, each 4 ft 9 in x 2 ft 11 in; 2 doors, each 7 ft x 2 ft 11 in	Windows, doors, and gratings at floor and eaves.	No	,, ..	,, ...	,,
								2 ,, ,, 2 ft 11 in x 3 ft 1 in.					
								1 window, 3 ft 9 in x 2 ft 11 in.					
Brown's Creek....	,, ...	12 0	24 0	12 0	42·5	52	27	2 windows, each 4 ft 6 in x 2 ft 9 in; 2 doors, each 6 ft 6 in x 2 ft 6 in	Windows and doors	Yes	,, ..	,, ...	Nil
Burkeville.....	,, ...	16 0	23 0	16 7	20·3	25	13	2 ,, ,, 5 ft 2 in x 3 ft; 2 doors, each 7 ft x 3 ft	Windows, doors, fireplace, and 2 gratings at floor.	,, ...	,, ..	,, ...	10 in
								2 ,, ,, 3 ft 8 in x 3 ft; 1 door, 6 ft 8 in x 2 ft 6 in; fireplace, 4 ft 6 in x 4 ft.					
Cadia	,, ...	15 0	26 0	16 0	36·1	57	9	3 windows, each 6 ft x 3 ft; 2 doors, each 7 ft x 3 ft; fireplace, 4 ft x 4 ft.	Windows, doors, and fireplace	,, ...	,, ..	,, ...	1 ft to 4 ft
	Classroom	10 0	16 0	12 0	....	....	....	2 windows, each 6 ft x 3 ft; 1 door, 7 ft x 3 ft	,, ,, ...	,, ...	,, ..	,, ...	,,
Caloola	Schoolroom	12 0	18 0	12 0	21·3	30	10	2 ,, ,, 2 ft 6 in x 2 ft; 2 doors, each 6 ft 6 in x 3 ft	Windows and doors	,, ...	,, ..	,, ...	Nil
Canobolas	,, ...	16 0	36 0	16 0	24·1	28	13	4 ,, ,, 4 ft x 2 ft 6 in; 1 door, 7 x 3 ft 6 in	,, ,, ...	No	,, ..	,, ...	2 ft
Canowindra	,, ...	16 0	22 0	14 0	29·7	43	19	1 window 4 ft x 2 ft 6 in; 2 doors, each 6 ft x 3 ft	Window, door, and 1 ventilator 1 ft 3 in x 1 ft 3 in.	,, ...	,, ..	,, ...	6 in
Carcoar	,, ...	22 0	42 0	18 0	60·0	73	36	4 windows, each 6 ft x 4 ft; 3 doors, each 7 ft x 3 ft	Windows and doors	Yes	,, ..	,, ...	1 ft 9 in
	Classroom	20 0	18 0	14 0	....	....	....	2 ,, ,, 6 ft x 4 ft; 1 door, 7 ft x 3 ft¹.....	,, ,, ...	,, ...	,, ..	,, ...	,,
Cargo	Schoolroom	18 6	30 0	19 0	35·8	44	18	6 ,, ,, 6 ft x 1 ft 2 in; 1 door 6 ft 6 in x 3 ft 6 in	Windows and door	No	Bark	,, ...	7 in
Carrangara	,, ...	20 0	22 0	12 0	31·1	35	24	2 ,, ,, 6 ft x 4 ft; 2 doors, each 10 ft x 5 ft.....	Windows and doors	Yes	Shingles ..	,, ...	2 ft
Condobolin	,, ...	18 0	30 6	16 0	58·1	81	30	5 ,, ,, 5 ft x 3 ft; 2 ,, 6 ft 10 in x 2 ft 10 in ..	Windows, doors, and 5 ventilators at floor ..	,, ...	,, ..	,, ...	1 ft
Cooerwull	,, ...	15 0	50 0	20 0	53·8	66	34	7 ,, ,, 7 ft x 3 ft 6 in; 1 door 7 ft x 4 ft 6 in	Windows and door	No	,, ..	,, ...	1 ft
Cowra.....	,, ...	18 0	30 0	16 0	41·1	56	26	5 ,, ,, 6 ft x 3 ft 6 in; 1 ,, 7 ft x 3 ft	Windows and doors	Yes	,, ..	,, ...	6 in to 1 ft 3 in
								1 ,, 7 ft x 2 ft 8 in.					
	Classroom	16 0	16 0	12 2	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in; 1 ,, 7 ft x 3 ft	,, ,, ...	,, ...	,, ..	,, ...	,,
Cow Flat	Schoolroom	21 0	36 0	25 0	58·3	83	19	6 ,, ,, 6 ft 6 in x 2 ft; 1 ,, 8 ft x 4 ft	Windows, door, and 2 ventilators, each 8½ sq. ft.	No	Galv. iron..	,, ...	3 ft

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**BATHURST DISTRICT**—*continued.*					
Cudal	Schoolroom	18 0	30 0	16 0	21·0	25	15	4 windows, each 4 ft 6 in x 2 ft 6 in ; 1 door 6 ft 6 in x 4 ft 6 in	Windows, doors, and 2 ventilators, each 2 ft x 1 ft 6 in.	No.	Shingles	Ground floor	1 ft 6 in
Dennis Island	,,	9 9	30 0	22 10	18·3	18	11	2 ,, ,, 4 ft 6 in x 3 ft 3 in ; 1 door 5ft 9 in x 2 ft 9 in	Windows, door, and fanlight	,,	Thatch	,,	5 in
Eglington	,,	22 6	31 6	17 0	36·4	49	3	2 ,, ,, 3 ft 4 in x 1 ft 2 in ; fanlight 2 ft x 9 in. 3 ,, ,, 6 ft x 2 ft 3 in ; 1 door 7 ft 3 in x 3 ft 9 in ..... 2 ,, ,, 5 ft 6 in x 1 ft 9 in ; 2 doors, each 6 ft 9 in x 2 ft 9 in.	Windows, doors, fireplace, 5 gratings at eaves and 5 gratings at floor, each 9 in x 6 in.	,,	Shingles	,,	2 ft
Esk Bank	,,	20 0	33 0	20 0	68·3	88	23	1 window 6 ft 9 in x 2 ft 3 in ; fireplace 3 ft x 3 ft.					
Evans's Plains	,,	16 10	29 2	15 10	21·1	29	13	6 windows, each 5 ft x 2 ft 6 in ; 1 door 7 ft x 3 ft 6 in ..... 4 ,, ,, 6 ft 7 in x 1 ft 6 in ; 3 doors, each 6 ft 1 ft x 2 ft 8 in.	Windows and door ..... Windows and doors	,, Yes	Galv. iron.. Shingles	,, ,,	1 ft 4 in 10 in
Fish River Creek	,,	12 0	21 0	17 0	28·1	50	4	2 windows, each 1 ft x 1 ft 6 in ; 2 doors, each 6 ft x 3 ft ..... 1 window 1 ft 6 in x 2 ft 3 in.	,, ...	,,	,,	,,	6 in
Forbes	,,	22 0	46 0	21 6	101·6	126	62	6 windows, each 4 ft 6 in x 2 ft 3 in ; 2 doors 7 ft 3 in x 3 ft 3 in.. 4 ,, ,, 6 ft 6 in x 1 ft 3 in. 2 ,, ,, 7 ft 6 in x 2 ft 3 in.	Windows, doors, and 20 gratings, each 9 in x 3½ in.	No	,,	,,	1 ft
	Classroom	16 0	16 0	12 0	....	....	....	2 ,, ,, 6 ft x 1 ft 8 in ; 1 door 6 ft x 2 ft 9 in	Windows, doors, and 7 gratings, each 9 in x 3½ in.	,,	,,	,,	,,
German Hill	Schoolroom	14 0	21 0	15 0	15·9	28	7	3 ,, ,, 2 ft x 2 ft 4 in ; 2 doors, each 6 ft 6 in x 2 ft 6 in	Windows and doors	Yes	Bark	,,	1 ft
Greghamstown	,,	18 6	25 6	16 0	36·0	46	20	4 ,, ,, 5 ft 6 in x 3 ft ; 2 ,, 7 ft x 3 ft 3 in	,, ...	,,	Shingles	,,	1 ft 6 in
Gosling Creek	,,	18 0	30 0	16 0	35·5	47	20	4 ,, ,, 5 ft 3 in x 3 ft 5 in ; 2 ,, 7 ft x 3 ft	,, ...	No	,,	,,	2 ft
Guyong	,,	18 6	28 0	16 0	31·0	40	15	3 ,, ,, 5 ft 6 in x 3 ft ; 2 doors, each 7 ft. x 3 ft ..... 2 ,, ,, 5 ft 6 in x 2 ft ; 1 fireplace 3 ft 6 in x 3 ft 6 in	Windows, doors, 6 gratings at eaves and 6 gratings at floor, each 9 in x 6 in.	,,	,,	,,	1 ft to 2 ft
Hartley	,,	14 6	30 0	19 0	15·6	27	7	4 ,, ,, 2 ft 8 in x 2 ft 3 in ; 1 door 6 ft 6 in x 2 ft 10 in ; fireplace 3 ft x 3 ft ; 1 door 6 ft 3 in x 2 ft 4 in.	Windows, door, and fireplace	,,	Bark	,,	6 in
	Classroom	14 6	10 0	9 0	....	....	....	1 window 2 ft 8 in x 2 ft 3 in ; 1 door 6 ft 3 in x 2 ft 4 in ; fireplace 3 ft x 3 ft.	,, ,, ...	,,	,, ...	,,	,,
Hartley Vale	Schoolroom	16 6	40 0	18 0	32·7	43	25	5 windows, each 3 ft 10 in x 2 ft 4 in ; 1 door 7 ft x 2 ft 8 in ..... 1 door 6 ft 6 in x 2 ft 6 in.	Windows and doors	,,	Shingles	,,	1 ft to 3 ft
	Classroom	16 6	18 0	12 0	....	....	....	2 windows, each 4 ft 6 in x 2 ft 10 in ; 1 ,, 7 ft x 2 ft 8 in.....	,, ...	,,	,, ..	,,	,,
Icely	Schoolroom	18 0	26 6	16 3	26·6	44	8	2 ,, ,, 4 ft 5 in x 2 ft 9 in ; 1 ,, 6 ft 6 in x 2 ft 5 in ; fireplace 4 ft x 4 ft 2 in.	Windows, door, and fireplace	,,	Bark	,,	3 in
Kelso	,,	12 0	30 0	18 6	42·5	57	18	2 windows, each 7 ft x 3 ft 4 in ; 1 door 9 ft x 3 ft 3 in ..... 1 window 6 ft 6 in x 3 ft 3 in ; 1 door 7 ft x 3 ft. 3 fanlights, each 4 ft 3 in x 1 ft 6 in ; fireplace 3 ft 6 in x 3 ft.	Windows, doors, fanlights, fireplace, and 2 ventilators in ceiling, and 1 at floor 4 in x 3 in.	Yes	Shingles	,,	6 in to 2 ft
Kirkconnell	,,	13 4	40 0	18 0	22·1	35	10	4 windows, each 5 ft 10 in x 3 ft 3½ in ; 2 doors, each 7 ft x 3 ft ..	Windows, doors, and ventilators at floor	,,	,,	,,	2 ft 11 in to 6 ft 8 in
	Classroom	13 4	18 0	14 0	....	....	....	2 ,, ,, 5 ft 10 in x 3 ft 3½ in ; 1 door, 7 ft x 3 ft	,, ,, ,, ...	,,	,,	,,	,,
Limekilns	Schoolroom	18 0	32 0	16 0	22·1	28	12	3 ,, ,, 6 ft x 3 ft ; 2 doors, each 7 ft x 3 ft ..... 2 ,, ,, 6 ft x 2 ft ; 1 window 7 ft x 2 ft.	Windows, doors, and 3 roof ventilators	No	,,	,,	2 ft 4 in
	Classroom	16 0	16 0	12 0	....	....	....	.....	,, ,, ,, ...	,,	,, ..	,,	,,
Lucknow	Schoolroom	20 0	40 0	18 0	55·5	67	21	6 windows, each 4 ft 2 in x 2 ft 8½ in ; 1 door 7 ft 6 in x 3 ft 2 in..	Windows and door ,, ...	,,	Iron	,,	2 ft
Macquarie Plains	,,	22 0	33 6	16 0	38·9	46	22	7 ,, ,, 6 ft x 2 ft 6 in ; 1 door 7 ft x 3 ft ; fireplace 2 ft 9 in x 2 ft 6 in.	Windows, door, and fireplace ; 6 roof louvres ; 4 gratings at eaves and 4 gratings at floor.	Yes	Shingles	,,	1 ft
March	,,	18 0	22 0	16 0	37·0	51	21	4 windows, each 4 ft 5 in x 2 ft 9 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 4 gratings at floor each 10 in x 5 in, and 4 at roof each 10 in x 10 in	No	,,	,,	2 ft
Meadow Flat	,,	8 6	27 0	14 0	22·2	31	5	4 ,, ,, 4 ft 6 in x 2 ft 9 in ; 1 door 6 ft x 3 ft ; fireplace 3 ft x 3 ft.	Windows, door, fireplace, ventilator in ceiling 3 ft x 2 ft.	Yes	Galv. iron..	,,	1 ft 6 in
Milburn Creek	,,	16 0	29 0	13 0	22·6	29	18	2 windows, each 2 ft 8 in x 2 ft 1 in ; 1 door 6 ft x 2 ft 6 in	Windows, door, and openings in gables	No	Bark	,,	Nil
Millamurra	,,	18 0	18 0	16 0	21·0	28	10	4 ,, ,, 4 ft x 2 ft 6 in ; 2 doors, each 6 ft 6 in x 2 ft 6 in ; fireplace 3 ft x 3 ft.	Windows, doors, and fireplace	Yes	Iron	,,	6 in
Mitchell's Creek	,,	18 0	40 0	16 0	30·0	33	20	5 windows, each 5 ft 11 x 3 ft 3 in ; 2 doors, each 6 ft 8 in x 2 ft 9 in ; fireplace 4 ft 6 in x 3 ft 9 in.	,, ,, ...	No	Shingles	,,	8 in to 4 ft
	Classroom	11 0	14 0	12 6	....	....	....	1 window 5 ft 11 in x 3 ft 3 in ; 2 doors, each 7 ft. x 3 ft 2 in ; fireplace 3 ft 6 in x 3 ft 10 in.	,, ,, ...	,,	,, ..	,,	,,
	,,	11 0	14 0	12 6	....	....	....	1 window 5 ft 11 in x 3 ft 3 in ; fireplace 3 ft 1 in x 3 ft 3 in ; 2 doors, each 7 ft x 3 ft 2 in.	,, ,, ...	,,	,, ..	,,	,,
Morialda	Schoolroom	18 0	35 0	16 0	27·6	35	9	5 windows, each 6 ft x 3 ft 4 in ; 2 doors 7 ft x 3 ft	Windows and doors	Yes	,, ..	,,	1 ft 8 in
Mount Macquarie	,,	13 0	25 0	16 0	32·2	43	20	4 ,, ,, 2 ft 9 in x 2 ft 3 in ; 1 door 6 ft x 3 ft; fireplace 3 ft 6 in x 3 ft.	Windows, door, and fireplace	,,	,, ..	,,	Nil
Mount Tarana	,,	18 0	34 0	16 0	30·9	45	21	3 windows, each 4 ft x 2 ft 6 in ; 1 door 6 ft x 3 ft	Windows and door	No	,, ..	,,	1 ft 6 in
Mount Victoria	,,	12 9	30 0	14 0	45·0	59	20	4 ,, ,, 2 ft 9 in x 2 ft 3 in ; 1 door 8 ft x 3 ft 1 in	,, ...	,,	Galv. iron..	,,	Nil
Mutton's Falls	,,	17 0	30 0	20 0	16·8	24	10	5 ,, ,, 4 ft x 2 ft ; 1 door 7 ft x 3 ft	,, ...	,,	Shingles	,,	1 ft 6 in
Newbridge	,,	13 0	24 0	14 0	15·6	24	10	4 ,, ,, 5 ft x 2 ft 6 in ; 1 door 7 ft x 3 ft 6 in	Windows, door, and 2 ceiling ventilators	,,	Galv. iron..	,,	1 ft

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		Height.	Length.	Breadth	Average	Maximum.	Minimum.						
		ft. in.	ft. in.	ft. in.				**BATHURST DISTRICT**—*continued.*					
O'Connell	Schoolroom	18 0	25 6	16 0	26·6	41	17	4 windows, each 7 ft 3 in x 2 ft 7 in; 2 doors, each 7 ft x 3 ft 2 " " 4 ft 6 in x 2 ft 9 in. 1 window 8 ft x 3 ft.	Windows, door, 4 gratings each 9 in x 6 in, and 2 gratings each 9 in by 3 in.	Yes	Shingles	Ground floor.	1 ft 3 in
Oberon	"	11 0	28 0	18 0	31·3	44	21	4 windows, each 5 ft 3 in x 3 ft 3 in; 1 door 7 ft x 3 ft	Windows, door, 4 gratings at floor and 4 at ceiling.	"	"	"	1 ft
Orange	Primary schoolroom.	13 0	38 0	18 0	195·5	233	111	3 " " 6 ft x 2 ft 4 in; 2 doors, each 7 ft x 3 ft; fireplace 4 ft x 3 ft 9 in.	Windows, doors, fireplace, 4 roof louvres and 2 ceiling ventilators.	"	"	"	1 ft to 3 ft
	Classroom	13 0	18 0	12 0	....	....	....	1 window 5 ft 9 in x 3 ft 6 in; 3 doors, each 7 ft x 3 ft	Windows, doors, and ceiling ventilator	"	"	"	
	Infants' schoolroom.	13 0	30 0	18 0	....	....	....	4 windows, each 6 ft x 2 ft 4 in; 2 doors, each 7 ft x 3 ft; fireplace 3 ft 6 in x 3 ft.	Windows, doors, fireplace, and 2 ceiling ventilators and 4 roof louvres.	"	"	"	
	Classroom	13 0	18 0	12 0	....	....	....	1 window 6 ft x 2 ft 4 in; 3 doors, each 7 ft x 3 ft	Windows, doors, 1 ceiling ventilator, and 2 roof louvres.	"	"	"	"
Parkes	Schoolroom	27 6	48 6	21 0	122·7	169	38	2 windows, each 10 ft x 2 ft 10 in; 3 doors, each 7 ft x 3 ft 4 " " 7 ft 6 in x 2 ft 4 in. 4 " " 6 ft x 3 ft 4 in.	Windows, doors, 4 gratings at floor, and 4 gratings at eaves.	No	"	"	1 ft
	Classroom	19 0	15 0	13 6	....	....	....	2 " " 5 ft 6 in x 2 ft 4 in; 2 doors, each 7 ft x 3 ft 1 window 6 ft x 3 ft 2 in.	Windows and doors	"	"	"	"
Peel	Schoolroom	20 0	42 0	18 0	39·6	47	33	6 windows, each 6 ft x 6 ft; 3 doors, each 7 ft x 3 ft 6 in	"	Yes	"	"	2 ft
	Classroom	15 0	18 0	12 0	....	....	....	2 " " 6 ft x 4 ft; 2 doors, each 7 ft x 3 ft 6 in	"	"	"	"	"
Perth	Schoolroom	18 0	25 6	16 0	22·5	40	2	3 " " 5 ft x 3 ft 2 in; 2 doors, each 7 ft x 3 ft; fireplace 3 ft x 3 ft.	Windows, doors, 3 gratings at floor and 3 gratings at eaves, each 9 in x 6 in, and fireplace.	"	"	"	1 ft
	Classroom	18 0	16 0	10 6	....	....	....	2 windows, each 5 ft x 3 ft 2 in; 1 door 7 ft x 3 ft	Windows, door, and 4 gratings, each 9 in x 6 in	"	"	"	"
Raglan	Schoolroom	18 0	33 0	16 0	22·4	26	17	3 " " 5 ft x 2 ft 9 in; 1 door 7 ft x 3 ft	Windows and door	No	Iron	"	Nil
Rydal	"	15 6	25 0	18 6	42·3	53	28	4 " " 5 ft x 3 ft 6 in; 2 doors, each 6 ft 6 in x 3 ft; fireplace 3 ft x 3 ft.	Windows and doors and fireplace	Yes	Shingles	"	1 ft
Spring Grove	"	22 0	35 0	17 0	50·0	60	28	2 windows, each 7 ft x 2 ft 6 in; 2 doors, each 7 ft x 3 ft 3 in 3 " " 5 ft x 3 ft; fireplace 3 ft 6 in x 3 ft.	Windows, doors, fireplace, 4 gratings at floor and 4 gratings at eaves, each 9 in x 6 in.	No	"	"	2 ft
The Forest	"	10 0	31 0	16 0	33·1	44	23	6 " " 5 ft 2 in x 2 ft 10 in; 2 doors, each 7 ft x 3 ft; fireplace 3 ft x 3 ft.	Windows, doors, fireplace, 6 gratings at floor and 6 gratings at ceiling, each 9 in x 6 in.	"	"	"	1 ft 6 in to 2 ft 6 in
Trunkey	Schoolroom	17 8	37 0	21 3	Closed	Closed	Closed	7 windows, each 4 ft x 2 ft; 1 door, 6 ft 8 in x 2 ft 8 in 1 " 6 ft 8 in x 3 ft 9 in.	Windows and doors	"	Bark	"	Nil
	Classroom	17 8	21 3	14 0	....	....	....	2 " " 4 ft x 2 ft; 1 " 6 ft 8 in x 3 ft 1 " 6 ft 8 in x 2 ft 8 in.	"	"	"	"	"
Wallerawang	Schoolroom	17 0	30 6	18 3	53·7	65	23	5 " " 5 ft 9 in x 2 ft 4 in; 1 door 6 ft 7 in x 4 ft 2 " " 7 ft 2 in x 1 ft 2 in. 1 window, 8 ft 9 in x 2 ft 9 in; 1 fireplace, 3 ft 6 in x 3 ft.	Windows, doors, and fireplace	Yes	Shingles	"	1 ft
Wattle Flat	"	12 0	50 0	16 0	46·9	57	15	5 windows, each 5 ft 2 in x 3 ft 3 in; 2 doors each 7 ft x 3 ft 4 " " 5 ft 2 in x 4 ft 3 in. 2 " " 5 ft 2 in x 2 ft 9 in.	Windows, doors, 12 gratings, each 9 in x 5 in at floor and eaves, and 2 ceiling ventilators each 1 foot diameter.	No	"	"	1 ft to 2 ft.
Wheatfield	"	12 5	21 6	11 0	25·1	29	19	1 window, 2 ft 6 in x 2 ft; 1 door, 5 ft 3 in x 2 ft 4 in 1 " 2 ft 6 in x 10 in; fireplace, 3 ft 10 in x 3 ft.	Windows, door, and fireplace	"	Bark	"	Nil.
White Rock	"	13 0	24 0	12 0	21·1	28	15	3 windows, each 3 ft 6 in x 2 ft 6 in; 2 doors, each 6 ft x 3 ft; fireplace, 3 ft. x 3 ft.	" "	"	Thatch	"	"
Wyagdon	"	13 0	20 0	16 0	23·8	31	10	3 windows, each 4 ft 6 in x 2 ft 9 in; 2 doors, each 6 ft 8 in x 2 ft 8 in 2 " " 4 ft 6 in x 2 ft 3 in.	Windows and doors	Yes	Shingles	"	1 ft 2 in
								BRAIDWOOD DISTRICT.					
Adaminaby	Schoolroom	12 0	24 6	13 0	26·2	38	8	3 windows, each 2 ft 4 in x 2 ft; 1 door, 6 ft x 3 ft	Windows and doors	No	Shingles	Ground floor.	Nil.
Araluen	"	20 0	47 0	22 0	89·0	110	10	5 " " 5 ft x 3 ft 3 in; 2 doors, each 6 ft 6 in x 3 ft. 6 in 2 " " 5 ft x 2 ft 4 in; fireplace, 3 ft 6 in x 3 ft	Windows, doors, fireplace, gratings at floor and eaves, 19, each 9 in x 6 in, and 3 roof louvres.	"	"	"	6 in x 2 ft
	"	20 0	47 0	22 0	....	....	....	4 " " 5 ft x 3 ft 3 in; 2 doors, each 6 ft 6 in x 3 ft 6 in 2 " " 5 ft x 2 ft 4 in; fireplace, 3 ft 6 in x 3 ft.	" " " "	"	"	"	"
	Classroom	18 0	22 0	12 0	....	....	....	1 window, 5 ft x 3 ft 3 in; 1 door, 6 ft 6 in x 3 ft 6 in 2 windows, each 5 ft x 2 ft 4 in; fireplace, 3 ft. 6 in x 3 ft.	Windows, doors, fireplace, gratings at floor and eaves, 8, each 9 in x 6 in, and 1 roof louvre.	"	"	"	"
Araluen Upper	Schoolroom	12 0	20 9	12 10	31·9	47	6	4 " " 2 ft 4 in x 2 ft; 1 door, 6 ft. x 2 ft 5 in	Windows and door	"	"	"	6 in
Araluen West	"	20 0	51 0	21 0	41·7	53	10	6 " " 4 ft x 2 ft 6 in; 1 door, 6 ft 3 in x 3 ft 3 in; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, and fireplace	"	"	"	1 ft 6 in
Bateman's Bay	"	17 0	30 3	18 0	49·4	59	34	4 windows, each 5 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows and doors	Yes	"	"	"

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth.	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**BRAIDWOOD DISTRICT**—*continued.*					
Bega	Schoolroom	9 9	42 6	16 0	79·2	97	36	5 windows, each 6 ft x 3 ft 8 in; 1 door, 7 ft x 2 ft 11 in; 1 door, 6 ft 9 in x 2 ft 10 in.	Windows, doors, 3 ventilating pipes, each 4½ in diameter, extending from floor line 8 ft high.	Yes	Shingles	Ground floor	6 in to 2 ft 8 in
	Classroom	9 9	23 9	16 0	....	....	....	4 windows, each 6 ft x 3 ft 8 in; 2 doors, each 6 ft 9 in x 2 ft 10 in	Windows, doors, and 2 ventilating pipes, as above.	,,	,,	,,	,,
Bell's Creek	Schoolroom	13 0	25 0	16 0	24·9	36	8	3 ,, ,, 5 ft 6 in x 3 ft 9 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, and fireplace	,,	,,	,,	1 ft
Bergalia	,,	18 0	25 6	16 0	40·5	49	19	4 windows, each 5 ft x 2 ft; 1 door, 7 ft 6 in x 3 ft 6 in	,, ,,	No	,,	,,	6 in to 2 ft 6 in
								5 ,, ,, 5 ft x 2 ft 6 in; fireplace, 3 ft 6 in x 3 ft 6 in.					
Bodalla	,,	15 0	25 6	14 0	58·8	77	8	1 window, 4 ft 6 in x 2 ft 9 in; 2 doors, each 7 ft 3 in x 3 ft 11 in; 1 door, 7 ft x 3 ft; 1 door, 6 ft 6 in x 2 ft 6 in.	Windows and doors	Yes	,,	,,	9 in
	Classroom	11 0	23 9	6 0	....	....	....	3 windows, each 2 ft 9 in x 2 ft 3 in; 1 door, 5 ft 10 in x 2 ft 7 in	,,	,,	,,	,,	,,
Bombala	Schoolroom	22 0	46 0	20 0	83·3	102	22	10 ,, ,, 5 ft 6 in x 3 ft 3 in; 3 doors, each 7 ft x 3 ft; fireplace, 3 ft 6 in x 3 ft.	Windows, doors, fireplace, 12 gratings each 9 in x 6 in, and 8 louvre ventilators in roof.	No	,,	,,	1 ft 6 in x 5 ft
Braidwood	,,	22 0	34 6	20 0	63·5	75	14	5 windows, each 4 ft 3 in x 3 ft 10 in; 1 door, 7 ft 2 in x 4 ft; fanlight, 4 ft x 4 ft; 1 door, 6 ft 8 in x 3 ft; fireplace, 3 ft 6 in x 3 ft.	Windows, doors, fireplace, and fanlight	,,	,,	,,	1 ft 6 in
	Classroom	18 0	22 0	20 0	....	....	....	4 windows, each 4 ft 3 in x 3 ft 10 in; 1 door 7 ft 2 in x 4 ft; 1 door, 6 ft 8 in x 3 ft; fireplace, 3 ft x 3 ft.	Windows and doors and fireplace	,,	,,	,,	,,
Candelo	Schoolroom	18 0	40 6	15 9	38·2	57	11	3 windows, each 5 ft x 3 ft 4 in; 2 doors, each 7 ft x 3 ft; 2 windows, each 6 ft x 1 ft 10 in; 4 windows, each 5 ft x 1 ft 3 in.	Windows, doors, and 8 gratings, each 9 in x 6 in.	,,	,,	,,	2 ft to Nil
	Classroom	14 0	10 0	8 0	....	....	....	3 windows, 5 ft x 2 ft; 1 door, 6 ft 6 in x 2 ft 9 in	Windows and door	,,	,,	,,	,,
Cathcart	Schoolroom	15 0	19 0	15 6	25·9	41	6	2 windows, each 4 ft 6 in x 2 ft 9 in; 1 door, 6 ft 6 in x 2 ft 6 in; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	Yes	,,	,,	6 in
Cobargo	,,	17 0	21 0	16 0	25	35	10	2 windows, each 6 ft x 3 ft 3 in; 2 doors, 7 ft x 3 ft; 1 window, 6 ft x 3 ft 6 in.	Windows, doors, and gratings, at eaves and floor, 10, each 8 in x 5 in.	No	,,	,,	1 ft 6 in
Colombo	,,	18 0	36 0	17 6	23·8	34	15	5 windows, each 6 ft x 2 ft 6 in; 1 door, 6 ft x 3 ft	Windows and door	,,	,,	,,	1 ft 3 in
Cooma	,,	20 0	40 0	18 0	73·6	89	33	6 ,, ,, 6 ft x 3 ft 3 in; 1 door, 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, door, fireplace, and ventilators in roof.	Yes	,,	,,	1 ft to 4 ft
	Classroom	16 0	18 0	15 0	....	....	....	2 windows, each 6 ft x 3 ft 3 in; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Delegete	Schoolroom	13 0	20 0	12 0	20·9	34	10	2 ,, ,, 4 ft x 2 ft 9 in; 1 door, 5 ft x 4 ft; fireplace, 3 ft x 3 ft; 1 door, 5 ft x 2 ft 6 in.	Windows, doors, and fireplace	No	Iron	,,	2 ft.
Eden	,,	10 0	40 0	18 6	29·6	37	9	4 windows, each 6 ft x 4 ft 6 in; 1 door, 7 ft x 3 ft 6 in; fireplace, 3 ft 6 in x 3 ft.	Windows, door, fireplace, ceiling ventilator 1 sq. ft.	Yes	Galv. iron	,,	6 in to 3 ft
Eurobodalla	,,	14 0	18 9	13 0	24·2	27	15	1 window, 4 ft 4 in x 2 ft 8 in; 1 door, 5 ft 10 in x 3 ft; 1 window, 2 ft 9 in x 2 ft; 1 door, 5 ft 9 in x 2 ft 11 in; fireplace, 6 ft 3 in x 5 ft 2 in.	Windows, doors, and fireplace	No	Shingles	,,	6 in
Jembalcumbene	,,	16 0	28 0	14 0	16·6	21	12	4 windows, each 5 ft 6 in x 4 ft; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	,, ,,	Yes	,,	,,	4 ft 6 in
Kiora	,,	19 0	35 0	16 0	17·2	23	11	7 windows, each 4 ft 6 in x 1 ft 7 in; door, 6 ft 6 in x 3 ft 10 in	Windows and door	No	,,	,,	1 ft to 2 ft 6 in
Little River	,,	14 0	32 0	18 0	35	42	3	4 windows, each 7 ft x 1 ft 6 in; 2 doors, each 7 ft x 3 ft; 2 windows, each 7 ft x 3 ft; 1 window, 5 ft 10 in x 3 ft 6 in.	Windows, doors, and gratings at floor and eaves, 8, at 9 in x 3 in each.	Yes	,,	,,	1 ft.
	Classroom	10 0	11 6	10 0	....	....	....	2 windows, 5 ft 10 in x 3 ft 6 in; 1 door, 7 ft x 3 ft.	Windows, door, and 2 gratings, each 9 in x 6 in.	,,	,,	,,	,,
Major's Creek	Schoolroom	22 0	28 0	22 0	53	80	1	3 windows, each 4 ft 6 in x 3 ft 8 in; 2 doors, each 6 ft 3 in x 3 ft	Windows, doors, and fireplace	No	Shingles	,,	1 ft
								1 window, 5 ft 6 in x 3 ft 6 in.					
	Classroom	22 0	22 0	12 0	....	....	....	1 ,, 2 ft 9 in x 2 ft 3 in; fireplace, 5 ft x 4 ft.	,, ,,	,,	,,	,,	,,
								1 ,, 4 ft by 3 ft; 2 doors each 6 ft 3 in by 3 ft					
								1 ,, 2 ft 9 in by 2 ft 3 in.					
Merimbula	Schoolroom	18 0	20 0	16 0	27·3	30	24	2 windows, each 5 ft x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows, doors, fireplace, and 4 gratings, each 12 in x 3 in.	Yes	,,	,,	1 ft 6 in
								2 ,, ,, 5 ft x 2 ft 5 in; 1 ,, 6 ft 10 in x 2 ft 9 in; fireplace, 3 ft by 3 ft.					
	Classroom	18 0	16 0	10 9	....	....	....	2 windows, 5 ft x 3 ft 6 in; 1 door, 7 ft by 3 ft.	,, ,,	,,	,,	,,	,,
Meringlo	Schoolroom	14 0	19 6	10 0	28·5	36	16	3 ,, each 2 ft 10 in x 2 ft 3 in; 1 door, 6 ft 2 in x 3 ft 8 in.	Windows and door	No	,,	,,	nil to 1 ft 6 in
Mogalla	,,	16 6	20 0	16 0	24·2	30	17	4 ,, ,, 5 ft 10 in x 2 ft 10 in; 2 doors, each 7 ft x 3 ft.	Windows, doors, and 8 gratings, each 9 in x 6 in	,,	,,	,,	1 ft 6 in
Mogo	,,	15 0	24 0	16 0	31·5	43	27	6 ,, ,, 3 ft x 1 ft 6 in; 2 doors, each 7 ft x 3 ft	Windows and doors	,,	Bark	,,	4 in
Monkittee	,,	15 0	20 0	12 0	16·6	26	5	2 ,, ,, 4 ft x 2 ft 6 in; 1 door, 7 ft x 2 ft 6 in	Windows and door	Yes	Shingles	,,	1 ft
Nelligen	,,	16 0	27 0	15 0	28·2	40	16	4 ,, ,, 5 ft x 4 ft; 2 doors, each 7 ft x 3 ft 6 in	Windows and doors	,,	,,	,,	1 ft 6 in
Nerrigundah	,,	15 3	30 3	14 9	30·9	38	11	4 ,, ,, 3 ft 5 in x 2 ft 6 in; 1 door, 6 ft 3 in x 3 ft; fireplace, 5 ft 3 x 2 ft 9 in.	Windows, door, and fireplace	No	,,	,,	4 in to 1 ft
Panbula	,,	18 0	30 0	16 0	29·8	44	9	4 ,, ,, 5 ft 6 in x 3 ft 10 in; 2 doors, each 7 ft x 3 ft 2 in; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, fireplace, and gratings at floor and eaves, 12, each 9 in x 6 in.	,,	,,	,,	1 ft to 5 ft
Tantawangio	,,	16 0	28 0	16 0	22·7	31	17	4 ,, ,, 5 ft x 3 ft; 2 doors, each 7 ft x 3 ft	Windows, doors, and space of 3 in between wall and roof.	Yes	,,	,,	1 ft to 4 ft
Wolumla South	,,	18 0	25 6	16 0	39·6	57	10	4 ,, ,, 5 ft 4 in; 2 doors, each7 ft x 3 ft 6 in.	Windows, doors, and 5 gratings, each 9 in x 6 in.	,,	,,	,,	6 in

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**CAMDEN DISTRICT.**					
Albion Park	Schoolroom	18 0	34 0	16 0	44·6	66	22	6 windows, each 5 ft 6 in x 3 ft 4 in; 2 doors, each 6 ft 11 in x 2 ft 10 in; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	No	Shingles	Ground floor	6 in
	Classroom	12 0	12 0	12 0	....	....	....	1 window, 5 ft 6 in x 3 ft 4 in; 2 doors, each 6 ft 11 in x 2 ft 10 in	,, ,,	,,	,,	,,	,,
Appin	Schoolroom	18 0	25 6	15 6	34·8	44	24	3 windows, each 6 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft	Windows, doors, and 2 ceiling ventilators each 1 sq. ft.	Yes	,,	,,	1 ft 2 in
Ashfield	Primary schoolroom	26 0	54 0	22 0	181·3	216	75	2 ,, ,, 10 ft x 2 ft 6 in; 2 doors, each 8 ft x 3 ft 6 in 4 ,, ,, 8 ft x 2 ft 6 in. 8 ,, ,, 5 ft x 2 ft 6 in; fireplace 3 ft by 3 ft.	Windows, doors, fireplace, 11 gratings each 9 in x 6 in at roof and eaves, and 8 roof louvres.	No	,,	,,	2 ft 6 in
	Classroom	19 0	16 0	15 0	....	....	....	4 ,, ,, 5 ft x 2 ft 6 in; 1 door, 8 ft x 3 ft 6 in	Windows, door, 5 gratings each 9 in x 6 in, and 2 roof louvres.	,,	,,	,,	,,
	Infant schoolroom	26 0	30 0	19 0	....	....	....	1 ,, ,, 8 ft x 2 ft 6 in; 2 doors, each 8 ft x 3 ft 6 in 2 ,, ,, 6 ft x 2 ft 6 in. 8 ,, ,, 5 ft x 2 ft 6 in; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 7 gratings each 9 in x 6 in, and 6 roof louvres.	,,	,,	,,	,,
Avondale	Schoolroom	18 0	30 0	16 0	34·2	41	14	4 ,, ,, 5 ft 10 in x 3 ft 10 in; 2 doors, each 7 ft x 3 ft 2 in	Windows and doors	Yes	,,	,,	1 ft
	Classroom	12 0	12 0	12 0	....	....	....		,, ,,	,,	,,	,,	,,
Bankstown	Schoolroom	16 6	45 0	13 0	30·6	46	12	5 ,, ,, 4 ft 6 in x 2 ft 9 in; 2 doors, each 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Berkeley	,,	15 0	32 0	16 0	34·4	41	28	4 ,, ,, 4 ft 6 in x 2 ft 10 in; 1 door, 6 ft 5 in x 3 ft; 1 door, 6 ft 4 in x 2 ft 5 in; fireplace, 3 ft 6 in x 3 ft.	Windows, doors, and fireplace	,,	,,	,,	8 in
Boolong	,,	18 0	40 0	20 0	17·2	47	7	8 windows, each 5 ft x 2 ft 10 in; 1 door, 6 ft 6 in x 2 ft 9 in	Windows and doors	No	,,	,,	1 ft 2 in
Brandon Hill	,,	17 6	30 0	16 0	30·9	39	27	5 ,, ,, 5 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft; fireplace, 4 ft x 3 ft.	Windows, doors, fireplace; 3 gratings at floor, and 4 at eaves, each 8 in x 5 in	Yes	,,	,,	3 ft
Broughton Creek	,,	11 0	40 0	22 0	72·5	88	16	6 ,, ,, 6 ft 7 in x 3 ft 3 in; 1 door, 6 ft 8 in x 2 ft 11 in	Windows, door; 6 ventilators, each 2 ft 7 in x 5½ in; 2 ditto, each 1 ft 4 in dia.; and 2 ditto, each 1 ft 6 in x 1 ft 1 in.	No	,,	,,	1 ft 6 in
Broughton Vale	,,	16 6	25 6	17 0	27·3	37	16	4 ,, ,, 5 ft x 3 ft 6 in; 1 door, 7 ft by 3 ft.	Windows, doors, and 8 gratings, each 9 in x 6 in.	Yes	,,	,,	3 ft
Broughton Village	,,	11 6	30 0	18 0	40·8	51	11	3 ,, ,, 5 ft x 3 ft 3 in; 1 door, 6 ft 6 in x 3 ft 1 window, 5 ft x 3 ft. 2 windows, each 4 ft 6 in x 3 ft.	Windows, door, and 2 ceiling ventilators, each 1 ft 3 in dia.	No	,,	,,	1 ft 6 in
Bulli	,,	16 6	36 6	20 0	66·0	92	12	2 windows, each 8 feet 2 feet 9 in; 3 doors, each 7 ft 3 in x 3 ft 2 in. 4 ,, ,, 6 ft x 1 ft 10 in. 2 ,, ,, 5 ft x 2 ft; fireplace, 3 ft 6 in x 3 ft.	Windows, doors, and fireplace	,,	,,	,,	9 in.
	Classroom	13 6	15 4	15 3	....	....	....	2 ,, ,, 5 feet x 2 ft 3 in; 1 door 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Bulli North	Schoolroom	16 0	28 6	16 0	26·7	32	15	4 ,, ,, 5 ft x 4 ft; 2 doors, each 7 ft x 3 ft 3 in	Windows and doors	,,	,,	,,	1 ft 8 in.
Bundywalla	,,	15 0	24 0	14 0	20·1	28	13	3 ,, ,, 4 ft 6 in x 3 ft; 2 doors, each 6 ft x 2 ft 6 in	,, ,,	Yes	,,	,,	Nil to 7 ft
Camden	,,	14 6	50 0	22 0	58·3	103	19	6 ,, ,, 4 ft x 4 ft; 2 doors, each 6 ft 9 x 3 ft 6, 3 do. 6 ft 9 in x 3 ft. 2 lanterns in ceiling, each 8 ft x 6 ft x 5 ft.	Windows, doors, 9 gratings each 9 in x 6 in.	No	,,	,,	1 ft to 3 ft
	Classroom	11 0	14 0	11 0	....	....	....	1 window, 4 ft x 4 ft; 2 doors, each 6 ft 9 in x 3 ft	And 8 openings in lanterns each 3 ft x 2 ft	,,	,,	,,	,,
	,,	11 0	14 0	11 0	....	....	....	1 ,, 4 ft x 4 ft; 1 door, 6 ft 9 x 3 feet	Window, doors	,,	,,	,,	,,
Campbelltown	Schoolroom	22 0	50 0	20 0	92·8	111	12	2 windows, each 10 ft x 2 ft 9 in; 2 doors, each 7 ft 3 in x 3 ft 3 in 4 ,, ,, 8 ft 6 in x 2 ft. 4 ,, ,, 6 ft x 3 ft; fireplace, 3 ft x 3 ft.	,, ,,	,,	,,	,,	,,
	Classroom	18 0	17 0	13 0	....	....	....	2 ,, ,, 6 ft x 3 ft; 1 door, 7 ft 3 in x 3 ft	Windows, doors, fireplace, 9 roof ventilators, each 2 ft x 3 ft; 6 at eaves, each 14 in x 9 in; and 5 at floor, each 9 in x 6 in.	,,	,,	,,	1 ft 6 in.
Canterbury	Schoolroom	21 9	40 4	20 0	Not opened.			4 ,, ,, 5 ft 6 in x 3 ft; 2 doors each 7 ft x 3 ft 4 ,, ,, 6 ft 6 in x 1 ft 10 in.	Windows, door; 4 roof ventilators, each 2 ft x 3 ft; 2 at eaves, each 14 in x 9 in; and 3 at floor, each 9 in x 6 in.	,,	,,	,,	,,
Cawdor	,,	24 0	32 0	26 0	38·8	51	23	6 ,, ,, 6 ft x 2 ft; 2 doors, each 7 ft x 3 ft	Windows, doors, and space between walls and roof.	,,	,,	,,	Nil to 1 ft 6 in
Coolangatta	,,	14 0	24 6	14 9	42·0	50	10	3 ,, ,, 3 ft 9 x 2 ft 3 in; 2 doors, each 6 ft x 2 ft 9 in	Windows and doors	,,	,,	,,	1 ft.
Cordeaux River	,,	14 0	20 0	16 0	22·8	34	13	2 ,, ,, 2 ft 10 in x 2 ft 4 in; 2 doors, each 6 ft 3 in x 2 ft 7 in; fireplace, 7 ft 6 in x 6 ft.	,, ,,	,,	,,	,,	1 ft 3 in.
Dapto	,,	21 0	33 0	16 0	34·3	39	27	3 windows, each 6 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft 2 ,, ,, 10 ft x 2 ft 6 in; fireplace, 3 ft x 3 ft 2 in.	Windows, doors, and fireplace	Yes	,,	,,	6 in to 2 ft 3 in
Fairy Meadow	,,	19 0	30 0	18 0	38·9	52	29	4 ,, ,, 5 feet x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows, doors, fireplace, 5 roof louvres, and 7 gratings at floor and eaves.	,,	,,	,,	1 ft 6 in.
	Classroom	15 0	18 0	12 0	....	....	....	3 ,, ,, 5 ft x 3 ft 6 in; 1 door, 7 ft x 3 ft.	Windows and door	,,	,,	,,	Nil to 1 ft 3 in
Gerringong	Schoolroom	21 0	26 0	16 0	61·7	77	52	2 windows, each 6 ft x 2 ft 4 in; 2 doors each 7 ft x 3 ft 2 ,, ,, 5 ft x 3 ft 3 in. 1 window, 7 ft 6 in x 2 ft 9 in.	,, ,,	,,	,,	,,	,,
	Classroom	21 0	16 0	10 6	....	....	....	2 windows, each 5 ft x 3 ft 4 in; 1 door, 7 ft x 3 ft	Windows, doors; and 4 gratings at eaves, and 4 gratings at floor, each 9 in x 7 in.	,,	,,	,,	1 ft 4 in to 1 ft 10 in.
Gledswood	Schoolroom	18 0	22 0	16 0	24·5	31	14	3 ,, ,, 5 ft 8 in x 3 ft; 2 doors, each 6 ft 11 in x 2 ft 10 in; fireplace, 3 ft x 3 ft.	Windows, door, and 4 gratings, each 9 in x 7 in	,,	,,	,,	,,
	Classroom	15 0	16 0	12 0	....	....	....	2 windows, each 5 ft 8 in x 3 ft; 1 door, 6 ft 11 in x 2 ft 10 in	Windows, doors, and fireplace	,,	,,	,,	1 ft 6 in.
									,, ,,	,,	,,	,,	,,

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**CAMDEN DISTRICT**—*continued.*					
Glenmore	Schoolroom	19 0	36 0	16 0	21·6	27	15	6 windows, each 5 ft x 2 ft 4 in ; 1 door, 7 ft x 3 ft. 1 window, 5 ft x 3 ft 4 ; 1 door, 7 ft 3 in x 3 ft 3 in.	Windows, doors ; 12 gratings, each 9 in x 6 in	Yes	Shingles	Ground floor.	6 in to 3 ft 6 in
	Classroom	19 0	15 0	14 6	....	....	....	2 windows, each 5 ft x 2 ft 4 in ; 1 door, 7 ft x 3 ft	,, ,, 6 ,, ,, 9 in x 6 in	,,	,,	,,	,,
Hurstville	Schoolroom	22 4	35 6	17 9	37·6	52	8	2 ,, ,, 7 ft 3 in x 7 ft ; 3 doors, each 7 ft 2 in x 3 ft 10 in 3 ,, ,, 3 ft 6 in x 2 ft 4 in. 1 window, 1 ft 6 in dia.	Windows and doors	No	,,	,,	1 ft 2 in.
	Classroom	21 0	17 0	11 10	....	....	....	1 ,, 7 ft 3 in x 4 ft 6 in ; 1 door 7 ft 2 in x 3 10 in 1 ,, 3 ft 6 in x 2 ft 4 in.	,, ,,	,,	,,	,,	,,
Jamberoo	Schoolroom	24 0	62 0	22 0	84·9	110	48	2 windows, each 10 ft 6 in x 2 ft 6 in ; 3 doors, each 7 ft x 3 ft 3 in 4 ,, ,, 8 ft 6 in x 2 ft ; fireplace, 3 ft x 3 ft. 5 ,, ,, 6 ft 6 in 3 ft ; 2 windows, each 6 ft 6 in x 2 ft.	Windows, doors, fireplace ; 9 gratings at floor and 10 at eaves.	,,	,,	,,	2 ft to 3 ft.
	Classroom	24 0	16 0	15 0	....	....	....	2 ,, ,, 6 ft 6 in x 2 ft ; 1 door, 7 ft x 3 ft 3 in	Windows and door	,,	,,	,,	,,
Jerrara	Schoolroom	16 6	36 0	16 0	31·4	44	9	3 ,, ,, 6 ft 6 in x 3 ft 3 in ; 1 door, 7 ft x 3 ft.	,, ,,	Yes	,,	,,	2 ft 4 in.
	Classroom	11 0	15 0	10 0	....	....	....	2 ,, ,, 4 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Kiama	Schoolroom	25 0	58 6	20 3	167·0	205	63	11 ,, ,, 5 ft 8 in x 2 ft 3 in ; 2 doors, each 7 ft 6 in x 4 ft 2 ,, ,, 8 ft 3 in x 2 ft 3 in ; 1 door, 7 ft x 3 ft. 4 ,, ,, 9 ft 9 in x 2 ft 3 in ; fireplace, 4 ft x 3 ft 6 in.	Windows, doors, fireplace ; and 16 gratings, each 10 in x 6 in at floor and eaves.	No	,,	,,	9 in to 2 ft.
	Classroom	25 0	15 0	13 9	....	....	....						
Koggerah	Schoolroom	21 0	40 0	18 0	40·4	47	23	1 window, 5 ft x 3 ft 3 in ; 2 doors, 7 ft 3 in x 3 ft 3 in 2 windows, each 5 ft 6 in x 2 ft 6 in ; 1 door, 6 ft 9 in 2 ft 10 in. 4 ,, ,, 7 ft x 2 ft ; fireplace, 3 ft x 3 ft. 2 ,, ,, 9 ft x 3 ft	Windows, doors, fireplace ; 5 gratings at floor, 4 at roof, each 8 in x 6 in, and 7 roof louvres, each 1¼ sq. ft.	Yes	,,	,,	1 ft.
	Classroom	17 6	14 0	10 6	....	....	....	2 ,, ,, 5 ft 6 in x 3 ft 3 in ; 1 door, 6 ft 9 in x 2 ft 10 in	Windows, door, and 2 gratings, each 8 in x 6 in.	,,	,,	,,	,,
Liverpool	Schoolroom	16 0	41 0	18 0	69·4	81	42	5 windows, each 6 ft x 2 ft 9 in ; 2 doors, each 7 ft 6 in x 3 ft 6 in. 2 ,, ,, 8 ft x 2. 3 ,, ,, 9 ft 6 in x 2 ft 6 in ; fireplace, 3 ft x 3 ft. 1 window, 2 ft dia.	Windows, doors, fireplace, 7 gratings at floor, 6 at roof, and 6 roof louvres.	No	,,	,,	1 ft 6 in.
	Classroom	12 0	13 0	11 0	....	....	....	2 windows, each 4 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft	Windows, doors, and 3 gratings 9 in x 6 in	,,	,,	,,	,,
Marshall Mount	Schoolroom	20 0	30 0	18 0	31·7	39	25	4 ,, ,, 5 ft x 3 ft ; 2 doors, each 6 ft 6 in x 3 ft	Windows and doors	Yes	,,	,,	3 ft 6 in.
	Classroom	10 0	18 0	10 0	....	....	....	3 ,, ,, 5 ft x 3 ft ; 1 door, 6 ft 6 in x 3 ft	,, ,,	,,	,,	,,	,,
Menangle	Schoolroom	18 0	34 8	16 0	32·4	49	8	3 ,, ,, 5 ft 7 in x 3 ft ; 1 door, 7 ft 3 in x 3 ft 3 in 2 ,, ,, 8 ft x 2 ft ; fireplace, 3 ft 7 in x 3 ft 2 in. 4 ,, ,, 7 ft x 1 ft 10 in ; 1 door, 7 ft x 3 ft.	Windows, doors, fireplace ; 8 gratings at eaves and 6 at floor, each 9 in x 6 in.	No	,,	,,	1 ft.
Moorfields	,,	11 6	36 0	16 0	27·5	36	6	6 ,, ,, 6 ft x 2 ft ; 2 doors, each 8 ft x 3 ft	Windows, doors, and ceiling ventilator 1 ft 4 in x 1 ft 3 in.	,,	,,	,,	1 ft.
Mount Keira	,,	23 6	43 0	18 0	59·1	80	30	4 ,, ,, 8 ft 5 in x 3 ft 7 in ; 2 doors, each 7 ft x 3 ft 3 in 2 ,, ,, 6 ft 3 in x 4 ft ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace ; 9 gratings at eaves and 3 at floor, each 9 in x 5 in.	,,	,,	,,	2 ft.
	Classroom	19 0	14 0	12 0	....	....	....	2 ,, ,, 7 ft 5 in x 2 ft 10 in ; 1 door, 6 ft 9 in x 2 ft 8 in.	Windows, door, and 2 gratings each 9 in x 6 in	,,	,,	,,	,,
Mulgoa Forest	Schoolroom	18 0	30 0	20 0	21·8	31	10	4 ,, ,, 4 ft 6 in x 2 ft 10 in ; 1 door, 6 ft 6 in x 3 ft	Windows and door	,,	,,	,,	1 ft 2 in.
Narellan	,,	22 0	30 0	16 0	28·0	42	9	2 ,, ,, 6 ft x 3 ft ; 2 doors, each 7 ft x 3 ft 3 in 1 window, 8 ft x 3 ft. 1 ,, 8 ft x 6 ft.	Windows, doors, 7 gratings at floor and 5 at eaves each 12 in x 7 in.	,,	,,	,,	2 ft.
Omega Retreat	,,	20 0	42 6	18 0	38·7	44	18	6 windows, each 7 ft 4 in x 2 ft 10 in ; 2 doors, each 7 ft 9 in x 3 ft ; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, and fireplace	Yes	Slates	,,	8 in to 2 ft 6 in.
	Classroom	16 0	18 0	12 0	....	....	....	2 windows, each 7 ft 4 in x 2 ft 10 in ; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Peakehurst	Schoolroom	23 0	35 6	16 9	36·0	52	9	6 ,, ,, 7 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 9 gratings each 9 in x 6 in	No	Shingles	,,	4 ft.
Peterborough	,,	12 9	29 0	16 0	50·7	70	35	2 ,, ,, 3 ft x 2 ft ; 1 door, 6 ft x 2 ft 6 in 2 ,, ,, 2 ft x 1 ft 6 in.	Windows and door	Yes	Palings	,,	3 ft.
Picton	,,	23 0	46 0	24 0	99·2	126	27	2 ,, ,, 10 ft x 2 ft ; 2 doors, each 7 ft x 3 ft 4 ,, ,, 9 ft x 2 ft ; 1 door, 8 ft x 4 ft. 2 ,, ,, 6 ft x 3 ft ; 1 window, 3 ft 4 in x 3 ft.	Windows, doors, and 8 gratings each 6 in x 6 in	No	Shingles	,,	1 ft 3 in.
	Classroom	20 0	15 0	12 0	....	....	....	2 ,, ,, 6 ft x 2 ft ; 1 door, 7 ft x 3 ft	Windows and doors	,,	,,	,,	,,
Shellharbour	Schoolroom	14 2	36 3	16 0	61·8	76	27	4 ,, ,, 5 ft x 3 ft ; 1 door, 7 ft 3 in x 3 ft 3 in 2 ,, ,, 5 ft x 2 ft ; 1 door, 7 ft x 3 ft.	Windows, doors, and 5 gratings each 9 in x 6 in	,,	,,	,,	2 ft.
	Classroom	14 2	16 0	10 0	....	....	....	1 window, 5 ft x 3 ft ; 1 door, 6 ft 9 in x 2 ft 9 in	,, ,, 2 ,, ,, 9 in x 6 in	,,	,,	,,	,,
Toolejoca	Schoolroom	12 0	50 0	20 0	73·0	91	59	8 windows, each 6 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows and doors	,,	,,	,,	,,
Violet Hill	,,	14 6	30 0	16 4	41·7	50	21	4 ,, ,, 4 ft 4 in x 2 ft 9 in ; 2 doors, each 6 ft 6 in x 2 ft 10 in ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	Yes	,,	,,	10 in to 3 ft.
Westbrook	,,	15 0	26 8	16 6	29·3	46	18	4 windows, each 4 ft 6 in x 2 ft 10 in ; 2 doors, each 6 ft 10 in x 2 ft 8 in ; fireplace, 4 ft x 3 ft 6 in.	,, ,, ,,	,,	,,	,,	9 in.
Wilton	,,	17 3	23 7	16 9	29·2	40	16	2 windows, each 5 ft x 3 ft 5 in ; 2 doors, each 7 ft x 3 ft 2 ,, ,, 5 ft x 3 ft 2 in.	Windows and doors	,,	,,	,,	1ft 7in to 2ft 5in

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		Height.	Length.	Breadth	Average	Maximum.	Minimum.						
		ft. in.	ft. in.	ft. in.				**CAMDEN DISTRICT**—*continued.*					
Wollongong	Boy's schoolroom ..	14 0	39 8	17 10	48·3	67	16	4 windows, each 7 ft 4 in x 4 ft 4 in ; 1 door, 7 ft 3 in x 3 ft 8 in ; fireplace, 4 ft x 3 ft 6 in ; 1 door, 6 ft 8 in x 2 ft 6 in.	Windows, doors, fireplace, and 2 ceiling ventilators each 1 ft 9 in dia.	Yes	Shingles ..	Ground floor.	1 ft 6 in to 5 ft 5 in.
	Classroom	9 3	11 6	11 2	....	....	....	1 window, 4 ft 7 in x 2 ft 10 in ; 1 door, 7 ft 7 in x 3 ft 6 in	Windows and door	,, ...	,, ..	,, ...	,,
	Girl's schoolroom ..	14 0	39 11	18 0	35·2	40	15	4 windows, each 7 ft 4 in x 4 ft 4 in ; 1 door, 7 ft 3 in x 3 ft 8 in ; fireplace, 4 ft x 3 ft 6 in ; 1 door, 6 ft 8 in x 2 ft 6 in.	Windows, doors, fireplace, and 2 ceiling ventilators each 1 ft 9 in dia.	,, ...	,, ..	,, ...	,,
	Classroom	9 3	11 6	11 2	....	....	....	1 window, 4 ft 7 in x 2 ft 10 in ; 1 door, 7 ft 7 in x 3 ft 6 in.....	Windows and door	,, ...	,, ..	,, ...	,,
	Infants' schoolroom.	12 7	28 0	19 3	56·4	70	6	2 windows, each 5 ft 8 in x 3 ft 2 in ; 1 door, 7 ft x 3 ft 3 in..... 2 ,, ,, 3 ft 4 in x 2 ft ; fireplace, 3 ft 6 in x 3 ft 3 in.	Windows, door, fireplace, and 2 ceiling ventilators each 1 ft 9 in dia.	,, ...	,, ..	,, ...	,,
								CUMBERLAND DISTRICT.					
Baulkam Hills	Schoolroom	20 0	35 5	16 10	39·9	52	17	4 windows, each 5 ft 6 in x 3 ft 3 in ; 2 doors, each 7 ft x 3 ft .... 2 ,, ,, 5 ft 6 in x 2 ft 9 in.	Windows, doors, and 6 gratings at eaves and 6 at floor, each 10 ft x 8 ft.	No	Shingles ..	,, ...	2 ft
Blacktown	,, ...	21 6	31 6	16 0	52·7	62	34	6 ,, ,, 3 ft x 2 ft 3 in ; 1 door, 6 ft 6 in x 3 ft ..... 3 ,, ,, 6 ft x 3 ft.	Windows, doors, and 12 ventilators, each 9 in x 6 in.	,, ...	,, ..	,, ...	1 ft
Bringelly	,, ...	13 0	25 0	15 0	21·1	28	17	1 window, 3 ft x 2 ft 6 in ; 2 doors each 6 ft x 3 ft ..... 1 ,, 4 ft x 3 ft.	Windows and doors	Yes	,, ..	,, ...	6 in
Burwood	Primary schoolroom	25 0	54 0	21 0	203·7	330	44	8 windows, each 5 ft x 2 ft 6 in ; 3 doors, each 7 ft x 3 ft 6 in .. 4 ,, ,, 7 ft x 2 ft. 2 ,, ,, 9 ft x 2 ft 6 in ; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, fireplace, 8 gratings each 9 in x 3 in and, 10 roof louvres each 2 sq. ft.	No	,, ..	,, ...	2 ft
	Classroom	18 0	15 0	13 0	....	....	....	2 ,, ,, 5 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft 6 ft 6 in ..... 2 ,, ,, 4 ft x 1 ft 8 in.	Windows, doors, and 4 gratings each 9 in x 3 in, and 4 roof louvres each 2 sq ft.	,, ...	,, ..	,, ...	,,
	Infants' schoolroom..	25 0	30 0	21 0	....	....	....	3 ,, ,, 6 ft x 3 ft ; 2 doors, each 8 ft x 3 ft ..... 6 ,, ,, 9 ft x 2 ft 6 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplaces, 5 gratings each 9 in x 3 in, and 9 roof louvres each 2 sq ft	,, ...	,, ..	,, ...	,,
	Classroom	18 0	16 0	15 0	....	....	....	2 ,, ,, 6 ft x 3 ft ; 1 door, 7 ft x 3 ft 6 in..... 2 ,, ,, 5 ft 6 in x 1 ft 9 in.	Windows, doors, 12 gratings each 9 in x 6 in, and 4 roof louvres each 2 sq ft.	,, ...	,, ..	,, ...	,,
Castlereagh	Schoolroom	18 0	32 0	18 0	38·7	57	13	4 ,, ,, 5 ft x 3 ft 4 in ; 2 doors, each 7 ft x 3 ft	Windows and doors	,, ...	,, ..	,, ...	1 ft
City View	,, ...	20 0	28 0	16 0	39·7	49	35	7 ,, ,, 6 ft x 2 ft 4 in ; 2 doors, each 6 ft 9 in x 2 ft 9 in 1 window, 8 ft x 2 ft 6 in.	Windows, doors, 6 roof vetilators each 1 ft x 1 ft 3 in, and 9 gratings each, 8 in x 6 in	,, ...	,, ..	,, ...	1 ft 4 in
Colyton	,, ...	10 0	38 0	12 0	28·6	38	10	1 ,, 5 ft x 5 ft ; 1 door 7 ft x 3 ft ..... 2 windows, each 6 ft x 3 ft 6 in ; 1 door, 6 ft 6 in x 3 ft. 1 window, 4 ft 6 in x 3 ft.	Windows and doors	Yes	,, ..	,, ...	9 in
	Classroom	10 0	12 0	9 0	....	....	....	1 ,, 3 ft 6 in x 3 ft 6 in ; 1 door, 6 ft 6 in x 3 ft.....	,, ,, ...	,, ...	,, ..	,, ...	,,
Dundas	Schoolroom	21 0	50 0	20 0	60·4	68	42	6 windows, each 5 ft x 2 ft ; 2 doors, each 7 ft x 3 ft ..... 4 ,, ,, 6 ft x 1 ft 6 in. 2 ,, ,, 8 ft x 1 ft 6 in.	Windows, doors, and gratings at eaves and floor.	,, ...	,, ..	,, ...	1 ft to 5 ft
Dural	,, ...	22 6	30 0	20 0	33·4	41	18	6 ,, ,, 4 ft x 2 ft 4 in ; 2 doors, each, 6 ft 10 in x 3 ft 1 in	Windows and doors.....	No	,, ..	,, ...	1 ft 2 in
Emu	,, ...	23 6	40 6	18 0	58·0	77	6	2 ,, ,, 4 ft 5 in x 3 ft 11 in ; 2 doors, each 7 ft 2 in x 3 ft 2 ,, ,, 9 ft x 3 ft. 4 ,, ,, 7 ft x 2 ft 7 in ; fireplace 3 ft 6 in x 3 ft.	Windows, doors, fireplace, 16 gratings, 4 wall ventilators and 7 roof louvres	Yes	,, ..	,, ...	1 ft
	Classroom	15 0	14 3	10 6	....	....	....	2 ,, ,, 4 ft 5 in x 3 ft 11 in ; 1 door, 6 ft 10 x 2 ft 10 in	Windows, door, and gratings	,, ...	,, ..	,, ...	,,
Five Dock.....	Schoolroom	26 0	46 6	22 0	69·6	84	21	2 ,, ,, 10 ft x 2 ft 9 in ; 2 doors, 7 ft 3 in x 3 ft 3 in.. 4 ,, ,, 8 ft 6 in x 2 ft 6 in. 3 ,, ,, 6 ft 6 in x 2 ft 3 in.	Windows, doors, 8 gratings each 9 in x 6 in, and 8 roof louvres each 2 square ft.	Yes	Shingles ..	,, ...	1 ft 6 in
	Classroom	20 0	16 0	13 6	....	....	....	2 ,, ,, 6 ft 6 in x 2 ft 3 in ; 1 door, 7 ft 3 in x 3 ft 3 in. 1 window, 4 ft 6 in x 3 ft 6 in.	Windows, doors, 2 gratings, and 2 roof louvres.	,, ...	,, ..	,, ...	,,
Freeman's Reach..	Schoolroom	17 6	23 0	16 0	50·2	58	39	4 windows, each 5 ft 9 in x 3 ft 4 in ; 2 doors, each 7 ft 3 in x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 4 gratings at floor and 4 at eaves each 9 in x 6 in.	No	,, ..	,, ...	1 ft 7 in
Greendale	,, ...	14 0	26 0	16 6	15·2	26	3	2 windows, each 2 ft 10 in x 2 ft 8 in ; 1 door, 5 ft 10 in x 2 ft 10 in. 2 windows, each 2 ft 8 in x 2 ft ; fireplace, 3 ft 6 in x 3 ft.	Windows, door, and fireplace	,, ...	Bark	,, ...	Nil.
Guildford	,, ...	17 6	28 0	16 0	30·9	34	23	4 ,, ,, 4 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows and doors	,, ...	Shingles ..	,, ...	1 ft
Haslem's Creek ..	,, ...	9 0	24 0	20 0	25·8	32	7	4 ,, ,, 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft 6 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and 2 circular ceiling ventilators.	,, ...	,, ..	,, ...	,,
Hornsby	,, ...	19 0	26 0	16 6	31·9	42	13	3 windows, each 5 ft 8 in x 3 ft 6 in ; 1 door, 7 ft x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, door, fireplace, and 5 gratings....	Yes	,, ..	,, ...	2 f 6 in
	Classroom	19 0	16 6	11 0	....	....	....	2 windows, each 5 ft 8 in x 3 ft 6 in ; 1 door, 7 ft x 3 ft	,, ,, and 4 gratings	,, ...	,, ..	,, ...	,,
Hunter's Hill	Schoolroom	23 0	60 0	20 0	56·0	71	35	6 ,, ,, 9 ft x 2 ft ; 2 doors, each 7 ft x 3 ft 6 in 8 ,, ,, 5 ft x 3 ft.	Windows, doors, and 6 gratings each 9 in x 6 in.	No	,, ..	,, ...	2 ft.
	Classroom	17 0	14 0	13 0	....	....	....	2 ,, ,, 7 ft x 1 ft 6 in ; 1 door, 7 ft x 3 ft 6 in	,, ,, 2 ,, ,, ..	,, ...	,, ..	,, ...	,,
Kellyville	Schoolroom	18 0	26 0	16 0	31·1	41	17	3 ,, ,, 4 ft 5 in x 2 ft 10 in ; 1 door 6 ft 7 in x 3 ft .. 1 window, 2 ft 4 in x 2 ft ; 1 door, 6 ft x 2 ft 5 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and openings between wallplate and roof.	,, ...	Bark	,, ...	Nil.
Kurrajong South..	,, ...	20 0	16 0	17 0	24	38	11	4 windows, each 6 ft x 3 ft ; 1 door, 7 ft x 3 ft	Windows, doors, and 6 ventilators each 9 in x 6 in.	,, ...	Shingles ..	,, ...	3 in to 1 ft 7 in

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth.	2 Attendance during 6 months ending 5th March, 1878. Average.	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**CUMBERLAND DISTRICT**—*continued.*					
Lane Cove	Schoolroom	24 0	40 0	18 0	61·9	75	24	2 windows, each 9 ft 3 in x 3 ft 3 in ; 2 doors, 7 ft 3 in x 3 ft 3 in. 4 " " 7 ft 6 in x 2 ft 9 in. 2 " " 5 ft x 2 ft 3 in. 1 window, 6 ft x 3 ft.	Windows, doors, and 4 gratings at floor and 8 at roof, fireplace.	No	Shingles	Ground floor	3 ft to 4 ft
	Classroom	18 6	14 6	11 0	....	....	....	2 windows, 6 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft	Windows, doors, and 2 gratings at floor and 2 below wallplate.	"	"	"	"
Leichhardt	Primary schoolroom	22 0	33 0	20 0	113·7	148	31	4 windows, each 7 ft x 1 ft 10 in ; 2 doors, each 7 ft x 3 ft... 2 " " 8 ft 6 in x 2 ft 3 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and 9 gratings at floor and 9 at eaves each 12 in x 9 in.	"		"	[1 ft 3 in
	Classroom	18 0	20 0	14 0	....	....	....	4 " " 4 ft 9 in x 4 ft ; 1 door, 7 ft x 3 ft	Windows and door	"	"	"	"
	Infants' schoolroom	18 0	24 0	18 0	46·9	63	10	4 " " 5 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft	" "	"	"	"	"
Llandello	Schoolroom	18 0	28 0	18 0	27·0	32	15	3 " " 4 ft x 3 ft ; 1 door, 7 ft x 3 ft 6 in	Windows and doors	No	Bark	"	3 in
Luddenham	"	18 0	30 0	16 0	35·8	55	11	5 " " 6 ft x 3 ft 3 in ; 2 doors, each 6 ft 10 in x 3 ft....	" "	Yes	Shingles	"	1 ft to 4 ft
	Classroom	18 0	16 0	12 0	....	....	....	1 window, 6 ft x 3 ft 3 in ; 1 door, 6 ft 10 x 3 ft	" "	"	"	"	"
M'Donald, Central.	Schoolroom	13 6	19 6	13 0	19·8	26	13	2 windows, each 3 ft 4 in x 2 ft 8 in ; 1 door, 5 ft 10 in x 2 ft 8 in.. 1 window, 2 ft 9 in x 2 ft 3 in.	" door	"	"	"	4 in
" Lower	"	17 0	23 0	16 0	18·2	28	7	3 windows, each 5 ft 6 in x 4 ft ; 2 doors, each 7 ft x 3 ft	" "	No	"	"	2 ft
Mulgoa	"	8 6	21 0	17 0	25·6	33	10	4 " " 3 ft x 2 ft 3 in ; 1 door, 6 ft x 3 ft ; 1 door, 6 ft x 2 ft 3 in.	" and doors	Yes	Shingles & iron.	"	Nil.
	Classroom	8 6	17 0	15 0	....	....	....	2 windows, each 3 ft x 2 ft 3 in ; 3 doors, each 6 ft x 3 ft	" "	"	"	"	"
Parramatta	Primary schoolroom	14 8	77 6	24 3	176·1	220	84	7 " " 6 ft 6 in x 3 ft 4 in ; 2 doors, each 7 ft 7 in x 4 ft ; 2 doors, each 7 ft x 3 ft.	Windows, doors, 4 ceiling ventilators each 1 ft dia., 14 gratings 8 in x 8 in, and 3 gratings 12 in x 5 in.	No	Shingles	"	1 ft 3 in
	Infants' schoolroom	14 8	24 3	16 6	....	....	....	2 windows, each 6 ft 6 in x 3 ft 4 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 2 gratings each 8 in x 8 in, and 1 grating 12 in x 5 in.	"	"	"	"
	Babies' schoolroom	14 6	24 3	13 9	....	....	....	3 " " 2 ft 10 in x 2 ft 1 in ; 2 doors, each 7 ft x 3 ft 1 window at end.	Windows and doors	"	"	"	"
" South	Primary schoolroom	29 0	54 0	22 0	184·4	221	84	2 windows, each 14 ft x 1 ft 9 in ; 2 doors, each 7 ft x 3 ft 3 in.... 4 " " 12 ft x 1 ft 6 in. 4 " " 8 ft x 1 ft 6 in ; fireplace, 3 ft x 3 ft. 6 " " 7 ft x 3 ft 3 in.	Windows, doors, fireplace, gratings at floor each 9 in x 6 in, and 10 roof louvres 1 sq ft each.	"	"	"	1 ft to 1 ft 0 in
	Classroom	20 0	15 6	14 9	....	....	....	2 " " 7 ft x 2 ft ; 1 door, 7 ft x 3 ft 3 in 2 " " 6 ft x 2 ft.	Windows, doors, 2 gratings each 9 in x 6 in, and 1 roof louvre 1 sq ft.	"	"	"	"
	Infants' schoolroom	24 0	30 0	17 0	....	....	....	1 window, 11 ft x 3 ft. ; 1 door, 7 ft x 3 ft 3 in 2 windows, each 9 ft x 2 ft 4 in. 8 " " 7 ft x 2 ft 6 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 10 gratings each 9 in x 6 in, and 6 roof louvres each 1 sq ft.	"	"	"	"
Penrith	Primary schoolroom	31 0	61 0	22 6	83·6	102	32	6 " " 6 ft 6 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft 6 in 2 " " 10 ft x 2 ft 10 in. 4 " " 7 ft 7 in x 2 ft 8 in.	Windows, doors, 6 roof louvres, 6 gratings at floor and 6 at eaves each 9 in x 6 in.	"	"	"	1 ft to 2 ft 3 in
	Infants' schoolroom	11 0	30 0	19 0	68·9	82	20	3 " " 4 ft 6 in x 3 ft ; 3 doors, each 7 ft x 3 ft 3 in 1 window, 4 ft x 4 ft.	Windows, doors, and ceiling ventilator 1 ft 6 in x 1 ft 6 in.	"	"	"	2 ft 6 in
Pennant Hills	Schoolroom	20 0	45 0	16 0	48·2	60	33	4 windows, each 6 ft 8 in x 1 ft 8 in ; 2 doors, each 7 ft 2 in x 3 ft 3 in 2 " " 8 ft 8 in x 2 ft. 3 " " 5 ft 4 in x 2 ft 8 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 7 gratings at eaves and 5 at floor.	Yes	"	"	2 ft to 4 ft
Pitt Town	"	18 0	41 3	18 6	74·1	87	45	4 " " 4 ft 7 in x 3 ft 1 in ; 1 door, 6 ft 9 in x 3 ft 3 in.. 1 window, 8 ft 10 in x 5 ft ; 1 door, 7 ft 3 in x 3 ft. 1 door, 5 ft 10 x 2 ft 4 in.	Windows and doors	"	"	"	1 ft
Portland, Lower	"	18 0	28 6	16 6	27·1	37	8	4 windows, each 5 ft 6 in x 3 ft 3 in ; 2 doors, each 7 ft x 3 ft	" "	"	"	"	"
Prospect	"	18 0	28 4	16 0	29·5	39	13	2 " " 5 ft 6 in x 3 ft 6 in ; 2 doors, each 7 ft 3 in x 3 ft 3 in 1 window, 8 ft 8 in x 2 ft.	Windows, doors, fireplace, 4 gratings at floor and 4 at eaves each 6 in x 6 in.	No	"	"	1 ft 6 in
	Classroom	18 0	16 0	10 0	....	....	....	2 windows, each 7 ft 6 in x 1 ft 8 in ; fireplace, 3 ft 3 in x 3 ft 3 in 2 " " 5 ft 6 in x 3 ft 3 in ; 1 fireplace, 3 ft 3 in x 3 ft 3 in 1 door, 7 ft 3 in x 3 ft 3 in.	Windows, doors, gratings, 3, each 9 in x 6 in, and fireplace.	"	"	"	"
Regentville	Schoolroom	20 0	30 0	15 0	28·7	41	7	2 windows, 5 ft x 3 ft 6 in ; 2 doors, each 6 ft 10 in x 3 ft 3 in 1 window, 4 ft x 2 ft 6 in.	Windows and doors	"	"	"	"
Richmond	"	24 0	54 0	20 3	147·8	161	138	4 windows, each 7 ft x 2 ft 4 in ; 2 doors, each 7 ft x 3 ft 6 in 4 " 7 ft 3 in x 1 ft 9 in. 2 " 3 ft 9 in x 1 ft 6 in.	" "	"	Slate	"	9 in
	Classroom	18 0	18 0	14 0	....	....	....	3 " 5 ft 6 in x 2 ft ; 1 door, 7 ft x 3 ft 2 " 7 ft 6 in x 2 ft.	" "	"	"	"	"
Richmond, North	Schoolroom	23 0	39 0	20 0	39	47	23	6 " 5 ft 6 x 2 ft 3 in ; 2 doors, each 7 ft 3 in x 3 ft 3 in 1 window, 2 ft 6 in x 2 ft 3 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 5 gratings at eaves and 5 do. at floor each 9 in x 6 in.	"	Shingles	"	2 ft 1 in
Rooty Hill	"	18 0	21 0	16 10	18	23	13	2 windows, each 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 2 roof ventilators	Yes	"	"	1 ft
	Classroom	18 0	16 10	9 0	....	....	....	2 " 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	" "	"	"	"	"
Rouse Hill	Schoolroom	19 0	40 0	20 0	35·4	46	13	2 " 8 ft x 2 ft ; 1 door, 7 ft x 3 ft 10 " 5 ft x 1 ft 6 in ; fireplace, 3 ft x 3 ft.	Windows, door, fireplace, and space between wallplate and roof.	No	Tiles	"	1 ft 2 in

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**CUMBERLAND DISTRICT**—*continued.*					
Ryde	Primary schoolroom	28 0	54 0	22 0	156·9	232	47	7 windows, each 5 ft 4 in x 2 ft 6 in ; 3 doors, each 7 ft x 3 ft 6 in 4 „ „ 9 ft x 2 ft 6 in. 2 „ „ 10 ft x 3 ft.	Windows, doors, 10 roof ventilators and 2 do. at floor.	No	Shingles	Ground floor	2 ft
	Classroom	22 0	16 0	15 0	....	....	....	2 „ „ 8 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft 6 in	Windows, door, 2 roof ventilators, and 5 gratings three of which are at the floor.	„	„	„	„
	Infants' schoolroom	24 0	30 0	19 0	....	....	....	4 „ „ 6 ft x 2 ft 6 in ; 2 doors, each 7 ft x 3 ft 6 in 2 „ „ 8 ft x 2 ft. 1 window, 9 ft x 2 ft 6 in.	Windows, doors, and 6 roof ventilators	„	„	„	„
Sackville Reach	Schoolroom	12 6	35 0	12 0	16·4	19	10	7 windows, each 2 ft 4 in x 2 ft ; 1 door, 6 ft x 3 ft	Window, door, and ventilator in each gable	„	Bark	„	4 in
St. Alban's	„	16 6	22 6	17 6	32·1	48	15	4 „ „ 6 ft x 3 ft 6 in ; 3 doors, each 7 ft x 3 ft	Windows, doors, and 8 gratings each 9 in x 6 in	Yes	Shingles	„	6 ft
Smithfield	„	16 0	44 0	15 0	54·9	66	25	6 „ „ 4 ft 6 in x 3 ft 9 in ; 2 doors, each 6 ft 5 in x 3 ft 2 in	Windows and doors	No.	„	„	1 ft
South Creek	Primary schoolroom	24 0	50 0	20 0	124·5	147	66	6 windows, each 6 ft 7 in x 3 ft 6 in ; 2 doors, each 7 ft 3 in x 3 ft 3 in. 2 windows, each 9 ft x 3 ft. 4 „ „ 8 ft x 3 ft ; 1 fireplace, 3 ft 3 in x 3 ft	Windows, doors, fireplace, 8 gratings at floor each 10 in by 8 in, and 10 roof louvres each 1½ sq ft.	„	„	„	1 ft 6 in to 2 ft 4 in
	Classroom	19 0	14 2	13 2	....	....	....	2 „ „ 5 ft 3 in x 2 ft 4 in ; 1 door, 7 ft 3 in x 3 ft 3 in	Windows, door, 2 gratings at floor each 10 in x 8 in, and 2 roof louvres each 1½ sq ft	„	„	„	„
	Infants' schoolroom	19 0	25 0	14 0	....	....	....	4 „ „ 4 ft 9 in x 3 ft 4 in ; 1 door, 7 ft x 3 ft 4 „ „ 5 ft 7 in x 2 ft 4 in ; fireplace, 2 ft 8 in x 3 ft.	Windows, doors, fireplace, 3 gratings at floor each 10 in x 8 in, and 4 roof louvres each 1½ sq ft.	„	„	„	„
Wallgrove	Schoolroom	17 6	20 0	16 0	22·7	32	5	2 „ „ 5 ft x 3 ft ; 2 doors, each 7 ft 6 in x 3 ft	Windows and doors	„	„	„	1 ft
	Classroom	17 6	16 0	10 0	....	....	....	2 „ „ 5 ft x 3 ft ; 1 door, 7 ft 6 in x 3 ft	„ „	„	„	„	„
Windsor	Primary schoolroom	22 0	54 0	20 0	144·3	183	76	2 „ „ 9 ft x 2 ft ; 2 doors, each 7 ft 3 in x 3 ft 3 in 4 „ „ 7 ft 6 in x 2 ft. 4 „ „ 5 ft 6 in x 2 ft 2 in ; fireplace, 3 ft x 3 ft 5 „ „ 4 ft x 2 ft 2 in.	Windows, doors, fireplace, and 5 gratings at floor and 6 at eaves each 9 in x 6 in.	Yes	„	„	1 ft to 4 ft
	Classroom	16 0	14 0	14 0	....	....	....	2 „ „ 5 ft x 2 ft 8 in ; 1 door, 7 ft x 3 ft.	Windows, door, 4 gratings at floor and 4 at eaves each 9 in by 6 in.	„	„	„	„
	„	17 0	21 0	11 0	....	....	....	1 window 7 ft x 2 ft 8 in ; 1 door 7 ft x 3 ft.	Windows, door, fireplace, and 1 grating	„	„	„	„
	Infants' schoolroom	18 0	32 0	19 6	....	....	....	2 windows, each 6 ft 8 in x 2 ft 3 in ; 1 fireplace, 3 ft x 3 ft. 2 „ „ 9 ft x 2 ft 2 in ; 1 fireplace, 3 ft x 3 ft 4 „ „ 7 ft 6 in x 2 ft. 4 „ „ 5 ft 9 in x 3 ft 4 in ; 2 doors, each 7 ft 3 in x 3 ft 3 in.	Windows, doors, fireplace, and 5 gratings at floor and 4 at eaves each 9 in x 6 in.	„	„	„	2 ft to 4 ft
Yarramundi	Schoolroom	15 6	19 0	15 0	32·2	46	16	2 windows, each 6 ft x 3 ft 9 in ; 1 door, 2 ft x 5 ft ; 1 door, 3 ft x 5 ft 3 in.	Windows and doors	„	„	„	Nil to 3 ft.
								GOULBURN DISTRICT.					
Barrangarry	Schoolroom	12 6	24 0	13 0	22·2	32	10	3 windows, each 2 ft 4 in x 2 ft ; 1 door, 6 ft x 2 ft 9 in	Windows and door	No	Bark	Ground floor.	1 ft
Berrima	„	19 0	35 0	16 0	60·7	82	27	4 „ „ 5 ft x 3 ft 6 in ; 2 doors, 7 ft 6 in x 2 ft 6 in	Windows, doors, fireplace, and 6 gratings each 8 in x 5 in.	„	Shingles	„	1 ft to 2 ft 6 in
	Classroom	19 0	16 0	12 0	....	....	....	2 „ „ 5 ft x 2 ft ; fireplace, 3 ft 6 in x 3 ft.	Windows, doors, and 3 gratings each 8 in x 5 in.	„	„	„	„
Bowrall	Schoolroom	20 0	40 0	18 0	37·9	61	5	2 „ „ 5 ft 3 ft 6 in ; 2 doors, each 7 ft 6 in x 2 ft 6 in	Windows and door	„	„	„	8 in
Broadalbane	„	18 0	20 0	16 0	34·9	40	28	2 „ „ 7 ft 2 in x 3 ft 4 in ; 1 door, 6 ft 5 in x 3 ft 2 in 2 „ „ 4 ft 8 in x 3 ft 4 in.	Windows and doors	Yes	„	One	2 ft
Bundanoon	„	14 0	30 0	15 0	27	37	14	3 „ „ 6 ft 6 in x 3 ft ; 2 doors, each 7 ft x 3 ft 1 window, 5 ft x 3 ft.	Windows, door, and the small windows in gables.	No	„	Ground floor.	1 ft 6 in to 3 ft
Burrawang	„	18 0	35 0	16 0	45·6	56	37	3 windows, each 4 ft 6 in x 3 ft ; 1 door, 6 ft 9 in x 3 ft 2 „ „ 8 in x 10 in. 3 „ „ 5 ft 6 in x 3 ft 3 in ; 2 doors, each 6 ft 6 in x 2 ft 9 in.	Windows, doors, 4 gratings at floor and 4 at eaves each 9 in x 6 in.	Yes	„	„	2 ft
	Classroom	18 0	16 0	10 0	....	....	....	1 window, 7 ft x 2 ft 8 in. 2 windows, each 4 ft x 1 ft 6 in. 2 „ „ 6 ft x 3 ft 6 in ; 1 door, 6 ft 6 in x 2 ft 9 in	Windows, door, and 5 gratings, each 9 in x 6 in.	„	„	„	„
„ East	Schoolroom	11 6	23 0	10 0	33·5	48	19	1 window, 4 ft x 2 ft 6 in ; 1 door, 6 ft x 3 ft	Windows and door	No	Bark	„	1 ft 3 in
Burrier	„	15 0	30 0	18 0	26·1	38	10	1 „ 2 ft x 2 ft 6 in. 4 windows, each 5 ft x 3 ft ; 1 door, 6 ft 6 in x 3 ft	„ „	Yes	Shingles	„	8 in
Burrill	„	14 0	26 6	14 6	27·2	39	6	3 „ „ 4 ft 4 in x 2 ft 9 in ; 1 door, 6 ft 8 in x 2 ft 8 in ; fireplace, 5 ft 2 in x 4 ft 7 in.	Windows, door, and fireplace	No	„	„	7 in to 2 ft
Cambewarra	„	10 0	45 0	16 0	53·1	57	45	7 windows, each 6 ft x 3 ft 3 in ; 1 door, 7 ft x 3 ft	Windows, door, and 3 ceiling ventilators each 1 ft 6 in diameter.	Yes	„	„	1 ft

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof ?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**GOULBURN DISTRICT**—*continued.*					
Carrick	Schoolroom	13 0	20 0	14 0	24·9	30	13	2 windows, each 2 ft 6 in x 2 ft ; 1 door, 6 ft 6 in x 2 ft 9 in	Windows and door	Yes	Bark	Ground floor	6 in.
Chatsbury	,,	23 0	22 0	16 0	27·2	34	20	4 ,, ,, 5 ft x 3 ft ; 1 door, 7 ft x 3 ft	,, ,,	No	Shingles	,,	2 ft.
Collector	,,	18 0	36 0	16 0	30·7	40	17	4 ,, ,, 6 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft ; 1 door, 6 ft 9 in x 2 ft 9 in ; fireplace, 4 ft x 3 ft.	Windows, doors, fireplace, and 8 gratings	Yes	,,	,,	1 ft.
	Classroom	18 0	16 0	12 0	....	....	....	1 window, 6 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft ; fireplace, 4 ft x 3 ft ; 1 door, 6 ft 9 in x 2 ft 9 in.	,, ,, ,,	,,	,,	,,	,,
Costa Walla	Schoolroom	14 2	20 0	12 0	22·5	28	15	1 window, 3 ft 8 in x 2 ft 4 in ; 1 door, 6 ft x 2 ft 6 in	Windows and door	,,	,,	,,	10 in
								1 ,, 2 ft 4 in x 2 ft.					
Croobyar	,,	8 0	30 0	16 0	109·5	142	20	5 ,, each 4 ft x 3 ft ; 2 doors, each 6 ft 6 in x 2 ft 3 in ; fireplace.	Windows, doors, fireplace, and ceiling ventilator.	,,	,,	,,	1 ft 6 in
Crookwell	,,	18 6	25 6	16 0	46·2	55	35	2 windows, each 6 ft 8 in x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 3 gratings each 8 in x 6 in.	,,	,,	,,	1 ft 10 in
								2 ,, ,, 5 ft 8 in x 3 ft 3 in.					
	Classroom	18 6	16 0	10 0	....	....	....	2 ,, ,, 5 ft 8 in x 3 ft 3 in ; 1 door, 6 ft 6 in x 2 ft 6 in	,, ,,	,,	,,	,,	,,
Currawang	Schoolroom	17 6	45 6	16 0	58·4	68	27	6 ,, ,, 5 ft 2 in x 3 ft ; 2 doors, each 7 ft 3 in x 3 ft 3 in	Windows, doors, and fireplace	No	,,	,,	3 ft 4 in
								2 ,, ,, 5 ft 2 x 2 ft 5 in ; fireplace, 3 ft 10 in x 3 ft 6 in.					
Eling Forest	,,	15 0	30 0	15 0	17·8	24	6	5 ,, ,, 2 ft 9 in x 2 ft 6 in ; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	6 in
Goulburn	Boys' schoolroom	25 0	50 0	18 0	273·9	331	162	4 ,, ,, 6 ft 4 in x 3 ft 4 in ; 2 doors, each 6 ft 10 in x 2 ft 10 in.	Windows, doors, and 3 gratings each 10 in x 8 in.	Yes	,,	One	1 ft 6 in
	Classroom	18 0	15 10	15 0	....	....	....	1 window, 6 ft 4 in x 6 ft 4 in ; 2 doors, each 6 ft 10 in x 2 ft 10 in	,, ,,	,,	,,	,,	,,
	Girls' schoolroom	22 0	50 0	18 0	....	....	....	6 windows, each 6 ft 4 in x 3 ft 4 in ; 1 door, 7 ft 1 in x 2 ft 10 in	,, ,,	,,	,,	,,	,,
	Infants' ,,	22 0	32 0	15 0	....	....	....	2 ,, ,, 6 ft 4 in x 6 ft 4 in ; 1 door, 6 ft 10 in x 2 ft 10 in ; 1 door, 6 ft 7 in x 3 ft 5 in.	,, ,,	,,	,,	,,	,,
	Classroom	18 0	16 7	15 0	....	....	....	1 window, 6 ft 4 in x 6 ft 4 in ; 2 doors, each 6 ft 10 in x 2 ft 10 in	,, ,,	,,	,,	,,	,,
,, North	Schoolroom	25 0	45 0	17 0	45·0	123	5	2 windows, each 7 ft x 2 ft 9 in ; 2 doors, each 7 ft 3 in x 3 ft 2 in	Windows, doors, fireplace, 6 gratings at floor, 6 at eaves, each 9 in x 6 in, and 7 roof louvres.	No	,,	Ground floor	1 ft 3 in
								7 ,, ,, 6 ft 4 in x 2 ft.					
								1 window, 6 ft 4 x 3 ft 3 in ; fireplace, 3 ft x 3 ft.					
Gullen	,,	18 0	25 6	16 0	39·0	62	7	3 windows, each 4 ft 4 in x 2 ft 10 in ; 2 doors, each 6 ft 9 in x 2 ft 9 in.	Windows, doors, 4 gratings each 10 in x 13 in, and 4 gratings each 8 in x 11 in.	,,	,,	,,	1 ft
	Classroom	18 0	16 0	10 0	....	....	....	2 windows, each 4 ft 4 in x 2 ft 10 in ; 1 door, 6 ft 9 in x 2 ft 9 in	Windows, door, and 4 gratings each 10 in x 13 in.	,,	,,	,,	,,
Kangaloon	Schoolroom	19 0	30 0	20 0	39·3	55	17	6 ,, ,, 4 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft	Windows, door, and space between wall and roof.	,,	,,	,,	8 in
,, West	,,	17 6	20 0	18 0	28·7	42	10	3 ,, ,, 4 ft x 2 ft 9 in ; 1 door, 6 ft 10 in x 3 ft	Windows, doors, and gratings over windows	Yes	,,	,,	2 ft
	Classroom	17 6	18 0	12 0	....	....	....	2 ,, ,, 4 ft x 2 ft 9 in ; 1 door, 6 ft 10 in x 3 ft	,, ,, ,,	,,	,,	,,	,,
Kangaroo River	Schoolroom	19 0	30 0	17 0	27·6	37	16	5 ,, ,, 6 ft x 3 ft 6 in ; 2 doors, each 7 ft x 4 ft	Windows, doors, and 5 gratings at floor, each 10 in x 4 in.	No	,,	,,	1 ft 6 in to 2 ft.
Kangaroo Valley	Schoolroom	17 9	30 0	16 9	42·5	53	7	4 ,, ,, 5 ft 2 in x 2 ft 10 in ; 2 doors, each 7 ft 4 in x 3 ft 2 in ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	Yes	,,	,,	2 ft
Merrilla	,,	20 0	22 0	16 0	28·9	40	10	4 windows, each 3 ft 6 in x 2 ft 9 in ; 2 doors, each 7 ft x 3 ft	Windows and doors	No	,,	,,	1 ft 3 in
Mittagong, Lower	,,	18 0	40 0	17 0	20·0	25	3	5 ,, ,, 4 ft 6 in x 3 ft 6 in ; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	1 ft 6 in
,, Upper	,,	20 0	27 0	20 0	20·1	30	1	3 ,, ,, 5 ft x 1 ft 6½ in ; 2 doors, each 6 ft 10 in x 3 ft	Windows, doors, and 4 gratings each 9 in x 3 in	,,	,,	,,	1 ft
								2 ,, ,, 5 ft x 3 ft 3 in.					
	Classroom	16 0	11 0	10 6	....	....	....	1 window, 5 ft x 3 ft 5 in ; 1 door, 6 ft 10 in x 3 ft	,, ,, and 2 gratings each 9 in x 3 in	Yes	,,	,,	,,
Mooroowoolen	Schoolroom	18 0	33 6	16 6	40·4	47	29	7 windows, each 5 ft 6 in x 3 ft ; 2 doors, each 7 ft x 3 ft	,, ,, and 6 gratings each 9 in x 6 in	No	,,	,,	3 ft
Moss Vale	,,	18 0	40 0	16 0	62·0	80	13	2 ,, ,, 4 ft 10 in x 2 ft 5 in ; 3 doors, each 7 ft x 2 ft 10 in	,, ,, fireplace, and space of 2 in between wall-plate and roof, and 6 gratings each 8 in x 4 in.	,,	,,	,,	1 ft
								4 ,, ,, 6 ft x 1 ft 5 in.					
								2 ,, ,, 7 ft 4 in x 1 ft 10 in ; fireplace, 3 ft x 2 ft 6 in					
	Classroom	16 0	12 0	10 0	....	....	....	1 window, 4 ft 10 in x 2 ft 5 in ; 1 door, 7 ft x 2 ft 10 in	,,	,,	,,	,,	,,
Mullengellenga	Schoolroom	20 6	23 6	15 3	23·4	31	13	8 windows, each 5 ft x 1 ft ; 1 door, 7 ft 8 in x 3 ft 5 in	Windows and door	,,	,,	,,	6 in.
Myrtleville	,,	13 6	21 0	14 0	26·0	27	25	3 ,, ,, 3 ft x 2 ft ; 1 door, 6 ft x 3 ft	,, ,,	Yes	,,	,,	Nil
New Sheffield	,,	26 0	44 0	26 4	52·3	68	18	24 ,, ,, 5 ft x 1 ft ; 1 door, 9 ft 6 in x 5 ft	,, ,,	No	,,	,,	1 ft
Norwood	,,	13 6	34 0	17 6	19·5	33	8	4 ,, ,, 4 ft 6 in x 3 ft ; 1 door, 6 ft 8 in x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, door, fireplace, and ventilator in each gable.	,,	,,	,,	,,
Nowra	,,	20 0	40 0	20 0	74·5	85	61	4 windows, each 6 ft x 3 ft ; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	1 ft to 3 ft
	Classroom	20 0	12 0	12 0	....	....	....	2 ,, ,, 6 ft x 3 ft ; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Nowra Hill	Schoolroom	17 6	20 0	16 0	30·4	44	20	3 doors, each 5 ft 9 in x 3 ft 4 in ; 2 doors, each 7 ft x 2 ft 10	Windows and doors	,,	,,	,,	1 ft
Parkesbourne	,,	15 0	21 0	16 0	25·3	30	17	3 windows, each 4 ft 6 in x 2 ft 10 in ; 1 door 7 ft x 3 ft ; fireplace, 3 ft 6 in x 3 ft.	Windows, door, and fireplace	,,	,,	,,	6 in
Pyree	,,	13 0	50 0	22 0	58·2	81	10	8 windows, each 6 ft 6 in x 3 ft ; 3 doors, each 6 ft 9 in x 3 ft	Windows, doors, and ceiling ventilation	,,	,,	,,	2 ft 9 in
Robertson	,,	20 0	29 0	16 0	40·8	58	30	5 ,, ,, 5 ft 6 in x 3 ft ; 2 doors, each 7 ft 2 in x 3 ft 3 in	Windows, doors, fireplace, 5 gratings at floor and 6 at eaves each 8 in x 4 in.	Yes	,,	,,	1 ft 3 in
								2 ,, ,, 5 ft 6 in x 2 ft 3 in ; fireplace, 3 ft x 3 ft.					
Tarago	,,	18 0	30 0	16 0	30·8	39	8	1 window, 10 ft x 2 ft 6 in ; 1 door 7 ft 1 in x 3 ft. 2 windows, each 7 ft 4 in x 2 ft 6 in. 6 ,, ,, 5 ft x 2 ft 6 in. 1 window, 8 ft 2 ft 1 in. 2 windows, each 5 ft 2 in x 2 ft 1 in.	Windows, door, and 5 ventilators each 1 sq ft	No	,,	,,	1 ft 9 in

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		Height.	Length.	Breadth	Average	Maximum.	Minimum.						
		ft. in.	ft. in.	ft. in.				**GOULBURN DISTRICT**—*continued.*					
Taralga	Schoolroom	17 6	33 0	15 6	35·4	48	29	5 windows, each 5 ft 10 in x 2 ft 6 in ; 1 door, 7 ft x 3 ft	Windows, door, and gratings at floor & eaves	Yes	Shingles	Ground floor	1 ft 6 in
	Classroom	15 0	12 0	10 0	....	....	....	1 window, 4 ft x 3 ft 2 in ; 1 door, 6 ft 6 in x 2 ft 6 in	,, ,, ,,	,,	,,	,,	,,
Tirranna	Schoolroom	23 0	30 0	18 0	30·1	34	22	12 windows, each 5 ft x 1 ft 6 in ; 1 door, 8 ft x 3 ft	Windows and doors	No	,,	,,	,,
Tomerong	,,	14 6	25 0	16 0	27·6	31	24	4 ,, ,, 4 ft 6 in x 2 ft 9 in ; 2 doors, each 6 ft 7 in x 2 ft 7 in.	,, ,,	,,	,,	,,	1 ft
	Classroom	14 6	15 8	8 0	....	....	....	2 windows, each 4 ft 6 in x 2 ft 9 in ; 2 doors, each 6 ft 7 in x 2 ft 7 in.	,, ,,	,,	,,	,,	,,
Towrang	Schoolroom	13 0	27 6	17 6	20·7	28	8	4 windows, each 6 ft x 3 ft ; 1 door 6 ft 6 in x 3 ft	Windows and door	,,	Galv. iron	,,	,,
Ulladulla	,,	20 0	40 0	20 0	34·4	41	26	6 ,, ,, 6 ft 6 in x 2 ft 3 in ; 2 doors, each 7 ft x 4 ft	Windows and doors	,,	,,	,,	1 ft 2 in
								2 ,, ,, 5 ft x 1 ft 9 in					
Worragee	,,	7 9	22 0	12 0	24·4	37	11	2 ,, ,, 4 ft x 2 ft 4 in ; 2 doors, each 6 ft 6 in x 2 ft 8 in ; fireplace 3 ft x 3 ft.	Windows, doors, and fireplace	,,	Shingles	,,	2 ft 6 in
								GRAFTON DISTRICT.					
Aldavilla	Schoolroom	16 6	22 0	16 0	36·5	53	27	3 windows, each 5 ft 6 in x 3 ft 6 in ; 1 door, 7 ft x 3 ft	Windows, door, and 6 gratings each 9 in x 5 in	No	Shingles	Ground floor	2 ft to 3 ft
Alstonville	,,	17 6	21 6	17 10	26·8	41	6	5 ,, ,, 5 ft x 2 ft 10 in ; 1 door, 6 ft 6 in x 3 ft	Windows and door	Yes	,,	,,	10 in
Alumny Creek	,,	18 0	29 0	16 0	36·4	47	21	4 ,, ,, 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, 8 gratings at floor, and 8 at eaves, each 9 in x 6 in.	,,	,,	,,	2 ft
Ballina	,,	18 0	34 6	16 0	47·0	63	15	5 ,, ,, 6 ft x 3 ft 4 in ; 1 door, 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	,,	,,	,,	,,
Bellinger	,,	16 0	36 0	16 0	30·4	39	13	5 windows, each 4 ft x 2 ft 6 in ; 1 door, 7 ft 3 in x 2 ft 8 in	Windows and doors	No	,,	,,	1 ft 6 in
Belmore River	,,	18 0	30 0	16 6	30·4	47	14	4 ,, ,, 5 ft 8 in x 3 ft 6 in ; 1 door, 7 ft 3 in x 3 ft 3 in	Windows, door, and 6 gratings each 10 in x 4 in	,,	,,	,,	,,
Bowra	,,	16 0	30 0	16 0	....	....	....	5 ,, ,, 5 ft 1 in x 3 ft 5 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 8 gratings each 9 in x 6 in	,,	,,	,,	1 ft 11 in.
Carr's Creek	,,	18 0	36 0	16 0	27·3	37	12	6 ,, ,, 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows and doors	,,	,,	,,	1 ft 6 in
Casino	,,	18 0	42 0	18 0	64·0	78	33	4 ,, ,, 4 ft 9 in x 4 ft 9 in ; 2 doors, each 7 ft x 3 ft	,, ,,	Yes	,,	,,	Nil.
	Classroom	12 0	15 6	12 0	....	....	....	2 ,, ,, 4 ft 4 in x 4 ft 4 in ; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Chatsbury Island	Schoolroom	17 6	50 0	16 0	72·8	93	4	5 ,, ,, 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 6 gratings each 9 in x 5 in	,,	,,	,,	1 ft to 4 ft
	Classroom	14 0	15 0	10 0	....	....	....	2 ,, ,, 5 ft x 3 ft ; 1 door, 7 ft x 3 ft	,, ,, 3 ,, ,,	,,	,,	,,	,,
Coraki	Schoolroom	18 0	31 6	16 0	28·1	34	8	4 ,, ,, 4 ft 6 in x 2 ft 9 ; 1 door, 7 ft x 3 ft ; fireplace, 3 ft 6 in x 2 ft 10 in ; 1 door, 6 ft 9 in x 2 ft 8 in.	Windows, doors, fireplace, 5 gratings at top of wall, and 5 at floor, each 9 in x 6 in.	No	,,	,,	1 ft
	Classroom	18 0	16 0	10 0	....	....	....	2 windows, each 4 ft 6 in x 2 ft 9 in ; 1 door, 7 ft 4 in x 3 ft	Windows, door, and 6 gratings each 9 in x 6 in	,,	,,	,,	,,
Cowper	Schoolroom	17 6	29 0	16 0	42·2	57	22	3 ,, ,, 5 ft 3 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 4 gratings at floor, and 4 at eaves, each 9 in x 6 in.	Yes	,,	,,	8 in to 1 ft 6 in
	Classroom	17 6	16 0	10 6	....	....	....	2 ,, ,, 5 ft 3 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 4 gratings each 9 in x 6 in	,,	,,	,,	,,
Ennis	Schoolroom	14 0	30 0	13 0	24·7	33	13	2 ,, ,, 4 ft 6 in x 3 ft ; 1 door 7 ft 4 ft	Windows and door	No	,,	,,	6 in
Euroka	,,	17 0	40 0	16 0	38·1	46	32	6 ,, ,, 5 ft x 2 ft 8 in ; 2 doors, each 6 ft 8 in x 2 ft 8 in	Windows and doors	,,	,,	,,	Nil to 1 ft 8 in
Fernmount	,,	16 0	31 0	16 0	24·1	32	19	3 ,, ,, 4 ft x 2 ft 6 in ; 1 door, 6 ft 10 in x 2 ft 10 in ; fireplace, 5 ft x 4 ft.	Windows, door, fireplace, and 2 ventilators in gables each 1¼ sq ft.	,,	,,	,,	6 in to 1 ft 3 in
Fredericton	Schoolroom Nave	16 0	20 0	15 0	60·4	83	27	8 windows, each 5 ft 6 in x 2 ft 6 in ; 2 doors, each 7 ft x 3 ft 6 in	Windows and doors	Yes	,,	,,	1 ft to 1 ft 3 in
	Transept	16 0	30 0	15 0	....	....	....						
Gladstone	Schoolroom	18 0	26 0	17 0	37·3	53	26	4 ,, ,, 5 ft 11 in x 3 ft 5 in ; 2 doors, each 6 ft 6 in x 3 ft	Windows, doors, and 6 gratings each 8 in x 6 in.	No	,,	,,	2 ft
Grafton	Primary schoolroom	24 0	56 6	20 0	151·6	192	168	12 ,, ,, 5 ft x 2 ft ; 1 door, 7 ft x 3 ft	Windows, door, 11 ventilators at eaves and 10 at floor each 9 in x 3 in.	,,	,,	,,	1 ft 6 in
								3 ,, ,, 2 ft x 1 ft 6 in.					
	Classroom	24 0	16 0	13 0	....	....	....	3 ,, ,, 1 ft 6 in x 1 ft 1 in ; 1 door, 7 ft x 3 ft	Windows, door, 4 gratings at eaves and 2 at floor each 9 in x 3 in.	,,	,,	,,	,,
	,,	24 0	17 0	15 0	....	....	....	1 window, 5 ft. x 2 ft ; 1 door, 7 ft by 3 ft	Windows, door, 10 gratings at eaves and 2 at floor each 9 in x 3 in.	,,	,,	,,	,,
	,,	24 0	18 0	17 0	....	....	....	3 windows, each 1 ft 8 in x 1 ft 6 in. 1 window, 5 ft x 2 ft ; 1 door, 7 ft x 3 ft	Windows, door, 12 gratings at eaves and 4 at floor each 9 in x 3 in.	,,	,,	,,	,,
	Infants' schoolroom	24 0	47 0	22 0	127·3	128	65	3 windows, each 1 ft 8 in x 1 ft 6 in. 14 ,, ,, 5 ft x 2 ft ; 1 door, 7 ft x 3 ft	Windows, door, 13 gratings at roof each 9 in x 3 in, and 1 louvre 3 ft x 2 ft.	,,	,,	,,	2 ft
	Classroom	24 0	22 0	20 0	....	....	....	9 ,, ,, 5 ft x 2 ft ; 1 door, 7 ft x 3 ft	Windows, door, 4 gratings at eaves, 3 at floor, each 9 in x 3 in, and 2 louvres each 3 ft x 2 ft.	,,	,,	,,	,,
,, South	Schoolroom	21 0	42 0	17 0	128·6	142	63	4 ,, ,, 7 ft 6 in x 2 ft 6 in ; 2 doors, each 7 ft 2 in x 3 ft 2 in. 3 windows, each 5 ft 10 in x 2 ft 3 in.	Windows, doors, 7 roof louvres, 5 gratings at eaves, and 5 at floor, each 9 in x 6 in.	,,	,,	,,	1 ft to 1 ft 6 in
	Classroom	16 0	14 0	12 0	....	....	....	2 ,, ,, 5 ft 10 in x 2 ft 3 in.	Windows, doors, 2 roof louvres, and 3 gratings each 9 in x 6 in.	,,	,,	,,	,,
Gunderimba	Schoolroom	17 0	33 0	16 6	29·6	36	9	5 ,, ,, 5 ft 3 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 5 gratings each 10 in x 6 in.	Yes	,,	,,	2 ft to 2 ft 6 in
Harwood Island	,,	14 0	28 0	14 0	41·3	50	26	3 ,, ,, 4 ft 6 in x 2 ft 6 in ; 2 doors, each 6 ft 6 in x 3 ft	Windows and doors	,,	,,	,,	2 ft

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
								GRAFTON DISTRICT—*continued.*					
Kempsey	Schoolroom	ft. in. 28 0	ft. in. 63 6	ft. in. 21 0	68·7	97	39	2 windows, each 12 ft x 3 ft; 2 doors, each 7 ft 3 in x 3 ft 3 in .. 4 „ „ 9 ft 6 in x 2 ft 6 in. 6 „ „ 5 ft x 2 ft 4 in.	Windows and doors, 12 roof louvres each 1½ sq ft, and 12 gratings each 9 in x 6 in.	No	Shingles	Ground floor	2 ft
	Classroom	21 0	17 0	13 6	....	....	....	3 „ „ 5 ft 6 in x 2 ft 4 in; 1 door, 7 ft x 3 ft	Windows, door, 4 roof louvres each 1½ sq ft, and 3 gratings each 9 in x 6 in.	„	„	„	„
Laurieton	Schoolroom	17 0	20 0	16 0	23·3	27	18	2 „ „ 2 ft 9 in x 2 ft 2 in; 1 door, 6 ft 6 in x 2 ft 6 in.. 1 window, 3 ft 6 in x 2 ft 6 in.	Windows and door	Yes	„	„	6 in to 2 ft
Lawrence	Schoolroom	15 0	23 8	13 6	35·4	43	19	2 windows, each 4 ft 6 in x 2 ft 8 in; 1 door, 7 ft x 3 ft	Windows and door	No	Shingles	„	1 ft 4 in
Lismore	„	23 0	44 6	26 0	74·1	91	37	10 „ „ 6 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft 4 in x 2 ft 6 in.	Windows, doors, and fireplace	„	„	„	2 ft 9 in to 3 ft 2 in
Murwillumba	„	15 0	24 0	13 9	29·6	36	19	3 windows, each 4 ft 6 in x 2 ft 9 in; 2 doors, each 7 ft 3 in x 2 ft 10 in.	Windows and doors	Yes	„	„	1 ft 2 in to 5 ft 6 in
Nambucca	„	15 0	30 0	18 0	33·0	50	14	4 windows, each 3 ft x 2 ft; 1 door, 6 ft 6 in x 2 ft 9 in	Windows and door	No	„	„	1 ft
Palmer's Island	„	18 0	24 3	15 6	41·0	57	26	2 „ „ 5 ft x 3 ft 4 in; 2 doors, each 7 ft x 3 ft 2 „ „ 5 ft x 2 ft 10 in.	Windows, doors, 4 gratings at eaves and 4 at floor each 9 in x 6 in.	„	„	„	2 ft
	Classroom	18 0	15 6	10 0	....	....	....	1 „ „ 5 ft x 3 ft 4 in; 1 door, 7 ft x 3 ft 1 „ „ 5 ft x 2 ft 10 in.	Windows, door, 2 gratings at eaves and 2 at floor each 9 in x 6 in.	„	„	„	„
Port Macquarie	Schoolroom	12 0	50 0	25 0	103·5	132	30	4 „ „ 5 ft 4 in x 3 ft; 1 door, 7 ft x 4 ft; 1 door, 7 ft x 2 ft 9 in.	Windows, doors, and 12 ceiling ventilators, each 4 in diameter.	„	„	„	6 in to 4 ft
	Classroom	12 0	50 0	25 0	....	....	....	4 windows, each 5 ft 4 in x 3 ft; 1 door, 7 ft x 4 ft; 1 door, 7 ft x 2 ft 9 in.	„ „ „ „ „	„	„	„	„
Rainbow Reach	Schoolroom	15 0	30 0	12 0	34·4	58	10	3 windows, each 4 ft x 2 ft; 2 doors, each 6 ft 6 in x 2 ft 4 in	Windows and doors	Yes	„	„	9 in
Rawdon Island	„	17 0	28 6	14 0	20·0	32	5	4 „ „ 4 ft 5 in x 2 ft 9 in; 1 door, 6 ft 1 in x 2 ft 6 in ..	Windows and door	No	„	„	2 in to 2 ft
Ramornie	„	19 6	31 0	21 0	50·1	67	37	6 „ „ 4 ft 6 in x 2 ft 10 in; 1 door, 7 ft x 3 ft; 1 door, 6 ft 4 in x 1 ft 11 in.	Windows and doors	„	Galvanized iron.	„	2 ft
Rocky Mouth	„	19 0	34 6	18 0	50·2	70	21	6 windows, each 5 ft x 3 ft 3 in; 2 doors, each 7 ft x 3 ft	Windows, doors, 7 gratings at eaves and 6 at floor each 9 in x 6 in.	„	Shingles	„	8 in to 2 ft
	Classroom	19 0	18 0	12 0	....	....	....	2 „ „ 5 ft x 3 ft 3 in; 1 door, 7 ft x 3 ft	Windows, door, 3 gratings at eaves and 3 at floor each 9 in x 6 in.	„	„	„	1 ft 6 in
Seven Oaks	Schoolroom	18 0	36 0	16 0	44·0	60	24	5 „ „ 6 ft 3 in x 3 ft 4 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and 5 gratings at eaves each 3 ft 4 in x 6 in.	„	„	„	3 ft
Shark Creek	„	16 0	24 0	16 0	26·8	33	16	4 windows, each 3 ft 8 in x 1 ft 10 in; 1 door, 6 ft x 3 ft; fireplace, 6 ft x 4 ft.	Windows, door, and fireplace	„	„	„	10 in
Smith's Flat	„	16 3	54 0	27 0	34·5	47	17	5 windows, each 4 ft 6 in x 3 ft; 1 door, 6 ft x 3 ft	Windows and door	„	„	„	2 ft 2 in
South Arm	„	15 0	34 0	15 0	30·5	50	15	2 windows, each 3 ft x 2 ft; 2 doors, each 6 ft 4 in x 1 ft 10 in.... 1 window, 2 ft x 1 ft 9 in; 1 door, 6 ft x 1 ft 6 in. 2 windows, each 2 ft x 1 ft 6 in; 1 door, 6 ft x 1 ft 3 in. 1 door, 6 ft x 1 ft 9 in.	Windows and doors	„	Cor. iron	„	1 ft
Southgate	„	16 0	30 0	15 0	35·6	46	9	5 windows, each 6 ft x 3 ft; 1 door, 6 ft 8 in x 3 ft 6 in	Windows, door, and 6 gratings each 9 in x 6 in	Yes	Shingles	„	2 ft
	Classroom	15 0	12 0	12 0	....	....	....	1 window, 4 ft x 2 ft 6 in; 1 door, 6 ft 8 in x 3 ft 6 in	„ „ „	„	„	„	„
„ Lower	Schoolroom	18 0	34 6	17 0	33·2	44	12	5 windows, each 5 ft x 3 ft; 2 doors, each 7 ft x 3 ft	Windows, doors, 6 gratings at eaves and 6 at floor, each 9 in x 6 in.	No	„	„	9 in
Strontian Park	„	17 6	20 0	16 0	33·0	40	19	2 „ „ 5 ft x 3 ft; 1 door, 7 ft x 3 ft	Windows, doors, and gratings at eaves and floor.	Yes	„	„	2 ft
	Classroom	15 0	16 0	10 6	....	....	....	1 window, 5 ft x 3 ft; 1 door, 7 ft x 3 ft	„ „ „ „	„	„	„	„
Summerland	Schoolroom	15 0	30 0	18 0	33·9	44	12	3 windows, each 4 ft x 3 ft; 2 doors, each 7 ft x 3 ft	Windows and doors	„	„	„	3 ft
	Classroom	15 0	18 0	12 0	....	....	....	2 „ „ 4 ft x 3 ft; 1 door, 7 ft x 3 ft.	„ „	„	„	„	„
Swan Creek	Schoolroom	17 6	28 0	16 0	50·4	60	34	2 „ „ 4 ft x 3 ft; 2 doors, each 7 ft x 3 ft. 3 „ „ 4 ft x 2 ft; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	„	„	„	1 ft 6 in
	Classroom	15 0	16 0	10 0	....	....	....	2 „ „ 4 ft x 3 ft; 2 doors, each 7 ft x 3 ft.	„ „	„	„	„	„
Taloumbi	Schoolroom	17 0	30 0	18 0	35·5	48	18	4 „ „ 4 ft 6 in x 3 ft; 2 doors, each 6 ft x 6 in x 3 ft	Windows, doors, and 4 gratings each 9 in x 6 in.	No	„	„	2 ft 9 in
Tirrannia Creek	„	17 6	20 0	16 0	34·8	53	18	4 „ „ 5 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft	Windows and doors	„	„	„	1 ft
Tweed Junction	„	9 0	17 0	12 0	22·5	26	20	1 window, 4 ft x 2 ft 6 in; 1 door 7 ft x 3 ft	Window and door	Yes	„	„	Nil.
Ulmarra	„	15 0	30 0	25 0	68·5	85	12	5 windows, each 4 ft 6 in x 3 ft; 1 door, 7 ft x 3 ft 1 door, 6 ft 6 in x 3 ft.	Windows and doors	„	Gal. iron	„	Nil to 8 in.
Wardell	„	18 0	26 0	17 0	29·9	54	15	4 windows, each 5 ft 3 in x 3 ft 4 in; 2 doors, each 7 ft x 3 ft	Windows, doors, and 8 gratings each 8 in x 5 in.	„	Shingles	„	2 ft
Wombah	„	17 6	30 0	17 0	48·9	63	31	6 „ „ 4 ft 6 in x 3 ft; 1 door, 7 ft x 3 ft	Windows and door	No	„	„	Nil to 2 ft 6 in
Woodburn	„	18 0	24 0	16 0	26·0	41	17	4 „ „ 5 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft	Windows, doors, 3 gratings at floor and 3 at eaves.	Yes	„	„	1 ft 6 in to 3 ft
Woodford Dale	„	18 0	43 0	16 0	31·0	43	16	2 „ „ 6 ft 8 in x 5 ft 1 in; 2 doors, each 7 ft x 3 ft 2 „ „ 3 ft 4 in x 5 ft 1 in.	Windows and doors	„	„	„	1 ft 6 in
	Classroom	15 0	11 0	10 0	....	....	....	1 window, 2 ft 9 in x 5 ft 1 in; 1 door, 7 ft x 3 ft.	„	„	„	„	„

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**GRAFTON DISTRICT**—*continued.*					
Woodford Leigh ..	Schoolroom	18 0	28 6	16 0	42·1	39	7	4 windows, each 5 ft 1 in x 3 ft 4 in; 1 door, 7 ft 3 in x 3 ft 3 in; fireplace, 3 ft 3 in x 3 ft 2 in; 1 door, 7 ft x 3 ft.	Windows, doors, fireplace, 4 gratings at floor, and 4 at eaves, each 7 in x 4 in.	Yes	Shingles ..	Ground floor..	3 in to 12 in
Woodford Park ..	,, ...	14 0	25 0	12 6	21·5	29	17	3 windows, each 3 ft x 2 ft 9 in; 1 door, 6 ft x 2 ft 6 in	Windows and door	No	,, ..	,, ...	9 in
Wyrallah	,, ...	18 0	34 0	17 0	44·8	59	22	9 ,, ,, 9 ft x 2 ft 10 in; 2 doors, each 7 ft x 3 ft.....	Windows, doors, and 16 gratings each 18 in x 6 in.	,, ...	,, ..	,, ...	1 ft 8 in
	Classroom	15 0	17 0	11 0	....	....	....	4 ,, ,, 9 ft x 2 ft 10 in; 1 door, 7 ft x 3 ft.....	,, ,, 7 ,, ,, ..	,, ...	,, ..	,, ...	,,
								MAITLAND DISTRICT.					
Aberdeen	Schoolroom	22 0	26 0	16 0	39·4	54	25	4 windows, each 5 ft 2 in x 3 ft 6 in; 1 door, 7 ft x 3 ft ..... 1 window, 6 ft 6 in x 2 ft 4 in.	Windows, door, fireplace, and 8 gratings each 9 in x 6 in.	No	Shingles ..	Ground floor..	1 ft 6 in
Aberglasslyn	,, ...	14 5	32 0	16 0	27·4	39	13	2 windows, each 5 ft 6 in x 1 ft 10 in; fireplace, 3 ft x 3 ft. 5 ,, ,, 4 ft 6 in x 2 ft 10 in; 2 doors, each, 6 ft x 3 ft....	Windows and doors	Yes	,, ..	,, ...	Nil to 6 in
Bishop's Bridge ..	,, ...	12 0	37 0	14 0	24·9	36	3	2 ,, ,, 3 ft 9 in x 2 ft 4 in; 2 doors, each 6 ft x 2 ft 8 in	,, ,, ...	No.....	,, ..	,, ...	4 in
Branxton	,, ...	10 0	37 6	16 2	63·4	84	46	4 ,, ,, 5 ft 10 in x 3 ft 4 in; 1 door, 7 ft x 3 ft; 1 door, 8 ft 4 in x 3 ft 6 in.	,, ,, ...	Yes	,, ..	,, ...	1 ft 4 in
	Classroom	12 0	16 2	13 0	....	....	....	1 window, 5 ft 10 in x 3 ft 4 in; 1 door, 6 ft 8 in x 3 ft	,, ,, ...	,, ...	Galvd. iron	,, ...	,,
Broke	Schoolroom	21 0	33 2	16 1	37·4	43	27	3 windows, each 6 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft.... 2 ,, ,, 7 ft 2 in x 3 ft 2 in. 1 window, 7 ft 2 in x 3 ft 6 in.	Windows, doors, 6 gratings each 9 in x 7 in, and 6 roof louvres each 1 sq. ft.	No.....	Shingles ..	,, ...	,,
	Classroom	18 0	12 0	10 7	....	....	....	1 ,, 5 ft 10 in x 3 ft 6 in; 1 door, 6 ft 10 in x 2 ft 10 in	Windows, door, and 2 gratings each 9 in x 7 in	,, ...	,, ..	,, ...	,,
Broken Back	Schoolroom	16 0	28 0	16 0	27·6	31	16	6 windows, each 4 ft 6 in x 3 ft; 1 door, 7 ft x 3 ft	Windows, door, and 6 gratings each 10 in x 6 in	,, ...	,, ..	,, ...	1 ft to 2 ft 6 in
Campsie.....	,, ...	17 6	30 0	18 0	17·8	28	8	5 ,, ,, 4 ft x 2 ft 5 in; 2 doors, each 6 ft 6 in x 2 ft 6 in.	Windows and doors.....	,, ...	,, ..	,, ...	1 ft 6 in
Cessnock	,, ...	20 0	33 0	16 0	33·5	44	21	5 ,, ,, 6 ft x 3 ft; 2 doors, each, 7 ft x 3 ft	Windows, doors, & gratings, 10, each 8 in x 4 in	,, ...	,, ..	,, ...	1 ft 4 in to 3 ft.
Dunmore	,, ...	20 0	32 10	18 2	65·	87	26	5 ,, ,, 5 ft 2 in x 3 ft 4 in; 2 doors, each 7 ft x 2 ft 9 in..	Windows and doors	,, ...	,, ..	,, ...	1 ft
	Classroom	20 0	18 2	9 0	....	....	....	2 ,, ,, 5 ft 2 in x 3 ft 4 in; 1 door, 7 ft x 2 ft 9 in	,, ,, ...	,, ...	,, ..	,, ...	,,
Ellalong.....	Schoolroom	14 6	28 0	12 0	37·1	51	22	3 ,, ,, 4 ft x 2 ft 9 in; 1 door, 6 ft 6 in x 3 ft	Windows and door	Yes	,, ..	,, ...	6 in to 2 ft 6 in
Falbrook	,, ...	11 0	33 0	14 0	19·	25	9	3 ,, ,, 5 ft x 3 ft; 2 doors, each 8 ft x 3 ft	,, ,, ...	No.....	,, ..	,, ...	10 in
Fishery Creek	,, ...	18 0	30 0	16 0	32·5	46	21	6 ,, ,, 5 ft 10 in x 3 ft 5 in; 2 doors, each 7 ft x 3 ft; chimney, 3 ft 6 in x 4 ft.	Windows, doors, and fireplace	Yes	,, ..	,, ...	1 ft 9 in.
Four-mile Creek ..	,, ...	9 0	25 9	11 3	22·8	31	16	2 windows, each 4 ft 4 in x 2 ft 10 in; 1 door, 6 ft 4 in x 2 ft 6 in; fireplace, 2 ft 11 in x 2 ft 3 in.	Windows, door, fireplace, and 4 gratings each 9 in x 4 in.	,, ...	,, ..	,, ...	10 in
Giant's Creek	,, ...	17 3	19 6	15 6	24·8	33	10	4 windows, each 4 ft 6 in x 2 ft 9 in; 1 door, 7 ft x 3 ft	Windows and door	No.....	,, ..	,, ...	8 in
Gosforth	,, ...	17 6	38 0	16 0	44·5	54	17	2 ,, ,, 5 ft 3 in x 2 ft 10 in; 2 doors, each 7 ft x 3 ft.... 2 ,, ,, 7 ft x 6 ft 4 in; fireplace, 3 ft 3 in x 3 ft.	Windows, doors, fireplace, and 7 gratings each 9 in x 6 in.	Yes	,, ..	,, ...	1 ft
Greta	,, ...	19 6	26 0	16 0	131·5	156	88	4 ,, ,, 5 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows, door, and 8 gratings at floor and eaves each 9 in x 6 in & 3 in along eaves.	,, ...	,, ..	,, ...	1 ft
	,, ...	21 0	29 0	19 0	....	....	....	6 ,, ,, 5 ft x 2 ft 6 in; 1 door, 7 ft 6 in x 4 ft	Windows, door, and 4 gratings each 9 in x 6 in	,, ...	,, ..	,, ...	,,
	Classroom	19 6	16 0	11 0	....	....	....	2 ,, ,, 5 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows and door	,, ...	,, ..	,, ...	Nil.
Hinton	Schoolroom	17 4	34 6	20 3	81·3	99	47	6 ,, ,, 4 ft 6 in x 3 ft; 2 doors, each 7 ft x 3 ft	Windows and doors	,, ...	,, ..	,, ...	1 ft 6 in
Iona	,, ...	20 0	40 0	20 0	40·	48	16	4 ,, ,, 5 ft 3 in x 3 ft 6 in; 1 door, 7 ft x 3 ft; 2 doors, each 6 ft 6 in x 2 ft 8 in.	,, ,, ...	No.....	,, ..	,, ...	,,
Kayuga	,, ...	16 0	26 0	15 6	24·2	45	6	3 windows, each 5 ft x 3 ft; 1 door, 7 ft x 4 ft	Windows and door	,, ...	,, ..	,, ...	6 in
Laguna	,, ...	15 0	29 0	14 0	42·5	66	23	2 ,, ,, 4 ft 4 in x 2 ft 9 in; 1 door, 6 ft 3 in x 2 ft 9 in.. 2 ,, ,, 3 ft x 2 ft 4 in.	,, ,, ...	Yes	,, ..	,, ...	4 in to 2 ft
Lochinvar	,, ...	11 0	22 0	10 4	34·3	44	24	2 ,, ,, 6 ft x 4 ft 8 in; 1 door, 7 ft 6 in x 3 ft 6 in; 1 door, 6 ft 8 in x 2 ft 9 in.	Windows and doors	,, ...	,, ..	,, ...	4 in
Maitland, East....	Primary schoolroom	25 0	66 6	30 0	160·4	193	88	13 windows, each 5 ft 9 in x 3 ft 4 in; 1 door, 9 ft 6 in x 4 ft 3 in; 4 doors, 7 ft 6 in x 3 ft.	Windows, doors, and 2 ceiling ventilators each 1 ft dia.	No.....	,, ..	,, ...	8 ft
	Classroom	12 0	20 0	13 6	....	....	....	2 windows, each 5 ft 9 in x 3 ft 4 in; 1 door, 7 ft 6 in x 3 ft.....	Windows, door, and 1 ceiling ventilator 1 ft 6 in x 1 ft 6 in.	,, ...	,, ..	,, ...	,,
	Infants' schoolroom..	10 0	20 0	19 6	....	....	....	2 ,, ,, 5 ft 6 in x 3 ft; 1 door, 6 ft 8 in x 2 ft 9 in	Windows and door	,, ...	,, ..	,, ...	9 ft
,, West	Boys' ,, ..	20 0	60 0	21 0	312·3	335	140	9 ,, ,, 5 ft 6 in x 3 ft; 4 doors, each 7 ft x 3 ft ..... 2 ,, ,, 7 ft x 2 ft 9 in.	Windows, doors, 10 roof louvres 1 sq ft each, 7 gratings at floor and 8 at eaves each 9 in x 6 in.	,, ...	,, ..	,, ...	1 ft 3 in
	Classroom	14 0	16 0	18 0	....	....	....	3 ,, ,, 7 ft x 2 ft 8 in; 1 door, 7 ft x 3 ft .... 1 ,, ,, 5 ft 6 in x 3 ft.	Windows, doors, 2 roof louvres, 3 gratings, at floor and 2 at eaves each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
	,, ...	14 0	21 0	17 0	....	....	....	2 ,, ,, 5 ft 6 in x 3 ft; 1 door, 7 ft x 3 ft ..... 3 ,, ,, 7 ft 6 in x 2 ft 6 in.	Windows, doors, 2 roof louvres, 4 gratings at floor and 3 at eaves each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
	Girls' schoolroom ..	20 0	56 0	21 0	....	....	....	6 ,, ,, 5 ft 6 in x 3 ft; 3 doors, each 7 ft x 3 ft ..... 3 ,, ,, 7 ft 6 in x 2 ft 8 in.	Windows, doors, 6 roof louvres, 6 gratings at floor and 8 at eaves each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
	Classroom	14 0	21 0	16 0	....	....	....	2 ,, ,, 5 ft x 2 ft 6 in; 2 doors, each 7 ft x 3 ft ..... 3 ,, ,, 6 ft x 2 ft 6 in.	Windows, doors, 2 roof louvres, & 4 gratings each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
	Infants' schoolroom..	15 0	53 0	21 0	....	....	....	6 ,, ,, 5 ft 6 in x 3 ft; 2 doors, each 7 ft x 3 ft ..... 3 ,, ,, 7 ft 6 in x 2 ft 8 in; 3 windows, each 4 ft x 2 ft.	Windows, doors, 10 roof louvres, 8 gratings at floor and 8 at eaves each 9 in x 6 in.	,, ...	,, ..	,, ...	,,

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**MAITLAND DISTRICT**—*continued.*					
Millfield	Schoolroom	10 0	27 0	15 0	26·7	36	15	3 windows, each 4 ft 5 in x 2 ft 3 in; 3 doors, each 6 ft 6 in x 2 ft 9 in	Windows and doors	Yes	Shingles and Galvd. iron	Ground floor.	6 in to 1 ft 6 in
Morpeth	Primary schoolroom	25 0	45 0	27 0	147·7	185	115	2 ,, ,, 7 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft 6 in 1 window, 7 ft 6 in x 7 ft; 2 doors, each 7 ft x 3 ft. 1 door, 6 ft 8 in x 3 ft 3 in.	Windows, doors, ventilator in gable 1 ft 3 in dia., & 5 gratings at floor each 10 in x 4 in	No	Shingles	,,	1 ft 6 in
	Classroom	25 0	27 0	15 0	....	....	....	1 window, 7 ft 6 in x 7 ft; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	,,
	Infants' schoolroom	20 0	25 0	17 0	....	....	....	1 ,, 5 ft 6 in x 3 ft 6 in. 1 ,, 7 ft 10 in x 5 ft; 1 door, 7 ft x 3 ft 3 windows, each 5 ft 9 in x 3 ft 6 in.	Windows, door, and 10 ventilators 6 in x 12 in each.	,,	,,	,,	1 ft 6 in to 3 ft
Murrurundi	Schoolroom	24 0	42 9	16 0	109·7	133	54	2 ,, ,, 7 ft 6 in x 8 ft 10 in; 2 doors, each 6 ft 9 in x 2 ft 9 in. 2 windows, each 3 ft x 2 ft 6 in; fireplace, 4 ft x 4 ft.	Windows, doors, fireplace, louvre in each gable, 3 ventilators at eaves & 2 at ridge.	Yes	,,	,,	2 ft 6 in
	Recess	10 0	21 0	4 0	....	....	....						
	Classroom	18 0	14 0	12 0	....	....	....	1 window, 5 ft 8 in x 5 ft; 1 door, 6 ft 9 in x 2 ft 9 in; fireplace, 3 ft x 3 ft.	Window door, fireplace, and louvre at gable	,,	,,	,,	,,
Musclebrook	Schoolroom	21 6	30 0	25 0	60·8	78	40	8 windows, each 2 ft x 1 ft 8 in; 1 door, 6 ft 6 in x 3 ft 6 in	Windows and doors	No	,,	,,	1 ft
Muscle Creek	,,	16 0	30 0	14 0	19·6	30	11	5 ,, ,, 3 ft x 3 ft; 1 door, 6 ft 6 in x 3 ft	,, door	Yes	Bark	,,	Nil
Oswald	,,	14 0	24 0	15 6	18·9	28	7	4 ,, ,, 3 ft 10 in x 2 ft 4 in; 1 door, 6 ft x 2 ft 6 in	,, ,,	No	Shingles	,,	6 in
Paterson	,,	12 7	30 0	20 0	61·1	78	38	6 ,, ,, 7 ft x 4 ft 2 in; 1 door, 7 ft x 4 ft 2 in; fireplace, 3 ft 6 ft x 3 in; 1 door 6 ft 6 in x 2 ft 11 in.	Windows, door, fireplace, and ceiling ventilator 10 in dia.	,,	,,	,,	10 in to 1 ft 5 in
Roughit	,,	16 0	33 8	16 0	53·3	69	24	5 windows, each 5 ft 2 x 3 ft 4 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, fireplace, and 13 gratings each 9 in x 7 in.	,,	,,	,,	1 ft 8 in
Scone	,,	24 0	47 6	21 0	91·3	109	56	4 windows, each 5 ft 3 in x 3 ft 4 in; 2 doors, each 7 ft x 3 ft 3 in 4 ,, ,, 7 ft 6 in x 2 ft 3 in; 1 door, 7 ft x 2 ft 9 in 2 ,, ,, 9 ft 3 in x 2 ft 9 in; fireplace, 3 ft x 3 ft	Windows, doors, fireplace, roof louvres, and gratings in walls.	Yes	,,	,,	2 ft
	Classroom	18 0	15 0	13 0	....	....	....	1 window, 5 ft 3 in x 3 ft 4 in; 1 door, 7 ft x 2 ft 9 in 2 ,, 5 ft 6 in x 2 ft 3 in.	Windows, door, and gratings	,,	,,	,,	,,
Singleton	Primary schoolroom	24 0	70 3	21 8	116·	142	78	9 windows, each 6 ft 4 in x 3 ft 9 in; 2 doors, each 7 ft 3 in x 3 ft 3 in. 4 windows, each 7 ft 6 in x 2 ft 6 in; 2 windows, each 9 ft x 3 ft	Windows, doors, 9 roof louvres each 3 sq ft, and 22 gratings each 9 in x 6 in, and 2 tubes at ridge 16 in x 5 in.	No	Slates	,,	1 ft 6 in
	Classroom	24 0	21 8	16 0	....	....	....	2 ,, ,, 6 ft 4 in x 3 ft 9 in; 2 doors, each 7 ft 3 in x 3 ft 3 in 2 ,, ,, 7 ft 6 in x 2 ft 6; 1 window, 9 ft x 3 ft	Windows, doors, 2 roof louvres each 3 sq ft, 4 gratings each 9 in x 6 in, and 1 tube at roof 16 in x 5 in	Yes	,,	,,	,,
	Infants' schoolroom	18 3	40 0	13 4	64·	78	28	6 ,, ,, 6 ft x 3 ft 6 in; 1 door, 7 ft 3 in x 3 ft; fireplace, 3 ft 2 in x 3 ft.	Windows, door, 3 ceiling ventilators, each 1 ft dia., communicating with 2 tubes at ridge, each 16 in x 5 in, and 4 gratings each 9 in x 6 in.	,,	Corrugated iron.	,,	,,
Stanhope	Schoolroom	18 0	23 0	17 0	29·4	49	16	4 windows, each 5 ft 6 in x 3 ft; 2 doors, each 7 ft x 3 ft	Windows, doors, 2 tubes on ridge, 4 gratings, each 9 in x 6 in, and space all round eaves	,,	Shingles	,,	,,
Sugarloaf	,,	17 6	30 0	16 0	38·3	49	15	6 ,, ,, 3 ft x 2 ft 4 in; 1 door, 5 ft 11 in x 2 ft 8 in	Windows and door	No	,,	,,	3 in to 6 in
Vacy	,,	18 0	28 0	18 0	23·	36	27	4 ,, ,, 4 ft 6 in x 3 ft; 1 door, 6 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	Yes	,,	,,	2 ft
Wallalong	,,	9 10	34 8	16 0	53·2	58	44	4 windows, each 5 ft 10 in x 3 ft 4 in; 1 door, 6 ft 10 in x 2 ft 11 in; 1 door, 6 ft 4 in x 2 ft 9 in.	Windows, doors, and 2 ceiling ventilators	No	,,	,,	1 ft 4 in
	Classroom	9 10	16 0	14 0	....	....	....	1 window, 5 ft 10 in x 3 ft 4 in; 1 door, 6 ft 4 in x 2 ft 9 in	Windows and door	,,	,,	,,	,,
Warkworth	Schoolroom	29 0	33 3	16 0	33·3	47	24	7 windows, each 5 ft 6 in x 1 ft 2 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 6 roof louvres, 5 gratings, and 2 louvres in gables.	Yes	,,	,,	1 ft
	Classroom	15 0	16 0	10 6	....	....	....	2 windows, each 5 ft 6 in x 3 ft 8 in; 1 door, 7 ft x 3 ft	Windows, door, and 1 grating	,,	,,	,,	,,
Wollombi	Schoolroom	15 0	30 0	16 7	50·2	62	26	3 ,, ,, 4 ft 6 x 2 ft 10 in; 2 doors, each 6 ft 2 in x 2 ft 6 in	Windows and doors	,,	,,	,,	6 in to 1 ft 2 in
	Classroom	14 0	25 0	13 6	....	....	....	2 ,, ,, 4 ft 6 in x 2 ft 10 in; 1 door, 6 ft 2 in x 2 ft 6 in	,, ,,	,,	,,	,,	,,
								MUDGEE DISTRICT.					
Baker's Swamp	Schoolroom	12 0	20 6	12 10	16·	27	3	2 windows, each 2 ft 5 in x 2 ft; 1 door 6 ft 10 in x 2 ft 8 in	Windows and door	No	Bark	Ground floor	Nil
Barradine	,,	10 0	18 0	12 0	18·	27	12	2 ,, ,, 2 ft x 2 ft; 3 doors, each 6 ft x 2 ft 9 in	Windows and doors	Yes	,,	,,	,,
Brewarrina	,,	18 0	19 6	16 0	47·6	55	27	4 ,, 5 ft 10 in x 3 ft 10 in; 2 doors, each 7 ft x 3 ft	Windows, doors, and 8 gratings each 9 in x 6 in.	No	Shingles	,,	1 ft 6 in
Burrundulla	,,	17 0	30 0	16 0	13·3	27	5	4 ,, ,, 4 ft 6 in x 2 ft; 1 door 6 ft 6 in x 3 ft	Windows, doors, and skylight in roof	,,	,,	,,	1 ft 2 in
Canonbar	,,	10 0	14 0	13 0	22·7	26	19	2 ,, ,, 5 ft 3 in x 4 ft; 1 door 6 ft 6 in x 4 ft; 1 door 6 ft 6 in x 2 ft 9 in.	Windows and doors	Yes	,,	,,	1 ft
Casilis	,,	18 6	31 6	16 3	30·1	37	17	5 windows, each 6 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and 10 gratings each 9 in x 6 in at floor and eaves.	,,	,,	,,	1 ft 4 in to 2 ft
Coolah	,,	16 0	24 0	12 0	28·	36	22	3 windows, each 5 ft 2 in x 2 ft 10 in; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	,,	,,	,,	9 in
Coonabarabran	,,	18 0	34 0	16 6	63·5	73	47	3 windows, each 4 ft 6 in x 3 ft; 1 door, 7 ft x 3 ft 3 in 2 ,, ,, 4 ft 6 in x 2 ft; 1 door, 7 ft x 3 ft; fireplace, 3 ft x 3 ft.	,, ,, and 9 gratings each 8 in x 5 in, being 4 at eaves and 4 at roof and fireplace.	No	,,	,,	1 ft 3 in

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average.	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**MUDGEE DISTRICT**—*continued.*					
Coonamble	Schoolroom	18 0	32 8	17 3	54·	63	42	4 windows, each 4 ft 6 in x 2 ft 8 in ; 2 doors, each 6 ft 6 in x 3 ft. 2 ,, ,, 5 ft 6 in x 2 ft. 1 window, 5 ft 6 in x 2 ft 8 in.	Windows and doors	Yes	Shingles	Ground floor.	4 in
Cooyal	,,	11 6	20 0	16 0	25·7	42	5	2 doors, each 6 ft x 2 ft 9 in ; 5 windows, each 4 ft 5 in x 2 ft ; fireplace, 5 ft x 3 ft 5 in.	Windows, doors, fireplace, 2 ceiling ventilators each 1 ft 3 in x 1 ft 3 in, 4 gratings 9 in x 6 in.	No	Galvd. iron	,,	1 ft to 2 ft
Crudine	,,	18 0	25 0	18 0	25·8	31	15	3 windows, each 5 ft x 3 ft 4 in ; 2 doors, each 6 ft 8 in x 2 ft 7 in ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	Yes	Shingles	,,	10 in
	Classroom	18 0	18 0	11 0	....	....	....	1 window, 5 ft x 3 ft 4 in ; 1 door, 6 ft 8 in x 2 ft 7 in 1 ,, 4 ft 4 in x 2 ft 7 in.	,, ,,	,,	,,	,,	,,
Cudgegong	Schoolroom	20 0	28 0	18 0	25·	38	10	6 windows, each 6 ft x 3 ft ; 1 door 9 ft x 4 ft; fireplace, 3 ft 6 in x 3 ft	Windows, door, and fireplace	No	,,	,,	10 in to 1 ft 3 in
Cullenbone	,,	24 0	34 0	21 0	37·	47	32	6 windows, 1 door ,,	Windows and door	,,	,,	,,	2 ft
Dubbo	,,	27 0	51 0	21 0	124·1	148	69	2 windows, each 9 ft x 2 ft 6 in ; 2 doors, each 7 ft 3 in x 3 ft 2 in 4 ,, ,, 7 ft 6 in x 2 ft 3 in. 4 ,, ,, 4 ft 9 in x 3 ft 2 in.	Windows, doors, 6 roof louvres each 1 sq ft, and 8 gratings each 9 in x 6 in.	,,	,,	,,	1 ft
	Classroom	22 0	13 0	13 0	....	....	....	1 window, 4 ft 9 in x 3 ft ; 1 door, 7 ft x 3 ft 2 windows, each 5 ft 3 in x 2 ft 2 in.	Windows, door, 5 gratings each 9 in x 6 in.	,,	,,	,,	,,
Dungaree	Schoolroom	16 0	23 6	15 6	22·6	31	12	6 ,, ,, 4 ft 8 in x 2 ft 8 in ; 1 door, 6 ft 9 in x 2 ft 10 in	Windows and doors	,,	,,	,,	1 ft 8 in
Eurunderie	,,	15 0	26 0	13 0	43·1	57	27	5 ,, ,, 3 ft x 2 ft 4 in ; 1 door, 6 ft x 3 ft ; 1 fireplace, 4 ft x 4 ft.	Windows, door, and fireplace	,,	Bark	,,	2 ft
Gongolgon	,,	15 0	19 9	14 0	21·7	28	17	1 window, 4 ft 10 in x 4 ft 5 in ; 1 door, 6 ft 7 in x 3 ft 9 in	Windows and doors	,,	Shingles	,,	9 in
	Classroom	12 0	19 9	8 0	....	....	....	1 ,, 2 ft 6 in x 2 ft 4 in ; 1 door, 6 ft 8 in x 2 ft 9 in	,, ,,	,,	,,	,,	,,
Goodrich	Schoolroom	18 0	32 0	16 0	28·5	28	15	4 windows, each 4 ft x 3 ft ; 1 door, 7 ft x 3 ft 6 in	Windows and door	,,	Bark	,,	6 in
Gulgong	Primary schoolroom	17 0	42 0	17 0	140·2	163	52	6 ,, ,, 6 ft x 3 ft 6 in ; 3 doors, each 7 ft x 3 ft 2 ,, ,, 6 ft x 2 ft 6 in ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, and gratings at floor and eaves.	Yes	Galvd. iron	,,	6 in to 2 ft 6 in
	Classroom	17 0	17 0	12 0	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, and gratings	,,	,,	,,	,,
	Infants' schoolroom	17 0	22 0	17 0	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft 2 ,, ,, 6 ft x 2 ft 6 in ; fireplace 3 ft x 3 ft.	Windows, doors, fireplace, and gratings at floor and eaves.	,,	,,	,,	,,
Guntawang	Schoolroom	17 0	25 6	16 6	31·3	40	21	4 ,, ,, 5 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 4 gratings at floor and 3 at eaves each 9 in x 6 in.	No	Shingles	,,	2 ft 2 in
	Classroom	14 6	14 6	10 6	....	....	....	2 ,, ,, 5 ft x 3 ft ; 1 door, 6 ft 6 in x 3 ft	Windows, door, and 5 gratings each 9 in x 6 in	,,	,,	,,	,,
Hargraves	Schoolroom	16 0	40 0	16 0	59·	62	29	5 ,, ,, 5 ft x 3 ft ; 2 doors, each 7 ft x 3 ft ; fireplace, 4 ft x 4 ft.	Windows, doors, fireplace, and grutings	Yes	,,	,,	2 ft
Hill End	Boys' schoolroom	13 3	40 0	17 4	82·8	99	59	1 window, 8 ft x 2 ft 11 in ; 3 doors, each 7 ft x 2 ft 10 in 4 windows, each 7 ft x 2 ft 5 in. 1 window 4 ft 10 in x 3 ft 10 in ; fireplace, 3 ft 6 in x 3 ft 5 in.	,, ,, ,, and 7 gratings each 13 in x 4 in.	,,	Shingles & galvd. iron.	,,	,,
	Classroom	19 0	17 0	12 0	....	....	....	2 windows, each 7 ft x 2 ft 5 in ; 1 door, 7 ft x 3 ft. 1 window, 4 ft 6 in x 2 ft 9 in	Windows, doors, and 2 gratings each 10 in x 6 in.	,,	,,	,,	,,
	Girls' schoolroom	19 0	33 0	17 0	61·2	88	47	2 windows, each 7 ft x 2 ft 5 in ; 2 doors, each 6 ft 9 in x 2 ft 7 in 1 window 8 ft x 3 ft ; 1 door, 7 ft x 3 ft. 3 windows, each 4 ft 6 in x 2 ft 9 in ; 1 fireplace, 3 ft 7 in x 3 ft 7 in	Windows, doors, fireplace, and 4 gratings each 10 in x 6 in.	,,	,,	,,	3 ft 6 in
	Infants' schoolroom	19 0	17 0	12 0	99·2	115	68	4 ,, ,, 4 ft 6 in x 2 ft 9 in ; 1 door, 3 ft x 2 ft 5 in ; 1 door, 7 ft x 2 ft 11 in.	Windows, doors, fireplace, and 2 gratings each 11 in x 6 in.	,,	,,	,,	2 ft
Ilford	Schoolroom	12 0	15 6	13 9	46·4	57	40	4 doors, each 6 ft 11 in x 2 ft 9 in	Doors	Yes	Galvd. iron	,,	2 ft to 4 ft
	Classroom	12 0	11 6	8 0	....	....	....	1 window, 4 ft 6 in x 2 ft 10 in ; 1 door, 6 ft 11 in x 2 ft 9 in	Window and door	,,	,,	,,	,,
Ironbarks	Schoolroom	17 6	40 0	16 0	67·2	90	16	5 windows, each 4 ft 8 in x 2 ft 10 in ; 2 doors, each 7 ft x 3 ft ; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, doors, fireplace, and 6 gratings each 9 in x 3 in.	,,	Shingles	,,	9 in to 2 ft 3 in
Lawson's Creek	,,	18 0	20 0	17 0	25·7	34	19	3 windows, each 4 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 9 in x 2 ft 8 in 1 window 5 ft 3 in x 3 ft 4 in ; 1 door 6 ft 6 in x 2 ft 6 in.	Windows and doors	,,	,,	,,	6 in to 1 ft 6 in
Merriwa	,,	19 0	42 0	16 0	59·2	61	37	9 windows, each 6 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 7 gratings at eaves and 7 at floor each 9 in x 6 in.	No	,,	,,	1 ft to 4 ft
	Classroom	16 6	13 0	10 0	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in ; 1 door 7 ft x 3 ft.	Windows, door, and 4 gratings each 9 in x 6 in	,,	,,	,,	,,
Mobeilah	Schoolroom	9 6	24 6	20 0	73·8	102	25	3 ,, ,, 4 ft 6 in by 2 ft 6 in ; 1 door, 7 ft x 3 ft ; 2 doors, each 6 ft 8 in x 2 ft 8 in.	Windows, doors, and ceiling ventilator 5 ft 6 in x 3 ft 6 in.	,,	Galvd. iron	,,	1 ft 4 in
	Classroom	8 3	13 6	7 6	....	....	....	1 window, 3 ft x 2 ft 3 in ; 1 door, 6 ft 8 in x 2 ft 8 in	Window and door	,,	,,	,,	,,
	,,	8 3	13 6	7 6	....	....	....	1 ,, 3 ft x 2 ft 3 in ; 1 door, 6 ft 8 in x 2 ft 8 in.	,, ,,	,,	,,	,,	,,
Molong	Schoolroom	18 0	40 0	18 0	86·3	108	30	3 windows, each 6 ft x 3 ft 4 in ; 1 door, 7 ft x 3 ft. 2 ,, ,, 3 ft 4 in x 3 ft ; 1 door, 6 ft 8 in x 2 ft 8 in ; fireplace, 4 ft x 4 ft ; 1 door, 6 ft 6 in x 2 ft 6 in.	Windows, doors, and fireplace	Yes	Shingles	,,	2 ft
Mudgee	Boys' schoolroom	27 6	49 0	21 0	66·6	75	37	2 windows, each 9 ft 8 in x 3 ft 2 in ; 1 door, 9 ft 4 in x 4 ft. 7 ,, ,, 7 ft 2 in x 3 ft 6 in ; 1 door, 7 ft x 3 ft ; 1 gable louvre, 3 ft dia. ; fireplace, 3 ft 6 in x 3 ft.	Windows, door, fireplace, 7 roof louvres, 1 gable louvre 3 ft dia., and 5 gratings at floor each 11 in x 7 in.	No	,,	,,	1 ft 6 in
	Classroom	27 6	16 0	11 0	....	....	....	2 windows, each 9 ft 8 in x 3 ft 6 in ; 1 door, 6 ft 6 in x 3 ft ; 1 gable louvre, 3 ft dia.	Windows, door, gable louvre, 3 roof louvres, and 3 gratings.	,,	,,	,,	,,
	Girls' schoolroom	27 6	53 0	21 0	56·	66	51	1 window, 9 ft 8 in x 3 ft 6 in ; 1 door, 7 ft 7 in x 3 ft 2 in 2 windows, each 7 ft 8 in x 3 ft ; 1 door, 7 ft x 3 ft. 4 ,, ,, 7 ft 2 in x 3 ft 6 in ; fireplace, 3 ft 6 in x 3 ft.	Windows, doors, fireplace, 7 roof louvres, and 12 gratings.	,,	,,	,,	,,

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**MUDGEE DISTRICT**--*continued.*					
Mudgee	Classroom	27 6	21 0	11 0	....	....	....	2 windows, each 7 ft 2 in x 3 ft 6 in ; 1 door 7 ft x 3 ft	Window, door, 2 roof louvres, and 4 gratings	No	Shingles	Ground floor	1 ft 6 in
	Infants' schoolroom	27 6	45 7	20 2	118·6	167	62	2 ,, ,, 9 ft 8 in x 3 ft ; 2 doors, each 7 ft 7 in x 3 ft 2 in 3 ,, ,, 7 ft 2 in x 3 ft 6 in ; fireplace, 3 ft 6 in x 3 ft 6 in ; gable louvre, 3 ft dia.	Windows, doors, fireplace, louvre in gable, 7 roof louvres, and 7 ventilators.	,, ...	,, ..	,, ...	,,
	Babies' ,, ..	27 6	20 2	20 2	....	....	....	3 windows, each 6 ft x 3 ft 1 door 7 ft x 3 ft ; gable louvre, 3 ft dia ; fireplace, 3 ft 6 in x 3 ft.	Windows, door, fireplace, louvre in gable, 4 roof louvres, and 5 gratings.	,, ...	,, ..	,, ...	,,
Pipe-clay Creek ..	Schoolroom	16 0	30 0	16 0	25·2	40	4	4 ,, ,, 4 ft 3 in x 2 ft 7 in ; 2 doors, each 6 ft 6 in x 2 ft 9 in.	Windows, doors, and 3 gratings at floor	Yes	,, ..	,, ...	9 in
Ponto	,, ...	15 0	16 0	12 6	19·3	28	8	1 window, 4 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft	Windows and door	,, ...	Bark	,, ...	,,
Pyramul	,, ...	18 0	36 0	18 0	31·3	38	23	4 windows, each 5 ft 10 in x 3 ft 10 in ; 2 doors, each 7 ft x 3 ft ; fireplace, 3 ft 9 in x 2 ft 9 in.	Windows, door, fireplace, 4 gratings at eaves, and 4 at floor, each 9 in x 6 in.	No	Galvd. iron	,, ...	1 ft
Round Swamp....	,, ...	18 0	19 6	16 6	29·	36	18	2 windows, each 4 ft 8 in x 3 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, 2 gratings at floor, and 2 at eaves, each 12 in x 8 in.	Yes	Shingles ..	,, ...	2 ft
Rylstone	,, ...	17 6	38 0	20 0	62·2	87	43	4 windows, each 5 ft x 2 ft 10 in ; 2 doors, each 7 ft x 3 ft	Windows and doors	No	,, ..	,, ...	1 ft 6 in
	Classroom	17 6	20 0	12 0	....	....	....	2 ,, ,, 4 ft x 2 ft. 2 ,, ,, 5 ft x 2 ft 10 in ; 1 door, 7 ft x 3 ft	,, ,, ...	,, ...	,, ..	,, ...	,,
Spring Flat	Schoolroom	15 6	29 0	13 0	24·1	36	9	4 ,, ,, 3 ft 8 in x 2 ft 3 in ; 1 door, 6 ft x 3 ft ; fireplace, 4 ft 2 in x 4 ft 2 in ; 1 door, 5 ft 9 in x 2 ft 9 in.	Windows, doors, and fireplace	,, ...	,, ..	,, ...	5 in to 1 ft 5 in
Tambaroora	,, ...	18 6	27 6	16 6	59·8	83	24	3 windows each 5 ft 2 in x 3 ft 10 in ; 1 door, 6 ft 6 in x 2 ft 11 in	Windows and door	Yes	,, ..	,, ...	1 ft 2 in
Turon, Upper	,, ...	17 6	30 6	17 6	24·5	36	10	4 ,, ,, 5 ft x 4 ft ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 6 gratings each 11 in x 6 in.	,, ...	,, ..	,, ...	Nil to 4 ft 6 in
Carbry	,, ...	17 8	30 0	16 0	20·	33	16	3 ,, ,, 5 ft 1 in x 3 ft 3 in ; 2 doors, each 7 ft x 3 ft....	Windows, doors, and 4 gratings at eaves and 4 at floor, each 9 in x 6 in.	,, ...	,, ..	,, ...	2 ft 6 in
Warren	,, ...	16 6	32 0	13 6	42·	45	36	7 ,, ,, 4 ft 4 in x 2 ft 10 in ; 1 door, 6 ft 6 in x 3 ft ; fireplace, 4 ft x 3 ft ; 1 door, 6 ft 6 in x 2 ft 9 in.	Windows, door, and fireplace	No	,, ..	,, ...	2 ft
	Classroom	16 6	13 6	12 0	....	....	....	3 windows, each 4 ft 4 in x 2 ft 10 in ; 1 door, 6 ft 6 in x 2 ft 9 in.	,, ,, ...	,, ...	,, ..	,, ...	,,
Wellington	Schoolroom	12 0	76 0	18 0	136·2	162	65	9 ,, ,, 6 ft x 3 ft 6 in ; 1 door, 7 ft 6 in x 4 ft; 1 door, 7 ft x 3 ft.	Windows, doors, 8 ceiling ventilators each 1 sq ft, and 6 gratings each 8 in x 6 in.	Yes	,, ..	,, ...	5 in to 2 ft 6 in
Wilbertree	,, ...	17 6	20 4	16 8	27·4	35	12	3 windows, each 5 ft 2 in x 2 ft 10 in ; 1 door, 6 ft 5 in x 2 ft 9 in ; fireplace, 3 ft 2 in x 3 ft 4 in.	Windows, door, fireplace, and 8 gratings, each 7 in x 5 in.	,, ...	,, ..	,, ...	1 ft 5 in
Windeyer	,, ...	15 0	24 0	16 0	25·2	33	9	3 windows, each 4 ft 9 in x 3 ft 6 in ; 2 doors, each 6 ft 9 in x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	,, ...	,, ..	,, ...	1 ft 6 in
	Classroom	15 0	16 0	12 0	....	....	....	2 windows, each 4 ft 9 in x 3 ft 6 in ; 1 door, 6 ft 9 in x 3 ft.....	,, ,, ...	,, ...	,, ..	,, ...	,,
								NEWCASTLE DISTRICT.					
Adamstown	Schoolroom	17 3	24 0	18 0	65·5	83	16	4 windows, each 4 ft 4 in x 2 ft 9 in ; 1 door, 7 ft x 3 ft	Windows and door	No	Shingles ..	,, ...	2 ft.
Ash Island	,, ...	9 3	20 0	19 8	35·5	43	8	3 ,, ,, 4 ft 6 in x 2 ft 10 in ; 1 door, 6 ft 8 in x 2 ft 6 in.. 1 window 2 ft 8 in x 2 ft 3 in ; 1 door, 6 ft 2 in x 2 ft 4 in.	Windows and doors	,, ...	,, ..	,, ...	1 ft.
Bandon Grove	,, ...	15 4	38 0	17 6	27·6	35	13	6 windows, each 3 ft 6 in x 2 ft 6 in ; 1 door, 6 ft x 2 ft 10 in	,, ...	Yes	,, ..	,, ...	2 ft.
Barrington	,, ...	14 0	24 0	12 0	30·	35	12	2 ,, ,, 4 ft 6 in x 2 ft 10 in ; 1 door, 6 ft 6 in x 2 ft 10 in. 1 window, 2 ft 10 in x 2 ft 10 in.	Windows and door	No	Bark	,, ...	6 in.
Boolambayte	,, ...	13 0	30 0	16 0	26·	32	18	4 windows, each 4 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft ; 1 fireplace, 6 ft x 5 ft.	Windows, door, and fireplace	,, ...	Shingles ..	,, ...	1 ft.
Booral	,, ...	17 0	30 0	18 0	36·9	47	24	3 windows, each 3 ft 4 in x 3 ft ; 1 door, 7 ft x 3 ft ..... 1 window, 3 ft 4 in x 2 ft 6 in ; fireplace, 4 ft x 4 ft.	,, ,, ,, ...	,, ...	,, ..	,, ...	2 ft to 3 ft 6 in
Brookfield.....	,, ...	16 0	28 3	18 0	32·7	41	26	3 windows, each 4 ft 7 in x 2 ft 10 in ; 2 doors, each 7 ft x 2 ft 10 in	Windows and doors	Yes	,, ..	,, ...	10 in.
Bullahdelah	,, ...	18 0	21 0	16 0	32·4	40	9	4 ,, ,, 6 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, 4 gratings at eaves and 4 at floor each 9 in x 6 in.	,, ...	,, ..	,, ...	2 ft.
Bungwall	,, ...	16 0	38 0	15 0	47·	57	33	4 ,, ,, 5 ft x 4 ft ; 1 door, 7 ft 6 in x 3 ft 2 in	Windows and door	No	,, ..	,, ...	Nil to 1 ft 6 in
Cape Hawke?.....	,, ...	12 0	25 0	14 0	21·	26	5	2 ,, ,, 4 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft	,, ,, ...	,, ...	,, ..	,, ...	1 ft 6 in.
Clarence Town....	,, ...	19 0	41 6	18 6	91·	110	58	7 ,, ,, 6 ft x 3 ft ; 2 doors, each 7 ft x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, doors, fireplace, 6 gratings at eaves each 12 in x 4 in, and 5 at floor each 9 in x 6 in.	,, ...	,, ..	,, ...	1 ft to 2 ft 6 in
	Classroom	12 0	13 6	12 8	....	....	....	2 windows, each 6 ft x 3 ft ; 1 door, 7 ft x 3 ft	Windows, door, ceiling ventilator 20 in x 12 in, and 3 gratings at floor each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
Coopernook	Schoolroom	14 0	24 0	12 0	30·9	40	20	4 ,, ,, 4 ft x 2 ft 6 in ; 1 door, 7 ft x 3 ft	Windows and door	,, ...	,, ..	,, ...	1 ft 4 in.
Cooranbong	,, ...	17 9	45 0	15 0	43·8	58	34	6 ,, ,, 5 ft 5 in x 2 ft 10 in ; 1 door, 7 ft x 3 ft	,, ,, ...	,, ...	,, ..	,, ...	1 ft.
Croki	,, ...	11 0	44 0	16 0	56·2	78	22	7 ,, ,, 5 ft 2 in x 2 ft 10 in ; 1 door, 7 ft x 3 ft.....	,, ,, 4 gratings each 9 in x 6 in, and 2 ceiling ventilators each 16 in dia.	Yes	,, ..	,, ...	2 ft.
Croom Park	Schoolroom	18 6	24 0	16 0	18·2	22	13	4 ,, ,, 5 ft x 2 ft 9 in ; 1 door 6 ft 4 in x 2 ft 10 in.....	Windows and door	Yes	,, ..	,, ...	1 ft 3 in to 3 ft
Cundletown	,, ...	20 3	42 6	17 6	57·7	65	22	3 ,, ,, 5 ft 6 in x 2 ft 9 in ; 1 door, 7 ft 6 in x 3 ft 4 in .. 2 ,, ,, 6 ft 3 in x 3 ft 6 in ; 1 door, 7 ft 6 in x 3 ft 9 in ; fireplace, 3 ft 6 in x 3 ft 6 in ; 1 door 6 ft 6 in x 3 ft 9 in	Windows, doors, and fireplace	No	,, ..	,, ...	1 ft 4 in

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Material of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		Height.	Length.	Breadth.	Average	Maximum.	Minimum.						
		ft. in.	ft. in.	ft. in.				**NEWCASTLE DISTRICT**—*continued.*					
Cundletown	Classroom	20 3	13 6	13 6	....	....	....	1 window, 5 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 6 in x 3 ft 9 in	Windows and doors	No	Shingles	Ground floor	1 ft 4 in
	,,	20 3	13 6	13 6	....	....	....	1 ,, 5 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 6 in x 3 ft 9 in	,, ,, ,,	,,	,,	,,	,,
Dingo Creek	Schoolroom	14 0	35 0	17 0	22·1	29	7	3 windows, each 4 ft 6 in x 3 ft; 1 door, 7 ft x 3 ft	Windows, door, and space of 2 in between wallplate and roof.	,,	,,	,,	2 ft
Dunaresque Island	,,	17 0	40 0	15 0	41·9	56	26	6 ,, ,, 5 ft x 3 ft; 2 doors, each 7 ft x 3 ft	Windows and doors	,,	,,	,,	3 ft
Dungog	,,	20 0	40 0	20 0	41·9	52	19	6 ,, ,, 5 ft x 3 ft 6 in ; 2 doors, each 6 ft 9 in x 2 ft 9 in ; fireplace, 3 ft 6 in x 3 ft 3 in.	Windows, doors, fireplace, and 4 gratings each 9 in 5 in.	,,	,,	,,	6 in to 1 ft
Engleton	,,	23 0	30 0	15 0	39·	46	29	5 windows, each 4 ft 3 in x 3 ft; 2 doors, each 6 ft 6 in x 2 ft 6 in	Windows and doors	Yes	,,	,,	1 ft 6 in to 2 ft
	Classroom	23 0	15 0	12 0	....	....	....	2 ,, ,, 4 ft 5 in x 3 ft ; 1 door, 6 ft 6 in x 2 ft 6 in	,, ,, ,,	,,	,,	,,	,,
Ghinni Ghinni	Schoolroom	10 0	35 0	18 0	9·	23	7	4 ,, ,, 5 ft 3 in x 3 ft 3 in ; 2 doors, each 7 ft x 3 ft 6 in	Windows, doors, 1 ceiling ventilator and 4 gratings at floor.	No	,,	,,	3 ft
	Classroom	10 0	18 0	10 0	....	....	....	1 window, 5 ft 3 in x 3 ft 3 in ; 1 door, 7 ft x 3 ft 6 in	Windows and door	,,	,,	,,	,,
Glenwilliam	Schoolroom	18 0	27 0	18 0	23·9	30	18	4 windows, each 4 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft	,, ,,	Yes	,,	,,	Nil to 10 in
Gosford	,,	20 0	32 0	16 0	55·	76	33	1 window, 5 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, fanlight, 4 roof louvres each 1½ sq. ft., and 2 gratings each 9 in x 6 in.	,,	,,	,,	1 ft
								1 ,, 6 ft x 3 ft; 1 fanlight, 2 ft 6 in x 1 ft 3 in					
	Classroom	15 0	10 0	10 0	....	....	....	2 windows, each 5 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft	Window, door, and 2 gratings each 9 in x 6 in	,,	,,	,,	,,
Green Gully	Schoolroom	16 0	26 4	14 0	24·	26	19	2 ,, ,, 4 ft 6 in x 3 ft ; 1 door, 6 ft 6 in x 3 ft 2 in	Windows and door	,,	Bark	,,	1 ft 6 in
Hamilton	Primary schoolroom	20 0	54 0	20 0	93·6	118	77	4 ,, ,, 5 ft 4 in x 2 ft 4 in ; 2 doors, each 7 ft 3 in x 3 ft 3 in.	Windows, doors, and 10 gratings	No	Shingles	,,	2 ft
								5 windows, each 5 ft x 4 ft 3 in.					
								4 ,, ,, 7 ft x 1 ft 9 in.					
								2 ,, ,, 8 ft 6 in x 2 ft 4 in.					
	Classroom	15 0	15 0	14 6	....	....	....	2 ,, ,, 4 ft 8 in x 1 ft 10 in ; 1 door, 7 ft x 3 ft	,, ,, ,,	,,	,,	,,	,,
	,,	12 3	19 10	10 8	....	....	....	2 ,, ,, 6 ft 10 in x 2 ft 4 in ; 1 door, 7 ft x 3 ft	,, ,, ,,	,,	,,	,,	,,
								1 window, 6 ft 6 in x 2 ft 10 in.					
	Infants' schoolroom	24 0	50 0	21 0	104·4	147	83	7 windows, each 6 ft 6 in x 3 ft 6 in ; 2 doors, each 7 ft 3 in x 3 ft 3 in.	,, ,, 10 roof louvres	,,	,,	,,	,,
								4 windows, each 8 ft 6 in x 1 ft 9 in ; 2 windows, each 10 ft 3 in x 2 ft 5 in.					
Hanbury	Primary ,,	16 0	62 0	30 0	83·1	101	35	10 windows, each 6 ft x 4 ft 6 in ; 1 door, 9 ft x 5 ft	,, ,, 4 ventilators each 2 sq ft	,,	,,	,,	1 ft 3 in.
								1 window, 10 ft x 8 ft ; 1 door, 7 ft x 3 ft 6 in.					
	Infants' ,,	16 0	30 0	30 0	83·	99	31	5 windows, each 6 ft x 4 ft 6 in ; 1 door, 7 ft x 3 ft 6 in	,, ,, 2 ,, ,,	,,	,,	,,	,,
								1 window, 10 ft x 8 ft.					
Hawk's Nest	Schoolroom	14 0	20 0	11 6	29·3	49	17	2 windows, each 3 ft 6 in x 2 ft 3 in ; 2 doors, each 6 ft x 2 ft 6 in	Windows and doors	,,	,,	,,	1 ft.
Hexham	,,	10 0	27 6	15 0	36·9	44	21	4 ,, ,, 5 ft 3 in x 3 ft 3 in ; 2 doors, each 6 ft 4 in x 3 ft 4 in.	,, ,,	Yes	,,	One	2 ft.
	Classroom	10 0	20 6	15 0	....	....	....	4 windows, each 5 ft 3 in x 3 ft 3 in ; 2 doors, each 6 ft 4 in x 3 ft 4 in.	,, ,,	,,	,,	,,	,,
Hillsborough	Schoolroom	18 0	30 0	16 0	38·	48	19	6 windows, each 5 ft x 2 ft ; 1 door, 6 ft 6 in x 4 ft ; 1 door, 6 ft 6 in x 2 ft 6 in.	Windows, doors, and louvre in each gable	No	,,	Ground floor.	,,
Kimbriki	,,	15 0	28 6	12 0	21·1	36	8	3 windows, each 3 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	1 ft.
								1 window, 2 ft 6 in x 2 ft.					
Kincumber	,,	20 0	19 6	16 0	24·3	35	12	3 windows, each 6 ft x 3 ft ; 2 doors, each 6 ft x 3 ft	Windows, doors, and 2 gratings each 5 in x 4 in	Yes	,,	,,	1 ft 6 in to 3 ft
	Classroom	20 0	10 6	10 0	....	....	....	2 ,, ,, 6 ft x 3 ft ; 2 doors, each 6 ft x 3 ft	Windows and doors	,,	,,	,,	,,
Lambton	Boys' schoolroom	32 0	66 0	21 6	423·1	545	304	7 ,, ,, 6 ft 6 in x 3 ft 2 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, roof, louvres, and gratings.	,,	,,	,,	2 ft.
								3 ,, ,, 7 ft x 2 ft 6 in.					
	Classroom	22 0	16 0	13 0	....	....	....	2 ,, ,, 6 ft 6 in x 2 ft 3 in ; 1 door 7 ft x 3 ft	,, ,, ,, ,,	,,	,,	,,	,,
	Girls' schoolroom	20 0	60 0	20 0	....	....	....	8 ,, ,, 4 ft 6 in x 2 ft 9 in ; 2 doors, each 6 ft 6 in x 2 ft 8 in.	Windows, doors, and ventilator along ridge	,,	,,	,,	Nil to 2 ft.
	Infants' ,,	20 0	40 0	17 6	....	....	....	7 windows, each 4 ft 6 in x 2 ft 9 in ; 2 doors, each 6 ft 6 in x 2 ft 8 in.	,, ,, ,, ,,	,,	,,	,,	Nil.
	Classroom	20 0	17 6	12 6	....	....	....	2 windows, each 4 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 6 in x 2 ft 8 in	,, ,, ,, ,,	,,	,,	,,	,,
Markwell	Schoolroom	19 0	39 0	16 0	23·6	33	10	5 ,, ,, 5 ft 6 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 8 gratings each 9 in x 6 in	No	,,	,,	2 ft.
Marlee	,,	16 0	28 0	15 9	22·3	30	14	2 ,, ,, 6 ft x 3 ft 4 in ; 2 doors, each 7 ft x 3 ft	Windows and doors	Yes	,,	,,	1 ft 8 in.
								1 window, 6 ft x 2 ft.					
	Classroom	16 0	11 0	11 0	....	....	....	2 windows, each 6 ft x 1 ft 6 in ; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Minimbah	Schoolroom	15 6	30 0	16 0	31·8	40	19	4 ,, ,, 4 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 6 in x 3 ft 6 in	,, ,,	No	,,	,,	1 ft.
	Classroom	14 6	12 0	9 0	....	....	....	1 window, 4 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 6 in x 3 ft 6 in	,, ,,	,,	,,	,,	,,
Mimni	Infants' schoolroom	12 0	30 0	20 0	151·2	181	109	8 windows, each 5 ft x 3 ft ; 1 door, 7 ft x 3 ft	Windows, doors, and 6 gratings each 6 in x 3 in.	,,	,,	,,	1 ft 6 in
	Primary ,,	13 0	40 0	30 0	....	....	....	6 ,, ,, 7 ft x 3 ft ; 1 door, 7 ft x 3 ft 6 in	Windows, door, and 8 gratings each 6 in x 3 i n, and 3 ceiling ventilators each 12 in 18 in.	,,	,,	,,	,,
Mitchell's Island	Schoolroom	18 0	35 0	17 0	32·3	48	19	5 ,, ,, 6 ft 6 x 6 ft ; 1 door, 7 ft x 3 ft	Windows, door, and 4 gratings	Yes	,,	,,	Nil to 1 ft 6 in
Monkeral	,,	15 0	25 6	14 0	22·	30	9	2 ,, ,, 2 ft 3 in x 2 ft ; 1 door, 6 ft 4 in x 3 ft.	Windows, shutters, and door	No	Bark	,,	6 in
								4 shutters, each 2 ft 5 in x 2 ft 5 in.					

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**NEWCASTLE DISTRICT**—*continued.*					
Mosquito Island ..	Schoolroom	26 6	22 6	16 0	38·3	49	11	2 windows, each 4 ft 6 in x 2 ft 9 in ; 2 doors, each 6 ft 8 in x 2 ft 8 in. 2 windows, each 4 ft 6 in x 2 ft.	Windows and doors	No.	Shingles ..	Ground floor	1 ft 9 in
Nelson's Plains ..	,, ...	8 10	20 7	15 0	27·2	35	22	3 windows, each 3 ft 6 in x 2 ft 1 in ; 1 door, 6 ft 3 in x 2 ft 10 ; 1 door, 6 ft 3 in x 2 ft 1 in.	,, ,, ...	,, ...	,, ..	,, ...	Nil.
Newcastle	Primary schoolroom	12 0	55 0	24 0	488·	571	75	6 windows, each 5 ft 10 in x 3 ft 4 in ; 3 doors, each 7 ft x 3 ft....	Windows, doors, and 8 gratings each 12 in x 6 in.	,, ...	,, ..	,, ...	2 ft
	,, ...	9 0	51 0	37 0	....	....	....	6 ,, ,, 4 ft 6 in x 3 ft 7 in ; 1 door, 8 ft x 3 ft 3 in	Windows and doors	,, ...	,, ..	,, ...	Nil.
	Classroom	12 0	24 0	15 0	....	....	....	2 ,, ,, 5 ft 10 in x 3 ft 4 in ; 1 door, 6 ft 6 in x 2 ft 8 in	Windows, doors, and 2 gratings each 12 in x 6 in.	,, ...	,, ..	,, ...	2 ft
	Infants' schoolroom	22 0	40 0	24 0	....	....	....	4 ,, ,, 6 ft 6 in x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft	Windows, doors, and 15 gratings each 12 in x 6 in.	,, ...	,, ..	,, ...	,,
	Classroom	10 0	29 0	15 0	....	....	....	2 ,, ,, 6 ft 6 in x 1 ft 6 in ; 2 doors, each 6 ft 10 in x 2 ft 9 in.	Windows, doors, and 2 ceiling ventilators each 18 in dia.	,, ...	,, ..	,, ...	,,
,, South ..	Primary schoolroom	27 6	54 0	22 0	300·1	349	86	2 windows, each 11 ft 7 in x 2 ft 10 in ; 2 doors, each 7 ft 4 in x 3 ft 2 in. 4 windows, each 9 ft x 2 ft 9 in ; fireplace, 3 ft 9 in x 3 ft 2 in.	Windows, doors, fireplace, 8 gratings at eaves 6 at floor each 12 in x 7 in, and 9 roof louvres each 3½ sq ft.	,, ...	,, ..	,, ...	2 ft 1 in
	Classroom	20 7	16 0	16 0	....	....	....	8 ,, ,, 5 ft 9 in x 1 ft 10 in. 2 ,, ,, 6 ft 11 in x 1 ft 11 in ; 1 door, 7 ft 4 in x 3 ft 2 in 2 ,, ,, 5 ft 9 in x 1 ft 10 in.	Windows and door	,, ...	,, ..	,, ...	,,
	Infants' schoolroom	21 8	30 0	20 0	....	....	....	8 ,, ,, 5 ft 9 in x 1 ft 10 in ; 1 door, 7 ft 4 in x 3 ft 2 in 3 ,, ,, 11 ft 7 in x 2 ft 10 in ; fireplace, 3 ft 9 in x 3 ft 2 in	Windows, door, fireplace, 4 gratings at floor, 3 at eaves each 12 in x 7 in, and 6 roof louvres each 3½ sq ft.	,, ...	,, ..	,, ...	,,
Onybigambah	Schoolroom	18 0	22 4	15 10	78·	92	55	5 ,, ,, 5 ft 3 in x 2 ft 10 in ; 2 doors, each 7 ft x 3 ft ..	Windows, doors, 3 gratings at eaves and 3 at floor each 8 in x 6 in.	,, ...	,, ..	,, ...	1 ft
	Classroom	18 0	15 10	10 6	....	....	....	2 ,, ,, 5 ft 3 in x 2 ft 10 in ; 1 door, 7 ft x 3 ft	Windows, door, 2 gratings at eaves and 2 at floor each 8 in x 6 in.	,, ...	,, ..	,, ...	,,
Oxley Island.....	Schoolroom	19 0	30 0	17 0	38·4	47	13	4 ,, ,, 5 ft x 3 ft ; 1 door, 7 ft x 3 ft ..... 1 door, 7 ft x 2 ft 9 in.	Windows, doors, and 7 gratings each 9 in x 6 in	,, ...	,, ..	,, ...	,,
	Classroom	9 6	17 0	8 0	....	....	....	1 ,, ,, 4 ft x 2 ft 6 in ; 1 door, 7 ft x 2 ft 9 in	Windows, doors, and 1 grating each 9 in x 6 in	,, ...	Galvd. iron	,, ...	,,
Parading Ground..	Schoolroom	16 11	28 0	15 8	12·6	19	5	2 windows, each 6 ft 6 in x 2 ft 10 in ; 2 doors, each 6 ft 6 in x 2 ft 10 in.	Windows and doors.....	Yes	Shingles ..	,, ...	1 ft 3 in
Plattsburg.....	,, ...	23 0	68 0	22 6	213·9	239	99	4 windows, each 8 ft 6 in x 2 ft 7 in ; 2 doors, each 7 ft 6 in x 3 ft 6 in 2 ,, ,, 10 ft x 3 ft. 4 ,, ,, 5 ft 8 in x 2 ft 9 in ; 2 windows, each 5 ft 8 in x 2 ft	Windows, doors, 6 roof louvres, 11 gratings at eaves and 7 at floor each 9 in x 6 in.	,, ...	,, ..	,, ...	1 ft
Raymond Terrace..	,, ...	20 0	29 0	16 0	41·8	51	15	3 ,, ,, 6 ft x 3 ft 6 in ; 2 doors, each 7 ft x 3 ft 6 in	Windows, doors, and 7 gratings at floor each 9 in x 6 in.	No.....	,, ..	,, ...	1 ft 6 in
	Classroom	17 6	13 0	11 0	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in ; 1 door, 7 ft x 3 ft 6 in	Windows and doors	,, ...	,, ..	,, ...	,,
Redbank	Schoolroom	10 0	20 0	16 0	43·8	56	25	4 ,, ,, 3 ft x 2 ft 6 in ; 1 door, 7 ft x 2 ft 6 in	Windows and door	,, ...	,, ..	,, ...	Nil
Seaham	,, ...	16 0	20 0	16 0	20·2	24	17	4 ,, ,, 4 ft 6 in x 2 ft 10 in ; 2 doors, each 6 ft 6 in x 2 ft 10 in.	Windows and doors.....	,, ...	,, ..	,, ...	1 ft
Stockton	,, ...	23 0	40 0	23 0	99·6	117	44	10 windows, each 5 ft x 2 ft 8 in ; 1 door, 7 ft x 4 ft ; 1 door, 7 ft x 2 ft 9 in.	Windows, doors, and louvre in each gable ..	,, ...	,, ..	,, ...	4 ft
Taree	,, ...	10 9	30 0	15 6	127·6	152	49	2 windows, each 5 ft x 3 ft 3 in ; 3 doors, each 7 ft x 3 ft	Windows and doors	Yes	,, ..	,, ...	1 ft
	,, ...	11 0	40 0	17 0	....	....	....	7 ,, ,, 5 ft x 3 ft 3 in ; 2 doors, each 6 ft 6 in x 3 ft 3 in	,, ,, and 4 ceiling ventilators	,, ...	,, ..	,, ...	,,
Telegherry	,, ...	19 4	30 0	20 0	45·	52	34	6 ,, ,, 4 ft 6 in x 2 ft 9 in ; 1 door, 7 ft x 3 ft 6 in ; 1 door, 6 ft x 2 ft 9 in.	Windows, doors, and ventilators at floor	No.....	,, ..	,, ...	2 ft
Teralba	,, ...	10 3	20 0	16 4	22·8	30	9	3 windows, each 5 ft x 2 ft 10 in ; 1 door, 6 ft 10 in x 2 ft 10 in ..	Windows, door, and ventilator in roof 8 in x 3 ft 6 in.	,, ...	,, ..	,, ...	1 ft 7 in to 2 ft 10 in
Thalaba	,, ...	16 0	33 0	16 0	28·1	34	16	3 ,, ,, 2 ft 9 in x 2 ft 3 in ; 1 door, 6 ft 6 in x 4 ft 6 in.. 1 window, 3 ft 6 in x 2 ft 9 in ; 1 door 6 ft x 3 ft.	Windows and doors	,, ...	,, ..	,, ...	9 in
Tinonee	,, ...	20 0	40 0	20 0	53·4	66	21	6 windows, each 6 ft x 3 ft 8 in ; 1 door, 6 ft 6 in x 4 ft.....	Windows and door	,, ...	,, ..	,, ...	2 ft 6 in
Tomago	,, ...	18 0	33 0	18 0	21·3	29	11	5 ,, ,, 4 ft 6 in x 3 ft ; 1 door, 7 ft x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	,, ...	,, ..	,, ...	Nil
Wallsend	Primary schoolroom	23 0	54 0	20 0	268·9	312	194	15 windows, each 6 ft x 2 ft 6 in ; 2 doors, each 7 ft 6 in x 3 ft	Windows, doors, 6 gratings at eaves 5 at floor, each 9 in x 9 in, and 6 roof louvres each 1½ sq ft.	,, ...	,, ..	,, ...	4 ft
	Classroom	21 0	18 0	18 0	....	....	....	2 ,, ,, 5 ft x 2 ft 6 in ; 1 door, 7 ft 6 in x 3 ft	Windows, door, 4 gratings at floor and 4 at eaves each 8 in x 8 in.	,, ...	,, ..	,, ...	,,
	Infants' schoolroom..	23 0	47 0	20 0	....	....	....	17 ,, ,, 6 ft x 2 ft 6 in ; 1 door, 7 ft 6 in x 3 ft	Windows, door, 4 gratings at eaves, 4 at floor, each 8 in x 8 in, and 6 roof louvres each 1½ sq ft.	,, ...	,, ..	,, ...	,,
	Classroom	18 0	24 0	12 0	....	....	....	3 ,, ,, 5 ft x 2 ft 6 in ; 1 door, 7 ft 6 in x 3 ft	Windows, door, 2 gratings at eaves and 4 at floor each 8 in x 8 in.	,, ...	,, ..	,, ...	,,
Waratah	Schoolroom	19 0	40 0	18 0	106·6	143	17	2 ,, ,, 7 ft 6 in x 3 ft ; 2 doors, each 7 ft x 3 ft ..... 4 ,, ,, 7 ft x 2 ft 6 in. 2 ,, ,, 5 ft x 2 ft 6 in.	Windows, doors, 8 gratings at eaves and 8 at floor each 9 in x 6 in.	Yes	,, ..	,, ...	2 ft

Name of Public School.	Description of Schoolroom.	1 Dimensions.			2 Attendance during 6 months ending 5th March, 1878.			3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		Height.	Length.	Breadth	Average	Maximum.	Minimum.						
		ft. in.	ft. in.	ft. in.				**NEWCASTLE DISTRICT**—*continued.*					
Waratah	Classroom	14 0	11 0	10 0	....	....	....	2 windows, each 5 ft x 3 ft; 1 door, 6 ft 9 in x 2 ft 9 in	Windows, door, and 4 gratings each 9 in x 6 in	Yes	Shingles	Ground floor	2 ft
William Town	Schoolroom	15 4	28 6	16 6	34·9	40	30	4 ,, ,, 4 ft 3 in x 2 ft 9 in; 1 door, 6 ft 10 in x 2 ft 10 in	Windows and door	,,	,,	,,	1 ft 4 in
Wingham	,,	12 0	44 0	20 0	47·0	61	28	4 ,, ,, 4 ft 6 in x 3 ft; 1 door, 6 ft x 3 ft; 4 openings above windows, each 3 ft x 1 ft 3 in.	Windows, door, and ventilators above windows.	No	,,	,,	2 ft 6 in
Woolla Woolla	,,	18 0	35 0	16 0	27·6	37	25	4 windows, each 5 ft 6 in x 3 ft 6 in; 2 doors, each 6 ft 10 in x 3 ft	Windows, doors, and 8 gratings each 9 in x 3½ in.	,,	,,	,,	2 ft 6 in
								SYDNEY DISTRICT.					
Balmain	Boys' schoolroom	29 0	76 0	26 0	203·6	255	96	9 Windows, each 7 ft 9 in x 4ft; 3 doors, each 8 ft x 4 ft.	Windows, doors, 10 gratings each 9 in x 7 in, and 3 narrow ventilators at ridges 3 ft 6 in long.	No	Shingles	Ground floor	1 ft 6 in
								2 ,, ,, 2 ft 6 in x 1 ft 6 in.					
	Girls' ,,	27 0	63 0	24 0	164·5	195	55	10 ,, ,, 5 ft 9 in x 3 ft 6 in; 1 door 7 ft 3 in x 3 ft 3 in	10 louvres, each 3 sq ft, 8 gratings each 9 in x 7 in.	,,	,,	One	,,
	Infants' ,,	15 0	63 0	24 0	254·5	315	59	10 ,, ,, 7 ft 6 in x 4 ft; 1 door, 7 ft 3 in x 3 ft 3 ft	5 ceiling ventilators each 1 ft 6 in dia., 6 gratings each 9 ft 7 in.	,,	,,	,,	,,
Botany	Schoolroom	30 0	56 0	21 0	61·4	98	43	2 ,, ,, 8 ft 4 in x 1 ft 10 in; 2 doors, each 7 ft 3 in x 3 ft 3 in.	Windows, doors, and 9 ventilators each 12 in x 9 in, 8 louvres in roof each 1 sq ft.	Yes	,,	Ground floor	3 ft
								4 windows, each 4 ft 8 in x 1 ft 11 in.					
	Classroom	20 0	13 3	13 0	....	....	....	2 ,, ,, 6 ft 11 in x 2 ft 3 in; 1 door, 7 ft 9 in x 2 ft 9 in	Windows and door, and 2 roof louvres	,,	,,	,,	,,
Botany Road	Schoolroom	20 0	40 0	20 0	211·3	254	118	8 ,, ,, 8 ft 6 in x 4 ft 3 in; 3 doors, each 7 ft x 3 ft.	Windows and doors	No	,,	,,	12 in to 2 ft 4 in
Camperdown	Primary school	24 0	40 0	33 0	148·4	177	104	2 ,, ,, 6 ft 6 in x 3 ft 3 in; 1 door, 7 ft x 3 ft	Windows, doors, 2 ventilators each 12 in x 12 in, and 2 roof ventilators each 4 in 4 in x 4 in.	,,	,,	,,	1 ft
								4 ,, ,, 7 ft 3 in x 2 ft 8 in; 1 door, 6 ft 10 in x 2 ft 9 in					
	Infants' ,,	20 0	28 0	20 0	....	....	....	3 ,, ,, 6 ft 6 in x 3 ft 3 in; 2 doors, each 7 ft x 3 ft, 1 door, 6 ft 10 in x 2 ft 9 in.	Windows, doors, 2 roof ventilators each 15 in x 15 in, and 2 roof ventilators each 4 in x 4 in.	,,	,,	,,	,,
Cleveland-street	Boys' schoolroom	16 2	62 0	28 1	317·5	365	212	16 windows, each 6 ft x 2 ft 10 in; 1 door, 9 ft x 5 ft; 2 fireplaces, each 4 ft 3 in x 4 ft; 1 door, 8 ft x 2 ft 6 in.	Windows, doors, fireplaces, and gratings each 9 in x 6 in at 2 ft intervals all round floor and ceiling.	,,	Slate	One	10 ft
	Girls' ,,	36 0	62 0	28 1	310·9	340	220	2 windows, each 4 ft 3 in x 4 ft; 1 door, 7 ft 6 in x 5 ft	Gratings, each 9 in x 6 in at 2 ft intervals all round floor and roof, and 6 louvres each 3 sq ft.	,,	,,	,,	1 ft
								17 ,, ,, 8 ft x 2 ft					
	Infants' ,,	45 0	60 7	28 1	322·9	419	101	20 ,, ,, 8 ft x 2 ft; 2 doors, each 8 f x 5 ft; 1 fireplace, 4 ft 3 in x 4 ft.	Gratings, each 9 in x 6 in at 2 ft intervals all round floor and roof, and 8 louvres, each 3 sq ft.	,,	,,	,,	10 ft
Coogee	Schoolroom	26 0	47 0	22 6	53·2	66	27	4 windows, each 6 ft by 3 ft 5 in; 3 doors, each 7 ft x 3 ft.	Windows, doors, fireplace, and 8 louvres in roof each 18 in x 18 in.	,,	Shingles	Ground floor	10 ft to 3 ft
								2 ,, ,, 11 ft 10 in x 2 ft 10 in; 2 windows, each 9 ft 4 in x 2 ft 4 in.					
	Classroom	18 0	15 0	12 0	....	....	....	2 windows, each 6 ft x 3 ft 5 in; 1 door, 7 ft x 3 ft	Windows, door, and 2 louvres in roof each 18 in x 18 in.	,,	,,	,,	,,
Devonshire-street	Schoolroom	17 2	50 0	23 8	215·1	278	118	10 ,, ,, 5 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft 9 in.	Windows, doors, and 10 ceiling ventilators each 16 in dia.	,,	,,	,,	3 in to 9 in
								3 ,, ,, 5 ft 6 in x 3 ft; 1 door 7 ft x 2 ft 10 in.					
	Classroom	13 6	17 0	12 3	....	....	....	3 ,, ,, 4 ft x 2 ft; 1 door, 7 ft x 2 ft 10; 1 door, 6 ft x 2 ft 6 in.	Windows, doors, and 6 ceiling ventilators each 12 in dia.	,,	,,	,,	,,
Fort-street	Boys' schoolroom	15 0	86 0	25 0	1,050·5	1,270	555	9 windows, each 7 ft 4 in x 4 ft; 2 doors, each 9 ft x 5 ft; 2 fireplaces, each 3 ft 6 in x 3 ft.	Doors, windows, fireplaces, 11 ventilators each 10 in x 7 in, and 2 large ventilators in ceiling.	No	Slates	,,	4 ft.
	Girls' ,,	15 0	86 0	25 0	....	....	....	9 windows, each 7 ft 4 in x 4 ft; 2 fireplaces, 3 ft 6 in x 3 ft; 2 doors, 9 ft x 5 ft.	Doors, windows, fireplaces, 11 ventilators each 10 in x 7 in, and 2 large ventilators in ceiling.	,,	,,	,,	,,
	Boys' classroom	22 0	30 0	20 0	....	....	....	Skylight; 1 door, 7 ft x 3 ft.	One side open to corridor	,,	,,	,,	,,
	Girls' ,,	22 0	30 0	20 0	....	....	....	,, 1 door, 7 ft x 3 ft.	,, ,,	,,	,,	,,	,,
	Infants' schoolroom	16 0	34 0	19 8	....	....	....	3 windows, each 7 ft 3 in x 4 ft; 1 door, 8 ft x 4 ft 6 in; 1 fireplace, 3 ft 6 in x 3 ft.	Doors, windows, fireplace, and 10 ventilators 8 in x 6 in.	,,	,,	,,	,,
	,, ,,	16 0	34 0	19 8	....	....	....	3 windows, each 7 ft 3 in x 4 ft; 1 fireplace, 3 ft 6 in x 3 ft; 1 door, 8 ft x 4 ft 6 in.	Doors, windows, fireplace, and 10 ventilators 8 in x 6 in.	,,	,,	,,	,,
	Babies' ,,	11 6	24 0	24 0	....	....	....	4 windows, each 5 ft 6 in x 3 ft; 1 door, 7 ft x 4 ft 6 in; 1 fireplace, 4 ft x 3 ft.	Doors, windows, and fireplace	,,	,,	,,	,,
	,, ,,	11 6	24 0	24 0	....	....	....	4 windows, each 5 ft 6 in x 3 ft; 1 fireplace, 4 ft x 3 ft; 1 door, 8 ft x 4 ft 6 in.	Doors, windows, and fireplace	,,	,,	,,	,,
	Boys' classroom	18 0	60 0	18 0	....	....	....	Unenclosed shed.		,,	,,	,,	Nil.
	Girls' ,,	16 0	35 0	18 0	....	....	....	,, ,,		,,	,,	,,	,,
	Infants' ,,	17 0	29 0	15 0	....	....	....	,, ,,		,,	,,	,,	,,

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**SYDNEY DISTRICT**—*continued.*					
Glebe	Primary schoolroom	25 0	68 0	25 0	399·2	486	211	8 windows, each 5 ft 6 in x 1 ft 3 in; 16 windows, each 3 ft 8 in x 10 in. 1 window, 8 ft 8 in x 1 ft 3 in; 2 windows, each 6 ft x 1 ft. 2 windows, each 4 ft 2 in x 10 in; 3 doors, each 7 ft x 3 ft.	Windows, doors, 6 ventilators on floor each 12 in 6 in, and 2 ventilators in roof.	No	Shingles	Ground floor	2 ft 6 in
	Classroom	25 0	12 0	25 0	....	....	....	1 window, 5 ft 6 in x 1 ft 3 in; 2 doors, 7 ft x 3 ft 2 windows, each 3 ft 8 in x 10 in; 1 window, 8 ft 8 in x 1 ft 3 in.	Windows, doors, and 2 ventilators each 12 in x 6 in.	,,	,,	,,	,,
	Infants' schoolroom	25 0	32 0	23 0	....	....	....	2 ,, ,, 6 ft x 1 ft; 2 windows, each 4 ft 2 in x 10 in. 2 ,, ,, 8 ft 8 in x 1 ft 3 in; 2 windows, each 6 ft x 1 ft.. 2 ,, ,, 4 ft 2 in x 10 in; 1 window, 5 ft 6 in x 1 ft 3 in. 2 ,, ,, 3 ft 8 in x 10 in; 2 doors, each 7 ft x 3 ft.	Windows, doors, and 4 ventilators each 12 in x 6 in, and 4 ventilators in roof.	,,	,,	,,	1 ft 2 in
Manly	Schoolroom	22 0	42 0	18 0	51·9	69	31	6 ,, ,, 6 ft x 3 ft 6 in; 1 door, 7 ft x 3 ft	Windows and door	,,	,,	,,	6 in
	Classroom	18 0	18 0	10 0	....	....	....	2 ,, ,, 6 ft x 3 ft 6 in; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
Marrickville	Primary schoolroom	22 0	40 0	16 0	116·	142	36	3 ,, ,, 6 ft x 3 ft; 1 door, 7 ft x 3 ft	Windows, door, and ventilators in roof	Yes	,,	,,	2 ft
	Classroom	20 0	18 0	16 0	....	....	....	3 ,, ,, 6 ft x 3 ft; 1 door, 7 ft x 3 ft	,, ,,	,,	,,	,,	,,
	Infants' schoolroom	22 0	40 0	18 0	95·6	123	21	4 ,, ,, 6 ft x 3 ft 4 in; 1 door, 7 ft x 3 ft 2 ,, ,, 7 ft x 2 ft 6 in; 1 window, 9 ft x 3 ft.	,, ,, ventilators in roof, in skirting, and at eaves.	,,	,,	,,	3 ft
Newtown	Boys' schoolroom	16 0	77 6	28 0	462·5	607	261	7 windows, each 7 ft 3 in x 4 ft; 2 windows, each 7 ft 9 in x 3 ft 6 in. 2 ,, ,, 9 ft 3 in x 3 ft 6 in; 1 door, 9 ft 6 in x 4 ft; 2 doors, each 7 ft 6 in x 4 ft.	Windows, doors, and gratings at floor and ceiling at 2 ft intervals each 9 in x 6 in.	No	Slates	One	1 ft 6 in to 6 ft
	Girls' ,,	30 6	77 6	28 0	....	....	....	7 windows, each 5 ft 7 in x 4 ft; 4 doors, each 6 ft 4 in x 2 ft 6 in. 2 ,, ,, 9 ft 3 in x 2 ft 4 in; 2 doors, each 7 ft 3 in x 3 ft 6 in.	Windows, doors, gratings at floor and ceiling at 2 ft intervals each 9 in x 6 in, and 8 louvres each 3 sq ft.	,,	,,	,,	
	Infants' ,,	16 0	40 6	29 0	....	....	....	9 windows, each 7 ft 3 in x 4 ft; 1 door, 8 ft 3 in x 3 ft 6 in 2 ,, ,, 9 ft 3 in x 3 ft 6 in; 1 door, 7 ft 6 in x 4 ft. 9 fanlights, each 4 ft x 2 ft.	Windows, doors, gratings at floor and ceiling	,,	,,	,,	3 ft to 4 ft 6 in
North Sydney	Schoolroom	25 0	50 0	20 0	77·0	91	69	5 windows, each 7 ft 6 in x 4 ft; 2 windows, 12 ft 6 in x 3 ft 6 in. 4 ,, ,, 9 ft 6 in x 2 ft 6 in; 2 doors, 7 ft 6 in x 3 ft 6 in.	Windows, doors, 10 louvres on roof, 15 gratings at floor and under eaves.	,,	Shingles	Ground floor.	3 in to 4 ft.
	Classroom	16 0	13 0	12 0	.....	....	....	2 ,, ,, 7 ft 6 in x 4 ft; 1 door, 6 ft 6 in x 3 ft.	.....	,,	,,	,,	,,
Paddington	Boys' schoolroom	27 0	66 0	22 0	182·9	205	127	3 ,, ,, 5 ft x 1 ft 6 in; 2 doors, each 8 ft x 3 ft 6 in 13 ,, ,, 4 ft x 1 ft; 1 window, 12 ft x 1 ft 3 in. 2 ,, ,, 11 ft x 1 ft 3 in; 2 windows, each 10 ft x 1 ft 3 in 4 ,, ,, 3 ft x 1 ft; 1 fireplace, 4 ft x 4 ft 6 in.	Windows, doors, 10 louvres in roof each about 1 sq. ft and gratings at floor.	,,	,,	,,	2 ft.
	,, classroom	18 0	18 0	18 0	....	....	.....	6 ,, ,, 4 ft 6 in x 1 ft 9 in; 1 fireplace, 4 ft x 4 ft 6 in; 1 door, 8 ft x 3 ft.	Windows, door, and gratings at floor	,,	,,	,,	,,
	Girls' schoolroom	24 0	54 0	20 0	108·2	136·5	37·5	8 windows, each 5 ft x 1 ft; 2 doors, 8 ft x 3 ft 6 in 16 ,, ,, 4 ft x 1 ft; fireplace 4 ft 6 in x 4 ft.	,, ,, ,, and louvres at roof each 1 sq ft.	,,	,,	,,	,,
	,, classroom	24 0	20 0	20 0	....	....	....	2 ,, ,, 6 ft x 2 ft; ,, ,, ,,	Windows, door, gratings, and 1 louvre 1 sq ft	,,	,,	,,	,,
	Infants' schoolroom	23 0	40 0	20 0	226·2	278	76	2 ,, ,, 6 ft x 1 ft; 1 door, 7 ft x 3 ft 6 in. 6 ,, ,, 5 ft x 1 ft; 1 door, 8 ft x 3 ft 6 in 12 ,, ,, 4 ft x 1 ft; fireplace, 4 ft x 4 ft 6 in.	,, ,, ,, and 6 louvres each 1 sq ft	,,	,,	,,	,,
	Babies' ,,	22 0	32 0	16 0	.. .	....	....	6 ,, ,, 5 ft 6 in x 4 ft 6 in; 1 fireplace, 4 ft x 3 ft; 1 door, 6 ft 6 in x 3 ft.	,, ,, ,, 6 ,, 1 ,,	,,	,,	,,	,,
Pyrmont	Primary ,,	20 0	39 0	19 2	93·1	118	67	6 windows, each 5 ft 6 in x 2 ft 9 in; 1 door, 7 ft x 2 ft 10 in; 1 door, 6 ft 6 in x 2 ft 9 in.	Windows and doors	,,	,,	,,	1 ft 3 in.
	Infants' ,,	16 10	20 0	15 8	84·	108	43	2 windows, each 2 ft 6 in x 3 ft 6 in; 1 door, 6 ft 10 in x 3 ft 4 in; 1 door, 6 ft 6 in x 2 ft 9 in.	,,	,,	,,	,,	,,
Randwick Asylum	Three schoolrooms, each.	15 0	50 0	30 0	524·	571	472	8 windows, each 7 ft x 3 ft 6 in; 2 doors, each 7 ft x 3 ft 6 in	Windows, doors, and gratings at floor and roof	,,	Slates	One	4 in.
St. Leonards	Primary schoolroom	30 0	51 0	23 0	219·8	250	28	11 ,, ,, 7 ft x 3 ft; 1 door, 7 ft x 4 ft	Windows, doors, 2 louvres, and 5 gratings	,,	Shingles	Ground floor.	3 ft.
	Infants' ,,	20 0	42 0	18 0	....	....	....	7 ,, ,, 5 ft x 3 ft; 1 door, 7 ft x 3 ft	,, ,, 2 ,, 7 ,,	,,	,,	,,	1 ft.
Sussex-street	Boys' schoolroom	16 0	77 6	28 0	114·7	140	71	4 windows, each 6 ft 6 in x 3 ft 6 in; 2 doors, each 8 ft x 4 ft 8 ,, ,, 10 ft x 3 ft 2 in; 1 door, 9 ft x 4 ft. 5 ,, ,, 3 ft 6 x 1 ft 6 in.	Windows, doors, gratings all round, each 9 in x 6 in, at intervals of 2 ft at floor and ceiling.	No	Slates	One	3 ft
	,, classroom	22 6	28 0	19 9	....	....	....	7 ,, ,, 8 ft 4 in x 3 ft 6 in; 1 door, 8 ft x 4 ft	Windows, doors, and gratings, as above	,,	,,	,,	,,
	Girls' schoolroom	31 0	77 6	28 0	103·4	129	68	3 ,, ,, 9 ft x 3 ft 3 in; 2 doors, each 8 ft 4 in x 4 ft 12 ,, ,, 8 ft 4 in x 3 ft 6 in.	Windows, doors, and gratings, as above, and 2 ventilating shafts through the roof communicating with the hollow walls.	,,	,,	,,	,,
	,, classroom	22 6	23 0	19 9	....	....	....	4 ,, ,, 8 ft 4 in x 3 ft 6 in; 1 door, 8 ft x 4 ft	Windows, doors, and gratings, as above	,,	,,	,,	,,
	Infants' schoolroom	16 0	40 0	28 0	180·2	242	67	8 ,, ,, 8 ft 6 in x 3 ft 6 in; 1 door, 9 ft 7 in x 3 ft 7 in. 8 ,, ,, 3 ft 6 in x 1 ft 6 in; 1 door, 8 ft x 4 ft. 3 ,, 10 ft x 3 ft 2 in.	,, ,, ,,	,,	,,	,,	,,
Tempe	Schoolroom	20 0	41 0	18 0	84·	110	34	5 ,, ,, 6 ft x 2 ft 9 in; 2 doors, each 7 ft x 3 ft 2 ,, ,, 8 ft x 2 ft 9 in.	Windows, doors, 4 gratings at floor each 9 in x 9 in, and 6 gratings at roof each 18 in x 9 in.	,,	Shingles	Ground floor	1 ft 4 in
	Classroom	18 0	14 0	12 0	....	....	....	2 ,, ,, 6 ft x 2 ft 9 in; 1 door, 7 ft x 3 ft	Windows, doors, and 3 gratings at floor, each 9 in x 9 in; 4 at roof, each 18 in x 9 in.	,,	,,	,,	,,

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**SYDNEY DISTRICT**—*continued.*					
Watson's Bay	Schoolroom	24 0	33 6	18 6	61·2	76	24	3 windows, each 6 ft 9 in x 3 ft 4 in ; 2 doors, each 7 ft 3 in x 3 ft 4 ,, ,, 10 ft 5 in x 3 ft ; fireplace, 3 ft x 3 ft.	Windows, doors, 5 gratings on floor each 10 in x 6 in, 6 louvres in roof each 1 sq ft.	No	Shingles ..	Ground floor	1 ft
	Classroom	18 6	13 3	11 3	....	....	....	2 ,, ,, 7 ft 4 in x 3 ft ; 1 door, 7 ft x 3 ft	6 louvres and 2 gratings on floor each 10 in x 6 in.	,, ...	,, ..	,, ...	,,
William-street	Boys' schoolroom ..	31 6	65 0	24 0	214·2	247	117	10 ,, ,, 5 ft 6 in x 1 ft 4 in ; 1 door, 8 ft x 3 ft 6 in	Windows, door, gratings at floor and roof ..	,, ...	,, ..	,, ...	2 ft 6 in
	,, classroom	21 0	40 0	20 0	....	....	....	6 ,, ,, 6 ft x 4 ft ; 1 door, 8 ft x 3 ft 6 in	,, ,, ,, ,, ,, ..	,, ...	,, ..	,, ...	,,
	Girls' schoolroom ..	31 6	52 0	24 0	270·3	334	113	8 ,, ,, 5 ft 6 in x 4 ft 4 in ; 1 door, 7 ft x 3 ft	,, ,, ,, ,, ,, ..	,, ...	,, ..	,, ...	,,
	,, classroom	20 0	32 0	20 0	....	....	....	12 ,, ,, 5 ft 6 in x 4 ft 4 in ; 1 door, 7 ft x 3 ft	,, ,, ,, ,, ,, ..	,, ...	,, ..	,, ...	,,
	Infants' schoolroom	31 6	30 0	24 0	344·5	436	114	2 ,, ,, 5 ft 6 in x 4 ft 4 in ; 1 door, 8 ft x 3 ft 6 in ..... 1 window, 6 ft 7 in x 5 ft 6 in ; 1 door, 7 ft x 3 ft.	,, ,, ,, ,, ,, ..	,, ...	,, ..	One	,,
	,, classroom ..	31 6	24 0	13 0	....	....	....	2 windows, each 5 ft 6 in x 4 ft 4 in ; 1 door, 7 ft x 3 ft	,, ,, ,, ,, ,, ..	,, ...	,, ..	Ground floor	,,
	Babies' schoolroom..	13 10	32 0	20 0	....	....	....	10 ,, ,, 7 ft x 2 ft 6 in ; 1 door, 8 ft x 3 ft 6 in	,, ,, ,, ,, ,, ..	,, ...	,, ..	,, ...	,,
	,, classroom ..	21 0	40 0	20 0	....	....	....	3 ,, ,, 3 ft x 2 ft 8 in ; 1 door, 6 ft x 3 ft	,, ,, ,, ,, ,, ..	,, ...	,, ..	One	Nil.
								YASS DISTRICT.					
Bethungra	Schoolroom	13 0	26 2	14 2	38·8	56	22	4 ,, ,, 2 ft 10 in x 2 ft 4 in ; 2 doors, each 6 ft 6 in x 2 ft 6 in ; fireplace, 4 ft 10 in x 4 ft.	Windows, doors, and fireplace.....	No.....	Bark	Ground floor	1 in
Binalong	,, ...	16 0	25 6	16 0	32·2	51	10	2 windows, each 5 ft 6 in x 2 ft 9 in ; 1 door, 7 ft x 4 ft ; 1 door, 6 ft 6 in x 2 ft 8 in.	Windows and doors	Yes	Shingles ..	,, ...	1 ft to 3 ft
Bowning	,, ...	16 0	30 0	16 0	46·7	67	32	4 windows, each 4 ft 6 in x 2 ft 9 in ; 1 door, 6 ft 10 in x 2 ft 9 in ; fireplace, 3 ft x 2 ft 6 in.	Windows, door, fireplace, and 4 gratings in wall, each 9 in x 6 in.	No.....	,, ..	,, ...	9 in to 2 ft
Bungendore	,, ...	18 0	24 0	14 0	22·9	30	12	1 window, 5 ft 8 in x 5 ft ; 1 door, 6 ft 8 in x 3 ft 11 in ..... 3 windows, each 3 ft 10 in x 2 ft 10 in ; fireplace, 3 ft x 3 ft.	Windows, door, and fireplace	,, ...	,, ..	,, ...	1 ft 2 in
Burrowa	,, ...	12 0	37 0	16 0	37·	48	12	5 ,, ,, 3 ft 6 in x 2 ft 8 in ; 1 door, 7 ft x 3 ft ; 1 door, 7 ft x 3 ft 8 in.	Windows, doors, 6 gratings at floor, 6 ditto at ceiling, each 1 ft x 4 in, and ceiling ventilator.	,, ...	,, ..	,, ...	1 ft 6 in
Carwoola	Schoolroom	13 0	21 0	12 0	19·7	25	5	2 windows, each 1 ft 6 in x 1 ft 4 in ; 1 door, 6 ft x 3 ft ; 1 door, 6 ft x 2 ft 4 in.	Windows and doors	,, ...	,, ..	,, ...	Nil
Cootamundra	,, ...	23 0	33 0	20 0	60·6	90	24	3 windows, each 5 ft 9 in x 3 ft ; 2 doors, each 8 ft x 3 ft ..... 1 window, 10 ft x 3 ft 6 in. 2 windows, each 8 ft 6 in x 2 ft 9 in. 1 window, 3 ft 6 in x 1 ft 6 in.	Windows, doors, and gratings at floor and eaves.	,, ...	Iron	,, ...	,,
Cunningar.....	,, ...	11 0	20 0	16 0	17·2	25	7	4 windows, each 4 ft x 2 ft 6 in ; 2 doors, each 7 ft x 2 ft 9 in ; fireplace, 3 ft x 3 ft.	Windows, doors, and fireplace	Yes	Shingles ..	,, ...	1 ft
Dalton	,, ...	16 0	29 5	15 4	27·9	43	16	4 windows, each 4 ft x 2 ft 5 in ; 1 door, 6 ft 6 in x 3 ft	Windows and door	No.....	,, ..	,, ...	6 in
Elizabethfield	,, ...	13 7	21 3	13 9	18·2	24	5	2 ,, ,, 2 ft 5 in x 2 ft 1 in ; 1 door, 6 ft 9 in x 2 ft 9 in .. 1 window, 4 ft x 2 ft 5 in ; fireplace, 5 ft x in 8 4 ft.	Window, door, fireplace, and spaces at eaves between wallplate and roof.	Yes	Bark	,, ...	7 in
Frogmore	,, ...	14 8	25 3	13 2	47·6	57	33	2 windows, each 4 ft x 2 ft 4 in ; 2 doors, each 6 ft 6 in x 2 ft 6 in	Windows and doors	No.....	,, ..	,, ...	1 ft
	Classroom	8 10	10 2	6 6	....	....	....	1 window, 2 ft x 1 ft ; 1 door, 6 ft 6 in x 2 ft 6 in.....	,, ,, ...	,, ...	,, ..	,, ...	,,
Gininderra	Schoolroom	15 8	27 0	13 0	25·5	32	11	3 windows, each 4 ft 2 in x 2 ft 7 in ; 1 door, 6 ft 10 in x 3 ft	Windows and door	,, ...	Shingles ..	,, ...	1 ft 6 in
Grenfell.....	Primary Schoolroom	23 8	47 2	20 1	72·3	92	53	5 ,, ,, 5 ft 6 in x 2 ft 6 in ; 1 door, 7 ft 3 in x 3 ft 3 in.. 2 ,, ,, 12 ft 7 in x 2 ft 5 in ; 1 door, 7 ft 3 in x 2 ft 6 in. 4 ,, ,, 8 ft 7 in x 1 ft 10 in ; fireplace, 3 ft 9 in x 3 ft 8 in	Windows, doors, fireplace, and 10 ventilating bricks.	,, ...	,, ..	,, ...	1 ft 4 in
	Classroom	17 6	15 1	12 1	....	....	....	2 ,, ,, 6 ft 3 in x 2 ft 5 in ; 1 door, 7 ft 2 in x 3 ft 3 in..	Windows, doors, and 4 ventilating bricks ..	,, ...	,, ..	,, ...	,,
	Infants' schoolroom..	20 3	30 1	18 2	46·7	65	11	3 ,, ,, 5 ft 6 in x 3 ft 6 in ; 1 door, 7 ft x 3 ft ..... 2 ,, ,, 6 ft x 3 ft 4 in ; 2 windows, each 8 ft x 2 ft 3 in. 1 window, 10 ft x 2 ft 9 in ; fireplace, 3 ft 6 in x 2 ft 8 in.	Windows doors, fireplace, and 6 ventilating bricks.	,, ...	,, ..	,, ...	1 ft
Gundaroo	Schoolroom	16 0	22 0	16 0	34·5	42	23	3 windows, each 4 ft x 2 ft 6 in ; 2 doors, each 7 ft x 3 ft ; fireplace, 3 ft 6 in x 2 ft 6 in.	Windows, doors, and fireplace	Yes	,, ..	,, ...	1 ft 5 in
Gunning	,, ...	20 0	36 0	16 0	62·9	74	49	4 windows, each 5 ft x 2 ft 10 in ; 1 door, 7 ft 3 in x 3 ft 3 in .... 2 ,, ,, 6 ft 4 in x 2 ft ; 1 window, 8 ft x 2 ft 3 in.	Windows, door, 5 gratings each 9 in x 6 in, 5 gratings each 9 in x 3 in, and louvres in roof.	,, ...	,, ..	,, ...	10 in
	Classroom	20 0	16 0	16 0	....	....	....	2 ,, ,, 5 ft x 2 ft 10 in ; 1 window, 7 ft x 3 ft ; 1 door, 7 ft 3 in x 3 ft 3 in.	Windows, door, 4 gratings each 9 in x 3 in, 5 gratings each 9 in x 6 in, and louvres in roof.	,, ...	,, ..	,, ...	,,
Jindalee.....	Schoolroom	18 11	25 6	17 0	21·5	33	6	4 windows, each 5 ft 2 in x 3 ft 4 in ; 1 door, 7 ft x 3 ft ; fireplace, 3 ft 6 in x 3 ft 6 in.	Windows, door, fireplace, and 7 gratings each 9 in x 6 in.	,, ...	Iron	,, ...	1 ft
Marengo	,, ...	21 0	25 0	16 0	30·5	40	11	4 windows, each 3 ft 6 in x 2 ft 6 in ; 1 door, 9 ft x 4 ft ..... 1 window, 6 ft x 3 ft 3 in.	Windows, door, and 4 gratings each 9 in x 6 in.	No.....	Shingles ..	,, ...	2 ft
Murrumbateman ..	,, ...	16 0	24 0	16 0	24·6	34	9	4 windows, each 4 ft 6 in x 2 ft 9 in ; 1 door, 7 ft x 3 ft.....	Windows and door	,, ...	,, ..	,, ...	1 ft

Name of Public School.	Description of Schoolroom.	1 Dimensions. Height.	Length.	Breadth	2 Attendance during 6 months ending 5th March, 1878. Average	Maximum.	Minimum.	3 Number and size of windows and other openings.	4 General Plan of Ventilation.	5 Are Teacher's Residence & School Building under one roof?	6 Materials of Roofing.	7 No. of Stories.	8 Distance of ground floor from earth.
		ft. in.	ft. in.	ft. in.				**YASS DISTRICT**—*continued.*					
Murrumburrah ..	,, ...	18 0	32 0	18 0	39·1	55	11	6 windows, each 6 ft 6 in x 2 ft; 1 door, 7 ft x 4 ft; 1 door, 7 ft x 3 ft.	Windows and doors	No.....	Shingles ..	Ground floor	6 in
Peelwood	Schoolroom	18 0	25 6	16 0	44·3	58	24	2 windows, each 7 ft 6 in x 3 ft 3 in; 2 doors, 7 ft x 3 ft	Windows, doors, and fireplace	,, ...	,, ..	,, ...	1 ft 6 in to 3 ft 4 in
Queanbeyan	Classroom	18 0	16 0	10 6	....	....	....	2 ,, ,, 7 ft 6 in x 3 ft 6 in; fireplace, 3 ft x 3 ft.	,, ,, ...	,, ...	,, ..	,, ...	,,
	Schoolroom	22 0	58 0	20 0	114·3	127	82	2 ,, ,, 7 ft 6 in x 3 ft 6 in; 1 door, 7 ft x 3 ft.	Windows, doors, fireplace, and gratings at floor each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
								12 ,, ,, 5 ft 6 in x 2 ft 6 in; 3 doors, each 7 ft 3 in x 3 ft 3 in					
								2 ,, ,, 9 ft 6 in x 2 ft 6 in.					
								4 ,, ,, 7 ft 6 in x 2 ft; fireplace, 3 ft x 3 ft 6 in.					
	Classroom	19 0	15 0	15 0	....	....	....	2 ,, ,, 5 ft 6 in x 1 ft 3 in; 1 door, 7 ft 3 in x 3 ft 3 in ..	Windows, doors, fireplace, and gratings at floor each 9 in x 6 in.	,, ...	,, ..	,, ...	,,
								1 window, 7 ft x 1 ft 9 in.					
Rye Park	Schoolroom	13 6	25 0	13 6	23·1	29	7	2 windows, each 4 ft 2 in x 3 ft; 1 door, 7 ft x 4 ft; fireplace, 3 ft x 3 ft.	Windows, door, fireplace, and openings at eaves between wallplate and roof.	,, ...	Bark	,, ...	6 in to 1 ft
Smithtown	,, ...	10 0	21 0	12 0	23·7	28	8	2 windows, each 4 ft 8 in x 3 ft; 2 doors, each 6 ft x 2 ft 6 in	Windows and doors	,, ...	Shingles ..	,, ...	2 ft 3 in
Spring Creek	,, ...	14 0	39 0	15 0	40·8	56	10	3 ,, ,, 3 ft 8 in x 2 ft 6 in; 1 door, 6 ft x 3 ft	Windows and door	,, ...	Bark	,, ...	6 in
								2 ,, ,, 1 ft x 1 ft 6 in.					
Tallagandra	,, ...	15 0	26 0	14 0	17·3	23	5	3 ,, ,, 4 ft 6 in x 3 ft; 1 door, 6 ft 6 in x 4 ft	,, ,, ...	,, ...	,, ..	,, ...	1 ft
Tipperary Gully ..	,, ...	11 6	22 0	12 0	20·4	28	9	7 ,, ,, 2 ft 3 in x 2 ft; 1 door, 6 ft 6 in x 2 ft 5 in	Windows, door, and spaces between wallplate and roof.	,, ...	Zinc and Bark.	,, ...	Nil
Tuggeranong	,, ...	16 0	32 0	15 0	Not in existence.			1 window, 5 ft x 2 ft 6 in; 1 door, 6 ft 6 in x 3 ft.....	Windows, door, and fireplace	Yes	Bark	,, ...	10 in
								2 windows, each 3 ft x 2 ft 6 in; fireplace, 3 ft x 3 ft.					
Two-mile Creek ..	,, ...	15 0	29 9	14 9	26·5	42	4	6 ,, ,, 3 ft 10 in x 2 ft 3 in; 2 doors, 6 ft x 2 ft 10 in....	Windows and doors	No.....	Shingles ..	,, ...	8 in
Wallendbeen	,, ...	12 0	25 0	9 0	31·	44	5	2 ,, ,, 2 ft 6 in x 2 ft; 1 door, 7 ft x 2 ft 6 in	,, ,, ...	,, ...	Zinc	,, ...	Nil
Wetangera	,, ...	13 0	29 0	12 0	22·6	26	19	5 ,, ,, 2 ft 3 in x 2 ft; 2 doors, 6 ft 6 in x 2 ft 6 in; 2 fireplaces, each 3 ft x 3 ft.	Windows, doors, and fireplaces	,, ...	Shingles ..	,, ...	1 ft
Wombat.....	,, ...	14 0	44 0	16 0	51·3	75	30	6 windows, each 4 ft 6 in x 2 ft 9 in; 2 doors, each 7 ft 3 in x 3 ft 9 in.	Windows, doors, and 5 gratings at floor and 4 gratings at eaves each 9 in x 6 in.	,, ...	,, ..	,, ...	1 ft 6 in
Young	Primary schoolroom	28 0	40 0	24 0	91·7	106	70	3 windows, each 6 ft x 3 ft 6 in; 3 doors, each 7 ft x 3 ft	Windows, doors, fireplace, 15 gratings at floor, 14 at eaves, each 6 in x 6 in; also, 11 louvres at roof each 1 sq ft.	,, ...	,, ..	,, ...	2 ft 6 in
								2 ,, ,, 9 ft x 2 ft 6 in.					
								1 window, 11 ft x 3 ft; fireplace, 3 ft 6 in x 3 ft 6 in.					
	Classroom	28 0	24 0	18 0	....	....	....	2 windows, each 6 ft x 3 ft 6 in; 1 door, 7 ft x 3 ft	,, ,, ,, ..	,, ...	,, ..	,, ...	,,
								2 ,, ,, 9 ft x 2 ft 6 in; 1 window, 11 ft x 3 ft.					
	Infant schoolroom ..	25 0	27 0	20 0	....	....	....	2 ,, ,, 8 ft x 2 ft 6 in; 2 windows, each 6 ft x 3 ft 6 in..	,, ,, ,, ..	,, ...	,, ..	,, ...	,,
								1 window, 10 ft x 3 ft; 2 doors, each 7 ft x 3 ft; fireplace, 3 ft 6 in x 3 ft.					

Sydney: Thomas Richards, Government Printer.—1878.

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(NEWCASTLE SCHOOL BOARD.)

Ordered by the Legislative Assembly to be printed, 27 March, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 4 February, 1879, That there be laid upon the Table of this House,—

"Copies of all Correspondence between the Council of Education, the "Newcastle School Board, and any other person, regarding the appoint- "ment of Additional Members to that Local Board."

(*Mr. J. Davies, for Captain Onslow.*)

SCHEDULE.

NO.		PAGE.
1.	John Burrowes, Honorary Secretary of the Public School Board, Newcastle, to the Secretary to the Council of Education, with minutes thereon. 7 December, 1878	2
2.	The Secretary to the Council of Education to Under Secretary of Justice, &c., with minutes thereon. 24 December, 1878	2
3.	Minute Paper for the Executive Council, recommending the appointment of additional members of the Public School Boards at Newcastle and North Sydney, with minutes thereon. 10 January, 1879	2
4.	Under Secretary of Justice, &c., to Secretary to the Council of Education. 24 January, 1879	2
5.	Secretary to the Council of Education to John Burrowes, Honorary Secretary, Public School Board, Newcastle. 15 February, 1879	3
6.	Same to Messrs. Wood, Laing, Lockhead, and Bewick, Public School Board, Newcastle. 15 February, 1879	3
7.	Joseph Creer, Newcastle, to Dr. Bowker, M.P., Sydney, with minutes thereon and enclosure. 21 January, 1879	3
8.	Sir Alfred Stephen to Under Secretary of Justice, &c., with minutes thereon. 28 January, 1879	3
9.	Secretary to the Council of Education to Under Secretary of Justice, forwarding copy of Correspondence in reference to No. 7, with minutes thereon. 5 March, 1879	4
10.	Under Secretary of Justice, &c., to Dr. Bowker, M.P., forwarding copy of No. 9. 14 March, 1879	6

EDUCATION.

No. 1.

The Hon. Secretary, Public School Board, Newcastle, to The Council of Education.

Public School, Newcastle, 7 December, 1878.

Sir,

I am directed by the Public School Board here to submit for approval to the Council of Education the names of Messrs. John Wood (Presbyterian), William Kerr Lockhead (Church of England), George Bewick (no denomination), and William Laing (Congregational), as additional members of the Board.

The Board is anxious for this addition to its number on account of the recent resignations, and the removal of Mr. F. J. Shaw (Church of England) from the district.

I have, &c.,
JNO. BURROWES,
Hon. Sec.

B.C., Inspector of Newcastle District for advice. Mr. F. J. Shaw's resignation has not been received at this office.—W.W., 12/12/78.

B.C., The Secretary. No action is needed at present in regard to Mr. Shaw, as it is not certain that he has permanently removed. I beg to recommend the appointment of the persons nominated by the existing Board. They are willing to act: Mr. George Bewick, C.E., Inspector of Permanent Way; Mr. William Laing, Cong., timber merchant; Mr. William Kerr Lockhead, J.P., C.E., merchant; Mr. John Wood, Pres., merchant and brewer.—J. C. MAYNARD, 20/12/78.

No. 2.

The Secretary, Council of Education, to The Under Secretary of Justice, &c.

Council of Education Office, Sydney, 24 December, 1878.

Sir,

I am directed by the Council of Education to state, for the information of the Honorable the Minister for Justice and Public Instruction, that the Council has resolved to submit for appointment by His Excellency the Governor with the advice of the Executive Council, in accordance with the 22nd section of the Public Schools Act of 1866, the names of the undermentioned gentlemen to be additional members of the Public School Board in connection with the Public School at Newcastle, viz.:—Messrs. George Bewick, William Laing, William Kerr Lockhead, John Wood.

I have, &c.,
G. MILLER,
For Secretary.

Prepare minute.—F.B.S., 31 Dec., 1878.

No. 3.

Minute Paper for The Executive Council.

Subject:—Appointment of additional members of the Public School Boards at Newcastle and North Sydney.

Department of Justice and Public Instruction, Sydney, 10 January, 1879.

I ADVISE that effect be given to the accompanying resolutions of the Council of Education by the appointment, in accordance with the 22nd section of the Public Schools Act of 1866, of the undermentioned gentlemen to be additional members of the Public School Boards of the Public Schools established at the places specified in connection with their names respectively, viz.:—

Newcastle—Messrs. George Bewick, William Laing, William Kerr Lockhead, John Wood.
North Sydney—Mr. Thomas Scott.

F. B. SUTTOR.

The Executive Council advise that the appointments herein recommended be approved.—ALEX. C. BUDGE, Clerk of the Council, 16/1/79. Min. 79/3. Approved.—H.R., 16/1/79. Confirmed.—20/1/79. Gazette; Secretary, Council of Education, 24/1/79.

No. 4.

The Under Secretary of Justice, &c., to The Secretary, Council of Education.

Department of Justice and Public Instruction, Sydney, 24 January, 1879.

Sir,

In acknowledging the receipt of your letter of the 24th ultimo, I am directed by the Minister of Justice and Public Instruction to state, for the information of the Council of Education, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint the gentlemen named in the margin to be additional members of the Public School Board of the Public School at Newcastle, and that their appointments have been notified as customary in this day's Government Gazette.

Messrs. George Bewick, William Laing, William Kerr Lockhead, and John Wood

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

No. 5.

No. 5.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Newcastle.

Sir, Council of Education Office, Sydney, 15 February, 1879.

I am directed by the Council of Education to acquaint you that, in accordance with the provisions of section 22 of the Public Schools Act, His Excellency the Governor, with the advice of the Executive Council, has appointed the gentlemen named below to be additional Members of the Public School Board at Newcastle, viz., Messrs. George Bewick, William Laing, William Kerr Lockhead, J.P., and John Wood.

I have, &c.,
G. MILLER,
For Secretary.

No. 6.

The Secretary, Council of Education, to Mr. J. Wood and others.

Sir, Council of Education Office, Sydney, 15 February, 1879.

I am directed by the Council of Education to acquaint you that, in accordance with the provisions of section 22 of the Public Schools Act, His Excellency the Governor, with the advice of the Executive Council, has appointed you to be a member of the Public School Board at Newcastle.

I have, &c.,
W. WILKINS,
Secretary.

[Similar letters addressed to Messrs. Laing, Lockhead, and Bewick.]

No. 7.

Mr. J. Creer to Dr. Bowker, M.P.

Dear Sir, Newcastle, 21 January, 1879.

As you stated it was your intention to move the adjournment of the House to bring certain matters before the House relative to the Council of Education, yourself, and Mr. Hungerford nominating Alderman Brooks and myself to the Local School Board for Newcastle, I enclose you the forged letter which I received, purporting to come from the Council, of my appointment on the advice of the Governor and Executive Council, so that you may have the document before you and show the gross trick and also the slight sought to be cast upon yourself and Mr. Hungerford as our nominators. I wish you could cause the Government to hold an inquiry into the matter, and I think there will be no difficulty in fixing it upon the author. I have got no further information but what I told you when down, viz., that Mr. G. Scott, Clerk of Petty Sessions here, told me that Mr. Burrowes, secretary to the Local School Board here, asked him to write it, and upon Mr. Scott refusing to do so, he Mr. Burrowes sat down in Mr. Scott's office and wrote it himself and took it away with him and had it copied, sent to Sydney, and posted there so as to make it appear genuine. Captain Hacking here also told Mr. Sweet of the *Herald's Advocate* that he knew all about it. If the Government would cause Mr. Scott to put in writing what he knows about the matter I think it would soon be found out. I need scarcely say I feel very strong on the matter, as I have always bore a respectable character and I think have always endeavoured to do my duty as a citizen. I am well known to many Members of the House who will bear testimony to my character in everything that becomes a man. I shall be prepared to go to Sydney and give every information in the event of an inquiry. If Mr. Burrowes is capable of doing this, what is he not capable of forging, and he is the Government Registrar here. Trusting you will endeavour to fully deal with the matter,

I am, &c.,
JOSEPH CREER.

P.S. I have not mentioned the matter to any one since I saw you, but I think it would be well for you to mention the matter to Mr. Hungerford, as I am sure he will be equally annoyed at it, and will assist you to have justice done. Don't lose the letter.

The Council of Education will perhaps be kind enough to cause an inquiry to be made into this matter.—F.B.S., 23/1/79. The Secretary to the Council of Education.—W. E. PLUNKETT, B.C., 23 January, 1879.

[*Enclosure.*]

Mr. S. M. Martin to Mr. Alderman Creer, Newcastle.

Sir, Council of Education, Sydney, 23 December, 1878.

I am directed by the Council of Education to inform you that the Governor, with the advice of Executive Council, has appointed you as an additional member of the Local School Board at Newcastle.

The Honorary Secretary at Newcastle will be instructed to supply you with a copy of the Act and inform of the duties pertaining to the office.

I have, &c.,
S. M. MARTIN,
For Secretary.

Presented by Dr. Bowker, M.P.—F.B.S., 23/1/79.

No. 8.

Sir Alfred Stephen to The Minister for Justice, &c.

Sir, Hyde Park, 28 January, 1879.

Having read in the *Herald* the report of a speech recently made in Parliament by Dr. Bowker, Member for Newcastle, reflecting on the Council of Education, of which I am a member, and was, during the time referred to, acting for the President in his absence from the Colony, I think it my duty, on my own behalf and that of my colleagues, to report the facts of the case fully to you.

2. On the 10th December last the Council received a letter from the Newcastle Public School Board, dated the 7th, requesting the appointment of four additional members named by the Board. That application was, according to the invariable course in such cases, sent, on the 12th December, to the District Inspector, Mr. J. C. Maynard, for his report. On the 20th Mr. Maynard reported that the gentlemen named were willing to accept the appointment, which he thereupon recommended to be made, and on the 23rd December their names were accordingly, after consideration by the Council, submitted to the Government in the ordinary course for approval.

3. After this it appears, that is to say, on the 27th December, a note dated the 25th was received by our Secretary from Dr. Bowker, recommending in strong terms two other gentlemen for appointment, and suggesting in the case of one of the Council's Inspectors named by him, the adoption of certain measures for sanitary reasons. On the same 27th December as Mr. Wilkins informs me, or a day or two following, Mr. Hungerford, Member for Northumberland, called on him in support of that recommendation.

4. Mr. Wilkins thereupon, as he states, explained to Mr. Hungerford the existing state of things, as well as the course to be pursued and always adopted where new members to Boards were required, and mentioned the fact of other gentlemen having already been recommended for the office. It may be admitted that, according to strict rules of courtesy, Mr. Wilkins ought to have conveyed the same information direct to Dr. Bowker; and I am assured that he would have done so had he not supposed that Mr. Hungerford would have communicated it, and under that impression, at a period of great strain in business matters, have dismissed the matter from his mind. Be this as it may, Dr. Bowker's note being utterly unofficial, and (in part at least) relating to a strictly private subject, the fact of its receipt was never communicated to the Council, and I, for one, heard of it for the first time when reading Dr. Bowker's complaint.

5. These few paragraphs supply an ample explanation, so far as the Council or its non-appointment of Dr. Bowker's nominees is concerned. But an episode has been introduced which I will not pass unnoticed, although it is difficult to conceive what the Council can have to do with it. Some mischievous person, it appears, under the signature of S. M. Martin, on the 23rd December, played off a hoax on one of these gentlemen, by sending him a letter purporting to be from the Council, apprising him that he had been appointed. The very appearance of the letter was enough, one would think, to ensure its detection, but, by the direction of the Minister for Justice it has been gravely sent to the Council for inquiry. There is no person in the Council's office of the name of Martin. The gentleman thus hoaxed is pardonably angry; and I hope that in justice to him his letter of complaint to Dr. Bowker may be printed with the other papers sent to the Council, *verbatim et literatim*. But the Council has, I trust, sufficient sense of its own dignity, and regard for the important matters pressing on its attention, to permit itself to be entangled in a question with which (unless perhaps as to the imputation that the writer is actually the honorary secretary to the Board) has no earthly concern.

I forwarded the letter to the Council of Education because the Secretary to the School Board at Newcastle was charged with being the writer of the letter informing Mr. Creer of his appointment.—F.B.S., 7-2-79.

6. Whether, after the statement and explanation here presented, Dr. Bowker can reasonably be excused for his charge that there has been "hole and corner work" in this matter, or that the Council is in any respect deserving of censure for its part in it, I do not here propose to inquire.

I am, &c.,
ALFRED STEPHEN.

The Council of Education,—Am I to consider this letter as an official reply from the Council?—F.B.S., 7/2/79. The Secretary to the Council of Education, B.C., 7 February, 1879.—W. E. PLUNKETT. This letter is not intended as an official report from the Council. The Council's report upon the subject, brought under its notice by the Hon. the Minister is detained, pending the receipt of necessary information regarding the point at issue.—W. WILKINS. The Under Secretary, Department of Justice and Public Instruction, B.C., 11/2/79. To await further information from Council of Education.—F.B.S., 13 Feb., /79.

No. 9.

The Secretary, Council of Education, to The Under Secretary of Justice, &c.

Council of Education Office, Sydney, 5 March, 1879.

Sir,

I am directed by the Council of Education to state, for the information of the Honorable the Minister of Justice and Public Instruction, that in accordance with the suggestion contained in Mr. Suttor's memorandum of 23rd January last, inquiries have been instituted respecting the fictitious letter addressed to Mr. J. Creer, purporting to be a notification from this office of his appointment as an additional member of the Public School Board at Newcastle. Copies of the correspondence which has taken place in the matter are forwarded herewith.

Documents herewith returned.

I have, &c.,
W. WILKINS,
Secretary.

Send to Dr. Bowker a copy of Mr. Wilkins's letter and also a copy of the correspondence that passed between Mr. Burrowes and the Council of Education.—F.B.S., 11/3/79. Dr. Bowker, 14/3/79.

[*Enclosure* 1 *to No.* 9.]

Dr. Bowker, M.P., to Mr. Wilkinson.

Avoca, Darling Point, 25 December, 1878.

Dear Sir,

I have been requested by an influential person in Newcastle to do what I can towards the appointment of two Newcastle persons to the local School Board in that place,—a Mr. Thomas Brooks, of the firm of Brooks and Goodsir, and a Mr. Creer, senior, auctioneer, &c., of Newcastle, and as I think the appointments in question would be very desirable ones, I take the liberty of writing to you on the subject. Both the above are willing to act in the office mentioned, both are of first-rate unquestionable character, well to do in the world, I believe thought well of by the people in political and educational matters, both aldermen of the city of Newcastle; in fact, as far as I can judge, in every way suitable people for such appointments, neither of them violent men, but moderate in word and deed.

* * * * * * * * * * * *

The Creer and Brooks business is a different matter, and my recommending them is really a duty, although I believe they are more secular and less denominational in their views than I am.

Yours, &c.,
R. R. S. BOWKER.

[*Enclosure*

[*Enclosure* 2 *to No.* 9.]

Secretary's minute upon letter of Dr. Bowker, M.L.A.

THIS letter was received by me on 27th December, 1878. Before any steps could be taken in the matter to which it principally relates, Mr. Hungerford, M.L.A., saw me at the Council's office on the same subject. The course usually followed in such cases was fully explained to him; and it was particularly pointed out that the Council, before any action was taken, would require a report from the District Inspector, as the officer responsible in such matters.

Believing that Dr. Bowker and Mr. Hungerford were acting in concert—a belief that is confirmed by Mr. Creer's letter of the 21st January instant to the first-named gentlemen,—I considered that my explanation would be deemed equivalent to an acknowledgment of the receipt of the letter now under discussion. At that stage a simple acknowledgment of the letter was the only step possible.

But on reading Dr. Bowker's letter there appeared to me good grounds for considering it, not as an ordinary official letter but to some extent as a confidential communication. It contains matter which if made public would give annoyance and might possibly cause injury to an officer in the Council's service; and even if the letter were subjected to the scrutiny of a brother officer some grounds of complaint might be set up by the person principally affected.

But, apart from these considerations, the case appeared to me to belong to the class upon which the President is appealed to for instructions; but unfortunately Professor Smith's absence from Sydney prevented me from immediately carrying out my intention of placing Dr. Bowker's letter before him. Moreover, the absence of the District Inspector, on leave, rendered it impossible to obtain from that officer any report upon the proposed appointments.

Before the inspector's leave had expired I was informed by Mr. Eckford, M.L.A., of the hoax perpetrated upon Mr. Creer, and of the intention on the part of those interested of bringing the whole subject before the Legislative Assembly. From the state of feeling in Newcastle, as revealed by Mr. Eckford's statements, I was confirmed in the belief as to the necessity for awaiting the President's instructions.

I may add that the matter was never for a moment overlooked; it was simply held in abeyance pending the occurrence of an opportunity for obtaining authoritative instructions.

W.W.

[*Enclosure* 3 *to No.* 9.]

The Secretary, Council of Education, to The Hon. Secretary, Newcastle Public School.

Sir,

Council of Education Office, Sydney, 31 January, 1879.

I am directed to acquaint you that the Minister of Justice and Public Instruction has brought under the notice of the Council of Education a fictitious letter, dated 23rd December, 1878, addressed to "Mr. Alderman Creer, Newcastle," purporting to emanate from this office but signed "S. M. Martin, for Sec.," and informing Mr. Creer that he had been appointed by the Governor with the advice of the Executive Council a member of the Public School Board at Newcastle. Copy herewith.

2. The Minister's memorandum is accompanied by a letter addressed to Dr. Bowker, M.L.A., by Mr. Creer, in which, in referring to the supposed author of the letter, he states as follows:—

"I have got no further information but what I told you when down, viz., that Mr. G. Scott, Clerk of Petty Sessions here, told me that Mr. Burrowes, Secretary to the Local School Board here, asked him to write it, and upon Mr. Scott refusing to do so he, Mr. Burrowes, sat down in Mr. Scott's office and wrote it himself, and took it away with him and had it copied, sent to Sydney, and posted there so as to make it appear genuine."

3. In consequence of this statement on the part of Mr. Creer, the Council has desired me to inquire whether the allegations regarding you are true, and whether you sent the pretended letter to Mr. Creer, or caused it to be sent to him.

I have, &c.,
W. WILKINS,
Secretary.

[*Enclosure* 4 *to No.* 9.]

The Honorary Secretary, Newcastle Public School, to The Secretary, Council of Education.

Sir,

Newcastle Public School, 1 February, 1879.

I have to acknowledge the receipt of your letter of 31st January, enclosing a copy of a letter sent to Mr. Creer, and asking for an explanation from me.

I beg to state that the statement made by Mr. Creer respecting Mr. Scott is only *partly* true. I did write a letter in Mr. Scott's office (being urged to do so in consequence of the attempt made to foist himself upon the Board here without their consent), but I told Mr. Scott that I destroyed it, which is the fact, and I distinctly assert that I neither wrote nor sent any other letter.

I may add in conclusion that the majority of the members of the Board consider it *extremely undesirable* to have Mr. Creer appointed.

I have, &c.,
JNO. BURROWES,
Hon. Sec.

[*Enclosure* 5 *to No.* 9.]

The Secretary, Council of Education, to The Honorary Secretary, Public School Board, Newcastle.

Sir,

Council of Education Office, Sydney, 10 February, 1879.

I am directed by the Council of Education to acknowledge the receipt of your communication of 1st instant (received on the 4th), with reference to the letter addressed to Mr. Creer, and purporting to notify his appointment as a member of the Public School Board at Newcastle.

2. In reply, the Council desires me to express its disappointment at the nature of the explanation furnished in your letter. While denying that you wrote or sent any other letter than that written in Mr. Scott's office, and destroyed, you omit to reply to that portion of the Council's letter of 31st January last, which inquires whether you caused a letter to be written or sent to Mr. Creer; in view of the circumstances of the case, the suspicions attaching to yourself, and the terms of its letter, the Council expected from you either an explicit avowal of the part taken by you in the matter, or a full disclaimer of complicity in and privity to the writing and sending of the objectionable letter to Mr. Creer.

3. The Council considers it due to itself as well as to your own position that, without further discussion, you should frankly and explicitly answer the following questions:—

1. Admitting that you wrote no letter to Mr. Creer but that which you affirm you destroyed, did you suggest or dictate to any other person the writing of the letter Mr. Creer received?
2. If you did not personally send that letter, did you suggest or direct that it should be sent?
3. If you neither wrote nor sent that letter, nor caused it to be written or sent, were you privy to the writing or sending of it?
4. Supposing you were not privy to the writing or sending of the letter prior to its dispatch, what was the extent of the knowledge gained by you respecting it, subsequent to that event?

I have, &c.,
W. WILKINS,
Secretary.

[*Enclosure* 6 *to No.* 9.]

The Honorary Secretary, Public School Board, Newcastle, to The Secretary, Council of Education.

Sir,

Newcastle, 14 February, 1879.

I have the honor to acknowledge the receipt of your letter of the 10th instant, intimating that your Council was disappointed at the nature of the explanation furnished in my previous letter, and requesting that I should frankly and explicitly answer certain questions.

I

I regret very much that my previous letter was so unsatisfactory, the more so, because I have no desire whatever to deny the part taken by me in the matter, so that I may not be required to mention the name of the gentleman who first entrusted me with the knowledge that Mr. Creer was to be made the subject of a practical joke. In the first place I was urged to write a letter (already mentioned as having been written in Mr. Scott's office). This was considered unsatisfactory, and was destroyed. I took no further action in the matter but was informed that it was intended to be carried out. I have therefore to reply to your questions as follows :—

1. No. 2, No. 3, No. 4, the gentleman who first mentioned the matter to me told me on the following day that some letter had been sent to Mr. Creer.

Trusting that the foregoing explanation will be deemed satisfactory to your Council, I have merely to add that I regret to have been mixed up in the matter. Your letter would have received earlier attention but for my absence from home.

I have, &c.,
JNO. BURROWES,
Hon. Sec.

No. 10.

The Under Secretary of Justice, &c., to Dr. Bowker, M.P.

Sir, Department of Justice and Public Instruction, Sydney, 14 March, 1879.

Adverting to subject, as to appointment of certain gentlemen to the Public School Board at Newcastle, and the fictitious letter lately addressed to Mr. J. Creer of that city, I am directed by the Minister of Justice and Public Instruction to forward for your information the accompanying copy of correspondence which has taken place between Mr. Burrowes and the Council of Education thereon.

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

[Copy of No. 9 enclosed.]

Sydney : Thomas Richards, Government Printer.—1879.

[6*d*.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHURCH AND SCHOOL LAND FUND.

(PAYMENTS OUT OF—TO ROMAN CATHOLIC BISHOPS.)

Ordered by the Legislative Assembly to be printed, 22 *April*, 1879.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 18th February, 1879, That there be laid upon the Table of this House,—

" A Return showing the amount of money paid out of the Church and " School Land Fund to each of the Roman Catholic Bishops of this Colony, " from the year 1870 up to the end of the year 1878, together with copies " of the Schedules, or Returns, showing how the said money was applied."

(*Mr. McElhone.*)

CHURCH AND SCHOOL LAND FUND.

RETURN showing the amount of money paid out of the Church and School Land Fund to each of the Roman Catholic Bishops of this Colony, from the year 1870 up to the end of the year 1878, together with copies of the Schedules, or Returns, showing how the said money was applied.

Year.	To whom paid.	Amount.	Total.
		£ s. d.	£ s. d.
1870.	Rev. M. McAlroy	204 16 0	
	,, Bishop Polding	204 16 7	
	Do.	204 16 4	
	,, ,, Quinn	204 16 4	
	,, ,, Murray	204 16 4	
			1,024 1 7
1871.	,, ,, Lanigan	116 17 7	
	,, ,, Quinn	116 17 7	
	,, ,, Murray	116 17 7	
	,, ,, O'Mahony	116 17 7	
	,, Archbishop Polding	116 17 10	
			583 18 2
1872.	Do.	255 13 10	
	,, Bishop O'Mahony	255 13 8	
	,, ,, Lanigan	255 13 8	
	,, ,, Quinn	255 13 8	
			1,022 14 10
1873.	,, ,, Murray	255 13 8	
	,, ,, Lanigan	205 3 6	
	,, ,, O'Mahony	205 3 8	
	,, ,, Quinn	205 3 6	
	,, ,, Murray	205 3 6	
			1,076 7 10
1874.	Right Rev. Bishop O'Mahony	255 9 4	
	,, ,, W. Lanigan, towards the erection of a Church at Albury	1,000 0 0	
	Most Rev. R. B. Vaughan, towards erection of Church at Kiama	1,000 0 0	
			2,255 9 4
1875.	Right Rev. Bishop Lanigan	255 9 3	
	,, ,, ,, Murray	255 9 3	
	Most Rev. Archbishop Vaughan	205 3 6	
	Right Rev. Bishop Quinn	255 9 3	
	Most Rev. Archbishop Vaughan	255 9 6	
	Right Rev. Bishop Murray	349 1 1	
	,, ,, ,, Lanigan	349 1 1	
	Most Rev. Archbishop Vaughan	349 1 3	
	J. T. Byrne, *pro* Right Rev. Dr. Quinn	349 1 1	
	Right Rev. Bishop O'Mahony	349 1 1	
			2,972 6 4
1876.	Most Rev. Archbishop Vaughan	277 13 10	
	Right Rev. Bishop Quinn	277 13 8	
	,, ,, ,, Murray	277 13 8	
	,, ,, ,, Lanigan	277 13 8	
			1,110 14 10
1877.	Right Rev. Bishop Lanigan	262 10 1	
	,, ,, ,, Murray	262 10 1	
	,, ,, ,, Quinn	262 10 1	
	Archbishop Vaughan	262 10 4	
			1,050 0 7
1878.	Most Rev. Archbishop Vaughan	453 2 8	
	Right Rev. Bishop Lanigan	453 2 7	
	,, ,, ,, Murray	453 2 7	
	,, ,, ,, Quinn	453 2 7	
	,, ,, Archbishop Vaughan	453 2 7	
			2,265 13 0
			£13,361 6 6

C. ROLLESTON.

Department of Audit,
4th April, 1879.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 1 June, 1870.

The Very Reverend Michael McAlroy having submitted, in the absence of the Right Reverend Bishop Lanigan, a plan for the appropriation of the sum of £204 16s., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1869, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed distribution, viz.:—

	£	s.	d.
Towards the erection of a Roman Catholic Seminary, Goulburn...	60	0	0
To Convent of Mercy Schools, Goulburn	40	0	0
Towards Convent of Mercy and Schools, Albury...	70	0	0
Travelling Expenses of Bishop and Vicar-General	34	16	0
	£204	16	0

I have, &c.,
HENRY HALLORAN.

The former payment is not accounted for, the vouchers might be asked for before payment of this.—W.M. Applied for.—G.H.R. Examiner, 3.—H.L. Accounts now received.—M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 16 May, 1870.

The Most Reverend Archbishop Polding having submitted a schedule for the appropriation of the sums of £204 16s. 7d. and £204 16s. 4d., being the amounts which he proposes to assign to the respective Districts of Sydney and Armidale out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1869, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz.:—

	£	s.	d.
DISTRICT OF SYDNEY.			
Towards cost of Church at Newcastle	100	0	0
Towards cost of Presbytery at St. Mary's...	80	0	0
Gratuity for Clerical Services to the Reverend D. O'Reilly, Brisbane Water	24	16	7
	£204	16	7
DISTRICT OF ARMIDALE.			
Towards cost of Presbytery at Grafton	100	0	0
Towards cost of Church at Armidale	104	16	4
	£204	16	4

I have, &c.,
HENRY HALLORAN.

Examiner.—J.T. for U.S., 18/5/70. Vouchers have not yet been rendered in adjustment of last payment. The Vicar-General might be requested to forward them.—20. Done, 23.—G.H.R. M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 4 October, 1870.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £204 16s. 4d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1869, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz.:—

	£	s.	d.
To Roman Catholic Church at Fort Bourke	50	0	0
To Roman Catholic Church at Wentworth	50	0	0
For a Benediction Service at Sofala	25	0	0
For a Benediction Service at O'Connell's Plains...	25	0	0
To the Orphanage at Bathurst	54	16	4
	£204	16	4

I have, &c.,
HENRY HALLORAN.

Approved.—S.S., 7/10/70. Accountant Funds, 5.—H.L. Funds sufficient.—G.E. Examiner, 7.—M.R.A. True copy.—T.M.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 4 October, 1870.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £204 16s. 4d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1869, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
To Presbytery at Tamworth...	50	0	0
To Roman Catholic Church at Taree	50	0	0
To Roman Catholic Church at Morpeth	30	0	0
To Roman Catholic Church at Brookfield	30	0	0
To Roman Catholic Church at Talbragar	10	0	0
To Roman Catholic Church at Dungog	20	0	0
To Roman Catholic Church at Mount Harris	14	16	4
	£204	16	4

I have, &c.,
HENRY HALLORAN.

Accountant Funds, 5.—H.L. Funds sufficient.—G.L., 6. Approved.—S.S., 7/10/70. Examiner, 7. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 2 September, 1871.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £116 17s. 7d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1870, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
Towards the erection of Cathedral at Goulburn	100	0	0
Towards the debt on Church at Breadalbane Plains	16	17	7
	£116	17	7

I have, &c.,
HENRY HALLORAN.

Accountant, 5.—H.L. Funds.—G.L., 5/9/71. Approved.—H.L. M.R.A. Examiner, 6/9/71. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 7 September, 1871.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £116 17s. 7d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1870, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed distribution, viz. :—

For the erection of Roman Catholic Churches at

	£	s.	d.
Dubbo	100	0	0
Wilcannia...	16	17	7
	£116	17	7

I have, &c.,
HENRY HALLORAN.

Accountant.—8, H.L. Funds.—G.L., 11/9/71. Pay.—H.L. W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 19 August, 1871.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £116 17s. 7d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1870, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Churches at

	£	s.	d.
Jerry's Plains	10	0	0
Cessnock	10	0	0
Broke	10	0	0
Lambton	20	0	0
Denman	10	0	0
Musclebrook	10	0	0
Brooke's' Flat	46	17	7
	£116	17	7

I have, &c.,
HENRY HALLORAN.

Accountant.—22. Approved.—G.W.L., 23/8/71. M.R.A. True copy.—T.M.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir,

Sydney, 9 October, 1871.

The Right Reverend Bishop O'Mahony having submitted a plan for the appropriation of the sum of £116 7s. 7d., being the amount available for the District of Armidale, out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1870, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Towards the completion of the Roman Catholic Cathedral at Armidale	£116 7 7

I have, &c.,
HENRY HALLORAN.

Accountant.—10/10/71, H.L. Funds.—G.L., 10/10/71. Pay.—H.L. M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir,

Colonial Secretary's Office, Sydney, 9 October, 1871.

I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the sum of £116 17s. 10d., being the amount available for the District of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1870, being appropriated as proposed by the Most Reverend Archbishop Polding, viz. :—

	£	s.	d.
For building Presbytery at Waverley	30	0	0
„ Repairs of Church and Presbytery, Berrima	35	0	0
„ „ „ Kincumber	35	0	0
„ „ „ Lane Cove	16	17	10
	£116	17	10

I have, &c.,
HENRY HALLORAN.

Accountant.—11, H.L. Funds.—G.L., 11/10/71. M.R.A. True copy.—T.M. Pay.—H.L.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir,

Sydney, 10 June, 1872.

I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the sum of £255 13s. 10d., being the amount available for the District of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for 1871, being appropriated as proposed by the Most Reverend Archbishop Polding, viz. :—

	£	s.	d.
Towards cost of Presbytery at Bombala	50	0	0
„ „ „ Picton	50	0	0
„ support of a clergyman at Brisbane Water	55	13	10
Education, outfit, &c., of clergy	100	0	0
	£255	13	10

I have, &c.,
HENRY HALLORAN.

Examiner, 13.—P.E. M.R.A. True copy.—T.M. E.A.J.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir,

Sydney, 27 July, 1872.

The Right Reverend Bishop O'Mahony having submitted a plan for the appropriation of the sum of £255 13s. 8d., being the amount available for the District of Armidale out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1871, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz.:—

	£	s.	d.
Towards the Roman Catholic Cathedral, Armidale	100	0	0
Towards the erection of a new School at Armidale	100	0	0
Towards the erection of a Church at Casino	55	13	8
	£255	13	8

I have, &c.,
HENRY HALLORAN.

Examiner, 30.—G.E. M.R.A. True copy.—T.M. E.J.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 2 August, 1872.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £255 13s. 8d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1871, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz.:—

	£	s.	d.
Towards the Cathedral Bell	100	0	0
„ Cathedral Church	50	0	0
„ Albury Church	50	0	0
„ School, Grenfell	20	0	0
„ School, Adelong	15	0	0
„ Diocesan Seminary	20	13	8
	£255	13	8

I have, &c.,
HENRY HALLORAN.

Examiner, 5.—G.E. M.R.A. True copy.—T.M. E.A.J.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 9 August, 1872.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £255 13s. 8d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1871, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz.:—

	£	s.	d.
Towards the Roman Catholic Church, Bourke	50	0	0
„ Diocesan College	205	13	8
	£255	13	8

I have, &c.,
HENRY HALLORAN.

Examiner, 12.—G.E. M.R.A. True copy.—T.M. E.A.J.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Sydney, 23 December, 1872.

The Right Reverend Bishop Murray having submitted a plan for the distribution of the sum of £255 13s. 8d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1871, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, as follows:—

	£	s.	d.
Towards Roman Catholic Churches at Gunnedah...	130	0	0
„ „ Brook's Flat	35	13	8
„ „ Morpeth	30	0	0
„ „ Murrurundi	35	0	0
„ „ Middlebrook	15	0	0
and			
„ „ Vire	10	0	0
	£255	13	8

I have, &c.,
HENRY HALLORAN.

Examiner, 24.—G.E. M.R.A. True copy.—T.M

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 19 April, 1873.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £205 3s. 6d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1872, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
For the Seminary at Goulburn now being built	100	0	0
Towards debt on new Cathedral	100	0	0
For new Church at Gundaroo	5	3	6
	£205	3	6

I have, &c.,
HENRY HALLORAN.

Examiner, 21.—G.E. 339. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 22 April, 1873.

The Right Reverend Bishop O'Mahony having submitted a plan for the appropriation of the sum of £205 3s. 8d., being the amount available for the District of Armidale out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1872, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriations.

Towards the erection of new Roman Catholic Churches at the following places, viz. :—

	£	s.	d.
Casino	50	0	0
Kempsey	50	0	0
Bellinger River	50	0	0
Narrabri	55	3	8
	£205	3	8

I have, &c.,
HENRY HALLORAN.

Examiner, 24.—G.E. 458. M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 9 June, 1873.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £205 3s. 6d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1872, I am directed by the Colonial Secretary to state for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
Towards the purchase and fencing of Playgrounds for the Girls' Roman Catholic Denominational School, Bathurst	100	0	0
Towards repairing and painting fence around Roman Catholic Cathedral and Roman Catholic Schools	50	0	0
Towards erection of Roman Catholic College, Bathurst ...	55	3	6
	£205	3	6

I have, &c.,
HENRY HALLORAN.

Examiner, 10.—G.E. M.R.A. True copy.—T.M. 488.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 1 August, 1873.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £205 3s. 6d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1872, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Towards the liquidation of the debt upon the Roman Catholic Church, West Maitland £205 3 6

I have &c.,
HENRY HALLORAN.

Examiner, 2.—G.E. 403. M.R.A. True copy.—T.M.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 3 September, 1874.

The Right Reverend Bishop O'Mahony having submitted a plan for the appropriation of the sum of £255 9s. 4d., being the amount available for the Diocese of Armidale out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1873, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
Towards the completion of the Cathedral at Armidale	100	0	0
Towards the erection of a new Church at Narrabri	50	0	0
Towards the erection of a new Church at Macleay	50	0	0
Towards the erection of a new Church at Bendemeer	55	9	4
	£255	9	4

I have, &c.,
HENRY HALLORAN.

Examiner, 4.—G.E. W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 28 August, 1874.

With reference to the sum of £1,000 set apart in the year 1856 as aid towards the erection of a Roman Catholic Church at Albury, I am now directed to state that the Colonial Secretary approves of the payment of that amount to the Right Reverend Bishop Lanigan, Goulburn, in order that it may be applied to the purpose for which it was granted; and to request that the Colonial Treasurer may be invited to cause the necessary instructions to be given accordingly.

I have, &c.,
WM. GOODMAN.
(For the Under Secretary.)

Accountant.—G.E., 28/8/74. Fund and Warrant.—F.K., 29. Examiner.—G.E., 31/8/74. M.R.A. 368. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 2 September, 1874.

With reference to the sum of £1,000 set apart in the year 1855 as aid towards the erection of a Roman Catholic Church at Kiama, I am directed to state that the Colonial Secretary approves of the payment of that amount to the Most Reverend Archbishop Vaughan, in order that it may be applied to the purpose for which it was granted; and to request that the Colonial Treasurer may be invited to cause the necessary instructions to be given accordingly.

I have, &c.,
HENRY HALLORAN.

Examiner, 3.—G.E. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 2 February, 1875.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £255 9s. 3d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1873, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
For the debt on the Cathedral Church, Goulburn	100	0	0
Teacher's Residence, Goulburn	100	0	0
Church, Albury	50	0	0
Deeds of Land on which Presbytery at Tumut is built ...	5	9	3
	£255	9	3

I have, &c.,
HENRY HALLORAN.

Examiner, 8.—G.E. Treasury, New South Wales, 9 February, 1875, Examining Branch. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 2 February, 1875.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £225 9s. 3d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1873, I am directed by the

the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Towards the liquidation of the debt upon the Roman Catholic Cathedral at West Maitland £225 9 3

I have, &c.,
HENRY HALLORAN.

Examiner, 8.—G.E. 42. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to the Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 26 February, 1875.

Referring to my letter of the 2nd instant, conveying authority for the appropriation out of the balance of the Church and School Estates Fund for the year 1873, of £225 9s. 3d., towards the liquidation of the debt upon the Roman Catholic Cathedral at West Maitland, I am now directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that the amount should have been £255 9s. 3d., and to request that the latter-mentioned sum may be paid to the Right Reverend Bishop Murray.

I have, &c.,
HENRY HALLORAN.

Examiner, 1.—G.E. Treasury, March 3, 1875.—Examining Branch. 4/3/75., W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 2 February, 1875.

The Most Rev. Archbishop Vaughan having submitted a plan for the appropriation of the sum of £205 3s. 6d., being the amount available for the District of Sydney out of the balance of the Church and Schools Estate Fund at the disposal of the Roman Catholic Church in New South Wales for the year 1872, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the distribution proposed by His Grace, viz. :—

	£	s.	d.
Towards cost of Churches at—			
South Creek	20	0	0
Reidsdale	50	0	0
Candelo	30	0	0
Towards new Presbytery, St. Mary's, Sydney	105	3	6
	£205	3	6

I have, &c.,,
HENRY HALLORAN.

Examiner, 8.—G.E. 283. W.G. True copy.—T. M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 2 February, 1875.

The Rev. John M'Auliffe having submitted a plan, by direction of the Right Reverend Bishop Quinn, for the appropriation of the sum of £255 9s. 3d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church, for the year 1873, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

	£	s.	d.
Towards new Churches at—			
,, ,, Tambaroora	20	0	0
,, ,, Mudgee	20	0	0
,, ,, Dubbo	30	0	0
,, ,, Parkes	10	0	0
,, ,, Rylestone	10	0	0
Towards Priest's Residence, Parkes	5	0	0
,, Diocesan College, Bathurst	50	0	0
,, Priest's Residence, Oberon	20	0	0
,, Erection of St. Joseph's Convent, Vale Road	45	0	0
,, Erection of Convent, Wattle Flat	20	0	0
For purchase of Stained-glass Windows for Rockley Church ...	25	0	0
	£255	9	3

I have, &c.,
HENRY HALLORAN.

Examiner, 8.—G.E. 171. True copy.—T. M.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 27 Septembar, 1875.

The Most Rev. Archbishop Vaughan having submitted a plan for the appropriation of the sum of £255 9s. 6d., being the amount available for the District of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church, for the year 1873, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Towards diminishing the debt on St. Mary's Presbytery ... £255 9 6

I have, &c.,
HENRY HALLORAN.

Examiner, 28.—G.E. 287. W. G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to the Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 21 September, 1875.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £349 1s. 1d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1874, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the distribution proposed by His Lordship, viz. :—

Towards the purchase of land for the erection of Churches at	£	s.	d.
Wickham	249	1	1
And Burwood (Newcastle)	100	0	0
	£349	1	1

I have, &c.,
HENRY HALLORAN.

Examiner, 23.—G.E. 103. W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to the Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 21 September, 1875.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £349 1s. 1d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1874, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the distribution proposed by His Lordship, viz. :—

	£	s.	d.
Towards College, Goulburn	200	0	0
,, Cathedral	100	0	0
,, Girls' School, Yass	49	1	1
	£349	1	1

I have, &c.,
HENRY HALLORAN.

Examiner, 23.—G.E., 29/9/75. 26.—W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 21 September, 1875.

The Most Reverend Archbishop Vaughan having submitted a plan for the appropriation of the sum of £349 1s. 3d., being the amount available for the District of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1874, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Towards the expenses of completing and repairing the Chapel and College of St. John's ... ... £349 1s. 3d.

I have, &c.,
HENRY HALLORAN.

Examiner, 24.—G.E. Treasury, N.S.W., Sep. 25, 1875, Examining Branch. 287. W.G. True copy.—T.M.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 27 September, 1875.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £349 1s. 1d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1874, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the distribution proposed by His Lordship, viz. :—

	£	s.	d.
Towards purchase of Presbytery, Dubbo...	180	0	0
Towards sinking tank and draining of Church grounds, Bathurst	169	1	1
	£349	1	1

I have, &c.,
HENRY HALLORAN.

Examiner, 28.—G.E. 171. 1/10/75, W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 29 September, 1875.

The Right Reverend Bishop O'Mahoney having submitted a plan for the appropriation of the sum of £349 1s. 1d., being the amount available for the District of Armidale out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1874, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the distribution proposed by His Lordship, viz. :—

	£	s.	d.
Towards debt on Cathedral, Armidale	300	0	0
Towards erection of Church at Glen Innes	49	1	1
	£349	1	1

2. I am to add that Bishop O'Mahoney requests that the above amount may be paid over to the care of Bishop Murray, of Maitland.

I have, &c.,
HENRY HALLORAN.

Examiner, 2.—G.E. 448. 6/10/75, M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 25 May, 1876.

The Most Reverend Archbishop Vaughan having submitted a plan for the appropriation of the sum of £277 13s. 10d., being the amount available for the District of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1875, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

In aid of alterations and repairs done and yet to be done for St. Mary's pro-Cathedral, £277 13s. 10d.

I have, &c.,
H. HALLORAN.

Examiner, 29.—G.E. W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 8 June, 1876.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £277 13s. 8d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1875, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

	£	s.	d.
To repairs to Bathurst Presbytery...	50	0	0
,, ,, Cathedral	50	0	0
,, ,, Orphanage...	50	0	0
,, ,, Building Ecclesiastical Seminary...	50	0	0
,, Church, Mudgee	47	13	8
,, ,, Dubbo	30	0	0
	£277	13	8

I have, &c.,
HENRY HALLORAN.

Examiner, 10.—G.E. 151.—15/6/76. W.G. True copy.—T.M.

The

12

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 25 May, 1876.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £277 13s. 8d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church in New South Wales for the year 1875, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

To pay off a portion of the debt on St. Mary's Church and Presbytery, Newcastle £277 13 8

I have, &c.,
HENRY HALLORAN.

Examiner, 29.—G.E. 32. W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 22 June, 1876.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £277 13s. 8d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1875, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the proposed appropriation, viz. :—

Towards payment of the debt on the Roman Catholic College, Goulburn £277 13 8

I have, &c.,
HENRY HALLORAN.

Examiner, J.W. J.T. 257. 27/6/76.—W.G. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 16 March, 1877.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £262 10s. 1d., being the amount available for the District of Goulburn out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1876, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

	£	s.	d.
For the Cathedral Church, Goulburn	150	0	0
St. Patrick's Diocesan College, Goulburn	112	10	1
	£262	10	1

I have, &c.,
HENRY HALLORAN.

Examiner, 20.—G.E. 264. M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 16 March, 1877.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £262 10s. 1d., being the amount available for the District of Maitland out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1876, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

Towards diminishing the debt on St. Mary's Presbytery, Newcastle ...£262 10 1

I have, &c.,
HENRY HALLORAN.

Examiner, 19.—G.E. 210. M.R.A. True copy.—T.M.

The

The Under Secretary, Colonial Secretary's Department, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 16 March, 1877.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £262 10s. 1d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1876, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

Towards erection of the undermentioned buildings :—

	£	s.	d.
Ecclesiastical College	100	0	0
Church, Blaney	30	0	0
„ Cowra	10	0	0
Presbytery, Carcoar	10	0	0
Church and Convent, Forbes	62	10	1
Teacher's residence, Orange	50	0	0
	£262	10	1

I have, &c.,
HENRY HALLORAN.

Examiner, 20.—G.E. 210. M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Office, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 21 June, 1877.

The Most Reverend Archbishop Vaughan having submitted a plan for the appropriation of the sum of £262 10s. 4d., being the amount available for the District of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1876, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Grace, viz. :—

Towards the extinction of the debt on St. Mary's Presbytery ... £262 10 4

I have, &c.,
HENRY HALLORAN.

Examiner, 26.—G.E. 293. M.R.A. True copy.—T.M.

The Under Secretary, Colonial Secretary's Office, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 13 April, 1878.

The Most Reverend Archbishop Vaughan having submitted a plan for the appropriation of the sum of £453 2s. 8d., being the amount available for the Diocese of Sydney out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1877, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Grace, namely :—

	£	s.	d.
Towards repairing and painting the Presbytery of St. Mary's Cathedral	200	0	0
Towards the cost of the Church at St. Leonard's, North Shore ...	253	2	8
	£453	2	8

I have, &c.,
M. R. ALLAN.

Examiner 16.—G.E. 646. C.W. True copy.—T.M.

The Under Secretary, Colonial Secretary's Office, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 17 April, 1878.

The Right Reverend Bishop Lanigan having submitted a plan for the appropriation of the sum of £453 2s. 7d., being the amount available for the District of Goulburn out of the balance of Church and School

School Estates Fund at the disposal of the Roman Catholic Church for the year 1877, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

	£	s.	d.
Towards the debt of the Presbytery, Gundagai	50	0	0
Towards Saint Patrick's College, Goulburn	403	2	7
	£453	2	7

I have, &c.,
M. R. ALLAN.

Examiner, 18.—J.T. Order attached ; receipt attached. 362. C. W. True copy.—T.M.

The Under Secretary, Colonial Secretary's Office, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 13 April, 1878.

The Right Reverend Bishop Murray having submitted a plan for the appropriation of the sum of £453 2s. 7d., being the amount available for the District of Maitland out of the balance of Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1877, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

Towards diminishing the debt on St. Mary's Presbytery, Newcastle £453 2 7

I have, &c.,
M. R. ALLAN.

Examiner, 16.—G.E. Order attached ; receipt attached. 400. C. W. True copy.—T.M.

The Under Secretary, Colonial Secretary's Office, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 17 April, 1878.

The Right Reverend Bishop Quinn having submitted a plan for the appropriation of the sum of £453 2s. 7d., being the amount available for the District of Bathurst out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1877, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Lordship, viz. :—

	£	s.	d.
Towards building Ecclesiastical Seminary, Bathurst	100	0	0
„ maintenance of same	100	0	0
„ Carcoar Presbytery	30	0	0
„ new Church, Cowra	40	0	0
„ Convent, Orange	20	0	0
„ Church, Parkes	30	0	0
„ new Church, Mudgee	33	2	7
„ Organ, Bathurst	100	0	0
	£453	2	7

I have, &c.,
M. R. ALLAN.

Examiner, 18.—J.T. Order attached ; receipt attached. 506. C.W. True copy.—T.M.

The Under Secretary, Colonial Secretary's Office, to The Under Secretary for Finance and Trade.

Sir, Colonial Secretary's Office, Sydney, 3 May, 1878.

The Most Reverend Archbishop Vaughan, as administrator, having submitted a plan for the appropriation of £453 2s. 7d., the amount available for the District of Armidale out of the balance of the Church and School Estates Fund at the disposal of the Roman Catholic Church for the year 1877, I am directed by the Colonial Secretary to state, for the information of the Colonial Treasurer, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appropriation proposed by His Grace, namely :—

	£	s.	d.
Towards the cost of the undermentioned Churches :—			
Glen Innes	200	0	0
Kempsey	100	0	0
Narrabri	100	0	0
Casino...	53	2	7
	£453	2	7

I have, &c.,
M. R. ALLAN.

Examiner, 4.—J.T. 647. C.W. True copy.—T.M.

Sydney : Thomas Richards, Government Printer.—1878.

[1s.]

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(DISTRIBUTION OF CHURCH AND SCHOOL ESTATES REVENUE FOR 1877.)

Ordered by the Legislative Assembly to be printed, 21 *May*, 1879.

[*Laid upon Table in accordance with promise made in answer to Question* 8, *Votes* 122, 21 *May*, 1879.]

Return referred to in Council's replies to Questions asked by Mr. O'Connor in the Legislative Assembly, Wednesday, 21 May, 1879.

DISTRIBUTION of Church and School Estates Revenue for the year 1877.

	£	s.	d.	£	s.	d.
To amount received from Treasury	2,838	5	8			
Half for Public Schools	1,419	2	10			
For Denominational Schools				1,419	2	10

CHURCH OF ENGLAND SCHOOLS.

	£	s.	d.	£	s.	d.
Sydney Diocese—						
Balmain	15	0	0			
Windsor	10	0	0			
Parramatta-street	5	0	0			
Surry Hills	15	0	0			
Paddington	10	0	0			
Enfield	10	0	0			
Wollongong	10	0	0			
Woonona	10	0	0			
Cook's River	12	10	0			
Dapto	10	0	0			
Richmond	10	0	0			
Waterloo	7	10	0			
Ryde	7	10	0			
Pennant Hills	8	0	0			
Burwood	5	0	0			
Liverpool	20	0	0			
Castle Hill	15	0	0			
Wilberforce	20	0	0			
Seven Hills	15	0	0			
Newtown	10	0	0			
Parramatta	15	0	0			
Ashfield	5	0	0			
Fox Ground	6	0	0			
Cobbitty	15	0	0			
Randwick	7	10	0			
St. Leonard's	25	11	6			
				299	11	6
Newcastle Diocese—						
Bendolba	5	0	0			
Buchanan	5	0	0			
Denman	5	0	0			
Dungog	5	0	0			
East Maitland	10	0	0			
Hexham	5	0	0			
Jerry's Plains	5	0	0			
Miller's Forest	5	0	0			
Muswellbrook	10	0	0			
Newcastle	11	12	9			
Raymond Terrace	5	0	0			
Singleton	10	0	0			
Stroud	5	0	0			
Wallsend	10	0	0			
West Maitland	10	0	0			
Woodville	5	0	0			
				111	12	9
Goulburn Diocese—						
Corowa	40	0	0			
Goulburn	43	7	9			
Yass	41	5	9			
				124	13	6
Bathurst Diocese—						
Bathurst	55	0	0			
Mudgee	35	0	0			
Sofala	14	11	3			
				104	11	3

	£	s.	d.	£	s.	d.
Grafton and Armidale Diocese—						
Kempsey	26	2	0			
Tamworth	54	0	0			
				80	2	0

ROMAN CATHOLIC SCHOOLS.

Sydney Diocese—						
St. Mary's	86	0	10			
				86	0	10
Goulburn Diocese—						
Young	25	0	0			
Grenfell	10	0	0			
Tumut	10	0	0			
Goulburn	29	0	8			
Taralga	12	0	0			
				86	0	8
Maitland Diocese—						
West Maitland	86	0	8			
				86	0	8
Armidale Diocese—						
Armidale	86	0	8			
				86	0	8

	£	s.	d.	£	s.	d.
Bathurst Diocese—						
Bathurst	86	0	8			
				86	0	8

PRESBYTERIAN SCHOOLS.

Woolloomooloo	40	0	0			
Kempsey	46	0	0			
Waverley	40	0	0			
Shoalhaven	28	7	11			
				154	7	11

WESLEYAN SCHOOLS.

Newtown	25	14	3			
Chippendale	29	19	7			
Surry Hills	35	5	6			
Castlereagh	4	5	0			
Rocky Point	8	14	3			
Botany	6	7	6			
Ulmarra	3	14	4			
				114	0	5

Sydney : Thomas Richards, Government Printer.—1879.

[3*d.*]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(ALLOWANCE FOR HOUSE RENT TO DENOMINATIONAL SCHOOL TEACHERS.)

Ordered by the Legislative Assembly to be printed, 16 *May*, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 22 April, 1879, That there be laid upon the Table of this House,—

"Copies of all correspondence between Denominational School Teachers "and the Council of Education, in reference to an allowance for house "rent."

(*Mr. Greenwood.*)

SCHEDULE.

NO.		PAGE.
1.	Secretary to the Council of Education to Under Secretary of Justice, &c., forwarding copies of correspondence between Denominational School Teachers and the Council of Education, respecting allowance for house rent. 9 May, 1879	2
2.	Messrs. S. Pegum and M. W. Fitzgerald to the Secretary to the Council of Education, with enclosure. 30 December, 1878	2
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EDUCATION.

No. 1.

The Secretary, Council of Education, to The Under Secretary of Justice, &c.

Sir, Council of Education Office, Sydney, 9 May, 1879.

I am directed to transmit herewith, for the information of the Honorable the Minister of Justice and Public Instruction, copies of all correspondence between Denominational School teachers and the Council of Education, in reference to an allowance for house rent, as requested in your letter of the 25th ultimo, No. 79/3,379.

I have, &c.,
G. MILLER,
for Secretary.

No. 2.

Messrs. Pegum and Fitzgerald to The Secretary, Council of Education.

Sir, Temperance Hall, Pitt-street, Sydney, 30 December, 1878.

In compliance with a resolution passed at a public meeting of Cert. Denom. School teachers, held in the Temperance Hall, Pitt-street, Sydney, 21st instant, we have the honor to transmit the enclosed petition through you to the Council of Education.

We have, &c.,
S. PEGUM, } Joint Hon. Secs.
M. W. FITZGERALD, } to the Meeting.

[*Enclosure.*]

To the President and Members of the Council of Education, New South Wales.

The humble petition of the undersigned, the teachers of Cert. Denom. Schools,—

SHOWETH :—

1. That your petitioners are employed in common with the teachers in Public Schools under the Public Schools Act of A.D. 1866.

2. That your petitioners have undergone the same training, have been subjected to the same examinations, and have been classified and are paid, with the exception hereinafter mentioned, on the same principle as the teachers in Public Schools.

3. That the schools conducted by your petitioners are subject to the same regulations and inspections, and are required to reach the same standard of proficiency as Public Schools.

4. That teachers in the Council's service are compelled to accept the positions offered them, whether in Public or Denominational Schools, and whether there is a residence or rent in lieu thereof provided or not.

5. That equally efficient teachers, receiving their several appointments from the same source, performing similar duties, but in Public and Denominational Schools respectively, the former by the fact of being appointed to Public Schools are entitled to, and receive an allowance in lieu of rent in cases where no residence is provided.

6. That while your petitioners are pleased that the teachers of Public Schools receive that allowance which (your petitioners believe) is their just due, your petitioners feel it a grievance that a like consideration has not been extended to them.

That your petitioners therefore pray that you will give the above statements your kind consideration, and place your petitioners on an equality, as regards house rent, with the teachers of Public Schools.

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

James Green, C.E. School, Surry Hills.
S. Pegum, R.C. School, Pyrmont. } Joint Hon. Secs.
M. W. Fitzgerald, R.C. School, Kent-street South } to Meeting.
A. Adams, Wes. School, Surry Hills, Chairman of Meeting.
J. Bates, C.E. School, Waverley.
Jas. Buchanan, C.E. School, St. Leonards.
Edwd. Robt. Hinder, C.E. School, Petersham.
Chas. Hy. Ed. Bracken, C.E. School, St. Mark's, Double Bay.
George Burgess, Wes. School, Botany.
Thomas Buchanan, C.E. School, St. Barnabas.
W. Wyatt, C.E. School, Newtown.
Levi Peak, C.E. School, St. Philip's, Sydney.
D. Ritchie, C.E. School, St. Mary's, Balmain.
Peter O'Reilly, R.C. School, Newtown.
Edward Beston, R.C. School, St. Mary's, Sydney.
Robt. J. Taylor, R.C. School, Newcastle.
J. Shannon, R.C. School, St. Leonards.
L. Peak, *pro* R. Harper, C.E. School, Glebe.
J. Doyle, R.C. School, Balmain.
George Turner, Wes. School, Chippendale.
John Moloney, R.C. School, Waterloo.
John Andrews, Wes. School, Rocky Point.
John Beston, R.C. School, Penrith.
E. B. Debelle, C.E. School, Pyrmont.
James Butler, R.C. School, Surry Hills.
Michael J. Moran, R.C. School, Wagga Wagga.
S. Pegum, *pro* P. O. D. Moloney, R.C. School, Hamilton.
S. Pegum, *pro* B. Stokes, R.C. School, Kent-street North.

No. 3.

No. 3.

The Secretary, Council of Education, to Messrs. Pegum and Fitzgerald.

Gentlemen, Council of Education Office, Sydney, 10 March, 1879.

The petition from certain teachers of Certified Denominational Schools for the grant of rent allowances has been duly placed before the Council of Education. Owing to the press of other business and the importance of the subject itself, the Council has not been able to arrive at a final decision until the present time.

2. The Council has, however, given very full and careful consideration to the various points urged by the petitioners, but regrets that it has felt constrained to decide that it is not warranted in acceding to the prayer of the petition.

3. This conclusion has been arrived at on various grounds, the principal being that the Council is authorized by law to build residences in connection with Public Schools, and is therefore justified in granting to teachers therein rent allowances pending the erection of dwellings; whereas the Council possesses no such power in regard to Denominational Schools, and consequently deems itself precluded in their case from making such grants.

4. But while the Council's action has been taken on general grounds alone, it cannot be overlooked that some of the reasons stated by the petitioners in favour of their request are open to exception. For example, the statement that the petitioners have undergone the same training as teachers of Public Schools applies to less than one-third of their number, and a considerable proportion have not undergone any examination whatever under the Council.

5. Moreover, the identity in the management of Public and Denominational Schools claimed by the petitioners can be admitted only with considerable modifications. In schools of the latter class, the teachers for one hour of each day are not amenable to the Council or its officers, being solely responsible to their respective Local Boards. So much, in fact, are they released from the Council's control at such periods that, in some cases, they are engaged in giving instruction in a secular subject, the teaching of which during the ordinary hours of secular instruction the Council has not authorized. The Council regards the distinction between Public and Denominational Schools in this respect as one of great importance.

6. That teachers are "compelled to accept the positions offered them, whether in Public or Denominational Schools, and whether there is a residence or rent in lieu thereof provided or not," is theoretically correct; but it is nevertheless true that some of the teachers signing the petition hold their present offices as masters of schools in and near Sydney, not by the desire of the Council, but entirely through their own action. Some of these even left schools provided with residences to take charge of others not possessing such advantages.

7. It is to be remarked further, that some of the teachers whose names are appended to the petition have residences provided for them, and others are paid rent allowances by the Local Boards.

I have, &c.,
W. WILKINS,
Secretary.

No. 4.

Messrs. Pegum and Fitzgerald to The Secretary, Council of Education.

Sir, Temperance Hall, Pitt-street, Sydney, 15 April, 1879.

At a meeting of Certified Denominational School teachers, held here on the 5th instant, we were directed to respectfully request the Council's further consideration of the petition of the 21st December, 1878, and as it was believed that that petition did not fully express the grounds on which the teachers of Certified Denominational Schools seek to be placed on an equality with teachers of Public Schools, we were also requested to forward, in reply to the Council's letter of the 10th March ultimo (32/476, No. 79/4,628), and in support of the prayer of the petition, the following, which in accordance with the desire of the meeting we do ourselves the honor to submit :—

1st. Though the Council is prevented by the 23rd section of the Education Act of 1866 from granting aid for building where the site is not vested in the Council, yet, by the 6th section of the same Act, the Council is empowered to "grant aid to Denominational Schools." It seems therefore to the petitioners that an allowance in lieu of rent is not a grant for building purposes, but part of the payment of the teacher in the same manner as his salary and fees, and is in no way adding to the value of buildings not vested in the Council. Even should the Council ultimately decide to build residences for teachers of Certified Denominational Schools, the buildings would be the property of the Council—not of the Denominations, and might serve successively as residences for teachers of Certified Denominational and Public Schools, as might be most convenient, and in the event of such residences not being ultimately required, they could be sold without loss.

2nd. The petitioners are also informed that the Council grants allowances in lieu of rent to teachers in Non-vested Public Schools, and they only ask to be placed on the same footing as teachers of those schools on which the Council is prevented by the Act from expending money for building or repairs, for the same reason as on Certified Denominational Schools, viz., because in both cases the sites are not vested in the Council.

3rd. While residences or their equivalents are provided for teachers in Public Schools, there is no such provision made for teachers in Certified Denominational Schools, but this part of their remuneration is left entirely to the discretion of their Local Boards, which as a rule, at least in the country, provide such residences. The petitioners, therefore, think it hard that their incomes should be so much less than those of teachers in all Public Schools, as well as in the majority of Certified Denominational Schools, from no fault whatever of theirs, and they are only asking to be placed on an equality with the teachers of all Public and Non-vested Schools, and those Denominational Schools to which residences are attached.

4th. While it is true that some teachers of Certified Denominational Schools have not undergone any training or examination, the petitioners believe (though they have no means of knowing with certainty the number) that there are also teachers in the Public Schools who have not undergone any training, several of whom have been promoted from Certified Denominational Schools; and it is therefore to be presumed that teachers who are thus circumstanced both in Public and Denominational Schools, but who hold letters of classification and receive salary in accordance therewith, have been considered by the Council qualified to hold such classifications. Therefore (leaving out of sight for a moment those teachers of Certified Denominational Schools who have been trained and have obtained their classification by examination or service), the petitioners think that the teachers in Certified Denominational Schools, who have not been trained, should be placed on an equality with the same class of teachers in Public Schools.

5th. It is also correct that in Certified Denominational Schools one hour a day is devoted to religious instruction, and that during that hour the teachers of such schools are not directly under the control of the Council; but this teaching and exemption from control are in accordance with the provisions of the Education Act of 1866; the petitioners are therefore of opinion that, in obeying the Council's regulations, and complying with the provisions of an Act of Parliament, any section of teachers, however small, under the Council, should not be placed at a pecuniary disadvantage.

6th. That the teachers of Certified Denominational Schools are, as a body, not inferior to their brethren in Public Schools, is evidenced by the fact that appointments have been made from Denominational Schools to important city Public Schools; and if the income derivable from such Public Schools be a fair remuneration for such teachers, the want of a residence while they were in Denominational Schools might fairly be considered by them a hardship under which they then laboured, and under which their successors, who hold equal or possibly superior classifications, are labouring, and from which they are justified in respectfully seeking relief by petition.

7th. The Petitioners would also beg leave to mention other disadvantages under which they at present labour, not for the sake of seeking redress from these, but for the purpose of strengthening their case in this matter; some of these are:—That generally Certified Denominational Schools are not fully supplied with furniture and apparatus, while in many cases the playgrounds are of very limited extent; and one-fifth of the whole school-time (and that the best hour of the day) is occupied in work for which no credit is given at examination; they are thereby materially hindered from gaining promotion by examination or service, and are therefore at a great disadvantage as compared with teachers of Public Schools.

8th. In conclusion, the petitioners desire to state that, although some of those who signed the petition have residences provided, they did so in the hope that a like consideration would be extended to those who had no such advantages, and that the petition is for allowance on account of rent, not for those who have residences or allowance in lieu thereof, but only for that section who have none.

We have, &c.,

S. PEGUM,
M. W. FITZGERALD, } Joint Hon. Secs.

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(RESIDENCES FOR TEACHERS OF DENOMINATIONAL SCHOOLS.)

Ordered by the Legislative Assembly to be printed, 11 *June*, 1879.

[*Laid upon Table in accordance with promise made in answer to Question 3, Votes 125, 27th May, 1879.*]

RETURN in connection with Questions regarding Rent Allowances to Denominational School Teachers.

Cases in which residences are provided.	Cases in which rent allowance is granted.	Cases in which residences were formerly provided.	Cases in which neither residence nor rent allowance is now provided.
91	5	13	63*

* This includes the thirteen cases in which residences were provided.

Total number of schools included in this return, 159. This number represents the total number of Denominational Schools in actual operation on the 27th May, 1879.

W. WILKINS,
Secretary.

[3*d*.] 755—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(TRAVELLING EXPENSES FOR PUBLIC SCHOOL TEACHERS.)

Ordered by the Legislative Assembly to be printed, 24 July, 1879.

[*Laid upon Table in accordance with promise made in answer to Question No.* 1, *Votes* 158, *Thursday, 24 July,* 1879.]

Name.	If married.	From whence removed.	To.	Amount claimed.	Amount granted.
				£ s. d.	£ s. d.
Felix Thistlethwayte	Yes	Nemingha	Broke	5 0 0	5 0 0
W. Liardet	,,	Holdsworthy	Wombah	11 5 6	8 0 0
Donald M'Donald	No	Canobolas	Toogong	2 0 0	2 0 0
Walter King	Yes	Carr's Creek	Lower Portland	12 14 2	6 0 0
Geo. Williams	,,	Lucknow	Wattle Flat	16 3 6	10 0 0
Wm. Medcalf	,,	Mitchell's Creek	Condobolin	32 10 0	16 0 0
John Butler	,,	Aberdeen	Gosforth	5 9 10	3 0 0
John Vivyen	No	Harden	Toll-bar Creek	4 4 0	3 17 0
John D. Moore	Yes	Tattaila	Gocup	25 0 0	10 0 0
John Robinson	No	Cornbury Park	Laurieton	4 0 0	2 0 0
Arthur Storey	Yes	Campsie	Kayuga	6 1 8	6 1 8
A. M'Kenzie	No	Coonabarabran	Inverell	8 10 3	8 0 0
James Gillies	Yes	Gundy	Aberdeen	2 10 0	1 0 0
Arthur Buckland	,,	Wombah	Lower Southgate	2 10 0	2 0 0
Richard Deeves	No	Rocky Mouth	Alumny Creek	1 7 0	1 0 0
F. E. Miller	Yes	Alumny Creek	Woodford Leigh	3 1 6	3 1 6
Henry Kinsley	,,	Clifden	Upper Coldstream	3 0 0	3 0 0
John T. Collis	,,	Laurieton	Gundurimba	23 14 0	10 0 0
W. T. Brewer	,,	Gundurimba	Carr's Creek	15 0 0	5 0 0
J. S. Solling	,,	Toogong	Nangar	2 10 0	2 0 0
J. P. Buggy	No	Gocup	Thurgoona	5 6 0	5 6 0
Jason Graham		Inverell	Morpeth	14 6 6	15 0 0
W. Beavers		Woodford Leigh	Clifden	1 10 0	1 10 0
John Saunders		Peat's Ferry H. T.	Erskine Park	Nothing claimed.	
Annie Nevin		Upper Lewis Ponds	Thorp's Pinch	,,	
Alex. Cameron		Moronglo Creek	Goolagong	,,	
Carl Schumacher		Hillsborough	Charlestown	,,	
J. Bayliss		Dapto	Gladesville	,,	
Sydney Tate		Gundillion	Charleyong and Back Creek.	,,	
James Booth		Waggallalah	Numbugga	,,	
Emma Evans		Kellick	Borambil	,,	
T. Gallagher		Carangula	Pimlico	,,	
James Daley		Bethungra	Brawlin	,,	
Charles Willis		Coraki	Rocky Mouth	,,	
John M'Donald		Taloumbi	Woodford Dale	,,	
Imlay M'Laren		Lower Southgate	Coraki	,,	
Miss Hackett		Coldstream	Noncome	,,	
John Walker		Mulgoa Forest	Westbrook	,,	

Of the foregoing, the undermentioned were removed from one Inspectoral District to another :—

Felix Thistlethwayte,	from	Armidale	District to	Maitland	District.
W. Liardet,	,,	Camden	,,	Grafton	,,
W. King,	,,	Grafton	,,	Cumberland	,,
J. Vivyer,	,,	Yass	,,	Braidwood	,,
A. M'Kenzie,	,,	Mudgee	,,	Armidale	,,
Jason Graham,	,,	Armidale	,,	Maitland	,,
J. Bayliss,	,,	Camden	,,	Cumberland	,,
James Booth,	,,	Yass	,,	Braidwood	,,

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(SITE FOR PUBLIC SCHOOL, MOLONG.)

Ordered by the Legislative Assembly to be printed, 24 June, 1879.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 19 February, 1879, That there be laid upon the Table of this House,—

"Copies of all Correspondence, Reports, and Minutes thereon, that may "have taken place in reference to the purchase of, or exchange of, the "Site for a Public School at Molong, with the Government or the Council "of Education."

(*Mr. Macintosh.*)

SCHEDULE.

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EDUCATION.

No. 1.

Mr. C. Blakefield to The Secretary, Council of Education.

Sir, Molong, 16 June, 1878.

As you are about building a new school-house here, I take this opportunity of informing you that I have at my disposal a piece of ground of about 4½ acres that I will exchange with you for the present school.

The place I offer is more in the centre of the town, and the most elevated and healthy spot in Molong. The present school is in the principal thoroughfare, and will in a short time be surrounded by business premises. One public-house is now erected within the width of the street; the Court-house is in close proximity; and I believe that it is not a healthy spot, as the fogs do not leave it in the winter until midday. The land I offer is not a place for business, and is not likely to be surrounded by public-houses or business premises.

I will allow the school to be built and ready for occupation before I require. There are nine grants in my block, and would make the best recreation ground in the town.

Yours, &c.,
CHARLES BLAKEFIELD.

B.C. Mr. Inspector O'Byrne—urgent,—Be good enough to report on this proposal as early as possible.—G.M. (for Sec.), 24/6/78.

No. 2.

Dr. Ross to The Secretary, Council of Education.

Dear Sir, Molong, 19 June, 1878.

I am given to understand that some private movement is on foot to try and shift, if possible, our most excellently situated Public School building. If any such document having this object in view has reached your office, may I be permitted to ask to be favoured with a copy of the same.

Yours, &c.,
ANDREW ROSS, M.D.,
Member P. S. Board.

No. 3.

The Secretary, Council of Education, to Mr. W. A. Gardiner.

[Urgent.]

Sir, Council of Education Office, Sydney, 24 June, 1878.

I am directed by the Council of Education to acquaint you that a letter has been received from Mr. Charles Blakefield, offering to exchange 4½ acres of land at Molong for the present Public School premises. The land offered is represented to be situated more in the centre of the town than the present school site, and to be on the most elevated and healthy spot in Molong.

2. I am further to state that the Council would be glad to be furnished with a report from the Public School Board relative to this proposal as early as possible.

I have, &c.,
GEORGE MILLER.
(For Secretary.)

No. 4.

Mr. W. A. Gardiner to The Secretary, Council of Education.

Sir, Molong, 26 June, 1878.

I have the honor to acknowledge receipt of your letter, No. 78-10,587, of 24th instant, and, in reply, to inform you that at a meeting of the Public School Board, held this day, a resolution was carried to the effect that the land offered by Mr. Charles Blakefield as a site for the proposed school building is too far away from the centre of the town to be convenient.

I should consider the site offered very suitable in every other respect.

Yours, &c.,
W. A. GARDINER,
Hon. Sec., Public School Board.

No. 5.

Mr. W. A. Gardiner to The Secretary, Council of Education.

Sir, Molong, 26 June, 1878.

With reference to your letter, No. 78-10,587, of 24th instant, as a member of the Public School Board here, I beg to hand you herewith an offer from Mr. John Robards to exchange his property, comprising three (adjoining) half-acre lots, for the present Public School premises. Robards's land would make an unrivalled site for the Public School, the only fault it has being a slightly sloping surface. It is elevated and healthy, and commands a complete view of the town, from where the school, if erected thereon, would be a very conspicuous object. It is moreover much more convenient than the site offered by Mr. Blakefield, being three or four hundred yards nearer the centre of the town. I

I may mention it was the intention of the Local Board to have called a meeting for the purpose of carrying a resolution recommending the Council to sell the present premises (I believe the area is either a few perches more or a few perches less than 1 acre), the same being too small, and otherwise unsuitable, owing to its low situation; and also advising the Council to advertise for the purchase of a larger, more suitable, and more elevated site, which no doubt can easily be obtained for a moderate price; but this action was anticipated by your letter above referred to.

I may also inform you that Mr. Thursby, of the firm of Thursby & Co., one of the tenderers for the proposed buildings, stated to me that it would be a great pity to erect the new buildings on the old site, as they (the buildings) would have a very dwarfed appearance.

The principal advantages the present site possesses are a good supply of pure water (from a well—which, however, the new buildings will probably cover over) and the close proximity of the recreation ground.

I think I need hardly add I have no private interests to serve nor personal feelings to gratify in recommending the erection of the proposed buildings on a more suitable site than the present, my sole object being to secure a site sufficiently large and high, and in a good position.

I have, &c.,
W. A. GARDINER.

P.S.—I would suggest that the Council should send an officer to choose a site, as from obvious reasons the opinions of the Local Board are not likely to be a true indication of the most suitable position for the new school.

[*Enclosure.*]

Molong, 26 June, 1878.

I HEREBY offer to the Council of Education, as a site for the proposed Public School for this town, my property, consisting of three allotments, containing each half an acre, in exchange for the present Public School premises.

JOHN ROBARDS.

Witness.—WM. A. GARDINER.

No. 6.

Memo. of Mr. Inspector O'Byrne to The Secretary, Council of Education.

ALBURY DISTRICT.

Memorandum of Inspector to the Secretary.

Molong Public School Site.—Mr. Blakefield's letter, offering an exchange.

THE present school site is by no means so objectionable as represented by Mr. Blakefield. There was no public-house near it last time I was at Molong. The site fronts the public recreation ground, and that is an advantage. It is not inconveniently near the police quarters and Court-house. I dare say it is the ¼ of a mile distant from these buildings. It is high and dry. The only objection that I find to the site is that it is too long and narrow.

The land owned by Mr. Blakefield is considerably higher. It is sufficiently central, and no doubt is the better site of the two, more particularly as it is larger. It would be a great gain if the school could be carried on as it is until the new premises are ready. From this point the proposal of Mr. Blakefield is worthy of earnest attention.

If Mr Blakefield will sell his block, I would advise the Council to buy—that is, at a reasonable price. The old school and grounds could be disposed of at auction for about £300. This would be a simpler and better mode of dealing with the matter than by barter.

Albury, 27/6/78.

G. O'BYRNE,
Inspector.

No. 7.

Minute of the Council of Education.

Copy of a minute of the Council of Education, at a meeting held on the 1st July, 1878.

MOLONG.—Read letters from Messrs. Charles Blakefield and John Robards, dated respectively 16th and 26th June, offering to exchange certain properties for Public School purposes.

The Council resolved that these letters be referred to Mr. Inspector Thompson, and that he be instructed to visit Molong and report at once on the subject of these communications.

No. 8.

The Secretary, Council of Education, to Mr. Inspector Thompson.

MUDGEE DISTRICT.

Memorandum to Inspector.

Molong: Question of site for the proposed new school buildings.

IN transmitting herewith the correspondence relative to the offers of sites for the proposed new Public School buildings at the above place in exchange for the present school premises, I am to state that the Council desires you will be good enough to visit the locality immediately after your return from Terrara, with a view to make full inquiry into the whole case, and to furnish a report for the consideration of the Council.

Council of Education Office,
Sydney, 4th July, 1878.

W. WILKINS,
Secretary.

No. 9.

No. 9.

The Secretary, Council of Education, to Mr. W. A. Gardiner.

Sir, Council of Education Office, Sydney, 4 July, 1878.

With reference to your letter of the 26th ultimo, and to previous correspondence relative to the offers of sites for the proposed new Public School buildings at Molong in exchange for the present school premises, I am directed by the Council of Education to state that an officer from this department will visit the locality at an early date, with a view to make full inquiry into the whole case, and to furnish a report for the consideration of the Council. A further communication in the matter will be addressed to you in due course.

I have, &c.,
W. WILKINS,
Secretary.

No. 10.

Mr. C. Blakefield to The Secretary, Council of Education.

Sir, Molong, 14 July, 1878.

I think it is for the benefit of the children of Molong that I should write this letter to you by the way of explaining and informing you as to the position of the land I offer in exchange, and for the reasons I offer it. Whilst Chandler was the teacher of the Molong school, the flat by the Molong Creek was daily crowded by cattle belonging to two of the Local Board. Chandler put the police in motion, as the children were in great danger in going and coming from school. The police, in serving the summons, told Shield, one of the Board, that he (Shield) and others must not blame him (the policeman), as it was the schoolmaster had given the information. Dr. Ross and the principals of the Local Board got up a public meeting to condemn Chandler, but as there was nothing tangible against Chandler, Dr. Ross got Dr. Lang to use his influence to have Chandler removed. The street in front of the school has ever since been the road by which the cattle go to the flat on the creek; and since the railroad has been commenced on the Ironbark Road, the whole of the traffic to Wellington and Dubbo with that of the Bogan and Bourke country passes the school, it being the main road, and no doubt in a few years will be a business part of the town. Dr. Ross must be of that opinion, as he has built a public-house opposite to the school.

About four years ago I offered Mr. O'Byrne, the Inspector of Schools, my place in exchange.

He wanted me to set a price upon it; but as I was not anxious to sell it, the matter did not go any further. When the contracts were out for the new school, Ross built his public-house in very close proximity, and I believe it would be a disgrace to the Board to allow a license to be granted so close to the school. Your knowledge and experience must be that it is a very great evil in Sydney where the unfortunates spend every threepence they get and stagger home; but it is a thousand times worse here where the employés of the squatters get their cheques, and carry out their disgraceful orgies until their last shilling is expended.

The land I offer is in the centre of the township, but not in the centre of the populated portion, and consists of nine allotments, in one block, about 8½ chains long by 4½ chains wide, and surrounded by a lane about 1 rod wide on one side, and the other three sides by three streets, and cannot be annoyed by the contiguity of neighbours. I send you a part of an old map that was made twenty years ago, when Molong was part of a squattage, and does not show the subdivisions of allotments. The land I offer is section 58 in the same street as the school, which you will perceive is bounded on the south by Hill-street, and is the allotment marked R in section 16. The allotment marked R on the north is the Court-house; the GR at the corner of Edward and Bank Streets is the Church of England; the GR at the opposite angle is the Wesleyan Church; the R section 35, and marked 3, is the Roman Catholic Church; the block at the corner of section 27 in Riddle and Edward Streets is the land of Mr. Roberts, containing about 1 acre, which I understand is under offer to the Board in exchange.*

*Appendix A.

I should not have reiterated my offer to you if the public-house had not been erected opposite. I have marked by an ink line the main thoroughfare that goes through the town, commencing at Watson-street up Bank-street to Edward-street to Hill-street. The allotments to the north of Thistle-street are suburban; the town can only extend south and west.

The materials of the school would not bring more than £40 if taken down, so that you get a fine playground by leasing the building, and one of the handsomest sites, in the town for the school. Should you be disposed to make the exchange, I could send you down the nine grants, with a memorandum from you that no time would be lost in the erection of the school.

Yours, &c.,
CHARLES BLAKEFIELD.

No. 11.

Dr. Ross to The Secretary, Council of Education.

Dear Sir, Molong, 19 July, 1878.

I have again to ask to be favoured with a copy of the Secretary to the School Board at Molong's last letter to Council, in the matter of removal of school site, the said letter not having been written with the knowledge or consent of other members of the Local Board, in meeting assembled last week in June.

I have, &c.,
ANDREW ROSS, M.D.,
Member of School Board.

No. 12.

Memo. of Mr. Inspector Thompson to The Secretary, Council of Education.

MUDGEE DISTRICT.

Molong: Site for proposed New School Buildings.

ON 16th and 17th instant, in accordance with instructions received, I made full inquiry into the advisability or otherwise of removing the present school site. Moreover, on 17th instant, I attended a meeting of Local Board and residents convened to consider the matter. At

At this meeting, 35 residents were in favour of removal of present site to a more eligible position, against 3 (three) adverse to such removal. The Local Board was prejudiced in favour of retention of the present school site (by a majority of 2), but I consider that they were actuated by personal motives, or were partisans of Dr. Ross, who has interest in the school not being removed.

The present site, consisting of not quite an acre of land, is objectionable, for the following reasons:—The situation is very low, and the northern extremity of the ground is very damp, in winter at any rate; the area is hardly sufficient in extent for the erection of the proposed new buildings, with due allowance for recreation space.

At the N.-W. corner of block 24, in immediate vicinity to the present school, a building (almost completed) is in course of erection, which by its style and appearance leads to the inference that it is designed for a public-house. The owner, Dr. Ross, intimated that the Police Magistrate might select it as a residence, but did not deny that offers had been received of leasing as a public-house. The recreation ground opposite, which has been urged strongly as an advantage in favour of the present site, is not fit for such a purpose. It is extremely low and damp in winter, and I have reason to believe is at times flooded; moreover, it is very rough and full of thistles, the burrs of which, at the present time, cover one's legs in walking through it, a fact which amply testifies to the luxuriant growth that must exist in summer time. All things considered, I cannot but think that the present opportunity of erecting the contemplated new building on a more advantageous and commanding site should be seized; in view of this, I personally visited several sites in the township.

Of the sites visited, I would lay before the Council such only as are advantageous, and likely to meet with the favourable consideration of the Council.

a. Site Block 27, *J. Robards*, 1½ *acre*:—On good elevation—ground somewhat sloping to the eastward. Mr. Robards would part with this land for a sum equivalent to that which the Council may realize for the present land and building thereon (practically an exchange)—Mr. Robards claiming priority of purchase of the Council's property, in the event of the Council entertaining his proposal. Mr. Robards would further undertake to sink a well for the supply of permanent water, free of cost to the Council—see agreement 17/7/78, appended. (This land is at present under cultivation crop and fruit trees.) One prospective objection has been pointed out with reference to this site—it is rumoured that the owner (non-resident) of the land adjacent on the east proposes to run a street from N. to S. [see blue line in sketch appended*], and that the back premises of houses on W. of street would be contiguous to Robards's eastern fence. Appendix B.

b. Sites in Block 58, *Bennett*, 1½ *acre*:—Also John Quinn would sell his land adjacent to Bennett on E. side [2 roods 37 perches, No. 2 section, block 58] for £60. These two pieces of land combined would constitute an area of about 2 acres. This, though perhaps a little remote, is a most excellent site, level, well elevated, and commanding. Mr. Bennett, at date of my visit, refused to part with his land, but has since written [see letter 18/7/78, appended], offering it in exchange for the Council's present property, or will take £400 for it in cash. This land in conjunction with Quinn's would amount to £460. This would be a most desirable site. The objections to it, however, are its being somewhat remote (the bulk of the outlying population being to N.W. and N.E. of township) and the labour of sinking for water at so great an elevation. Mr. Cotter, owner of land on adjacent (W.) side of Bennett (58), was away at the time of my visit. I have not since heard (see letter Bennett, 18/7/78, and sketch appended) as to whether he would sell or not.

Mr. Charles Blakefield's land is too remote.

Estimated value of Council land, with building thereon:—The probable realization by sale of this property has been variously computed at from £400 to £500. From what I could gather with reference to the price of property in the township, I should expect a realization of £500, or nearly so, on the present school site at a public sale.

In conclusion, I think the opportunity of removal of site to a more suitable locality should be seized. I am inclined to the site on block 27 (Robards), as being the most central position, sufficiently elevated and commanding, and offering greater facility for procuring water. The prospective objection of the contemplated street might possibly be overcome.

The danger in moving the site *too far* to S. end of the township lies in the possible falling off in attendance from residence to the N.W., who might raise imaginary difficulties in this respect. It is chiefly on this account that I have been led to more favourably consider the site at block 27.

W. FREWIN THOMPSON,
Inspector of Schools.

Sydney, 24/7/78.

[*Enclosures.*]

Molong, 17 July, 1878.

In the event of the Council of Education deciding to exchange their present property for my land in the township of Molong, I would undertake to sink a well for supply of water free of cost.

I am also willing to sell my land to the Council for a sum equivalent to that which their property in Molong township might realize at public sale. The extent of my land is one acre and a half.

Under this agreement I claim right of purchase of Council's present property.

Witness,—
W. Frewin Thompson.

JOHN ROBARDS.

Mr. W. H. Bennett to Mr. W. F. Thompson.

Dear Sir,

Molong, 18 July, 1878.

Respecting the allotments of land upon the hill near the R. C. Chapel, I have been induced to alter my mind, and beg to offer the fenced allotments in exchange for the present school lands and tenement. You are aware the site is unrivalled, and cannot be equalled in Molong. I consider it equal in value to the land and old buildings of the present school, or I will take four hundred pounds, one hundred less than the valuation placed on the present school. On Monday will see Cotter respecting his allotment, and will send word at once. I am almost certain that his land can be bought.

Yours, &c.,
W. H. BENNETT.

No. 13

The Secretary, Council of Education, to Dr. Ross.

Sir, Council of Education Office, Sydney, 25 July, 1878.

With reference to your letter of 19th instant, again requesting a copy of the last communication addressed to the Council of Education by the Secretary to the Public School Board at Molong, respecting the proposed removal of the school, I am directed to acquaint you that the papers in this matter are in the hands of the Inspector, who has been desired to report thereon.

I have, &c.,
W. WILKINS,
Secretary.

No. 14.

Dr. Ross to The Secretary, Council of Education.

Sir, Molong, 26 July, 1878.

I am duly in receipt of your letter of date 25th, 18,268, No. 78–13,796, and now herewith beg to submit for the information of the Council the enclosed printed matter respecting school site at Molong.

I have, &c.,
ANDREW ROSS, M.D.,
Member of School Board.

[Extract from "*The Western Independent*," Bathurst, Thursday, July 25, 1878.]

MOLONG—DISORDERLY, DISGRACEFUL, AND EXTRAORDINARY PROCEEDINGS, BY AN EYE-WITNESS.

A SEMI-PARENTAL, semi-public, and semi-School Board meeting was held here in the Public School on Wednesday last, at 11 o'clock, to elicit substantial reasons or an opinion as to the eligibility or ineligibility of erecting new school buildings on the present site. Before proceeding to give a *résumé* of the pros and cons of the various speakers, I may first take this opportunity of remarking that the present school premises were erected about fourteen years ago, on one acre of land, adjoining the police barracks and Court-house reserve, very centrally situated, and *directly opposite* the recreation ground, which contains from 8 to 9 acres of land, securely paled in with 6ft 6in. palings, and which has *three* open gateways for the free access of the public; one gateway being in front of the Public School. It may be as well to offer a few remarks to show how this agitation has been got up. It will, doubtless, be in the remembrance of the public, particularly the readers of your impartial journal, in which part of the correspondence appeared no later than the 2nd July last, that a similar disturbance took place over the post and telegraph office site to the one now taking place over the Public School site. A clique (who were bowled out by ninety-eight dead-heads, in reference to the post and telegraph office site), no doubt, thought it a capital opportunity of getting up some counter-public excitement, with the view, if possible (cuttlefish like), of hiding or diverting public attention from the selfish blunders they had made in the post office affair, and which none of them since have ever condescended to answer, even though the matter was openly published through the press. For this purpose, I suppose, none seemed so handy by way of increasing public bitterness and dissension than to lodge an objection to the school site, on which the Council have lately so liberally decided to erect more commodious school premises. For upwards of fourteen years not a single complaint has ever been raised against the present school site; and it does seem something remarkable and extraordinary why this paltry hue and cry has been delayed until the Council had actually called for tenders for the erection of the new premises—and the tenders closed two or three weeks ago. Call Molong rock hollow, sleepy hollow, or by any other name, but none but fools would ever venture to call it a *happy* or *united hollow* after the puerile specimen of bickerings we have had of late. For weeks and months together a constant fire of wordy warfare and cannonading has been kept up against the Council of Education respecting this so-called disgraceful barn-like edifice, and which was publicly declared to contain no less than 300 newspapers, which were, we are told, stuck between the slabs, in order to keep out the wind and rain, but which, on a subsequent search being made by a Government inspector, no such newspaper deposit ever after could be discovered. To this idle incessant clamour, which, no doubt, was intended to break the Council's back, and scatter their principles and wisdom to the four winds of Heaven, they (the Council) were, it seems, at last compelled to consent to the erection of new buildings in lieu of the barn-like structure. And now, what is the result of all this hubbub over nothing? The up-shot is this, that a few discontents won't now actually allow the Council to proceed with the erection of the new buildings, even though tenders have been actually called for the same! It would serve such nonsensical stupidity and petty obstructionists jolly well right if the Council never proceeded one step further in this matter. It is something rather remarkable, however, that these peacemakers could find no fault to the school site until they had seen the nicely coloured plans of the new building, and only got up, probably at the last moment, out of devilment or spite, by way of opposing the ninety-eight dead-heads who had previously shown well-grounded reasons for protesting against the post and telegraph office site. If the school site, as stated, is ineligible, why was the objection not raised long ago, and before the Council had called for tenders for the erection of the new buildings? Yes, why? It shows most convincingly by the sheer delay that has occurred that no valid reasons could possibly be raised or offered against the present school site—only one, perhaps, of purely petty local jealously, which no intelligent body of men who have the public welfare at heart ever would for one moment entertain. Because a well-grounded objection was made by the inhabitants to the post office site, I suppose the discontents thought it a capital opportunity to take exception also to the school site as a kind of lame and trumpery *quid pro quo*. It is these very internal strifes, petty contentions, and local disturbances which tend more than any other cause to retard the progress and advancement of the district; and this will always be the case while narrow-minded self interest and jealously rules in place of the public good. The Council, I am informed, has been written to, requesting copy of Secretary to School Board's letter, and as soon as this arrives I will then be in a position to explain more fully and accurately the origin of the present disturbance. In the meantime I may remark that a Mr. Thompson, from the Council's office, was here last Wednesday, to inquire into the matter; and at a meeting which was held in the schoolroom on that day, he explained to those present the object of his visit on that occasion. He (Mr. Thompson) did this to the members of the Local Board who were then assembled to discuss the question. Eight members of the School Board were present. Mr. Thompson explained that he would first take the opinion of the Board, and then the parents second. The question was, "Whether the present site was or was not to be retained?" Whatever might be the issue of the matter, Mr. Thompson distinctly stated that neither he nor yet the Council would be bound by the opinion of the majority, or yet to adopt their decision. He was there that day simply to obtain as much information as possible, so as to facilitate the speedy settlement of the question. Here then the members (eight) of the School Board present, Mr. Betts in the chair, proceeded to discuss the matter.

Mr. Tanner moved,—"That the present site be exchanged, if a more suitable one can be obtained." The present site was only 1 acre, and he thought this was too small. I cannot see anything to be gained by the delay. The site offered by Robards contained 1½ acre, and a square. The difficulty is in obtaining water, but Robards guarantees to obtain water. He therefore moved, "That Robards' offer be accepted."

Mr. Gardiner (the Secretary) seconded the motion, and quite agreed with Mr. Tanner that the site is much too small for the erection of such fine buildings. The present site was too low, was not conspicuous enough, and could not be seen from the town, nor by people coming in from Orange. The present site was certainly valuable as a business site, but it was not proper that the school should be situated on a business site. Robards's was more elevated and healthy. An elevated site is what a Public School should occupy.

Mr.

Mr. Morris (who has been a member of the Board ever since the school was opened, fourteen years ago) proposed an amendment, which was at first objected to, but, after a little demurring, allowed to pass. He moved, "That after the word 'That' in the motion moved by Mr. Tanner, all the words be omitted, and that the following words be inserted instead, viz., 'The present site be retained.'" One of the objections raised to the present site by a previous speaker was that it could not be seen from the town, nor yet by people coming in from Orange, which was too trumpery an objection to be entertained. The town extends in a westerly direction more than any other, and therefore, on this account, the present site was more centrally situated. Those children in the west had as much right to consideration in this matter as those living on the east or south. The present site is high and dry, besides it has the additional advantage of the recreation ground, which is situated on the opposite side of the street. It was in consequence of having the recreation ground so close to the school which caused the present site originally to be selected. When this ground is properly planted with trees and laid down in grasses, he knew of no better or safer place for the children to play in, as there the children were then always under the eye of the teacher. Besides this, the present site is the most central one that can be obtained, and has a never-failing supply of good well-water, which is one great desideratum to children in warm weather. [Here Mr. Wynne remarked that he had known the well to become dry.] Even admitting the fact to be true, it is a matter that can easily be rectified at any time, as the well is only 20 feet deep, and therefore no difficulty at any time, if required, to secure an everlasting supply of water.

Mr. Tempest had much pleasure in supporting Mr. Morris's amendment, for the following reasons:—1st. I have not heard one sound or valid reason offered by any previous speaker why the present site should be removed. The school attendance is increasing almost daily, and why should the erection of the new buildings now be delayed without showing some substantial reasons? There was always a never-failing supply of good well-water, which could not be obtained in any of the other sites yet offered, and this surely was one most important advantage and consideration. [Here Mr. Wynne interrupted the speaker by remarking that he had known the water to fail two or three times.] Mr. Tempest thought it wrong for one member to interrupt another in this manner while speaking. If he (the speaker) was wrong, Mr. Wynne had the same privilege of speaking and correcting him in a proper manner at the proper time, and not by doing so while he was addressing the chair. £100 had lately been voted for the improvement of the recreation ground, and therefore when this money was expended on this land there surely then could be no lack of room or play-ground if the 1 acre now attached to the school was not sufficient for the children. This surely then was another good reason why they should endeavour to retain the present site. [Here Mr. Quinn, interrupting the speaker, said that 1 acre was not enough for play-ground.] If the site offered by Robards was to be adopted, it would tend considerably to increase unnecessarily the expenses of the building, owing to the nature of the land, which lays at an angle of 45 degrees, and therefore would require a more expensive foundation. Mr. R. Shield's property, too, which adjoins this allotment, is now about being subdivided into lots, and this, probably, might not be advantageous to either the school or yet the private property. No sufficient or reasonable objection had yet been offered to the present site that he could see, and therefore he had no alternative but to second Mr. Morris's amendment.

Extraordinary to say, at this stage of the proceedings, and before any other member of the Board had spoken, both Mr. Tanner and Mr. Gardiner were again permitted to speak a second time, and to the amendment. If meetings are to be conducted after this ridiculous fashion of allowing men to move and second motions, and then to speak a second time to amendments, then there is an end to all decorum or the regulation of fair straightforward argument and debate. Mr. Gardiner, the seconder of Mr. Tanner's motion, was certainly out of all order in replying to the amendment. It was not so bad with Mr. Tanner, for it is invariably the custom that the mover of a motion is entitled to the privilege of replying last; but in this instance, what is now complained of is that Mr. Tanner did so before several other members had spoken, and therefore he was clearly out of order. In Mr. Gardiner's case, he had no right whatever to speak a second time, he having already spoken to and seconded the original motion. It is their ignorance of the management of common ordinary public matters which too often leads to unnecessary wrangling and confusion. The Chairman had no right to allow Mr. Gardiner to speak a second time, and only Mr. Tanner after all the other members who desired to speak had spoken, and not otherwise.

Dr. Ross had much pleasure in rising to support Mr. Morris's amendment. The present site, in his opinion, was by far the best that could be obtained, not only on account of the water, but also the recreation ground, which was opposite, and contained from 8 to 9 acres of land, all securely paled in. If the 1 acre of land attached to the school was too small an area for a play-ground, then the children had ample space for all kinds of sport in the recreation ground, without being beyond the eye or supervision of the teacher. The idea of changing the site simply because visitors coming in from Orange could not see the building was too preposterous to be entertained, far less discussed. They had to chance getting water on Robards's site, whereas on the old site no such difficulty in this respect occurred, for there was already a never-failing supply of good spring water, which was certainly one very strong reason in favour of retaining the present site in preference to any other. In summer pure water is one of the most essential requisites to the preservation of good health. Robards's site never can secure the same facilities of water supply that the old or present site does. It is preposterous to think otherwise. He (Dr. Ross) could see no objection to the site on the score of elevation, for the old is a particularly dry one. If elevation was the chief reason in favour of the removal of the school, why not select the top of the hill to the west, or the top of the hill on Mr. Betts's land, which, goodness knows, is high enough, and where everybody then could see the buildings north, south, east, and west. The central situation of the present site, the good well of water, and the ample space in the recreation ground were, in his opinion, not only sound, but strong and sufficient reasons for retaining the present site, more especially as no other site offered the same natural facilities to the teacher, the children, and the public. On these grounds he would support Mr. Morris's amendment.

On the amendment being put to the Board, five hands were held for and three against. The amendment, therefore, was carried by the Local School Board by a majority of two, that the present site be retained. Mr. John Rubie came in after the division, but this gentlemau on a former occasion expressed himself strongly in favour of retaining the present site. The opinion of the Board stands, therefore, six against three, or a clear majority of three in favour of the old site. This finished the duty of the Board as far as they were officially concerned.

Next followed a kind of parents' or public meeting, Mr. Betts again occupying the chair, after a good deal of difficulty in getting some gentleman to preside.

Mr. Quinn first essayed to speak, and expressed himself favourable to a more elevated site. He had four children now attending school, and would shortly have five, please God. The present site was too flat, and children sit all day in school with dirty damp feet. (In wet weather no matter were the school is placed this will happen to any children going and coming from school.) The school is for the future, and not the present only. The recreation ground is full of burrs and snakes, and a medical man may happen to be called in where these snakes are. I speak at random and not grammatically. I am only a working man, but I speak for those growing up.

Mr. James Haslam said that we had heard the opinion of the School Board, and he would now give them his. Mr. Dwyer was spoken to on the matter twelve months ago by Mr. Blakefield. The site ought to be removed, as it is too small, and the building will occupy nearly all the land. (Query, it must indeed be a very large building if it will cover 1 acre of land!) As far as the recreation ground is concerned everyone is aware that it has several times been flooded. (Yes, Mr. Haslam, but you did not tell the people that this was owing a good deal to the culvert that is cut opposite your own door.) The ground is not a fit place for recreation, and we don't know how much money has been spent on it. (If he did know, what has this to do with the school site? Mr. Haslam is very obtuse, and of course pretends not to know that £100 has lately been voted for improving the recreation ground. Had a £1,000 been voted in place of a £100 it would not please Mr. Haslam if his mind is made up for removal of the site.) He (Mr. Haslam) was in favour of going further than either Robards's or Blakefield's, and would ask a grant of 5 or 10 acres from Government beyond this. It is not long since, which he could prove, that the doctor was opposed to educating the people, as it would teach them forgery. (Dr. Ross: "It is a lie, sir," which he declared before his God. "You would, I dare say, put me in gaol if you could." Here Mr. Wynne interjected an impertinent remark—that the doctor was in the habit of telling or writing lies. Dr. Ross retorted that he was not able to refute the lies, as he called them, and this is what annoyed them—he was scarcely able to write his own name. Here Mr. Wynne rushed across the room to strike the doctor, but was prevented doing so.) After the uproar had subsided, Mr. Haslam proceeded: We had heard the doctor's opinion about the water, but we ought to have had the other medical opinion as well. He moved that "the Council of Education apply to the Government for a suitable building site on the outskirts of the town on the south."

Mr. Morris followed, and said that he spoke only on Robards's site. It has not yet been shown by any of the speakers that a better site than the old one could be secured.

Mr.

Mr. Myers stated that the site mentioned by Mr. Haslam was right opposite the public pound yard.

Mr. Burgess seconded Mr. Haslam's proposition.

The Rev. Mr. Dalrymple said : I was in hopes that the new building would have been proceeded with. Several persons spoke to me, but I said that I would not interfere in the matter. He would not be a party to advocate any change of site, as it would be delaying the work. As Mr. Thompson, however, had been sent up to report on the matter, and had opened up the question afresh, he did not think that they should now confine themselves to the present site if a better one could be obtained. Other sites besides those mentioned could be named, such as Mr. Packham's and the one next the School of Arts on Chapel Hill. I don't think the school ought to be be taken out of town, as many of the children come a long distance to school. If the site were larger it would induce many children to ride to school, by leaving their horses in the ground. He hoped that they would sink all personalities in a matter of this kind, and become friendly. He approved of the site being as central as possible.

Mr. Haslam's motion was not put to the meeting.

Mr. H. Coomber called for a kind of division, which, after nearly two hours' talk, resulted more in mockery than anything else, and in great uproar and excitement—nine being in favour of retaining the old site, and about twenty for a removal. Amongst the twenty many had no interest whatever in the matter. A great many standing by did not vote on either side. If anything, they were, perhaps, by far the largest majority. The excitement at the conclusion was something great, so much so that the supposed victorious party at last actually took to standing on the forms or stools, forgetting that they were not in a pound-yard but in a Public School building. On leaving the premises one member of the School Board struck another on the eye with his fist, and threatened besides to pull his nose, and thus ended one of the most disgraceful, trumpery, and prejudiced meetings ever held in Molong.

18th July, 1878.

[*Enclosure to No.* 14.]

Extract from Supplement to *Molong Express*, of Friday, July 26th, 1877.

Sir,

We, the undersigned, feel called upon not only to express our surprise, but to point out that you have not, in reporting the meetings which were held in the Public School, Molong, on Wednesday last, the 17th instant, made any distinction between the Public School Board meeting and the public meeting held afterwards, but have so jumbled the affair that it may have a tendency to lead the public to think that there was in reality only one meeting in place of two, viz.,—a Public School Board meeting and a public meeting, both of which, as you are well aware, were held in the same place and on the same day.

We observe that you have taken no notice whatever of the Public School Board meeting, nor of the decision they arrived at on that occasion, in reference to the removal of the school site. By a majority of "two" the School Board decided to retain the present site in preference to any others that have been offered.

We also think it unfair on your part towards us that a public matter like this should be either evaded or yet distorted with a view of misleading the people on a question of so much local importance.

We ask you in justice to us, being the parties aggrieved, that this explanation may appear in the next issue of your paper.

ROBERT SHIELD.
JOSEPH MORRIS.
ANDREW ROSS.
WILLIAM SHIELD.
G. H. TEMPEST.
} Members of the Molong Public School Board.

Molong, 20 July, 1848. (*sic*)

No. 15.

Minute of the Council of Education.

Copy of a Minute of the Council of Education, at a Meeting held on the 29th July, 1878.

Molong.—Read Mr. Inspector Thompson's report, dated 24th July, on the question of a school site ; also a letter from Mr. A. Ross.

Ordered to be referred to Mr. Inspector O'Byrne for report.

No. 16.

Memo. of the Secretary, Council of Education, to Mr. Inspector O'Byrne.

Mudgee District.

Molong.—Correspondence as to proposed change of site, together with Mr. Inspector Thompson's report.

Herewith is transmitted for your careful perusal and consideration the correspondence relative to the proposed erection of the new school buildings upon a new site, together with Mr. Inspector Thompson's report.

Will you be good enough to furnish a further report and recommendation on the matter as early as possible.

Council of Education Office,
Sydney, 31 July, 1878.

W. WILKINS,
Secretary.

No. 17.

Memo. of Mr. Inspector Thompson to The Secretary, Council of Education.

Mudgee District.—Molong School site.

Hereto is appended for the information of the Council a telegram received from Mr. W. C. Bennett, of Molong, as to price of Mr. Cotter's land—½ acre, more or less, on W. side of Bennett—C.F. my B.C., No. 32 ; also Bennett's letter, 18/7/78.

W. FREWIN THOMPSON,
Inspector of Schools.

Sydney, 3/8/78.

B.C., Mr. Inspector O'Byrne,—For your information in connection with papers referred to you on 31st ultimo.—W.W., 9/8/78.

B.C., Secretary,—The papers referred to, together with my opinion, were forwarded to your office on 13th instant.—G.O'B., 21/8/78.

[*Enclosure to No.* 17.]

Telegram from Mr. W. C. Bennett to Mr. W. F. Thompson.

Cotter will take one hundred (£100) pounds for his land.—W. C. Bennett, 19/6/79.

No. 18.

Mr. Inspector O'Byrne to The Secretary, Council of Education.

Mudgee District.

Molong—proposed change of site. Your B.C. No. 78, 14,227, enclosing correspondence.

I have read this correspondence very carefully, and given an anxious consideration to the question involved. The statements are very conflicting, and the newspaper report is calculated to mislead.

No

No well-found objection can be made against the old site, save as to the *size* and *shape* of the allotment, and the possible proximity to a public-house. But in these I think there are grave reasons for the proposed change. The ease with which it is alleged that water can be obtained on the old site has not much weight in the consideration of the question. In the new buildings an underground tank must be provided on any site chosen.

I must say that I dislike the site recommended by Mr. Thompson, because it slopes too much, and because it is too small. Besides, the prospective objections pointed out to Mr. Thompson regarding the sale of the adjoining land has some weight. Further, I know how the cost of building on unlevel land mounts up. See what the cutting at Mudgee cost the Council, and there the land was comparatively level.

Mr. Gardiner in his letter says that the site offered by Mr. Blakefield is a very good one, but too remote. Mr. Thompson says the same thing. Notwithstanding all that has been said, I am of opinion that it is decidedly the best site.

Because: 1. It is a very large area—4½ acres. 2. There are streets on three sides of it. 3. It is dry and level. 4. It can be conveyed from the present owner in one deed, without the worry and annoyance of getting transfers from two owners, as would be the case if Mr. Thompson's views were carried out.

The great objection raised is its remoteness from the centre of population. However, it is only half-a-mile south of Robards's land. An examination of the map will show that Blakefield's land is more in the centre of W. Molong than Robards's is. Besides, as the population increases, the town must grow south and west, where the land is good for building purposes. I beg to suggest that both Blakefield and Robards be requested to put the lowest price they will take before the Council, and then let the question of site be finally decided. If you decide *first* and *buy* after, you will pay dear. I am strongly opposed to exchanging sites. When the new building is up, sell by public auction. It appears to me that the Molong people are putting most extravagant prices on their land.

G. O'BYRNE,
Inspector.

No. 19.

Members of the Molong Public School Board to The Secretary, Council of Education.

Molong, 15/8/78.

We, the undersigned, members of the Molong Public School Board, feel called upon to express our disapprobation of the conduct of the Honorary Secretary to the Public School Board here in taking upon himself the responsibility of writing to the Council of Education respecting the removal of the present school site *without our knowledge or approval.*

2. We take this opportunity, after mature deliberation, of informing the Council that we can see no just public reasons yet advanced in favour of such removal; in fact, we are of opinion that the present site is by far the best that can be obtained in the town of Molong, it being centrally situated on high and dry land, in front of the recreation ground, which contains an area of 8 or 9 acres of land, all securely paled in, with suitable gateways for the access of the public, and a *never-failing supply* of good well water, which is a great advantage and desideratum, especially in warm summer weather, that probably cannot be secured in any other locality or site submitted, and even then at such a depth as must involve great labour in bringing the water to the surface.

3. For these reasons we think the Council would be best studying the general welfare and requirements of the district by proceeding *at once* with the erection of the new school buildings on the present site, since tenders have been called for the same, and more especially so because by now delaying the erection of the buildings it is only paving the way for defeating the ends of the Public Schools Act, by leaving an opening for the establishment of a Denominational School, a circumstance that we think would be very undesirable, if not inimical to the interest of the Public School, which is now in so healthy and flourishing a state.

4. We beg most respectfully to submit these few remarks for the Council's earliest and most favourable consideration.

We have, &c.,

JOSEPH MORRIS.
WM. SHIELD.
ANDREW ROSS, M.D.
ROBERT SHIELD.
G. H. TEMPEST.

} Members of the Molong Public School Board.

P.S.—Mr. John Rubie, who is also a member of the School Board, quite endorses the views herein expressed, but he is not at hand at present to sign the above.—J.M.

No. 20.

Minute of the President, Council of Education.

I think the Secretary should endeavour to visit Molong, and settle this question of site. Mr. O'Byrne's suggestion is a good one—That the owners of the several sites should be made to name the lowest cash price they will take, before deciding.

J.S., 17/8/78.

No. 21.

The Secretary, Council of Education, to Mr. J. Morris.

Sir,

Council of Education Office, Sydney, 22 August, 1878.

I am directed by the Council of Education to acknowledge the receipt of your letter of 15th instant, signed also by four other members of the Public School Board at Molong, representing that you are in favour of the erection of the proposed new Public School buildings upon the present site.

I have, &c.,
W. WILKINS,
Secretary.

No. 22.

The Secretary, Council of Education, to Mr. C. Blakefield.

Sir, Council of Education Office, Sydney, 27 August, 1878.

With reference to your letter of 16th June last, offering to convey to the Council of Education 4½ acres of land in section No. 58, at Molong, in exchange for the present Public School premises, I am directed to acquaint you that the Council is not prepared to accept any land *in exchange for the present school premises.*

2. Will you therefore be good enough to inform me what is the lowest cash price you are willing to accept for your land, and also, what is the nature of your title, *i.e.*, whether under Torrens's Act or not.

I have, &c.,
W. WILKINS,
Secretary.

No. 23.

The Secretary, Council of Education, to Mr. J. Robards.

Sir, Council of Education Office, Sydney, 27 August, 1878.

With reference to your letter of 26th June last, offering to convey to the Council of Education 1½ acre of land in the south-west corner of section No. 27, at Molong, in exchange for the present Public School premises, I am directed to acquaint you that the Council is not prepared to accept any land *in exchange for the present school premises.*

2. Will you therefore be good enough to inform me what is the lowest cash price you are willing to accept for your land, and also, what is the nature of your title, *i.e.*, whether under Torrens's Act or not.

I have, &c.,
W. WILKINS.
Secretary.

No. 24.

The Secretary, Council of Education, to Mr. W. H. Bennett.

Sir, Council of Education Office, Sydney, 27 August, 1878.

With reference to your letter of 18th July last, addressed to Mr. Inspector Thompson, offering to sell 1½ acre of land in section No. 58, at Molong, for £400, or to exchange it for the present Public School premises, I am directed by the Council of Education to acquaint you that the Council is not prepared to accept any land *in exchange for the present school premises.*

2. I am further to inquire whether £400 is the lowest cash price you are willing to take for your land, and also, what is the nature of your title, *i.e.*, whether under Torrens's Act or not.

I have, &c.,
W. WILKINS,
Secretary.

No. 25.

Dr. Ross to The President, Council of Education.

Dear Sir, Molong, 28 August, 1878.

Herewith I have taken the liberty of submitting a rough plan of the town of Molong, and which at once shows the position of the various allotments; also the Public School and Court-house, worked in red. I am somewhat compelled to furnish you with this information in consequence of the unnecessary clamour that has lately been got up by a few individuals against the present school site. The result is the delay in proceeding with the erection of the new school premises, and which has been so liberally acceded to by the Council. The present site is one that cannot be surpassed in the whole town of Molong, and very conveniently or centrally situated, as the *circle in red* indicates at a glance, besides being in close proximity to the recreation ground, which is all securely paled in with 6 ft. palings. In summer the children play cricket in this ground, and there they are constantly under the eye and control of the teacher. The chief desideratum in favour of retaining the present site is its *high and dry open position, and the splendid never-failing supply of good spring well water* attached to the school, only 20 feet deep. No other site can ever possibly offer the same advantages in this respect.

The sites worked in blue are all on the top of very elevated land, where it will almost be next to impossible to obtain water, unless at great depth of from 15 to 20 fathoms, or 100 to 130 feet, and to raise water from this distance will be no easy task, besides the expense of sinking. If ever the Council sanctions the removal of the school from the present site, then I feel certain it will only be preparing the way for the more readily establishing an opposition or *Denominational* school; and this I believe to be the chief and sole reason in the movement now being made to shift the Public School to some out of the way sort of corner. It is well that the Council should fairly consider these matters jeopardizing the existence of our now flourishing Public School, and the only schools now-a-days fitted to meet the requirements of the age. On *sanitary grounds*, and on this point I think I am entitled to offer an opinion, and that opinion is that the Council would be best studying the general interest of the public—that is the health of the school children—by retaining the present site in preference to any other, and that the erection of the new buildings ought to be proceeded with without delay.

I have, &c.,
ANDREW ROSS, M.D.

No. 26.

No. 26.

The Secretary, Council of Education, to Mr. W. A. Gardiner.

Sir, Council of Education Office, Sydney, 30 August, 1878.

With reference to the proposed removal of the Public School at Molong to a new site, I am directed by the Council of Education to acquaint you that the President of the Council and the Secretary have been deputed by the Council to visit that place on or about Thursday, 5th September next, for the purpose of inquiring into the question.

2. The President will be glad to meet the Public School Board on the afternoon of the day mentioned, and it is hoped that arrangements will be made for the attendance of all the members on the occasion.

I have, &c.,
W. WILKINS,
Secretary.

No. 27.

Mr. J. Robards to The Secretary, Council of Education.

Sir, Molong, 30 August, 1878.

Referring to your letter of the 27th instant, I beg to inform you that the lowest cash price I can take for my land (consisting of three ½ acre allotments) in this town is £700 (seven hundred pounds), provided I am allowed to remove the buildings and other improvements thereon.

My title is under the old Act, not under Torrens's.

I have, &c.,
JOHN ROBARDS.

No. 28.

Mrs. E. Dalziell to The Secretary, Council of Education.

Dear Sir, Charlemont, 4 September, 1878.

My father (Mr. Blakefield), who is very ill, desires me to acknowledge the receipt of your letter dated the 27th of August, and desires me to say that (£500) five hundred pounds is the lowest we will take for our land. This land was purchased by auction from the Crown on the 27th November, 1871, consequently under Torrens's Act. The seeming demand for land is owing to every person who has land is desirous that any public or Government building should be near their land. We could send you the (9) nine grants, and you could defer payment, and accept the £500 as our bid in event of your selling by auction the present school land.

We are not at all anxious to sell, but my father thinks it a first-class position for the Public School, being a square frontage to three streets and a lane.

I remain, &c.,
E. DALZIELL.

No. 29.

Mr. C. Bennett to The Secretary, Council of Education.

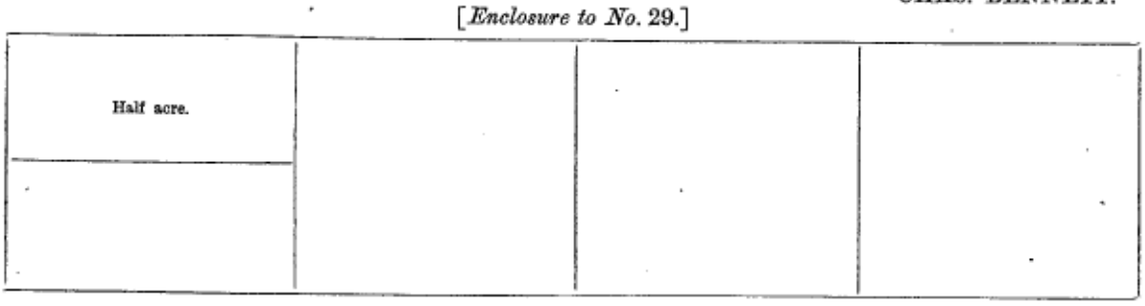
Molong, 5 September, 1878.

I beg to offer the following described land to the Board of Education as a site for the erection of the new school-house at Molong, viz:—

Five half-acres of land, for the sum of £200. The piece of land adjoining, under offer for the sum of £400, will not be sold under that sum.

Yours, &c.,
CHAS. BENNETT.

[*Enclosure to No.* 29.]



No. 30.

Minute of the Council of Education.

16 September, 1878.

Molong.—Read correspondence as to the purchase of a new school site. After a minute inquiry and careful consideration of this question,—

The Council resolved that the land offered by Mr. John Robards is, on the whole, the most suitable, and that arrangements be made for the purchase thereof.

No. 31.

The Secretary, Council of Education, to Mr. J. Robards.

Sir, Council of Education Office, Sydney, 20 September, 1878.

I am directed to acquaint you that the Council of Education has had under notice your letter of 30th ultimo, offering to sell an acre and a half of land in the south-west corner of section No. 27, at Molong, for Public School purposes.

2nd.

2nd. In reply, I am to state that the Council is prepared to pay you the sum of four hundred pounds (£400) for the land in question, and also give you the option of purchasing the present Public School premises for the same amount.

The Council is willing further to allow you to remain in possession of the cottage on your land until the conveyance of the school premises to you has been completed. The Council, however, will not be in a position to convey the school premises to you until the proposed new Public School buildings have been completed.

Will you be good enough to state whether you are prepared to accept these terms.

I have, &c.,
W. WILKINS,
Secretary.

No. 32

Mr. J. Robards to The Secretary, Council of Education.

Sir, Molong, 24 September, 1878.

I have the honor to acknowledge receipt of your letter, No. 78–17,472, of the 20th instant, and, in reply, I beg to state that I am prepared to accept your offer for the purchase of the one and a half acre of land in the south-west corner of section No. 27, at Molong, for Public School purposes; and further, that if the sum of four hundred pounds sterling (£400) is paid into my credit at the Australian Joint Stock Bank, Molong, I will at once hand over the three deeds of land to the Council of Education, to be retransferred at their cost.

I note also that you will give me the option of purchasing the present Public School premses for the same amount herein mentioned, namely, four hundred pounds sterling (£400). And I further note that the Council of Education will allow me to remain in possession of the cottage I now occupy until the conveyance of the school premises has been completed. I further note that the Council of Education will not be able to convey the school premises until the proposed new Public School buildings are completed.

I have at present a growing crop of oats, which I feel sure you will allow me to cut and appropriate for personal uses.

I have, &c.,
JOHN ROBARDS.

No. 33

The Secretary, Council of Education, to Mr. J. Robards.

Sir, Council of Education Office, Sydney, 28 September, 1878.

I am directed by the Council of Education to acknowledge the receipt of your letter of 24th instant, stating that you accept the Council's offer for the purchase of your property in section No. 27, at Molong, and that you will forward your title deeds when the purchase money (£400) has been paid to your credit in the Australian Joint Stock Bank, Molong.

2. In reply, I am to acquaint you that the Council will not pay the purchase money for your land until the conveyance *has been completed.*

3. Will you therefore be good enough to foward to this office your title deeds and a surveyor's description of the land, for the information of the Council's solicitors in the preparation of the necessary conveyance. The usual form of contract of sale is enclosed for your signature.

I have, &c.,
W. WILKINS,
Secretary.

No. 34.

Mr. J. Robards to The Secretary, Council of Education.

Sir, Molong, 1 October, 1878.

I have the honor to acknowledge receipt of your letter of the 28th ultimo, No. 78/18,059.

In compliance with your request, I now hand you the title deeds (three) and conveyances (four) showing my right and ownership of the land in question; and as the Council of Education will not pay the sum of £400 sterling to my credit in the Joint Stock Bank, Molong, until the conveyance is completed, I trust there will be now no delay in having the conveyance completed forthwith. As Professor Smith and yourself saw the land, and as the description of the land is fully given in the deeds herewith enclosed, and as a surveyor's description of the land cannot be obtained without a good deal of trouble and expense, I cannot possibly comply with the Council's request in this particular. Herewith I hand you memorandum of agreement duly signed and witnessed. Will you please acknowledge the receipt of the enclosed documents *per* return of post.

I have, &c.,
JOHN ROBARDS.

No. 35.

The Secretary, Council of Education, to Mr. W. A. Gardiner.

Sir, Council of Education Office, Sydney, 2 October, 1878.

With reference to your letter of the 26th June last, I am directed by the Council of Education to acquint you that, after a minute inquiry and a careful consideration of the matter, the Council has now decided to purchase Mr. John Robards's land at Molong, as a site for the proposed new Public School buildings, being of opinion that it is, on the whole, the most suitable.

I have, &c.,
W. WILKINS,
Secretary.

No. 36.

No. 36.

The Secretary, Council of Education, to Dr. Ross.

Sir, Council of Education Office, Sydney, 2 October, 1878.

With reference to your letter of the 15th August last, signed also by the other members of the Public School Board named in the margin, I am directed by the Council of Education to state that, after a minute inquiry and a careful consideration of the matter, the Council has now decided to purchase Mr. John Robards's land at Molong, as a site for the proposed new Public School buildings, being of opinion that it is, on the whole, the most suitable.

Messrs. Joseph Morris, J. Shields, Robert Shields, and G. H. Tempest

I have, &c.,
W. WILKINS,
Secretary.

No. 37.

The Secretary, Council of Education, to The Inspector, Mudgee District.

Molong.—Purchase of a new site.

Council of Education Office, Sydney, 2 October, 1878.

The Council has agreed to purchase from Mr. J. Robards an acre and a half of land in the south-west corner of section 27, at Molong, as a site for the proposed new Public School buildings.

W. WILKINS,
Secretary.

No. 38.

The Secretary, Council of Education, to Mr. C. Bennett.

Sir, Council of Education Office, Sydney, 2 October, 1878.

With reference to your letter of the 5th ultimo, offering to sell to the Council of Education certain land at Molong, I am directed to acquaint you that the Council is not prepared to accept your offer.

I have, &c.,
W. WILKINS,
Secretary.

No. 39.

The Secretary, Council of Education, to Mr. W. A. Gardiner.

Sir, Council of Education Office, Sydney, 12 October, 1878.

With reference to my letter of 2nd instant, I am directed by the Council of Education to acquaint you that the Council's solicitors have now been instructed to prepare a conveyance from Mr. John Robards to the Council of lots 10, 11, and 12, of section 27, at Molong, the proposed site of the new Public School buildings.

I have, &c.,
W. WILKINS,
Secretary.

No. 40.

The Secretary, Council of Education, to Mr. J. Robards.

Sir, Council of Education Office, Sydney, 12 October, 1878.

With reference to your letter of 1st instant, forwarding certain deeds and documents connected with your title to lots 10, 11, and 12, of section No. 27, at Molong, I am directed by the Council of Education to acquaint you that the Council's solicitors have now been instructed to prepare a conveyance of the lots in question from you to the Council.

I have, &c.,
W. WILKINS,
Secretary.

No. 41.

The Secretary, Council of Education, to Messrs. Stephen & Laurence.

Gentlemen, Council of Education Office, Sydney, 12 October, 1878.

I am directed by the Council of Education to request that you will be good enough to prepare a conveyance, by way of purchase, for the sum of £400, from Mr. John Robards to the Council, of lots Nos. 10, 11, and 12, of section 27, at Molong, containing an acre and a half. Mr. Robards's contract of sale is enclosed herewith, together with the undermentioned deeds and documents connected with his title :—

27/6/56. Grant to J. Hope. Lot 10.
27/6/56. Do. do. Lot 12.
29/11/52. Do. J. Job. Lot 11.
23/7/57. Conveyance, Hope to Millgate.
6/1/71. Do. R. Job to Robards.
Certificate of J. Job's death, and R. Job's declaration.
4/7/65. Conveyance, Millgate to Wallings.
5/10/75. Do. Wallings to Robards.

2. This is an urgent matter.

I have, &c.,
W. WILKINS,
Secretary.

No. 42.

Dr. Ross to The Secretary, Council of Education.

Sir, Molong, 26 November, 1878.

The Council of Education I maintain have acted precipitately and unwisely in sanctioning the removal of the Public School site, and my opinion is strengthened by the fact that a large public-house and cattle sale-yard has lately been erected and completed at the very rear and adjoining the new school site chosen by the Council. A cattle sale-yard is anything surely buta nice neighbour to a Public School, or yet to the children attending such a school. This is one of the many blunders that will in time crop up in this matter, and which probably have been kept a profound secret from the Council of Education. I consider I should be doing myself and the public a wrong by withholding such important information of this description.

Yours, & .,
ANDREW ROSS, M.D.

No. 43.

The Secretary, Council of Education, to Dr. Ross.

Sir, Council of Education Office, Sydney, 6 December, 1878.

I am directed by the Council of Education to acknowledge the receipt of your letter dated 26th ultimo, again stating that, in your opinion, the proposed new Public School site at Molong is not suitable for school purposes.

I have, &c.,
W. WILKINS,
Secretary.

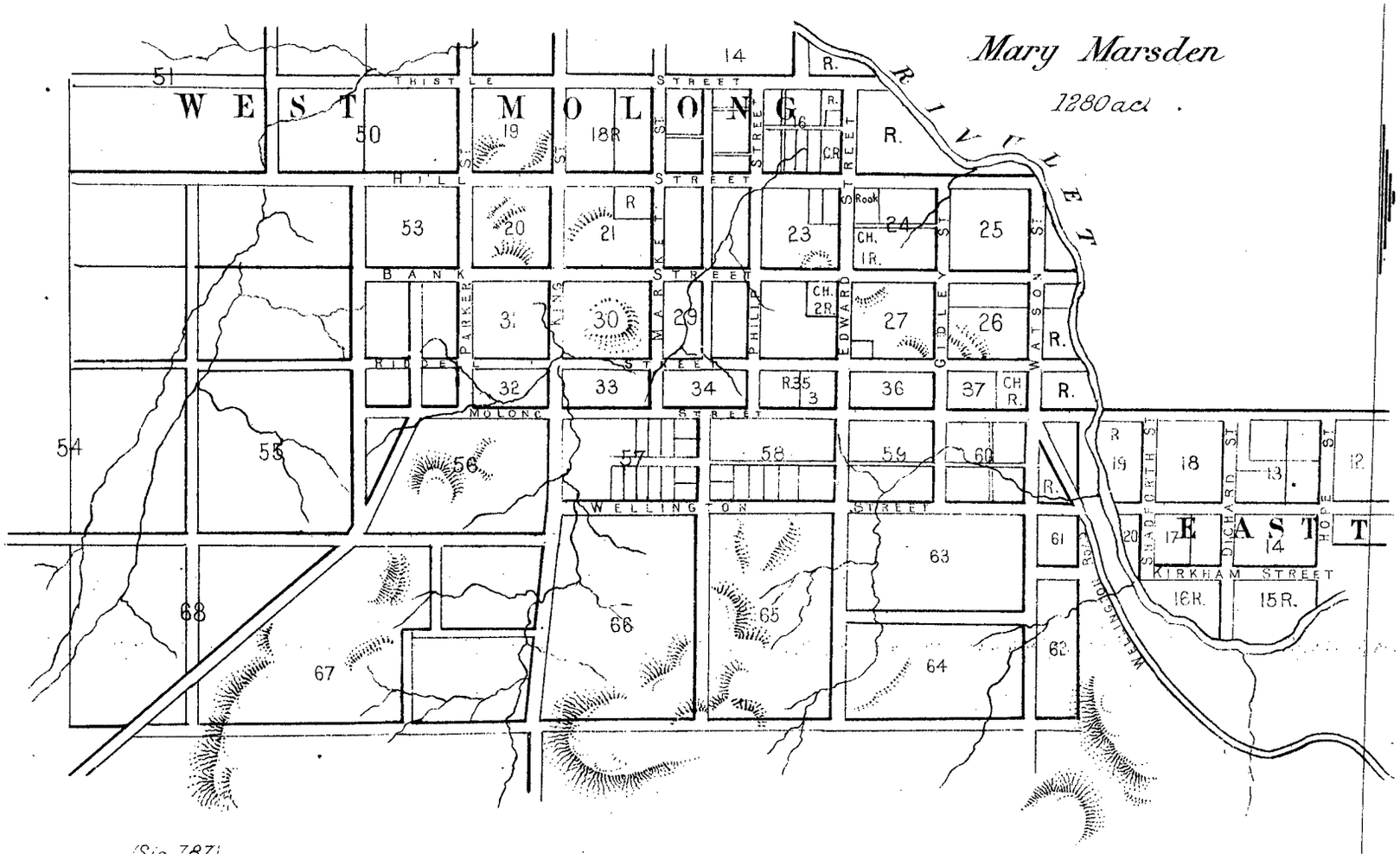
[Two plans.]

Sydney: Thomas Richards, Government Printer.—1879.

[1*s.* 6*d.*]

Enclosure 10.

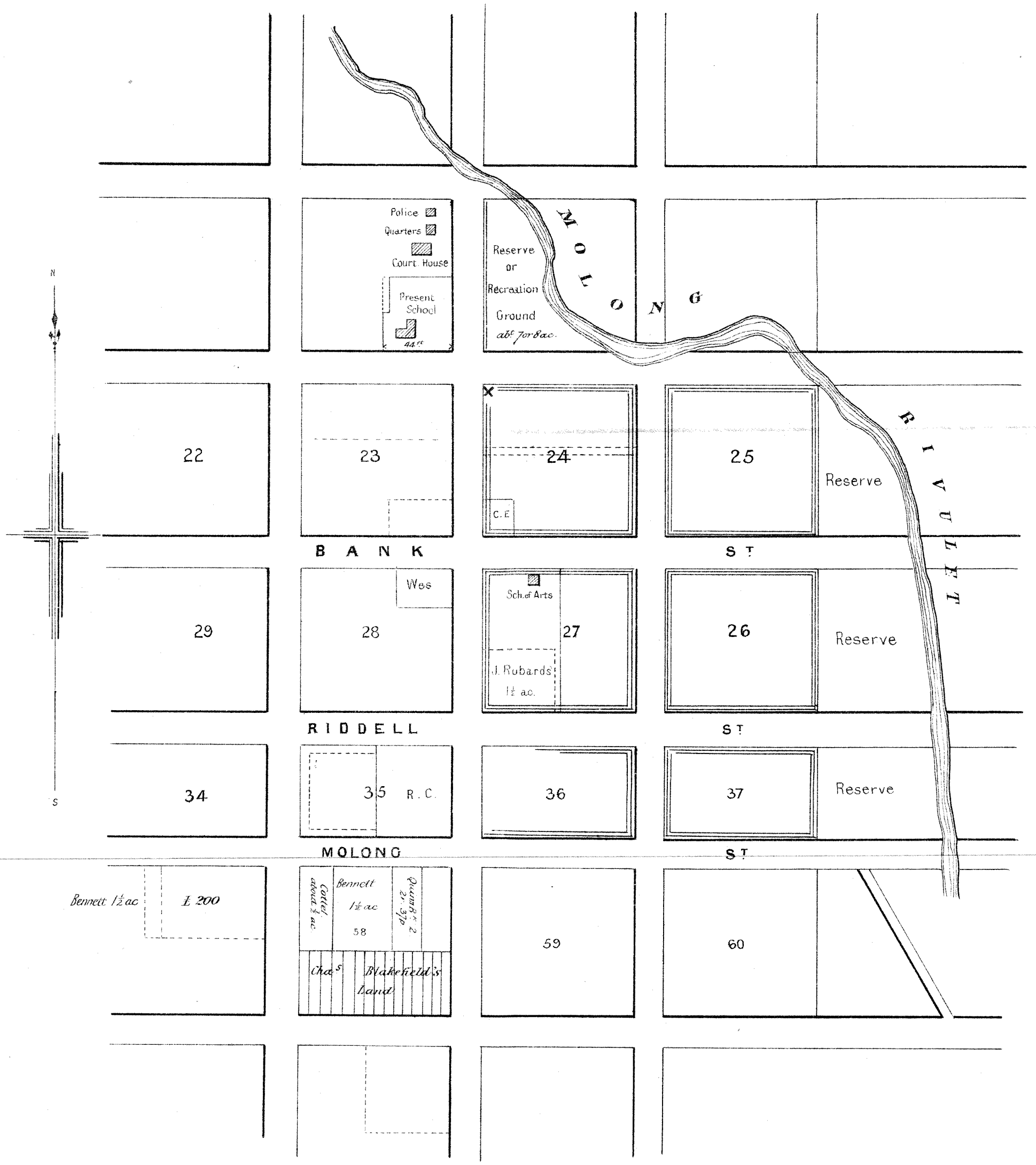
Appendix A



(Sig. 787)

PART OF SURVEY
FOR
TOWNSHIP OF MOLONG

Scale 1 inch to ¼ mile.



N.B The Blocks drawn with triple lines represent the centre of population in the Township
But one family (Parslow) lives S of Township at some little distance
In N.W. corner of blk 24 (✕) situation of building, possibly a public house in course of erection

(Sig 787)

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

EDUCATION.

(PUBLIC SCHOOLS AT BALMAIN.)

Ordered by the Legislative Assembly to be printed, 4 July, 1879.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 4th March, 1879, That there be laid upon the Table of this House,—

"Copies of all Correspondence that has passed since 1st January, 1875, "between the Council of Education and the Local Trustees of the Public "Schools at Balmain, touching the want of school accommodation or of "fitting appliances in the said schools, or either of them."

(*Mr. Fitzpatrick.*)

Balmain Public School.

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33.	Same to Public School Board, Balmain. 8 September, 1875	10
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77.	Same to Public School Board, Balmain. 19 September, 1877	22
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86.	Secretary, Council of Education, to Public School Board, Balmain. 18 June, 1878	26
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95.	Secretary, Council of Education, to Public School Board, Balmain. 21 February, 1879	29
96.	Same to Council's Architect, with memo. thereon. 21 February, 1879	29
97.	Same to same. 6 March, 1879	29
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99.	Same to same. 10 March, 1879	30
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No. 1.

The Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 18 January, 1875.

We have the honor to acknowledge receipt of your letters of 29th September and 18th November last, which have had the careful consideration of the Local Board.

1. The first communication has regard to our request, that the Council of Education would bear the entire cost of the land and the new buildings so urgently required by the present crowded state of the school; and the Board notice with great satisfaction that the Council has only deferred consideration of the application until the result of the Estimates for 1875 is known.

2. We are, however, requested by the Board most respectfully to urge an early consideration of our claim, as it is very undesirable that the children should be subject to the distress caused by want of accommodation during another hot season.

3. We have already suggested to the Minister of Justice and Education the desirability of the Council having power to take possession of any land required for the purposes of the Public Schools Act on payment of compensation therefor, and he informed us that this matter had not escaped his attention. If possible, it is desirable that a short Act be passed in the ensuing session of Parliament, giving this power to the Council. It is very desirable that the block of land previously suggested by us be obtained, as there is no site in the neighbourhood so eligibly situated for the purposes of the school, and we believe that under such authority as that indicated above it could be obtained for a less price than is now asked by Mrs. a'Beckett. If the Minister of Education sees a difficulty in this course, we strongly recommend that the land be purchased at the price put upon it.

4. We beg leave most respectfully to forward to the Council copy of a resolution passed at a meeting of the Board, held on the 8th instant, in the hope that it may strengthen the hands of the Council in carrying out the new policy shadowed forth by the Ministry in their election speeches—

> "That in the opinion of this Board the time has arrived when the entire cost incident to Public Schools should be borne by the State."

5. It will be seen that this resolution compasses more than the expenditure on land and new buildings; it embraces payment for current repairs and petty expenses, and the necessary cost of keeping the out-offices in a state of cleanliness. The want of some small sum specially devoted to those matters has been a constant source of anxiety and annoyance to the Board.

6. With respect to your letter of 18th November, on the subject of the erection of new water-closets, we forward copy of a resolution passed at the same meeting as above referred, and respectfully submit the same for the consideration of the Council, and trust that this matter will be dealt with at the same time as that of the additions to the school buildings—

> "That in the opinion of this Board the sum set down to be expended for the erection of new water-closets is excessive, and as the system of dry-earth closets is carried out in this municipality, they suggest that the same be adopted in the new out-offices."

Experience shows that this system, properly carried out, is much more wholesome and manageable than that of cesspits.

Trusting that the views of the Board will meet with favourable consideration,

We are, &c.,
J. MULLENS, Chairman,
THOMAS M. TINLEY, Secretary,
Of the Local Board.

No. 2.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

Council of Education Office, Sydney, 30 April, 1875.

(B.C. 75-930.) Balmain: Organization of School—Extension of School site.

WILL you be good enough to prepare a scheme for the organization of the above school in three departments—boys', girls', and infants'—for the Council's consideration, and also ascertain if any land adjoining the present site is available for extending the school buildings, and the price of the same.

W. WILKINS,
Secretary.

No. 3.

Mr. J. M'Cormack to The Secretary, Council of Education.

Sir, Balmain Public School, 13 May, 1875.

I have the honor to report that the seat accommodation in the primary department of this school is insufficient for the present attendance.

This deficiency, causing the majority of the pupils to sit uncomfortably close to one another, and some to stand while receiving lessons, interferes with the discipline and effective teaching of several of the classes. It also occasions loss of time by the extra changes necessitated to admit of lessons in writing, drawing, &c., being given.

I therefore respectfully make application to the Council of Education for six forms, the number urgently required to meet the want complained of.

I have, &c.,
J. M'CORMACK,
Teacher.

No. 4.

No. 4.

Memorandum from The Inspector of Schools, Sydney District, to The Secretary, Council of Education.

(B.C. 75–360.) Inspector's Office, 17 May, 1875.

Balmain: Organization of School—Extension of school site. Your B.C. No. 75/7930.

Approving as I do of the proposal of the Local Board to extend the present site by the purchase of adjoining land, marked on the plan accompanying their letter of the 14th September last, I have communicated with the proprietor thereof, and it will be seen from his reply, appended hereto, that the land in question cannot be obtained. It would appear that a street 40 feet wide runs at the western boundary of the present school premises, so that it will be only possible to obtain additional ground on the opposite side of this street. I think such a piece should, if possible, be obtained, but I await further instructions from the Council.

E. JOHNSON,
Inspector.

[*Enclosure.*]

M. E. a'Beckett to The Inspector of Schools, Sydney District.

Dear Sir, Ashfield, 12 May, 1875.

I have consulted a surveyor with reference to your proposal to purchase a portion of the Pigeon Ground, Balmain, adjoining the Public School, and he advises me that the sale of a portion such as you require would seriously affect the plan of subdivision now adopted, and prevent an equally good survey being made. I am therefore sorry to be obliged to decline your proposal.

I am, &c.,
M. E. a'BECKETT.

No. 5.

Memorandum from The Secretary, Council of Education, to Mr. J. M'Cormack.

Council of Education Office, Sydney, 18 May, 1875.

Your letter dated 13th instant, applying for certain furniture for above school.

In reference to the above, I am to remind you the proper medium of communication with the Council on all matters connected with the material condition of the school is the Public School Board.

Be good enough, therefore, to invite the attention of the Board to the furniture required, with a view to the subject being brought under the notice of the Council in due course.

W. WILKINS,
Secretary.

No. 6.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

(B.C. 75–9,077.) Council of Education Office, Sydney, 20 May, 1875.

Balmain: Extension of School site. Your B.C. No. 75/360.

The Council has resolved that efforts be made to obtain a site for school buildings for girls' and infants departments in connection with the above school, on the opposite side of the proposed street referred to in you memorandum.

Will you be good enough, therefore, to ascertain the terms on which sufficient land for this purpose could be obtained.

W. WILKINS,
Secretary.

No. 7.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Public School Board, Balmain, 27 May, 1875.

Enclosed you will find a letter addressed to me as secretary of the Local Board. I have much pleasure in supporting the application.

In view of the resolution recently arrived at by the Legislature with regard to the erection of Public School buildings, and sanction having been given for the expenditure of a large sum of money solely for that object, the Local Board trust that immediate steps will be taken to meet the urgent wants of this suburb.

Expecting to hear from you shortly on this important matter,

I have, &c.,
THOMAS M. TINLEY,
Hon. Sec.

[*Enclosure.*]

Mr. J. M'Cormack to The Hon. Secretary, Public School Board, Balmain.

Sir, Balmain Public School, 21 May, 1875.

I have the honor to report that the seat accommodation in the primary department of this school is insufficient for the present attendance.

This deficiency, causing the majority of the pupils to sit uncomfortably close to one another, and some to stand while receiving lessons, interferes with the discipline and effective teaching of several of the classes.

It also occasions loss of time by the extra changes necessitated to admit of lessons in writing, drawing, &c., being given.

I therefore respectfully invite the attention of the Local Board to the want of a supply of six forms, with the view of the subject being brought under the notice of the Council of Education.

I have, &c.,
J. M'CORMACK,
Master.

No. 8.

No. 8.

Memorandum from The Inspector of Schools, Sydney District, to The Secretary, Council of Education.

Inspector's Office, 28 May, 1875.

Balmain: Extension of School site at. Your B.C. No. 75/9,097.

I FORWARD herewith a rough sketch of six allotments having a frontage of 132 feet to a'Beckett-street, with a depth of 100 feet. These allotments Mrs. a'Beckett offers to the Council for £800, and the offer will be open for acceptence for ten days from the 25th instant. It will be observed that the land is opposite the present school site. The price asked for the land may appear high, but the position is one of the best in Balmain. Mrs. a'Beckett is not anxious to sell, and the site is the only eligible one. In these circumstances the Council would appear to have little choice. I am of opinion that the land should be secured.

E. JOHNSON,
Inspector.

No. 9.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

Council of Education Office, Sydney, 2 June, 1875.

Balmain: Extension of school site at. Your B.C. No. 75/371, dated 28th ultimo.

THE Council is disposed to purchase the land referred to in the above memorandum, but desires you to be good enough to confer again with Mrs. a'Beckett in order to point out to her that the price is considered by the Council as being at a high rate, and suggest that she should appoint Messrs. Richardson & Wrench, or any other professional person she may please, to fix the value of the land, the Council being prepared to accept such valuation.

W. WILKINS,
Secretary.

No. 10.

Memorandum from The Inspector of Schools, Sydney District, to The Secretary, Council of Education.

Inspector's Office, 5 June, 1875.

Balmain: Extension of school site.

I BEG to forward herewith correspondence relating to the above.

E. JOHNSON,
Inspector.

[*Enclosures.*]

Mr. M. a'Beckett to The Inspector of Schools, Sydney District.

Dear Sir, 25 May, 1875.

Mr. Dwyer called upon me on Saturday morning with reference to the purchase of portion of Mrs. a'Beckett's land for the Balmain school. He proposes purchasing six allotments frontinge a'Beckett-street. The frontage would be 132 feet to a'Beckett-street, with a depth of 100 feet, and the price £800. I send you as requested by Mr. Dwyer a rough sketch of the land showing the lots proposed to be sold by blue lines. This offer will be open for acceptance for ten days.

I am, &c.,
M. E. A'BECKETT.

Dear Sir, Ashfield, 3 June, 1875.

I have referred the proposal of the Council of Education to Mrs. a'Beckett, viz., that the land at Balmain proposed to be sold should be appraised by a valuator, and am requested to inform you that she regrets being unable to accede to those terms as the price named was fixed some time ago and she is not desirous of selling those portions at a lower rate.

I am, &c.,
M. E. A'BECKETT.

No. 11.

The Secretary, Council of Education, to Mr. M. a'Beckett.

Sir, Council of Education Office, Sydney, 9 June, 1875.

I am directed to acquaint you that the Council of Education has received a memorandum from Mr. Inspector Johnson, who was authorized to act for the Council, submitting an offer from Mrs. a'Beckett to sell six lots of land at Balmain, having a frontage of 132 feet to a'Beckett-street with a depth of 100 feet for £800.

2. Having considered Mrs. a'Beckett's offer, the Council has consented to accept the same, and has accordingly paid a deposit of £50 on the purchase, the balance to be handed over on execution of the conveyance.

3. Will you therefore be good enough to ask Mrs. a'Beckett to be so good as to forward her title deeds to this office for the guidance of the Council's solicitors in preparing the necessary deed of transfer.

I have, &c.,
W. WILKINS,
Secretary.

No. 12.

Mr. M. a'Beckett to The Secretary, Council of Education.

Sir, Ashfield, 10 June, 1875.

I have to acknowledge the receipt of your letter of the 9th instant, intimating the acceptance by the Council of Education of an offer from Mrs. a'Beckett to sell 6 lots of land at Balmain, having a frontage of 132 feet to a'Beckett-street, with a depth of 100 feet, for £800.

The

The land is under the Real Property Act, and the certificate of title is at the Land Titles Office, where it may be inspected by the solicitors for the Council.

On your informing me of the approval of the title by the Council's solicitors I will have the land surveyed, and forward the surveyor's description for insertion in the transfer.

I have, &c.,
M. E. A'BECKETT.

No. 13.

The Secretary, Council of Education, to Messrs. Stephen & Stephen.

Gentlemen, Council of Education Office, Sydney, 16 June, 1875.

I am directed to acquaint you that the Council of Education is in treaty with Mrs. a'Beckett for the purchase of six allotments of land at Balmain, comprising part of section 2, and situated at the corner of a'Beckett and Edwin streets, having a frontage to the former street of 132 feet by a depth of 100 feet along the latter to a private lane.

2. The title to the land referred to is under the Real Property Act, and the certificate of title may be seen at the Lands Title Office. Will you be good enough to inspect the deed, and inform me if the title is clear, in order that a surveyor's description may be obtained, with a view to the allotments mentioned being transferred from Mrs. a'Beckett to the Council.

I have, &c.,
W. WILKINS,
Secretary.

No. 14.

Messrs. Stephen & Stephen to The Secretary, Council of Education.

Sir, Sydney, 17 June, 1875.

In reply to your letter of yesterday we have to state that we have been unable to find at the Land Titles Office any certificate of title in favour of Mrs. a'Beckett relating to the land described in your letter; we applied to the draftsman who could not, however, help us in any way in finding any trace of either a'Beckett or Edwin streets. We must therefore get some further information to enable us to ascertain the position of the title. In all probability if the land has been already subdivided no surveyor's description will be necessary.

We have, &c.,
STEPHEN & STEPHEN.

No. 15.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 17 June, 1875.

Referring to your letter of the 27th ultimo, enclosing application from the teacher for a supply of six forms for the Public School at Balmain, I am directed to state that the Council of Education has decided to furnish the articles mentioned.

Will you be good enough, therefore, to state the dimensions of the forms required, in order that the Council's agent may be instructed to prepare them.

I have, &c.,
W. WILKINS,
Secretary.

No. 16.

The Secretary, Council of Education, to Mr. M. a'Beckett.

Sir, Council of Education Office, 21 June, 1875.

Referring to your letter of the 10th instant, respecting the title to certain land at Balmain belonging to Mrs. a'Beckett, I am directed by the Council of Education to transmit herewith copy of a communication received from the Council's solicitors, stating that they are unable to discover any certificate of title at the Lands Titles Office in favour of Mrs. a'Beckett.

2. Will you be good enough, therefore, to furnish me with further information regarding the title to the land proposed to be purchased by the Council, together with a technical description, in order that the solicitors may be further instructed in the matter.

I have, &c.,
W. WILKINS,
Secretary.

No. 17.

Mr. M. a'Beckett to The Secretary, Council of Education.

Sir, Ashfield, 24 June, 1875.

I have to acknowledge the receipt of your letter of the 21st instant enclosing copy of letter received by you from Messrs. Stephen & Stephen, the solicitors for the Council.

I find, on inquiry, that no plan of the subdivision of the land has been lodged at the Lands Titles Office, and that therefore the officers of the department could not understand the reference to a'Beckett or Edwin streets. The certificate of title to the whole block of land is in the Land Titles Office, and I will at once lodge a plan of the subdivision certified by a surveyor, and inform Messrs. Stephen & Stephen of my having done so.

I have, &c.,
M. E. A'BECKETT.

No. 18.

No. 18.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Public School Board, Balmain, 29 June, 1875.

The information you require as to size of forms for the Balmain Public School is contained in the teacher's letter enclosed herewith.

I am, &c.,
THOMAS TINLEY,
Hon. Secy.

[*Enclosure.*]

The Teacher, Public School, Balmain, to The Hon. Secretary, Public School Board, Balmain.

Sir, Balmain Public School, 25 June, 1875.

The following is the information applied for in your letter of the 22nd instant :—

	ft.	in.
Length of form	10	6
Height	1	6
Width	0	8

I remain, &c.,
J. M'CORMACK,
Teacher.

No. 19.

The Secretary, Council of Education, to Messrs. Stephen & Stephen.

Gentlemen, Council of Education Office, Sydney, 30 June, 1875.

Referring to your letter of the 17th instant, reporting inability to discover a certificate of title in the name of Mrs. a'Beckett at the Lands Titles Office in connection with certain land at Balmain, I am directed by the Council of Education to transmit herewith, for your information, copy of a communication received at this office from Mr. M. E. a'Beckett on the subject.

I have, &c.,
W. WILKINS,
Secretary.

No. 20.

Mr. M. a'Beckett to The Secretary, Council of Education.

Dear Sir, Ashfield, 5 August, 1875.

It is now upwards of two months since the Council of Education agreed to purchase from Mrs. a'Beckett a portion of land for the Balmain Public School, and, although all objections to the title have been removed, nothing seems to have been done in the matter.

The delay is of course a matter of importance to Mrs. a'Beckett, and I am therefore requested to inform you that unless the balance of the purchase money be paid by Friday next, the 13th of August instant, interest at 10 per cent. will be required on the amount due.

I am, &c.,
M. E. A'BECKETT.

No. 21.

The Secretary, Council of Education, to Messrs. Stephen & Stephen.

Gentlemen, Council of Education Office, Sydney, 7 August, 1875.

In reference to my letter of the 15th June last and subsequent correspondence, respecting the transfer of certain land from Mrs. a'Beckett to the Council of Education for school purposes at Balmain, I am directed to acquaint you that a communication has been received at this office from Mr. M. E. a'Beckett, stating as follows:—

"It is now upwards of two months since the Council of Education agreed to purchase from Mrs. a'Beckett a portion of land for the Balmain Public School, and, although all objections to the title have been removed, nothing seems to have been done in the matter.

"The delay is of course a matter of importance to Mrs. a'Beckett, and I am therefore requested to inform you that unless the balance of the contract money be paid by Friday next, the 13th of August instant, interest at 10 per cent. will be required on the amount due."

2. I am further to request that you will be good enough to state if the conveyance mentioned has yet been executed, and, if not, to explain the cause of delay.

I have, &c.,
W. WILKINS,
Secretary.

No. 22.

Messrs. Stephen & Stephen to The Secretary, Council of Education.

Dear Sir, Pitt-street, Sydney, 10 August, 1875.

We are in receipt of your letter of 7th August instant, having reference to a transfer of land from Mrs. a'Beckett to the Council.

We also received your letter to us of the 30th June, enclosing copy of one written to you by Mr. E. a'Beckett, and dated 24th June, in which he expresses his intention of at once lodging a plan of the subdivisions of Mrs. a'Beckett's property at Balmain, and of informing us of his having done so.

As a matter of fact, Mr. a'Beckett never informed us that he had carried out such intention, but we received from him, on the 6th July, a letter bearing no writer's address, enclosing a surveyor's description, with a small sketch of the land endorsed, but, although from that date to the present time we have

attended

attended several times at the Registrar General's Office, the last being no later than yesterday, we cannot find that Mr. a'Beckett has ever lodged the plan as promised, nor can we ascertain that any certificate of Mrs. a'Beckett's title to the land sold to the Council has been lodged there, nor can we trace that she has any title to the land.

In the face of these facts we cannot but think that the letter of Mr. a'Beckett, portions of which are quoted in your communication, was at least premature and unnecessary.

As Mr. a'Beckett's letter contained no address, we have daily expected him to call on us, but he has not done so, and it is utterly impossible that we can proceed with the transfer until the plan referred to in his letter has been lodged, as also Mrs. a'Beckett's certificate of title.

You will therefore see that any delay which has arisen in the completion of this matter has not been caused by us, but solely through the neglect of Mr. a'Beckett to carry out the proposals contained in his letter before referred to.

Had Mr. a'Beckett done what was necessary on the part of the vendor, the completion of the transfer could have been carried out in a few hours; and had Mr. a'Beckett communicated with us, as would have been the proper course, instead of writing to you, the purchase would, no doubt, long ere this have been completed.

We are, &c.,
STEPHEN & STEPHEN,
(*p.* H. AYLWARD.)

No. 23.

The Secretary, Council of Education, to Mr. M. a'Beckett.

Sir, Council of Education Office, 12 August, 1875.

I am directed by the Council of Education to acknowledge the receipt of your letter of the 5th instant, complaining of the delay in the completion of the transfer of certain land at Balmain to be purchased by the Council from Mrs a'Beckett, and intimating that, unless the balance of the purchase money be paid by Friday next, the 13th instant, interest at the rate of 10 per cent. will be required on the amount due.

2. In reply, I am to state that, on receipt of your communication, the Council's solicitors, in whose hands the matter had been placed, were at once consulted as to the cause of the non-completion of the transfer in question. A copy of a letter which has just been received from these gentlemen is now enclosed, for your information; and I am to express a hope that you will at once afford them the particulars they require, in order to enable them to prepare the deed.

3. The Council trusts that the facts disclosed by the solicitors will satisfy Mrs. a'Beckett that the blame for the delay does not rest with the Council or its officers, and induce her to re-consider her determination to charge the interest mentioned in your communication, inasmuch as, under the circumstances of the case, such a charge would be unreasonable.

I have, &c.,
GEORGE MILLER,
(For Secretary.)

No. 24.

Mr. M. a'Beckett to The Secretary, Council of Education.

Sir, Ashfield, 16 August, 1875.

I have to acknowledge the receipt of your letter of the 12th instant, enclosing copy of a letter from Messrs. Stephen & Stephen, of the 10th instant, in which they state that the delay in the completion of the sale from Mrs. a'Beckett to the Council of Education has been caused solely through my negligence.

I most distinctly deny that this is the case, and you will perceive, from the following statement of the facts, that the delay is solely attributable to the gentlemen who had charge of the business.

On receiving your letter, informing me that Messrs. Stephen & Stephen were unable to find the certificate of title of the land sold, I called at their office and informed the gentlemen who had charge of the matter, that the certificate of title of the whole of the land, of which the allotments sold form part, was in the Lands Title Office, but that no plan of the subdivisions had been lodged. I also informed him that I had intended to lodge a plan, but that I had consulted with Mr. Reuss, the surveyor, who informed me in order to do so I would have to have all the allotments surveyed, which would be a heavy and unnecessary expense, as he would prepare me a description of the land sold, with a small plan of the portion endorsed on the back, which would, he thought, answer the purpose.

A few days afterwards I obtained the description and plan from Mr. Reuss, and forwarded them, with a letter, to Messrs. Stephen & Stephen.

About a fortnight afterwards I called at Messrs. Stephen & Stephen's office, and requested the same gentleman whom I had seen before to expedite the matter, and he promised to do so.

I again called, after the expiration of about a fortnight, and saw the same gentleman, who informed me that he had not done anything in the matter, but that it would have his immediate attention.

After waiting some little time, and having received no communication from them, I wrote you my last letter, requiring interest on the balance due.

With reference to the statement that my letter forwarding the description contained no address, I can only say that Messrs. Stephen & Stephen know perfectly well where I am to be found in Sydney, and if they did not, they must have been well aware that any letter addressed to my residence at Ashfield would have reached me.

On Saturday last, however, I saw their Mr. Lawrence, and on explaining the circumstances of the transaction to him he promised to look into the business and have it completed as soon as possible.

I am desired by Mrs. a'Beckett to add that, as the delay has been caused by no unwillingness on the part of the Council of Education to complete the transaction, no interest will be charged, provided that the matter is settled within a reasonable time from this date.

I have, &c.,
M. E. A'BECKETT.

No. 25.

No. 25.

The Secretary, Council of Education to Messrs. Stephen & Stephen.

Gentlemen, Council of Education Office, Sydney, 17 August, 1875.

In reference to your letter of the 10th instant, respecting the delay in the completion in the transfer of certain land at Balmain from Mrs. a'Beckett to the Council of Education, I am directed by the Council to transmit herewith, for your information, copy of a communication received from Mr. M. E. a'Beckett on the subject.

2. The Council trusts that you are already in possession of the necessary information to enable you to complete the conveyance in question, and that no further delay will take place in the matter.

I have, &c.,
W. WILKINS,
Secretary.

No. 26.

Messrs. Stephen & Stephen to The Secretary, Council of Education.

Dear Sir, New Pitt-street, Sydney, 24 August, 1875.

Mr. a'Beckett has written to inform us that he is ready to hand over transfer to us on receipt of cheque for £750, balance of purchase money. Will you kindly let us have a cheque for that amount, to pay him?

Yours, &c.,
STEPHEN & STEPHEN,
(*pro* H. AYLWARD).

No. 27.

Messrs. Stephen & Stephen to The Secretary, Council of Education.

Dear Sir, New Pitt-street, Sydney, 27 August, 1875.

Herewith we send you vouchers for £750, paid to Mrs. a'Beckett as purchase money of land at Balmain.

Yours, &c.,
STEPHEN & STEPHEN,
(*pro* H. AYLWARD).

No. 28.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 29 August, 1875.

At a meeting of the Board, held last evening, a deputation was appointed to wait upon you to urge the necessity of immediate steps being taken to afford the requisite school accommodation for this suburb.

2. I shall be glad if you will name an early date to meet the said deputation.

I am, &c.,
THOS. M. TINLEY,
Hon. Sec. to the Board.

No. 29.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 2 September, 1875.

I am directed by the Council of Education to acknowledge the receipt of your letter dated 29th August ultimo, in which you state that at a meeting of the Public School Board, held on the 28th idem, a deputation was appointed to wait upon me with a view to urge the necessity for immediate steps being taken to afford the requisite school accommodation at Balmain, and request me to name an early date to meet such deputation.

2. In reply, I am to observe, that as the Council is doing all in its power to provide increased school accommodation at Balmain, it does not seem probable that any useful purpose will be served by an interview on this subject. If, however, the Board have any special points to urge upon the Council's attention, I shall be prepared to receive the deputation referred to at any hour they may name between 10 o'clock a.m. and 4 o'clock p.m., on Tuesday next, the 6th September instant.

I have, &c.,
W. WILKINS,
Secretary.

No. 30.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 6 September, 1875.

I am in receipt of your communication of the 2nd instant.

2. The deputation appointed to wait upon you will do themselves that pleasure at 2·45 to-morrow (Tuesday) afternoon.

I have, &c.,
THOMAS M. TINLEY,
Hon. Secretary of the Board.

No. 31.

Memorandum from The Secretary, Council of Education.

Council of Education Office, Sydney, 7 September, 1875.

O. S. Evans, Esq.; Capt. Bromfield; Mr. T. Tinley.

These gentlemen represented that a less provision than for 1,000 children would be undesirable; that an infant school for the east end, and another for the west end, were necessary; and that suitable sites could be procured at a cheap rate.

They were informed of the Council's purchase of additional land, and of its intention to erect new buildings for the girls' and infants' departments.

They promised to state their views in writing. W.W.

No. 32.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

Additional buildings to be erected.

Council of Education Office, Sydney, 8 September, 1875.

Be good enough, as early as practicable, to state for what number of pupils accommodation should be provided in the proposed buildings for the girls and infants' departments respectively. The Board have intimated to me that, in their opinion, the whole school should provide for 1,000 children.

W. WILKINS,
Secretary.

No. 33.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 8 September, 1875.

I am directed by the Council of Education to acquaint you that the Council has now completed the purchase from Mrs. a'Beckett, of certain land at to the school site at Balmain, and that steps are about to be taken towards the erection of buildings for the girls' and infants' departments on the land referred to.

I have, &c.,
W. WILKINS,
Secretary.

No. 34.

The Inspector of Schools, Sydney District, to The Secretary, Council of Education.

Balmain: Additional buildings to be erected. Your B.C., 75-17,826.

Inspector's Office, 10 September, 1875.

The proposed buildings should provide accommodation for—

(*a.*) 250 Girls.
(*b.*) 350 Infants.

C. JOHNSON,
Inspector.

No. 35.

The Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 14 September, 1875.

At a meeting of the Local Board, held on the 9th instant, it was unanimously resolved,—"That in addition to the recommendations previously made in regard to requisite school accommodation to meet the daily increasing educational wants of this suburb, they strongly advise the erection of infants' schools at both the east and west ends of Balmain, and several members of the Board were deputed to make inquiries as to the most eligible sites obtainable and the probable cost of the land, the result of such inquiries to be made known to the Council of Education without delay."

2. In pursuance of the above request inquiries have been instituted, and the only suggestion which can be made at present is with regard to the east end, where they would urge the Council to purchase that piece of land in Darling-street, near Johnstone-street, and adjoining Mr. Watkinson's (baker) property. It has a frontage of 33 with a depth of 204 feet. The price would be from £350 to £400, and on the ground is about £75 worth of building materials, consisting chiefly of dressed stone. A great inducement to secure this block lies chiefly in the fact, that immediately adjoining and at rear of it is a large allotment which, failing a title, is no man's land; this could be fenced in, and would form a capital playground. A sketch showing position is appended hereto. In the course of a few days we shall probably be enabled to afford some definite information as regards the west end. From what we can at present learn the price will be about £300 to £400 per acre.

3. For the guidance of the Council we may state that we think the infants' school-room at the east end should be sufficiently large to accommodate—say 250 to 300 children; whilst provision at the west end should be made for 400 to 500 at the least. There is now at the west end a ladies' day-school, having 100 children in attendance; and the new Church of England Sunday-school (independent of those of other denominations in the immediate vicinity), has 250 children on the books.

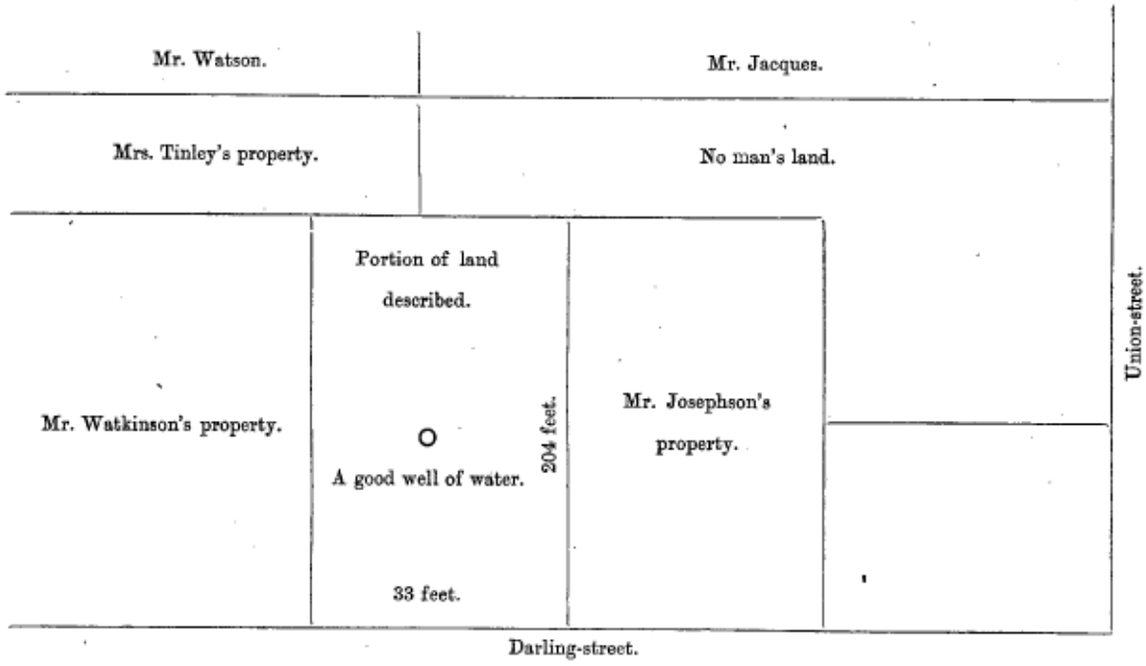
Although

Although a large portion of what is called the Balmain Estate is still unoccupied, yet buildings are rising fast, and the population in the locality rapidly increasing; provision should therefore be made for the growing wants of the place.

Trusting that the Council will continue to act with the liberal spirit it has already manifested,

We are, &c.,

OWEN SPENCER EVANS, Chairman,
THOMAS M. TINLEY, Hon. Secretary,
Balmain Public School Board.



No. 36.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

(B.C., 75/18,314.) Council of Education Office, Sydney, 15 September, 1875.

Balmain: Proposed additional school buildings at.

The Council desires that you will be good enough to prepare a sketch plan of the proposed additional school buildings to be erected at the above place, to be constructed of the same materials as the existing premises, and providing accommodation as follows, viz.:—

Girls' department ... ... 250 pupils.
Infants' department ... ... 350 pupils.

A sketch of the land recently purchased by the Council, on which the proposed buildings are to be erected, is transmitted herewith for your information.

W. WILKINS,
Secretary.

Sketch plan of additions herewith transmitted.—G. Allen Mansfield, architect, 20 December, 1875.

No. 37.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

(B.C., 75/18,467.) Council of Education Office, Sydney, 16 September, 1875.

Balmain Public School Board's letter of 14th instant.

Herewith is transmitted for your report a letter from the Public School Board, suggesting the erection of infant schools in the east and west ends of Balmain.

W. WILKINS,
Secretary.

No. 38.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 16 September, 1875.

I am directed by the Council of Education to acquaint you that your letter dated 14th September instant, upon the subject mentioned below, is under consideration, and that a further communication respecting it will be addressed to you as soon as the Council has arrived at a decision in the matter.

I have, &c.,
W. WILKINS,
Secretary.

Subject:—Suggesting the erection of infants' schools in the east and west ends of Balmain.

No. 39.

No. 39.

The Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 24 September, 1875.

Following up our previous communications and suggestions with reference to additional school accommodation at the east and west ends of Balmain, we have now to report as follows :—

2. The Chairman of the Board, accompanied by one of the members of the Board and Mr. E. Johnson, inspector, examined those portions of land suitable and available for the object in view, and the recommendations following are made after a close and earnest attention to the educational wants of this hamlet.

3. *East end.*—We advise the purchase of that piece of land offered by Mr. Stubbs (sketch of which is in your hands), situated in Nicholson-street; price, about £670.

4. *West end.*—The most desirable portion at the west end is the property of Mr. David Ramsay; it is situated on the Darling Road, and contains about 1½ acre, valued at £450 per acre; price, say £675.

5. Land in Balmain, more particularly at the west end, is increasing rapidly in value; we would therefore urge the Council to secure what is requisite without delay, otherwise the ground will be cut up into small allotments, and the value will be increased one or two hundred per cent. Those portions which are above indicated are excellent sites for schools, and we think the price is reasonable.

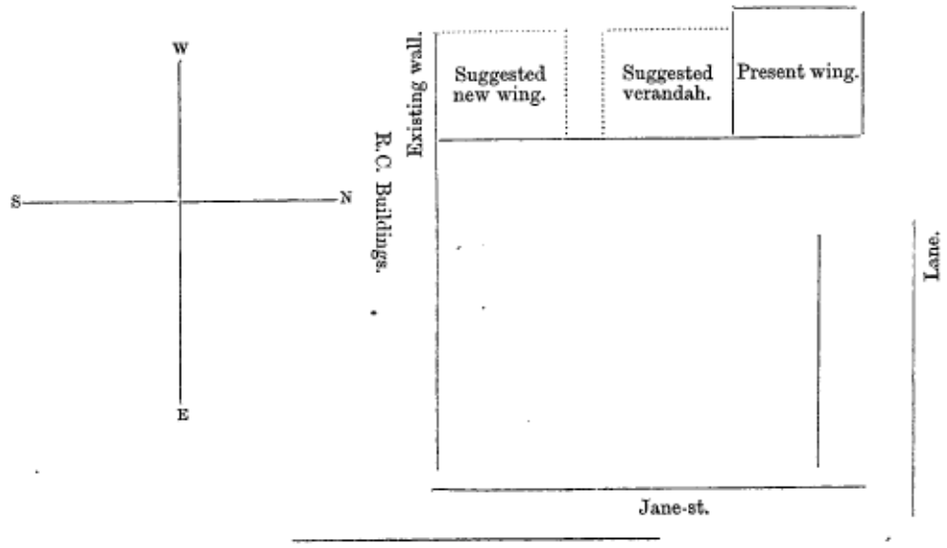
6. With regard to the accommodation required, we have already addressed you, and we would suggest that the buildings to be erected should be for mixed as well as infant schools, allowing for east end 150 infants, and 150 mixed—300 in all; and west end, 300 infants, and 200 mixed—500 in all.

7. The number of children now on the books is 850, actual attendance 530, accommodation for 350. The crowded state of the present school buildings is having a most injurious effect on the health of the children, and we would recommend that, pending the erection of the new central buildings, and before the intense heat of summer is felt, a class-room* be erected on the south-west corner of the present building, and also a verandah connecting the two wings thus formed; the building then would be completed as, we believe, was previously designed in sketch at foot.

*A portion was commenced some time back

8. The Board will be most happy to supply any further information that the Council require, and now leave the whole matter in your hands, trusting that immediate steps will be taken to give effect to their suggestions and recommendations.

We are, &c.,
OWEN SPENCER EVANS, Chairman,
THOMAS M. TINLEY, Hon. Secretary,
Of the Local Board.



No. 40.

Memorandum from The Inspector of Schools, Sydney District, to The Secretary, Council of Education.

Balmain: Public School Board's letter of 14th instant. Your B.C., No. 75-18,467.

Inspector's Office, 25 September, 1875.

I MET yesterday, by appointment, a deputation of the Public School Board, consisting of Dr. Evans and Mr. Robinson, Mayor of Balmain. We made a tour of the municipality, with a view to select suitable sites for schools. In the first place we visited the east end of Balmain, and inspected the site submitted for approval in the Board's letter. This site is much too small, is jammed in by buildings, and is otherwise objectionable. The only site not built on, at all eligible for a school in this part of Balmain, is that marked B on the plan forwarded herewith. This site is in Nicholson-street, is reasonably elevated, very level, and commands a pleasant view of a part of the harbour. I would strongly advise the Council to purchase this land at once. It has been subdivided into 11 allotments, as per sketch annexed hereto, and is in the hands of Stubbs & Co. for sale. The total cost of it is £666 10s. The site will afford sufficient space for school buildings and a teacher's residence. I consider the price asked a reasonable one.

We next proceeded to Balmain West, and were fortunate in meeting with the offer of a site, which for school purposes is almost without a rival in this locality. It consists of an acre and a-half, adjoining the acre site recently purchased for a Presbyterian Church, and almost opposite to the new Church of England. It occupies the crown of the hill, has good natural drainage, and is very level. Mr. D. Ramsay, of Dobroyde, is the proprietor, and offers to sell the block for school purposes at the low rate of £450 per acre. Land in close proximity was recently sold at £1,200 per acre. I need hardly observe, therefore, that

that the land is offered to the Council as a bargain. The members of the Public School Board are of opinion that the Council will do well to secure the land at once, and in this opinion I concur. I have indicated its position on the accompanying map by the letter C.

E. JOHNSON,
Inspector.

No. 41.

The Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 15 October, 1875.

We have the honor to acknowledge receipt of your communication of the 30th ultimo, wherein you state that the Council has deferred the consideration of the matters brought under its notice in our letter of the 14th idem.

2. Your letter was considered at a meeting of the Local Board, held on the 5th inst., who much regret that any further delay should occur in supplying the school accommodation which is so urgently required for this largely populated suburb, and deprecate the very unsatisfactory position in which they feel themselves placed by the action of the Council.

3. During the last twelve months the Council has had brought under its notice, not only frequently by letter but also by means of a deputation to the Secretary of the Council, the pressing nature of our case, and the various members of the Board, after devoting much consideration to the subject, feel greatly disappointed that a matter which should have the first attention of the Council has been indefinitely postponed.

4. The startling facts which have from time to time been made known to the Council should, we think, have led to immediate steps being taken to meet the educational wants of the people in this suburb, and we need only state that the population cannot be far short of 10,000, children of school age from 2,500 to 3,000, public school accommodation for only 350, to show that the Board have good grounds for raising their voice against any further delay in carrying out their various suggestions and recommendations.

5. We would also remind you that the continued delay of the Council in providing school buildings suitable for our requirements not only militates against the progress of the school, but also places the Board in a false position before the public, a position which they are unwilling to maintain. From what has come to our knowledge, we believe that unless the Council take steps, and that speedily, to meet our wants, denominational schools will be established, which, as advocates of the Public School system, we think would be most undesirable.

Trusting that the Council will see the necessity of immediate action, and thus remove the stigma which now attaches to the Local Board, We have, &c.,

OWEN SPENCER EVANS, Chairman,
THOMAS M. TINLEY, Hon. Secretary,
Balmain Public School Board.

No. 42.

The Secretary, Council of Education, to The Under Secretary of Justice, &c.

Sir, Council of Education Office, Sydney, 23 October, 1875.

In inviting attention to my letter (No. 75/19,380), dated 30th ultimo, I am directed by the Council of Education to state that the Council would be glad if the Honorable the Minister of Justice and Public Instruction will be so good as to ascertain as early as practicable whether the Government is willing to grant the Council 2 acres of land in the Garryowen Estate, Balmain, for Public School purposes.

I have, &c.,
W. WILKINS,
Secretary.

No. 43.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 23 October, 1875.

I am directed by the Council of Education to acquaint you that the Council has had under notice your letter, dated 15th inst., signed also by Mr. O. Evans, in which, on behalf of the Public School Board at Balmain, you express a desire that the Council will not postpone the question of the erection of infants' schools in the east and west ends of that locality.

2. In reply, I am instructed to state that the Council has not lost sight of the various representations of the Board contained in your letter of 14th ultimo, and that a decision will be arrived at in the matter as early as practicable. As already notified to you in my letter of 30th ultimo, the Council is endeavouring to secure a school site on the Garryowen Estate.

I have, &c.,
W. WILKINS,
Secretary.

No. 44.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 5 November, 1875.

Balmain: Sketch plan of proposed additional buildings. My memo., 75/18,314.

The Council desires that you will be good enough to expedite the preparation of the sketch plan of the proposed additional buildings (girls' and infants' school-rooms) at the above place.

W. WILKINS,
Secretary.

Sketch plan herewith. See your memo., 75/18,314.

No. 45.

No. 45.

The Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Public School Board, Balmain, 21 December, 1875.

In our letter of the 24th September ultimo, P. No. 7, the following appears:—"We would recommend that, pending the erection of the new central building, and before the intense heat of summer is felt, a class-room be erected on the south-west corner of the present building, and also a verandah connecting the two wings"; and at foot an explanation sketch was given.

2. Feeling the urgent need for some steps being taken to prevent in some measure the crowded state of the buildings during the summer season the recommendation was made, but, although three months have elapsed since the matter was brought more particularly under your notice, we are not aware that any steps have been taken to give effect to our suggestions.

3. Supposing that the verandah could be made use of as a class-room we calculate that the additions would afford temporary accommodation for some fifty or sixty children, and the cost would be trifling, whilst the benefit derived would be very great.

4. If the architect were instructed to place the matter in hand at once the work required to be done could easily be completed during the holidays, and necessity for immediate action being taken is shown by the fact that some parents, feeling that their children's health is being undermined in consequence of the vitiated air they are compelled to breathe during school hours, have signified their intention of removing their children.

5. Hoping that the work required may be done, and that speedily,

We are, &c.,
OWEN SPENCER EVANS, Chairman,
THOMAS M. TINLEY, Hon. Sec.,
Balmain Public School Board.

No. 46.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 23 December, 1875.

Balmain: Proposed additional school buildings at. Your memo. of 20th instant, forwarding sketch plan.

With reference to the above matter the Council desires that you will be good enough to furnish a sketch plan of a building of two storeys, as it appears that a building of that class would be more desirable than one in accordance with the plan submitted, in view of the small portion of land on which the school is to be erected.

The plan forwarded herewith should be returned to this office with the new one.

W. WILKINS,
Secretary.

Sketch plan of two-storied building herewith transmitted.—G. Allen Mansfield, architect, 5th January, 1876.

No. 47.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 11 January, 1876.

Balmain: Sketch plans of proposed additional buildings at.

The Council now desires you to be good enough to prepare the full plans and specifications, in accordance with the sketch plan of a two-storied building, submitted with your memorandum of the 5th instant.

It is desirable that this matter be regarded as *urgent*.

GEORGE MILLER,
(For Secretary.)

Full plans and specifications herewith transmitted. I would recommend that tenders be invited through this office in the usual way. I estimate the buildings to cost about £4,200.—G. Allen Mansfield, architect, 17th February, 1876.

No. 48.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 21 January, 1876.

With reference to your letter of the 21st ultimo, suggesting that a class-room and verandah be erected in connection with the Public School buildings at Balmain, I am directed by the Council of Education to acquaint you that the Council has now approved of the architect's design for new school buildings for girls and infants in two storeys, and has instructed that officer to prepare the necessary working plans and specifications without delay. Tenders will be invited for the works as soon as practicable.

2. Under these circumstances the Council deems it not advisable to sanction the execution of works of temporary character.

I have, &c.,
W. WILKINS,
Secretary.

No. 49.

No. 49.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 18 February, 1876.

I beg to forward you a letter, received from Mr. M'Cormack, the head-master of the Balmain Public School, drawing attention to the state of the out-offices.

2. You will see the necessity of steps being taken immediately to do what is requisite to prevent the back premises becoming a nuisance to the inhabitants, and a source of injury to the children's health.

I have, &c.,
THOMAS M. TINLEY,
Hon. Secretary.

[*Enclosure.*]

The Head-master, Public School, Balmain, to The Hon. Secretary, Balmain Public School Board.

Sir, Balmain Public School, 15 February, 1876.

The state of the out-offices connected with this school requiring immediate attention I have the honor to apply to the Local Board to request the Council of Education to be pleased to give instructions for the cleansing of these premises.

I have, &c.,
J. M. M'CORMACK,
Head-master.

No. 50.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education, Sydney, 24 February, 1876.

Balmain: Hon. Secretary's letter representing necessity for cleansing of water-closets at.

For your perusal and report.

W. WILKINS,
Secretary.

I have inspected the closets. The soil-pits are full and overflowing, and require to be emptied at once.—G. Allen Mansfield, 2 March, 1876.

No. 51.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 29 February, 1876.

Balmain: Proposed additional buildings at. Your memo. of 17th instant.

The Council desires that you will be good enough to procure tenders for the proposed additional school buildings at the above place as soon as practicable, and submit them in due course for the approval of the Council.

The plans and specifications are forwarded herewith.

W. WILKINS,
Secretary.

Six tenders received, the lowest of which is that of Mr. F. Lemm, for the sum of £4,367 14s. This tender is reasonable, and I would recommend its acceptance, provided his sureties are suitable persons. I do not think they are reliable, but I would advise that their names be submitted to the Local Board for approval. All documents are herewith returned. I would advise that the works be placed under my supervision.—G. Allen Mansfield, architect, 21 March, 1876.

No. 52.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 4 March, 1876.

With reference to your letter of the 18th ultimo, I am directed by the Council of Education to acquaint you that the architect has been instructed to have the water-closets in connection with the Public School at Balmain cleansed as soon as practicable.

I have, &c.,
W. WILKINS,
Secretary.

No. 53.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 4 March, 1876.

Balmain: Cleansing of water-closets at. Your memo. of 2nd instant.

The Council desires that you will be good enough to have the water-closets in connection with the above school cleansed as soon as practicable.

W. WILKINS,
Secretary.

The work has been satisfactorily performed. Certificate herewith.—G. Allen Mansfield, architect, 7 April, 1876.

No. 54.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

(76-4899.)

Sir, Council of Education Office, Sydney, 23 March, 1876.

I am directed by the Council of Education to request that you will be good enough to state if you consider the gentlemen named hereunder reliable as sureties for a tenderer for the erection of the proposed additional Public School buildings at Balmain:—Mr. W. Schultz, builder, Clayton-street, Balmain; Mr. Leopold Jung, gentleman, Darling Road, Balmain.

2. It may be mentioned that the tenderer is Mr. Frederick Lemm, of Snail's Bay, and if the sureties proposed by him are reliable persons his tender for £4,367 14s. for the work is likely to be authorized for acceptance by the Council.

I have, &c.,
W. WILKINS,
Secretary.

No. 55.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 27 March, 1876.

In reply to your letter, No. 76-4,899, dated 23rd instant, *re* sureties for tenderer for erection of the new central Public School building at Balmain, I have to inform you that Messrs. Schultz and Jung are well known to the chairman of the Board, who consider that the Council will be quite safe in accepting the parties named.

2. As many months must elapse before the new building will be ready for occupation, the Board would again press upon the Council the need of completing the present building in the manner suggested in previous communications.

3. The Board are pleased to see that their recommendation to purchase a block of land at the east end has been acted upon, and trust that the very urgent claims of the west portion of the suburb will be speedily attended to.

I have, &c.,
THOMAS M. TINLEY,
Hon. Secretary, &c.

No. 56.

Memorandum from Mr. D. J. Cooper to The Council's Architect.

Council of Education Office, Sydney, 3 April, 1876.

Balmain: Additional buildings at. Your memo. of 21st ultimo.

The Council has authorized the acceptance of Mr. F. Lemm's tender for £4,367 14s. for the proposed additional school buildings at the above place. Will you be good enough, therefore, to make the necessary arrangements with the contractor.

With regard to the sureties submitted by Mr. Lemm, the Public School Board state that "Messrs. Schultz and Jung are well-known to the chairman of the Board who consider that the Council will be quite safe in accepting the parties named."

The plans, specifications, and tenders, are transmitted herewith.

It is to be understood that the works are to be under your supervision.

D. J. COOPER,
For Secretary.

The contract, agreements, and bonds have been duly prepared, but Mr. Lemm declines to execute them for the reasons stated in his letter annexed. I think that his statements are in good faith. Under these circumstances I would advise that fresh tenders be invited. I have reason to believe that the contract will be taken on more favourable terms even than Mr. Lemm's tender.—G. Allen Mansfield, architect, 13 April, 1876.

[*Enclosure.*]

Sir, Balmain, April 11, 1876.

I am in receipt of yours of the 6th instant, informing me that my tender for the erection of Public School in Balmain had been accepted, and requesting me to call on Monday, the 10th instant, with my sureties, to sign contract, for which purpose I called at your office. But upon again referring to the plans and specifications I discovered that I had in my former calculations omitted an important item amounting to a considerable sum, and however much I may regret the matter I am reluctantly compelled to decline to sign the contract to carry out the work. I may further state that, living as I do and taking a great interest in Balmain, I was anxious to obtain and to carry out the contract to your entire satisfaction and credit to myself. With a view to secure the contract I estimated everything at lowest possible price; consequently no margin is left to enable me to carry out the work (including the item overlooked), without a serious pecuniary loss to myself. I need scarcely say that I very sincerely regret that an error of mine should have caused you so much trouble and inconvenience. Never upon any occasion have I before, under any circumstances, neglected to execute in a most satisfactory manner any contract for which my tender has been accepted, and humbly apologise to you for having done so in this instance.

I am, &c.,
F. LEMM.

No. 57.

Mr. D. Cooper to The Hon. Secretary, Public School Board, Balmain.

(No. 76-5,458.)

Sir, Council of Education Office, Sydney, 5 April, 1876.

With reference to your letter of the 27th ultimo, I am directed by the Council of Education to acquaint you that the Council has authorized the acceptance of Mr. F. Lemm's tender for £4,367 14s., for the erection of the proposed additional Public School buildings at Balmain.

2. I am further to state that the works are to be under the supervision of the Council's architect.

I have, &c.,
D. J. COOPER,
(For Secretary.)

No. 58.

No. 58.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 24 April, 1876.

Balmain: Additional school buildings. Your memo. of the 13th instant.

THE Council desires that you will be good enough to procure fresh tenders for the erection of the additional school buildings at the above place, and submit them in due course for the approval of the Council.

W. WILKINS,
Secretary.

Four fresh tenders received, the lowest of which is that of Messrs. Eaton and Son, for the sum of £4,200. This tender is reasonable. I would recommend its acceptance. The above parties are known to me as good and reliable tradesmen.—G. ALLEN MANSFIELD, architect, 15th May, 1876.

No. 59.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir,

Council of Education Office, Sydney, 18 May, 1876.

Referring to my letter of the 5th ultimo (No. 76/5,458), I am directed by the Council of Education to acquaint you that Mr. G. Lemm having refused to carry out his contract in connection with the proposed additional Public School buildings at Balmain, fresh tenders were invited for the work.

2. I am further to inform you that the Council has now authorized the acceptance of Messrs. Eaton & Sons tender for £4,200 for the erection of the proposed buildings. The works will be carried out under the supervision of the Council's architect.

I have, &c.,
W. WILKINS,
Secretary.

No. 60.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 18 May, 1876.

Balmain: Additional school buildings. Your memo. of 15th instant.

THE Council has authorized the acceptance of Messrs. Eaton & Sons' tender for £4,200 for the erection of the proposed additional school buildings at the above place. Will you be good enough, therefore, to make the necessary arrangements with the contractors.

The tenders are returned herewith.

It is to be understood that the works are to be under your supervision.

W. WILKINS,
Secretary.

The above works have been satisfactorily completed. Final certificate and account herewith. All documents returned.—G. ALLEN MANSFIELD, architect, 18th May; 1877.

No. 61.

Mr. J. Roby to The Secretary, Council of Education.

Dear Sir,

Borough of Balmain, Town Hall, 19 July, 1876.

Yours of the 15th instant to hand respecting rates due on land in Nicholson-street, Balmain, recently belonging to Mr. J. Bennett. I have the honor to inform you that there is at this present time the amount of 22s. 6d. due for half-year ending 31st July, /76.

This amount is supposed to be due somewhere about the end of last month.

The land in question has been assessed for the last two years at £15 per year, consequently there are three half-years unpaid.

I have, &c.,
JAS. ROBY,
Council Clerk and Surveyor.

No. 62.

The Secretary, Council of Education, to Messrs. Stephen and Stephen.

Gentlemen,

Council of Education Office, Sydney, 21 July, 1876.

With reference to your letter dated 14th instant, requesting information as to the amount of taxes due upon the land in Nicholson-street, Balmain, recently conveyed from Mr. J. Bennett to the Council of Education, I am directed to transmit herewith copy of a letter which has been received at this office from the Council Clerk at Balmain, on the subject.

I have, &c.,
W. WILKINS,
Secretary.

No. 63.

The Secretary, Council of Education, to Messrs. Stephen and Stephen.

Gentlemen, Council of Education Office, Sydney, 12 September, 1876.

With reference to my letter dated 21st July last, I am directed by the Council of Education to inquire whether the deed of conveyance from Mr. J. Bennett to the Council of Education of certain land at Balmain has yet been registered, and also whether you have settled the matter of the taxes due on the property prior to the Council's ownership, with Mr. Bennett's solicitors.

I have, &c.,
GEORGE MILLER,
(For Secretary.)

No. 64.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Balmain Public School Local Board, Balmain, 24 November, 1876.

Sir,

Enclosed please find letter received by me from the teacher of the Balmain School *re* chairs of the primary department.

Leaving the matter in the hands of the Council of Education to supply what is deemed necessary,

I am, &c.,
THOMAS H. TINLEY,
Hon. Sec., Local Board.

[*Enclosure.*]

The Teacher, Public School, Balmain, to The Hon. Secretary, Public School Board, Balmain.

Sir, Balmain Public School, 23 November, 1876.

I have the honor to inform you that the chairs belonging to the primary department of this school are unfit to be used, and are beyond repair.

I therefore respectfully request the Local Board to apply to the Council of Education to furnish the above-mentioned department with two chairs.

I have, &c.,
J. M'CORMACK,
Teacher.

No. 65.

Mr. A. Dean to The Secretary, Council of Education.

Sir, 81 Elizabeth-street, Sydney, 14 December, 1876.

In reply to your letter of the 11th instant (No. 76/19,483), I beg to state that the cost of two chairs, including carriage to Balmain, will be one pound five shillings (£1 5s.)

I am, &c.,
ALEX. DEAN,
(*Pro* WILLIAM A. M. PRENTICE.)

No. 66.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 1 June, 1877.

I am directed by the Council of Education to forward the key of the new buildings recently erected in connection with the Public School at Balmain, and to request that the Public School Board will be good enough to make arrangements for the opening of the buildings for school duties on Monday next, 4th instant.

I have, &c.,
W. WILKINS,
Secretary.

No. 67.

The Public School Board, Balmain, to The Council of Education.

Gentlemen, Balmain Public School Board, Balmain, 17 July, 1877.

The Board have the honor to inform the Council of Education that the handsome new school for girls and infants, recently erected in the central part of Balmain, built after many years delay and procrastination on the part of the Council, was opened as directed on the 4th ult. (4th June), and for erecting which the Board thank the Council. They, however, regret the short notice given (from Saturday 2nd until Monday morning 4th), as they were thereby prevented from inviting the parents of the pupils and the general public to view the school, or having any suitable demonstration or opportunity to give expression to their opinions.

If the Council had shown the plans to the Local Board before the erection of the building some errors might have been pointed out and so avoided, such as the windows having swing frames instead of sashes; Venetian blinds are required on the north and east sides; these cannot now be used, and a special kind of screen blind which will swing with the frame must be used instead, and are urgently required. The same error occurs in the closets which was perpetrated (and in spite of frequent remonstrance continued) in the old school, viz., letting in the surface water, which, when it overflows, has frequently to be removed at the same cost as solid contents, thus entailing great expense and proving a fruitful source of annoyance, not only to those connected with the school but also to those who reside in the vicinity.

When the first school was erected in 1862 for 300 children, the population of Balmain was 3,000; it has gradually increased to nearly 10,000; yet the first school has never been finished, although for some years the number on the roll has exceeded 600. This building is now, and has been for a long time, in a most dilapidated state, and requires immediate attention. What the Board deem necessary to this, as also to the new building, will be found in the appendix.

The

The Council certainly, as far as this borough is concerned, have not carried out the intention of the Legislature in providing the opportunity of obtaining a fixed minimum of education to each child in the community; and consequent upon the delay and insufficiency of school accommodation provided by the Council, denominational schools—three in number—have been built, and thus fresh vested interests unnecessarily introduced.

That the public education, as far as it has had a chance, has advanced so well in Balmain (in spite of the obstacles and neglect of the Council to provide schools) is due only to the inherent goodness of the system, and the self-denying zeal of the officers and teachers. The Board feel that this neglect has placed them in a false position before their fellow citizens, through the wretched accommodation provided; and they are convinced that any, even worse, system better administered would have been productive of much greater results than has characterized the feeble efforts put forth by the Council of Education for the advancement of public education in this large and thickly-populated township.

Whilst the new school at the west end (work at which is proceeding at a slow rate) is in progress it is to be hoped that the old school may be (as might have been done during the Christmas holidays had the suggestion and recommendation of the Local Board been carried out) repaired and rendered fit for school purposes, and steps taken towards erecting a small building on the site purchased in Nicholson-street east.

The Local Board cannot understand why the Council of Education, anxious to spread the cause of public education through the length and breadth of the land, with plenty of funds at its disposal, and, if required, more by the liberality of Parliament, which has always so readily voted any amount really wanted for the purpose of public education, could for so long have persistently neglected to provide with schools so important a borough as Balmain in the face of the repeated and urgent application of the Local Board and the unfinished and over-crowded state of the school. The Local Board express the hope that your honorable Council will speedily provide primary school accommodation for each child in this community, as they presume is the intention of the Legislature.

The Board also wish to point out the desirability of having attached to our large schools a retiring room for the teachers to put their clothes and get their lunch in, and also for the head teachers to receive parents on business connected with the school; this has to be done now before the pupils and other teachers, or in the street, to the detriment of proper discipline and respect. They also recommend that, for obvious reasons, separate closet accommodation should be provided for the teachers.

I have, &c.,
THOMAS M. TINLEY,
Hon. Secretary, &c.

APPENDIX.

THE Local Board, after close inspection of the school buildings in the central portion of Balmain, find the following alterations, repairs, or additions to be essentially necessary :—

New School Building—Girls' and Infants' Department.

Blinds for eastern and northern windows to suit swing openings required; also, hooks to fasten back the doors, which now bang. Yard imperfectly drained; arrangement should be made to carry all water off the playground at once. Closets should be cemented, and a course of stonework above the ground placed to prevent surface water from filling the pits. A closet is required to place the brooms and cleaning apparatus in.

Old School Building—Boys' Department.

General repairs, consisting chiefly of woodwork in places to be renewed and painted, walls pointed, guttering to be seen to, lavatories apparatus required (the present lavatories, which for many years have been used as class-rooms, might be converted into playsheds, and new lavatory erected), pump out of order; closets disgusting—should be renewed and properly bricked and cemented and carried above ground, as suggested in new school building; ground requires a retaining wall in Jane-street and corner of the lane, and new fencing round the property. Special attention would be drawn to the bow window, which is very defective, and this building will not be complete until the class-room and verandah, shown in sketch accompanying the Board's letter of the 24th September, 1876 (?), are erected. Other things requiring attention would become known if the buildings were inspected by the Council's clerk of works.

No. 68.

The Public School Board, Balmain, to The Council of Education.

Gentlemen, Balmain Public School Board, Balmain, 19 July, 1877.

Following up a communication from the Local Board on the subject of the school property at Balmain, and dated 17th instant, attention has to be drawn to some damage caused to the buildings by the late heavy rains and the urgent need for steps being taken at once to place the schools in that locality on a more satisfactory basis.

New Girls' and Infants' School.—In consequence of insecure fastening, the lead has been blown off the southern portion of the roof. Rain water has come in through the ventilators in the roof, and also through the ventilators between the floors, thereby wetting the ceilings, and if not quickly stopped the ceilings will become loose and dangerous. The ventilators between the floors require zinc hoods. A small amount expended at once in putting the damage right will prevent the expenditure of a much larger sum which will be required if the leakage and other matters referred to are not seen to immediately. The whole southern wall of the building lets rain through in places. To remedy this the wall will require cementing or coating with a preparation of oil and lime. The closets also not being properly cemented and cellared, admit soakage and drainage water.

The general repairs specified in a previous letter require immediate attention, and the Board would again refer to the disgraceful state of the old school building and surroundings, and especially the filthy and disgusting condition of the closets and adjoining sheds (quondam lavatories).

From

From conversations with the head teacher, the Board gather that there is a great need for more teachers, especially in the boys' department, and that for want of proper school appliances the teaching cannot be carried out as desired, thereby causing injustice both to scholars and teachers.

The Board would fain hope that their remarks on the school buildings and the state of public education generally at Balmain would quicken the Council to prompt action, and be the means of causing the defects pointed out to be speedily remedied.

I have, &c.,
THOMAS M. TINLEY,
Hon. Sec.

B.C. Architect,—For your perusal and report.—W.W., 20/7/77.

This is a case of making much of a very little. The matters requiring attention are receiving it at the hands of the contractor at his own cost.—G. ALLEN MANSFIELD, architect, 3 August, 1877.

No. 69.

Memorandum from The Clerk of Works to The Secretary, Council of Education.

Sydney, 20 July, 1877.

Balmain: Repairs to buildings.

New Building.—I am of opinion that if the upper portion of the northern windows are frosted blinds will not be required. The yard requires a few loads of gravel where the ground has sunk a little. There is nothing wrong with the water-closets. Hoods are required over the air gratings in the southern wall; the rain has driven in some 7 or 8 feet across the ceiling, and unless attended to will cause the ceiling to fall. The lead has been blown off one of the lifts, and requires attention at once.

Old Buildings.—These buildings require a thorough overhaul and repair; the fences are in a very bad state. The water-closets require a few repairs; otherwise they are not bad.

The buildings on the southern boundary have no eaves spouting; consequently the roof-water is continually washing away the playground.

E. POULTON,
Clerk of Works.

No. 70.

Memorandum from The Inspector of Schools, Sydney District, to The Secretary, Council of Education.

Balmain: School population of, and accommodation provided in school buildings at.

ACCORDING to the Census recently taken under the Council's direction, the number of children between the ages of 4 and 14 years resident in Balmain, is 2,654.

The area of the rooms to be used for teaching purposes in the Council's building now in existence, or in course of being erected, is as follows:—

	sq. ft.
In buildings being erected at West Balmain	2,060
In new buildings recently opened	4,054
In the old buildings	2,271
Total	8,385

The area of rooms used for teaching purposes in Certified Denominational Schools, is—

	sq. ft.
In Certified C.E. school buildings	2,465
In Certified R.C. school buildings	768
Total	3,233

The total area in all school buildings under the Council is—

	sq. ft.
In Public School buildings	8,385
In Certified Denominational School buildings	3,233
Total	11,618

This area would be sufficient accommodation for an average attendance of about 1,500 pupils, or for an enrolment of 2,300.

At the time the census was taken, 508 children of the school age attended private schools, 664 did not attend any school, and 1,482 were enrolled at Public or Certified Denominational Schools.—J.H.

NOTE.—The following information as to the enrolment and attendance of children in the Council's Schools at Balmain has been obtained to-day.

	Enrolled in current quarter.	Average attendance in current quarter.	Numbers present to-day, 23/7/77.
Public School—			
Boys	262	202	225
Girls	211	139·8	167
Infants	277	183·8	246
C.E. School	205	149·4	175
R.C. School (Boys) ...	85	63	69
Totals	1,040	738	882

J.H., 23/7/77.

P.S.—The buildings at present occupied would afford accommodation for an average attendance of 1,200, and an enrolment of 1,800.—J.H.

No. 71.

No. 71.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 25 July, 1877.

I am directed by the Council of Education to acquaint you that the Council has had under notice your letter dated 17th July instant, representing the necessity for effecting certain repairs and improvements to the Public School premises at Balmain, and also charging the Council with having persistently neglected to provide with schools so important a borough, in face of the repeated and urgent applications of the Local Board, &c.

2. In reply, I am instructed to express the great regret of the Council, that you have permitted yourself to make charges and statements not justified by the facts, and that you have conveyed your strictures relative to the Council's action in terms so offensive that it is impossible for the Council to enter into any discussion with you concerning them.

3. I am further to state that the Council's clerk of works has been sent to report upon the improvements actually required to the school premises, and that such works as ought to be undertaken will be effected without delay.

I have, &c.,
W. WILKINS,
Secretary.

No. 72.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

(No. 77-11,619.) Council of Education Office, Sydney, 25 July, 1877.

Balmain: School buildings at.

THE Council desires that you will be good enough to visit the school buildings at the above place with a view to give them a thorough overhaul, and to prepare a specification of the works necessary to put the premises in good repair.

Extract of a letter received from the Public School Board and the Council's Clerk of Works report are transmitted herewith for your information in the matter.

W. WILKINS,
Secretary.

Specification of repairs and improvements to the above school buildings is herewith transmitted. I would advise that tenders be invited through this office in the usual way.--G. ALLEN MANSFIELD, architect, 28 September, 1877.

No. 73.

The Hon. Secretary, Public School Board, Balmain, to The Council of Education.

Gentlemen, The Balmain Public School Board, Balmain, 8 September, 1877.

I have the honor to inform you that seven (7) weeks have now elapsed since my last communication, in which I again drew attention to the ruinous condition of the boys' school, and the leaky and defective state of the girls' and infants' school (new building), and appended a schedule of repairs and additions urgently needed.

Nothing has been done to the boys' school. In the new building the lead that was loose has been refixed, and the ventilators on the south side that admitted the rain have been blocked up with cement and the gratings replaced, thus spoiling an expensive and elaborate system of ventilation, instead of protecting the openings with metal hoods as recommended by the Local Board. The drain that let the water stagnate in it has had some cement put in the bottom at the upper end to raise it, instead of having been taken up and relaid. The water still stands in it.

The cesspits, as in the old school from defective lining, are full of soakage water, and will entail great annoyance and expense, or they will have to be rebuilt. The Local Board respectfully urge again that the schools may be put into proper repair and working order with proper necessaries.

The action of two clerks of works sending one man with a bucket of cement, and blocking up the ventilators and dribbling cement into the bottom of the drain, is so absurd that it places the Local Board school representatives, as sanctioning it, in a very ridiculous position before the rest of the community, and I am instructed to inform you, that if their reasonable recommendations are not carried out, and the schools repaired and made efficient, they will have to decline to remain longer in such an invidious position, and shall feel compelled to tender their resignation.

I am, &c.,
THOMAS M. TINLEY,
Hon. Secretary.

No. 74.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, The Balmain Public School Board, Balmain, 14 September, 1877.

Enclosed you have a letter from the master of the school *re* closets which will I trust have immediate attention.

The chairman of the Local Board desires me to say that he will be glad to meet any member of the Council, or such officer of the department as the Council may appoint to inspect, in company with him, the school buildings. By this means additional evidence would be afforded that the numerous communications from the Local Board anent the very unsatisfactory condition of the school premises, particularly the boys' department, do not by any means too strongly set forth the necessity of putting the buildings and the premises generally in a habitable and wholesome state.

I am, &c.,
THOMAS M. TINLEY,
Hon. Secretary.

[*Enclosure.*]

22

[*Enclosure.*]

Memorandum from Mr. J. M'Cormack to The Hon. Secretary, Balmain Public School Board.

Balmain Public School, 13 September, 1877.

One of the closets of the boys' department of the school requires immediate cleansing. Its present state is attributable in a great measure to the quantity of rain-water that flows into it through defective drainage. Will you kindly take the necessary steps to have the matter attended to.

J. M. M'CORMACK,
Teacher.

No. 75.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, The Balmain Public School Board, Balmain, 18 September, 1877.

I have the honor to call the attention of your Honorable Council to the enclosed notice.

For years the Board have been calling the attention of the Council to the originally defective construction of the closets in the old school premises. Those in the new have been built on the same system, namely, digging a hole and lining it with stone. The surface and drainage water is readily admitted, speedily overflows, and then requires emptying at the same cost as for solid matter. The only effective means to remedy the evil will be to reconstruct the pits; patching is only waste of time and money.

The cesspits should have been lined with cement, and a good stone and cement collar put round, and a slab arranged outside to lift, so that they could be readily emptied when required, which would be but seldom if the surface and drainage water are excluded. They should be distinct from the urinals.

The Board trust that this matter will be seen to.

The ventilators in the new school (which have been blocked with cement to keep out rain and also keep out air), should be unstopped and properly protected with hoods, and the repairs so urgently required in both schools proceeded with at once. The water still refuses to run along the drain, notwithstanding the cement that has been dribbled into the upper part of it in the manner referred to in a previous communication.

I am, &c.,
THOMAS M. TINLEY,
Hon. Secretary, Balmain Public School Board.

[*Enclosure.*]

The Inspector of Nuisances to Dr. Evans.

Sir, September 17, 1877.

I beg leave to draw your attention to the bad state of the closet connected with the old Public School, as it is flowing over and a great nuisance to the neighbourhood. Hoping you will submit this to the Council, and have it attended to at your earliest convenience, or at least twenty-four hours from the receipt of this notice, if not legal proceedings will be taken against you. I have enclosed one of our forms for you to fill up.

JAMES WELCH,
Inspector of Nuisances.

No. 76.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

[Urgent.] Council of Education Office, Sydney, 19 September, 1877.

Balmain: School buildings at. My memo. of the 25th July last, No. 77-11,619.

On the 25th July last you were requested to visit the school buildings at the above place, with a view to give them a thorough overhaul, and to prepare a specification of the works necessary to put them into a proper state of repair.

Extracts from a letter received from the Public School Board, and a report from the Council's Clerk of Works were at the same time transmitted to you for your information.

A period of over *seven weeks* has elapsed since the Council's instructions were sent to you, but it does not appear that you have yet given the matter attention.

Copy of a further letter which has been addressed to the Council by the Public School Board is now enclosed for your perusal, and I am to express a hope that you will at once furnish the specification asked for in the Council's memorandum of the 25th July last, No. 77-11,619.

W. WILKINS,
Secretary.

Specification of repairs and improvements are herewith transmitted. See your memorandum, No. 77-11,619.—G. Allen Mansfield, architect, 28th September, 1877.

No. 77.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 19 September, 1877.

I am directed to acquaint you that the Council of Education has had under notice your letter dated the 8th instant, wherein you complain of the delay in effecting repairs and improvements required to the old school building at Balmain (boys' department), and the works necessary to complete the new building (girls' and infants' departments); and also intimating that if the Public School Board's recommendations on these points be not carried out they will be compelled to tender their resignations.

2. In reply, I am to state that the Council has done all in its power to provide and improve Public School accommodation at Balmain, having been guided in the matter by the reports and advice of its responsible officers.

I have, &c.,
W. WILKINS,
Secretary.

No. 78.

No. 78.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 20 September, 1877.

With reference to your letter of the 18th instant, forwarding notice from inspector of nuisances with regard to the water-closets in connection with the Public School buildings at Balmain, I am directed by the Council of Education to acquaint you that it does not appear to the Council to be necessary to take any action to have the closets emptied, inasmuch as in the other Municipalities the officers of the Borough Councils have caused closets to be cleaned without application being made to the Council; and, by the provisions of sections 9 and 10 of the "Nuisances Prevention Act, 1875," the matter rests in the hands of the Municipal Council.

I have, &c.,
W. WILKINS,
Secretary.

No. 79.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

[Urgent.] Council of Education Office, Sydney, 9 October, 1877.

Balmain: Proposed improvements and repairs to school premises at. Your memorandum of the 28th ultimo.

The Council desires that you will be good enough to procure tenders for the proposed improvements and repairs to the school premises at the above place as soon as practicable, and submit them in due course for the approval of the Council. The plan and specification are transmitted herewith.

W. WILKINS,
Secretary.

Four (4) tenders received, the lowest of which is that of Messrs. Shepherd and Mortley for the sum of £971. This tender is reasonable; I would recommend its acceptance. I would advise that the works be placed under my supervision.—G. Allen Mansfield, architect, 2 November, 1877.

No. 80.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 7 November, 1877.

Balmain: Proposed repairs and improvements. Your report, dated 2nd instant, on tenders.

The Council has authorized the acceptance of Messrs. Shepherd and Mortley's tender for the proposed repairs and improvements to the Public School premises at the above place, for the sum of nine hundred and seventy-one pounds (£971.)

Will you be good enough to make the necessary arrangements with the contractors.

It is to be understood that the works are to be carried out under your supervision.

The plans, specifications, and tenders are herewith returned.

W. WILKINS,
Secretary.

The above works have been satisfactorily completed. Final certificate herewith.—G. Allen Mansfield, architect, 19 July, 1878.

No. 81.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 7 November, 1877.

I am directed by the Council of Education to state that the Council has authorized the acceptance of Messrs. Shepherd and Mortley's tender for the proposed repairs and improvements to the Public School premises at Balmain, for the sum of nine hundred and seventy-one pounds (£971).

2. The works are to be carried out under the supervision of Mr. G. A. Mansfield, the Council's architect, who will make all necessary arrangements with the contractors.

I have, &c.,
W. WILKINS,
Secretary.

No. 82.

Dr. Evans to Mr. J. Roby.

Sir, Balmain, 19 November, 1877.

I have the honor to report in answer to yours of November 30th ultimo, for the information of the Worshipful the Mayor of this Borough, that I have examined the drinking water at the Public Schools, Balmain, as requested, and finding it very impure I forwarded samples from each school to Professor Chas. Watt, Government analyst, with letter annexed (A), asking him for a quantitive analysis and report, which I forward (marked B.) I also, in my capacity of chairman of the Local Board, ordered that the use of the water should be discontinued for drinking purposes, and a load supplied daily from a purer source. In accordance with the recommendation of Professor Watt, I requested the Council Clerk to have the tanks emptied, and their condition and surroundings examined by Alderman M'Donald (architect), and Mr. Thornton (builder), whose report (marked C) I annex. The Local Public School Board

Board have been in correspondence with the Council of Education for some years as to the defective sanitary condition of the schools, and especially on the subject of the leaky condition and defective construction of the closets. A contract has been taken for alterations in the boys' school, but the Local Board have not been informed as to the details. It is to be hoped that the closets will be re-built in accordance with the by-law of the municipality, and that in the new girls' school taken up and re-built properly; also, the new tank properly secured. The super-soil is mainly artificial, and composed of clay and ferric oxide, being very porous, and charged with filth. Some of the contamination from the roof might be prevented by a high receiving tank with a discharge pipe at the top leading down to the main tank—the water for drinking purposes should be filtered. Very suitable and cheap quick filters are made at Darlinghurst Gaol, and two are in use on board the training ship "Vernon." They are easily cleaned. The urinals should not lead into the closet-pit.

I remain, &c.,
OWEN SPENCER EVANS.

Popers annexed.

A—Letter from Council Clerk. AA—Letter from Professor Watt. B—Professor Watt's Report.
C—Report of Messrs. M'Donald and Thornton.

[*Enclosures.*]

(A.)

Dear Sir, Town Hall, Borough of Balmain, 30 November, 1877.

Attention of the Council having been called to the water at the Public School, which is used by the children for drinking purposes as not being in as pure a state as it should be (but decidedly to the contrary), I have been instructed by the Mayor to ask you to be kind enough to inquire into the matter with a view of reporting to him at your earliest convenience your opinion on the same.

I have, &c.,
CHAS. ROBY,
Council Clerk and Surveyor.

Dr. Evans.

(AA.)

Dear Sir, 5 December, 1877.

I have been requested by the Mayor of the Borough of Balmain to report on the condition of the water supplied to the children of the Public Schools.

I enclose a Winchester quart from each tank. The tanks are brick, cemented, iron pumps and pipes, water off shingled roofs; that from the boys' tank is ferruginous, and I suspect contains organic matter, most likely pigeon manure, &c. That from the girls' does not appear to have so much, beyond colouring matter from the shingles. Please let me know what the water contains.

I remain, &c.,
OWEN SPENCER EVANS,
Govt. District Medical Officer.

C. Watt, Esq., analytical chemist.

(B.)

Dear Dr. Evans, 10 December, 1877.

I have examined the samples of water received from you, and have to report as follows:—

"Girls' Department Tank."

	Per gallon.	
Total solid matter 10 grs.		
Volatile of a red heat	3·2	10·
Fixed...	6·8	

This sample yielded much more free and organic ammonia than a water to be used for drinking purposes should contain. The water has evidently received pollution from some source.

"Boys' Department Tanks."

	Per gallon.	
Total solid matter consisting of 5·6		
Volatile at a red heat	2·0	5·6
Fixed	3·6	

This sample yielded much free ammonia, but not so much free organic ammonia as the first-mentioned water. In its present state it is not a good water for drinking purposes. It is probable that the tanks require cleaning, and when they are empty a careful examination to be made to ascertain whether there is any leakage into them of surface water, especially during rain.

Yours faithfully,
CHAS. WATT.

(C.)

Sir, Balmain, 18 December, 1877.

We the undersigned, in compliance with your request, hereby report the result of our examination of the Balmain Public School water tanks; thus both the tanks being emptied, the old one on the 13th and the new one on the 17th instant, we found to be very leaky, and the old tank to be within a distance of 37 to one privy and 46 feet to another, and the new tank within a distance of 66 feet to the new privy. The quantity of leakage into the old tank from 2 o'clock p.m. of the 13th till 10 o'clock a.m. to-day (116 hours), we found to be 117 gallons, or at the rate of about 1 gallon per hour; and that into the new tank since 6 o'clock p.m. yesterday till 10 o'clock to-day, 29 gallons, being at the rate of 1·8 gallons per hour.

Old one contained much mud.

We

We should beg to add as a suggestion that in addition to the tanks being made perfectly tight, some arrangement should be made for the filtration of the water from the roofs before leading into the tanks, as the water off them in dry weather must be very feculent through the accumulation of dust, pigeon manure, &c., on the roofs and in the spouting, much more so on shingled roofs (as they are) than on slated roofs.

We are, &c.,
JAMES M'DONALD,
Architect.
WILLIAM THORNTON,
Builder.

Dr. Evans.

No. 83.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir,

Balmain Public School Board, Balmain, 16 February, 1878.

The Local Board are pleased to observe that the much needed repairs to the boy's school and its surroundings are now being proceeded with. The entrance to the play-ground, consisting of a small gate approached by several steps, and situated in the most unsuitable part of the enclosure, might with great advantage be removed from the east side (Jane-street) to the west side of the ground (almost opposite the girls' department.) This suggestion is offered so that the Council may make inquiries before the contract is completed.

At a recent meeting of the Board, the correspondence between the Borough Council and its medical officer concerning the water supply to the schools, and the defective character of the tanks, and their admission of surface drainage, was read, and as the various reports on the matter are in possession of the Council they trust that such steps will be taken as to ensure a wholesome supply of water for the future. It is needless to enlarge upon the injurious effect likely to arise from drinking impure water, and the Board confidently look to the Council to take immediate and effective measures to prevent the recurrence of such a mishap.

I have, &c.,
THOMAS M. TINLEY,
Hon. Sec.

B.C., Architect,—For your perusal and report.—W.W., 19/2/78. Please let me have copies of the papers herein referred to touching the defects in the water supply.—G.A.M., 20/2/78. B.C. Architect,—For your perusal and report. Copies of reports referred to herein attached.—G.M. (for Secretary), 27/2/78. For report see my memorandum of this date.—G. A. MANSFIELD, architect, 7 June, 1878.

No. 84.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir,

Balmain Public School Board, Balmain, 2 April, 1878.

I have the honor to request that you will please have the water tanks at the Balmain Schools (central) re-connected with the spouting, and the leakage of surface drainage into the tanks stopped.

They were cleaned out by order of the Mayor in accordance with the recommendation in the report of Professor Watt to the Municipal Council, which stated that the water was contaminated by drainage, and unfit for drinking purposes. A copy of this report was duly forwarded to your honorable Council. To clean the tanks and estimate the leakage per hour it was necessary to disconnect them.

The water for school use has now to be carted at considerable expense.

The urinals should be roofed in or the rain water will run into the cemented cesspit and necessitate it being emptied more frequently than necessary, thereby occasioning much inconvenience and useless expense.

At the new girls' and infants' school the lining of the cesspit requires taking up, re-building and cementing inside, and puddling outside the brick or stone work; or better still, make a new one properly, arranging in either case a separate closet for the teachers, as ordinary decency requires.

The chairman and Local Board thank the Council for the important repairs and improvements made to the schools, especially the boys', where a proper cesspit has been built, and trust that they will kindly take this matter of the tanks and the other things brought under their notice in this communication in hand at once, as it is urgent; or, if unable to do so, would grant the necessary funds, and the Local Board will get them done in the most economical manner consistent with efficiency, under inspection of the Municipal Surveyor and Alderman (architect) J. M'Donald.

The Local Board will be much obliged if you will let them know the intentions of the Council as early as possible.

I remain, &c.,
THOMAS M. TINLEY,
Hon. Secretary.

B.C., Architect,—For your perusal and report.—W.W., 3/4/78.

No. 85.

Report of the Council's Architect.

THIS case is one in which I find it difficult to make any specific recommendation as to the means to be adopted to remove the evils complained of by the honorary Secretary, and referred to in the reports of Messrs. M'Donald and Thornton, and of Mr. Charles Watt.

In the case of the old tank in the boys' department, it is indeed not unlikely that the water may have been affected by the proximity of the old w.-c's. These, however, have now been removed, and new closets constructed with pits, clay-puddled and cemented, in order to make them water-tight.

I hardly think it possible that any leakage can escape from the pits to contaminate the water in the tank, although it is, unavoidably, in somewhat close proximity to them. I am unable to speak of the construction of this tank, as it was not built under my supervision, and I am not prepared, therefore, to dispute the fact of its allowing water to enter it by leakage through its walls or bottom. In the case of the new tank, however, at the girls' department, I find it difficult to believe that a leakage would take place at the rate of 1·8 gallons per hour. This tank was built of 9-inch brickwork set in cement, surrounded by well-puddled clay, and cemented inside. It was seen at various times during its construction, both by myself and by my clerk of works, and no fault could then be found with the workmanship or materials.

Still it must be admitted that in work of this kind the carelessness of one man, or of one half day, might be sufficient to create a fault, not observable by any one on a later inspection.

Even supposing such a possibility, it seems almost incredible that a tank so constructed could be contaminated by the contents of a nearly new cesspit distant 66 feet from it in a clay soil.

I am not prepared to dispute the correctness of Mr. Watt's conclusions as to the condition of the water submitted to him, but from causes perhaps purely accidental such water may not have been a fair sample of that which would ordinarily be yielded by the tanks in question.

Taking all the circumstances of the case into consideration, I am disposed to recommend, for the favourable consideration of the Council, the adoption of a suggestion made in the honorary Secretary's letter of 2nd April last to the effect that—

> "The Council would grant the necessary funds, and that the Local Board would get the requisite works done in the most economical manner consistent with efficiency, under inspection of the Municipal Surveyor and of Mr. Alderman (architect) J. M'Donald."

From the very active interest taken in this subject by some members of the Local Board, and from the fact that they have the advantage of professional advice on sanitary matters from their chairman, it would I think be desirable to invest those gentlemen with authority at least to prepare a scheme for what they consider an efficient treatment of the case, and to procure tenders for putting it into effect, and to submit them for the approval of the Council.

G. ALLEN MANSFIELD,
Architect.

7th June, 1878.

No. 86.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Council of Education Office, Sydney, 18 June, 1878.

Sir,

With reference to your letter of the 2nd April last, respecting the water supply and water-closets in connection with the Public School at Balmain, I am directed by the Council of Education to acquaint you that the matter having been submitted to the Council's architect that officer reports as follows, viz. :—

This case is one in which I find it difficult to make any specific recommendation as to the means to be adopted to remove the evils complained of by the Hon. Secretary, and referred to in the reports of Messrs. M'Donald and Thornton, and of Mr. Charles Watt.

In the case of the old tank in the boys' department it is indeed not unlikely that the water may have been affected by the proximity of the old water-closets. These, however, have now been removed, and new closets constructed with pits, clay-puddled, and cemented, in order to make them watertight. I hardly think it possible that any leakage can escape from these pits to contaminate the water in the tank, although it is unavoidably in somewhat close proximity to them. I am unable to speak of the construction of this tank, as it was not built under my supervision, and I am not prepared therefore to dispute the fact of its allowing water to enter it by leakage through its walls or bottom. In the case of the new tank, however, at the girls' department I find it difficult to believe that a leakage would take place at the rate of 1·8 gallons per hour. This tank was built of a 9-inch brickwork, set in cement, surrounded by well-puddled clay, and cemented inside. It was seen at various times during its construction both by myself and by my clerk of works, and no fault could then be found with the workmanship or materials. Still it must be admitted that in work of this kind the carelessness of one man, or of one half day, might be sufficient to create a fault not observable by anyone on a later inspection. Even supposing such a possibility it seems almost incredible that a tank so constructed could be contaminated by the contents of a nearly new cesspit, distant from it 66 feet, in a clay soil.

I am not prepared to dispute the correctness of Mr. Watt's conclusions as to the condition of the water submitted to him, but from causes purely accidental such water may not have been a fair sample of that which would ordinarily be yielded by the tanks in question.

Taking all the circumstances of this into consideration I am disposed to recommend for the favourable consideration of the Council the adoption of a suggestion made in the hon. Secretary's letter, to the effect that "the Council would grant the necessary funds, and that the Local Board would get the requisite works done in the most economical manner, consistent with efficiency, under the inspection of the Municipal Surveyor, and of Mr. Alderman (architect) J. M'Donald."

From the very active interest taken in this subject by some members of the Local Board, and from the fact that they have the advantage of professional advice on sanitary questions from their chairman, it would, I think, be desirable to invest those gentlemen with authority, at least to prepare a scheme for what they consider an efficient treatment of the case, and to procure tenders for putting it into effect, and to submit them for the approval of the Council.

2. In view of this report the Council has decided to adopt the recommendation of the architect, which is contained in the last paragraph of such report. Will you be good enough therefore to submit, for the approval of the Council, plans, specifications, and tenders for the works which the Public School Board may propose to have carried out.

3. I am to add that no expenditure which the Council is expected to pay must be incurred without the previous sanction of the Council being obtained.

I have, &c.,
W. WILKINS, Secretary.

No. 87.

No. 87.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 19 September, 1878.

Enclosed you have account for water supplied to the school, and I have ascertained from the master that it is correct as regards the quantity.

When the Municipal authorities prevented further use of the tank water the chairman of the Local Board requested them to have water supplied until the tanks were repaired.

I am, &c.,
THOMAS M. TINLEY,
Hon. Secretary.

Enclosing a/c. for 50 loads of water, amounting to £7 11s.

No. 88.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

(78/18,082)

Sir, Council of Education Office, Sydney, 27 September, 1878.

I am directed to acquaint you that the Council of Education has had under notice your letter dated the 19th instant, forwarding an account, amounting to £7 11s., for water supplied to the Public School at Balmain, upon the authority of the chairman of the Public School Board.

2. In reply I am to state that the Council declines to pay the account, inasmuch as the sanction of the Council to the expenditure was not previously obtained.

I have, &c.,
W. WILKINS,
Secretary.

No. 89.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Sir, Balmain Public School Board, Balmain, 2 October, 1878.

Accompanying this letter you have report from Mr. MacDonald, architect, Mayor of Balmain, with regard to the underground tanks, and also his recommendations as to the best and surest way to secure pure water for the schools.

In consequence of some difficulties in municipal affairs, which resulted in the appointment of new officers, Mr. MacDonald's time has been much taken up, and this will account for the delay in preparing his report.

The Board will be glad to learn what the Council purpose doing in this matter.

Yours, &c.,
THOMAS M. TINLEY,
Hon. Secretary.

[*Enclosure.*]

J. McDonald, Esq., to The Public School Board, Balmain.

Gentlemen, Thomas-street, Balmain, 21 September, 1878.

Having, in compliance with your request, considered the matter respecting the underground water tanks at the Public Schools, Balmain, I hereby beg to submit the conclusion I have come to in regard to them. It is this: that to try to get them made tight, and to do it with any prospect of success, it would be necessary to get them rebricked, repuddled, and cemented, as also the pits of the closets; that the cost of doing this would nearly, if not fully, equal that of making them at first, and that after all the probability would be that they might be leaky still; for in works of this kind it is quite possible, through some neglect or carelessness on the part of workmen, for faults to be created unobserved by any inspector however vigilant. I would therefore submit that the cheapest and surest way to secure pure water for these schools would be to get iron tanks placed under cover at the rear of the buildings, in some such manner as shown by the sketch herewith transmitted as a suggestion.

But as I would consider any other than the architect of the building dealing with this to be a trespass upon that gentleman's province, I should much rather he should be consulted. I may mention, however, that I think the arrangement shown by the sketch would answer the purpose well. Provision is made by which the first flow of water off the roof would be intercepted, and conveyed into a separate tank; and by the time this tank would be filled the roof would be well washed when, by the action of the floating ball in connection with the lever and valve of the intercepting box, the water would be turned into the other tanks in a pure state. The overflow could be conveyed into the present pipes leading into the underground tanks. The arrangement is very simple, self-acting, and not likely to get readily out of order. All that would be required to be done in the way of attendance would be when the rain ceased to let the water run out of the first tank, and it would then be ready to receive the first flow of the next rain.

The cost would be about £49 for one building, or £96 for the two, *i.e.*, the boys' and the girls' school.

I remain, &c.,
J. M. McDONALD.

No. 90.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 7 October, 1878.

I am directed by the Council of Education to acquaint you that your letter, dated 2nd instant, upon the subject mentioned below, is under consideration, and that a further communication respecting it will be addressed to you as soon as the Council has arrived at a decision in the matter.

I have, &c.,
W. WILKINS,
Secretary.

Subject:—Forwarding report of Mr. McDonald upon underground tanks.

No. 91.

No. 91.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Balmain Public School, Balmain, 16 November, 1878.

Dear Sir,

I shall be glad to know whether the account for water supplied to the Balmain Public School has been submitted to the Council, and whether it has been passed for payment.

Yours respectfully,

THOMAS M. TINLEY,
Hon. Secretary.

No. 92.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Balmain Public School Board, Balmain, 27 December, 1878.

Sir,

Referring to my letters of 19th September and 16th November last, and your replies thereto, No. 78/18,082 and 78/22,159, *in re* water supplied to the Balmain Public School, I have to ask that you will kindly bring the matter again before the Council for reconsideration, and trust that, although through inadvertence, the sanction of the Council was not obtained for the expenditure, that they may see their way to pass the account.

I am, &c.,

THOMAS M. TINLEY,
Honorary Secretary.

No. 93.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Council of Education Office, Sydney, 2 January, 1879.

Sir,

I am directed to acquaint you that your letter, dated the 27th ultimo, in which you request a reconsideration of the decision not to pay the amount claimed, viz., £7 11s., for water supplied to the Public School at Balmain, has been brought under the notice of the Council of Education.

2. In reply, I am to state that, having reviewed all the circumstances of the case, the Council has agreed to pay the claim in question. Vouchers for the amount (£7 11s.) are accordingly transmitted herewith.

I have, &c.,

G. MILLER,
(For Secretary.)

No. 94.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Balmain Public School Board, Balmain, 15 February, 1879.

Sir,

It is now more than twelve months since the Council was approached by the Local Board with reference to the impure state of the water in the tanks at the Public School, and the opportunity was embraced to again point out the unsatisfactory condition of the closets, and the necessity for immediate attention to these important subjects, which bear so intimately upon the health and comfort of the school children.

The Municipal authorities (in consequence of complaints from some of the children's parents and residents in the vicinity of the school property), as you are aware, requested the Government medical officer of the Borough to analyse the water in use at the school; and in consequence of his report, further substantiated by that of the Government analyst, instructions were given to cease using the water, disconnect the pipes, and have the tanks cleaned out for examination.

It soon became apparent that the tanks were defective in their construction, admitting soakage-water at a rapid rate. The various reports were sent to you in due course, with an intimation that, pending the necessary repairs to the tanks, the school was being supplied with water from another source, and at great expense.

After a delay of several months the Local Board was made acquainted with the report of the Council's architect, accompanied by a recommendation from the Council that the Board should institute inquiries on the subject, and advise the result.

Mr. M'Donald, architect, and Mayor of Balmain, was asked to give his views as to the best means of remedying the defect. Four months have elapsed since that gentleman's report and carefully-prepared descriptive plans and estimate of cost were sent you, and although the Council was pressed to take immediate action, yet the Board are not aware that the evils complained of are any nearer being remedied than they were twelve months ago.

The enclosed letters from the Rev. Mr. Dillon and Mr. Thornton will go to show in some measure the feeling that pervades the public mind on these important subjects, and will be evidence that the Local Board have been and are now quite justified in their persistent and urgent appeals for prompt action.

The Local Board are aware that the extension of education throughout the Colony taxes to the utmost the powers of the Council to meet the demands made upon it; but they feel that matters of this kind, which so clearly bear on the health and morals of the children and teachers, brook no delay.

I enclose a copy of a letter from Dr. Evans to the Local Board resigning his connection therewith, and it is a matter of much regret that the valuable services of one who for many years has taken a warm interest in all movements having for their object the advancement of the cause of education in Balmain, should be lost through the delay that has been manifested in the matter herein referred to, as well as the educational wants of the suburb generally.

I am, &c.,

THOMAS M. TINLEY,
Hon. Secretary.

P.S.—I am informed that the water now being used at the schools is obtained from the tanks.—T.M.T.

[*Enclosure*

[*Enclosure* 1 *in No.* 94.]

The Rev. Mr. Dillon to Dr. Evans.

Dear Sir, St. Augustine's, Balmain, 2 January, 1879.

Several members of my congregation have complained to me of the unhealthy and very often intolerable stench which proceeds from the necessaries at the Public Schools adjoining our grounds. They suggested a petition to the Municipal Council on the subject, but I believe it will be sufficient to bring the matter under your notice, as chairman of the Local Board, to get a speedy and an intelligent remedy for the nuisance. Although the necessaries adjoin my dwelling, and are upon a public road in both cases, I do not ask for a removal, but that, in the first case, they should be cleaned out every six months, as the regulation requires, and, secondly, that some cheap but sufficient disinfectant, such as you can best suggest, should be employed, at least in the hot season if not all the year round. I am sure the Council of Education would readily supply the small amount needed for such necessary purposes. I may point out that it is a considerable danger for the children attending the Public Schools, and, as I have experienced frequently myself, for passers-by. I trust therefore you will give the matter your earliest attention, and oblige

Yours truly,
GEORGE J. DILLON.

[*Enclosure* 2 *in No.* 94.]

Mr. W. Thornton to Dr. Evans.

Dear Sir, Balmain, Monday evening, January 13, 1879.

My children complain of the stinking condition of the water at the Public School on the pigeon-ground. It is now nearly twelve months since this matter has been complained about, and nothing has been done by the Council to remedy the evil. I would suggest that it would be better to let the children suffer thirst than to use the water in the tank. As the Government medical officer, you ought (that is, if you have sufficient authority) to have the pumps removed until the tanks are made water-tight.

I remain, &c.,
WILLIAM THORNTON.

No. 95.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 21 February, 1879.

I have to acknowledge the receipt of your letter dated the 15th instant, in which you again point out the unsatisfactory condition of the tanks and water-closets at the Public School at Balmain.

2. In reply, I am directed to acquaint you that the Council's architect has been instructed to give the matter his immediate attention, and submit his report thereon as soon as possible.

I have, &c.,
W. WILKINS,
Secretary.

No. 96.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

(No. 79-3,314.) Council of Education Office, Sydney, 21 February, 1879.

Balmain Public School: Unsatisfactory state of water supply and water-closets at.

THE Council desires that you will be good enough to give this matter your immediate attention, and furnish a report thereon as early as possible. The case is a *very urgent one.*

2. The honorary Secretary's letter, dated the 15th instant, is transmitted herewith in connection with former papers sent to you on the 8th October last.

G. MILLER,
(*pro* Secretary).

Illness since the receipt of this memo. has prevented an earlier report on these papers. For report see the papers of 8th October last, where I have dealt with the whole subject.—G. ALLEN MANSFIELD, architect, 10 March, 1879.

No. 97.

Memorandum from The Secretary, Council of Education, to The Council's Architect.

Council of Education Office, Sydney, 6 March, 1879.

Balmain Public School: Question of water supply. My memorandum dated the 21st ultimo.

IN inviting your attention to the above subject, I am directed by the Council of Education to remind you that the case is one of great urgency. Will you be good enough therefore to state when you will be in a position to furnish your report thereon?

W. WILKINS,
Secretary.

Report herewith.—G. ALLEN MANSFIELD, architect, 10 March, 1879.

No. 98.

Memorandum from The Council's Architect to The Secretary, Council of Education.

10 March, 1879.

Balmain: My report on unsatisfactory condition of water supply and water-closets at.

I REGRET that my report on this subject has been accidentally delayed through the misplacement of the papers dated the 8th of October last.

These documents were by some mischance placed with other papers in no way relating to them, which were filed away for record; and it was not until the receipt of your B.C., No. 79-3,314, of 21st February, that I was aware such papers were in my office.

Great care is always taken in the disposal of papers coming to my hands, and mistakes of this kind are almost unknown; nor can I easily account for this instance, which I regret exceedingly.

G. ALLEN MANSFIELD,
Architect.

No. 99.

30

No. 99.

The Council's Architect to The Secretary, Council of Education.

B.C., Architect.—For your perusal and report, in connection with your memorandum of the 7th June last, and former papers transmitted herewith.—W. W., 7/10/78.

Architect's report on Mr. Tinley's letter of 2nd October, 1878, No. 24,366, and its enclosure.

The subject to be considered with these papers are—

1. The leakage of the water tank, and the percolation into them of surface water in such fashion as to pollute them.
2. The contamination of the roof water which is conveyed into the tanks.
3. The offensiveness of the closets.

The construction of these tanks, and the conditions affecting them, were fully described in my report of the 7th June last.

In the report now submitted by Mr. J. M'Donald, architect, of Balmain, that gentleman admits the difficulty of ensuring the perfect tightness of the tanks, and, in view of the expense attending the attempt, recommends that the drinking water be obtained from another source, viz., from iron tanks filled from the roof.

To avoid the contamination of the water in these tanks by dirt from the roof Mr. M'Donald suggests a mode by which the first rush of water from the roof is received into a separate tank (not to be used for drinking) and the after-flow directed into the clean water tanks.

I fully concur in the recommendations made by Mr. M'Donald. It would, I think, be an unnecessary expense at present to interfere with the underground tanks.

In the case of the new tank of the girls' school, it seems clear to me that any pollution the water may have sustained must have come from the roof; and if the roof water is purified before being allowed to enter it, as suggested by Mr. M'Donald, the objections to its use as drinking water will probably disappear.

The provision of some iron tanks for pure water is desirable, if only on the ground that it avoids all possible chance of contamination.

In the case of the tank at the boys' school, the closets and soil-pits have been entirely reconstructed since the date of reports furnished by Mr. Watt and Mr. M'Donald, and it is probable that no percolation takes place from them. In view, however, of their unavoidable proximity to the tank, I would make the same recommendation in this case as that of the girls' school.

The cost of erecting these iron tanks and stands, with the intercepting box and valves, is estimated by Mr. M'Donald at £49 for each school.

I am disposed to think this estimate a low one, but if the cost even were far more than this it is not a matter to be considered, in view of the importance of the subject.

I would recommend that tenders be invited at once for the execution of these works.

Mr. M'Donald makes no reference whatever to the offensiveness of the closets, so much complained of by the honorary Secretary and by the Rev. Mr. Dillon.

The communication from the latter gentleman does not make it clear whether he refers to the closets attached to the boys' school or to those of the girls', but it seems probable that it is the former.

If so, his remarks apply to closets built with carefully waterproofed pits, in terms of the Municipal by-laws, well ventilated and free from all faults.

This only goes to prove, if proof were needed, that a certain offensiveness must needs arise under any circumstances from closets where no sewerage is available, and where soil-pits have to be provided, and used daily and hourly by a large number of persons.

The pits of the girls' closets, however, are not waterproofed, and it becomes a question whether steps should not be taken to make them so. This will entail a cost of about £100, including the erection of temporary closets for use during the progress of the works.

The only alternative to this course would be the constant use of disinfectants, as chloride of lime and the like.

Experience, however, proves that the regular and systematic use of such precautions is not easy to be ensured.

For this reason it will perhaps be better that steps should be taken to puddle and cement the pit. It must not, however, be assumed that the process will avert all unpleasantness.

See my separate memo. herewith as to the interval which has elapsed between the receipt of these papers and the date of this report.

G. ALLEN MANSFIELD,
Architect.

10 March, 1879.

No. 100.

The Secretary, Council of Education, to The Council's Architect.

[Urgent.] Council of Education Office, Sydney, 20 March, 1879.

Balmain Public School: Question of water supply at, also of water-closets. Your memorandum, dated the 10th instant.

The Council has adopted your recommendation as regards the water supply at the abovenamed school. Will you be good enough therefore to procure tenders for the necessary works as early as possible.

2. The question of defects in the w.-c's. has been deferred for the present.

W. WILKINS,
Secretary.

No. 101.

No. 101.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Sir, Council of Education Office, Sydney, 20 March, 1879.

I am directed to acquaint you that the Council of Education has had notice your letter of the 15th ultimo, and also previous correspondence respecting the water supply and the defective state of the water-closets at the Balmain Public School.

2. The Council having obtained a report from Mr. Mansfield, its architect, upon the subject, has decided to adopt the recommendation made by Mr. M'Donald in his letter to the Public School Board, of the 21st September last, as regards the water supply, and the architect has been instructed to procure tenders for the necessary works as soon as possible.

3. The Council has deferred its decision as to the complaints made respecting the offensiveness of the water-closets.

I have, &c.,
W. WILKINS,
Secretary.

Balmain West Public School.

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No. 1.

The Hon. Secretary, Public School Board, Balmain, to The Council of Education.

Gentlemen, Rocky Glen Cottage, Darling Road, Balmain, 8 August, 1876.

Referring to the enclosed application for the establishment of a Public School at Balmain West and annex, I have the honor, by direction of the Local Committee, to explain that the Deacon's Court of the Balmain Presbyterian Church wish it to be distinctly understood that they will reserve to themselves the right to use the premises now under offer to the Council during the evenings and on Sunday of each week, and that they are prepared to erect the necessary water-closets for the use of the school in the event of the Council accepting their offer.

I am further instructed to state that the western district of Balmain has increased in population very considerably since the last census was taken, that it is daily increasing, and that there is every reason to expect that the establishment of a Public School will meet with the wishes of a greater number of the residents than those who have undertaken already to send their children.

Submitting this application to the most favourable consideration of the Council,

I have, &c.,
JAMES MACDONALD,
Secretary to D.C.

[*Enclosure.*]

B.

Application for the establishment of a Public School at Balmain West.

To the Council of Education,—

Gentlemen, Balmain, July, 1876.

We the undersigned residents at Balmain West request that you will be pleased to establish a Public School at that place, under the provisions of the "Public Schools Act of 1866."

For this purpose we have provided the requisite buildings, as hereafter described; and we are prepared to execute a lease of these premises for a term of three years, at a rent of £50 per annum, in terms of the enclosed explanatory.

We have, &c.,
Local Committee { JAMES MACDONALD.
ANDREW CATTO.
THOMAS DAVIDSON.

Information to be supplied by Local Committee.

1. Describe the position of the proposed school? Corner of Western-street and Darling Road.
2. What other schools maintained or aided by the Council of Education are within 2 miles of the site of the proposed school? Public School, Balmain; Certified Denominational Schools—Church of England and Roman Catholic.
3. If none are within 2 miles, what is the distance of the nearest school?
4. Are there any Primary Schools not aided by the Council of Education within 2 miles of the proposed school? If so, of what character, and how attended? Miss O'Mara's—Females, 30; males, 20. Miss Nichols—Females, 15; males, 10. Mrs. Whickhead's—Females, 30; males, 20. Roman Catholic School—Females, 25; males, 15.
5. State the number of children, from four to fourteen years of age, living within a radius of 2 miles of the site of the proposed school, *e.g.*:—

Boys	1,060
Girls	1,099
Total	2,159
Religious Denominations:—	
Church of England	984
Roman Catholic	485
Presbyterian	377
Wesleyan	155
Others	158
Total	2,159

Particulars relating to the proposed Public School at Balmain West.

Building.			Furniture.		Number of Pupils in actual attendance, or expected to attend.							
Size and material of School Building.	In whose possession.	Tenure.	Desks and Forms.	Apparatus.	Boys.	Girls.	Total.	C. E.	R. C.	Pres.	Wes.	Ors.	Total
48 x 29 feet ..... Number of rooms—one. Size of room—48 x 29 feet.	Balmain Presbyterian Church.	Freehold	Sixteen forms; no desks.	None.....	128	113	241	113	4	59	25	40	241

No. 2.

The Secretary, Council of Education, to Mr. J. M'Donald.

Sir, Council of Education Office, Sydney, 10 August, 1876.

I am directed by the Council of Education to acquaint you that your formal application for the establishment of a Public School at Balmain West is now under consideration, and that a further communication respecting it will be addressed to you as soon as the Council has arrived at a decision thereon.

I have, &c.,
W. WILKINS,
Secretary.

No. 3.

No. 3.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

Council of Education Office, Sydney, 10 August, 1876.

Balmain West: Application for the establishment of a Public School.

For your inquiry and report.

W. WILKINS,
Secretary.

No. 4.

Memorandum from The Assistant Inspector of Schools, Sydney District, to The Secretary, Council of Education.

Inspector's Office, 14 August, 1876.

Balmain West: Application for establishment of a Public School at.

The building offered on lease to the Council is constructed of weatherboard; it is substantially built, well-lighted, and ventilated, and is in a good position for the population; the site is very near one which a short time ago was under the consideration of the Council for purchase. The rent asked for the building, viz., £50 per annum, is reasonable.

Though there can be no doubt that a school is urgently required in this locality, as many children are growing up in a state of ignorance, and that the number stated in the "form of application," 241, would attend. I am precluded, by the terms of your memorandum, No. 75–17,545, from recommending the acceptance of the offer, but the building itself is suitable for school purposes.

In the event of the Council's acceding to the request the following furniture would be required:—20 desks, 9 feet in length, and forms to correspond.

F. BRIDGES,
Assistant Inspector.

No. 5.

Gazette Notice.

Council of Education, Sydney, 29 August, 1876.

New Public School.

It is hereby notified for general information, in accordance with the provisions of the 24th section of the "Public Schools Act of 1866," that application has been received at this office for the establishment of Public School at Balmain West.

By order of the Council of Education,
W. WILKINS,
Secretary.

No. 6.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

Balmain West: Application for a Public School.

Council of Education Office, Sydney, 31 August, 1876.

Notice of the application for the establishment of a Public School at the above place has now been sent for publication in the Government Gazette, in accordance with the provisions of the 24th section of the Public Schools Act.

W. WILKINS,
Secretary.

No. 7.

The Secretary, Council of Education, to Mr. J. Macdonald.

Sir,

Council of Education Office, Sydney, 31 August, 1876.

Referring to the formal application, dated 25th July ultimo, for the establishment of a Public School at Balmain West, I am directed by the Council of Education to state that the Council sees no objection to the proposal. Notice of the application has therefore been sent for publication in the Government Gazette, in accordance with the requirements of the 24th section of the Public Schools Act of 1866.

2. A further communication will be made to you when the necessary notice has been published.

I have, &c.,
W. WILKINS,
Secretary.

No. 8.

The Secretary, Council of Education, to Messrs. Stephen & Stephen.

Gentlemen,

Council of Education Office, Sydney, 14 September, 1876.

I am directed by the Council of Education to request that you will be good enough to prepare a conveyance by way of purchase from Mr. David Ramsay to the Council of an acre and a half, more or less, of land at Balmain, being portion of lot 6 of section 43 of the Balmain Estate. The necessary particulars regarding the title will be supplied to you by the Public School Board, who have been communicated with on the subject. A surveyor's description will also be furnished as early as practicable. The purchase money will be at the rate of £450 per acre.

I have, &c.,
GEORGE MILLER,
(For Secretary.)

No. 9.

No. 9.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

(No. 76-14,707.)

Council of Education Office, Sydney, 14 September, 1876.

Sir,

With reference to the recent purchase from Mr. D. Ramsay, of 1¼ acre, more or less, of land, being the unsold portion of lot 6 of section 43 of the Balmain Estate by Mr. F. Robinson, on behalf of the Council of Education, I am directed to request that the Public School Board at Balmain will be good enough at their earliest convenience to obtain a surveyor's description of the land in question for the information of the Council's solicitors in the preparation of the necessary conveyance.

When obtained, the description should be sent to this office. A letter respecting the title deeds has been addressed by Sir Alfred Stephen to Mr. Evans, the chairman of the Board.

I have, &c.,
GEORGE MILLER,
(For Secretary.)

No. 10.

The Hon. Secretary, Public School Board, Balmain, to The Secretary, Council of Education.

Balmain Public School Board, Balmain, 19 September, 1876.

Sir,

In reply to yours of the 14th instant (No. 76/14,707), I have to inform you that Mr. F. Robinson, who arranged the purchase of land on the Balmain Estate, instructed Mr. Ramsay, the owner, to supply the Council's solicitors (Messrs. Stephen & Stephen) with a surveyor's description of the block.

If the survey has not been sent to the solicitors please advise me thereof, and I will communicate with Mr. Robinson in the matter.

I have, &c.,
THOMAS TINLEY,
Hon. Sec.

No. 11.

The Secretary, Council of Education, to Messrs. Stephen and Stephen.

Council of Education Office, Sydney, 22 September, 1876.

Gentlemen,

With reference to my letter of the 14th instant, requesting you to prepare a conveyance from Mr. D. Ramsay to the Council of Education of certain land at Balmain, I am now directed to transmit herewith vouchers and cheque for the sum of £731 5s., the amount of purchase money due for the land, it being understood that the conveyance has been executed.

I have, &c.,
GEORGE MILLER,
(For Secretary.)

No. 12.

The Secretary, Council of Education, to The Hon. Secretary, Public School Board, Balmain.

Council of Education Office, Sydney, 22 September, 1876.

Sir,

With reference to your letter, dated 19th instant, I am directed by the Council of Education to acquaint you that the Council's solicitors have received a surveyor's description of the land at West Balmain, recently purchased from Mr. D. Ramsay, and that the conveyance of the land to the Council has now been executed.

I have, &c.,
W. WILKINS,
Secretary.

No. 13.

The Secretary, Council of Education, to Mr. J. M'Donald.

(No. 76–15,132.)

Council of Education Office, Sydney, 22 September, 1876.

Sir,

I am directed to acquaint you that the Council of Education has again had under notice the application for the establishment of a Public School at Balmain West, dated the 25th July last.

2. In reply, I am to state that the Council, having carefully reviewed the circumstances of the case, has decided to establish a Public School at that place, but declines to rent the proposed premises on the terms offered, it being deemed undesirable to sanction the conduct of Public Schools, even temporarily, in buildings identified with any particular denomination.

I have, &c.,
W. WILKINS,
Secretary.

No. 14.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 76–15,133.)

Council of Education Office, Sydney, 22 September, 1876.

Sir,

Adverting to previous correspondence respecting your employment by the Council of Education in preparing plans and specifications, and in supervising the erection of Public School buildings, I am directed to acquaint you that the Council has decided to establish a Public School at Balmain West, and to entrust you with the preparation of the plans of the proposed buildings.

Description herewith.

2. Will you be good enough therefore to visit the site recently purchased at that place, with a view to prepare a sketch plan of the buildings to be erected thereon, to accommodate 200 pupils, in two departments, primary and infants, and to submit a recommendation as to a two-storied building, for the consideration of the Council.

3.

3. It is desirable that you should communicate with Mr. T. M. Tinley, honorary Secretary to the Public School Board at Balmain, who will be able to point out to you the position of the land referred to.

I have, &c.,
W. WILKINS,
Secretary.

[*Enclosure.*]

Sydney, 5 September, 1876.

I HAVE this day sold to the Council of Education (per Mr. F. R. Robinson, member of the Public School Board of Balmain) all that piece of land about 1 acre and a half (more or less), being the unsold part of lot 6, section 43, of the Balmain Estate, for the purpose of erecting a Public School thereon, for and at the rate of £450 per acre.

DAVID RAMSAY.

No. 15.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Public School, Balmain West, September 25, 1876.

I have much pleasure in acknowledging the receipt of your favour, dated the 22nd instant (No. 76/15,133), at hand, Saturday, 23rd.

You will see, per annexed, that I have written to Mr. Tinley as you directed. After I have seen the site I will call upon you for such detailed information as I may require.

I should like to see some of the Council's plans, which might be taken as a guide on what the Council may consider a model arrangement.

Yours, &c.,
J. HORBURY HUNT.

[*Enclosure.*]

Mr. J. Hunt to The hon. Secretary, Public School Board, Balmain.

Sir, 25 September, 1876.

I have the honor to inform you that I am instructed by the Council of Education to see you, as honorary Secretary of the Public School Board at Balmain, that you may point out to me the site of your proposed new school building, with the object of my preparing drawings, &c., for such building.

I shall have much pleasure in meeting you at any time most convenient to yourself after Tuesday next, and after 10 o'clock in the forenoon.

Yours, &c.,
J. HORBURY HUNT.

No. 16.

Mr. J. Macdonald to The Secretary, Council of Education.

Sir, Public School, Balmain West, Balmain, 25 September, 1876.

I have the honor, by direction of the Local Committee, to acknowledge the receipt of your letter (No. 76/15,132) of the 22nd instant, intimating the decision of the Council to establish a Public School at Balmain West, and its refusal to rent the proposed premises.

In reply, I am to ask you to be kind enough to convey to the Council the thanks of the committee for the prompt attention which the application has received, and to state that the committee is taken by surprise to find that, with the full knowledge of all the facts of the case, the Council, after intimating by your letter (No. 15,440) of the 31st ultimo, that it saw no objection to the proposal, and after causing a notice of the application to be published in the Government Gazette, should have considered it necessary to reverse its decision.

I have most respectfully to submit that whilst fully appreciating the wisdom of the Council in refusing to sanction the conduct of Public Schools, even temporarily, in buildings identified with any particular denomination, there are many circumstances in connection with this application which might lead the Council to a favourable reconsideration thereof, and induce it to regard the proposed building as an exception to the general rule. The number of parents and guardians who have subscribed to the annex, and the short time in which it has been completed, evidence their desire, expressed to the committee, to have a school established with the least possible delay. There is not at present any other suitable building in the district available for temporary school purposes. Not only will the reasonable expectations raised by your first communication be sadly disappointed, but the children represented in the application will be deprived of any educational advantages if the Council adheres to its last decision. I have therefore to express the hope that, in view of the foregoing, the Council, in reconsideration of the matter, will authorize the committee to secure the proposed building on the terms offered, while it is available, and that the Council will cause the school to be opened there temporarily forthwith.

I have, &c.,
JAMES MACDONALD,
Secretary, Local Committee.

No. 17.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 76–15,586.)

Sir, Council of Education Office, Sydney, 3 October, 1876.

With reference to your letter of the 25th ultimo, I am directed by the Council of Education to request that you will be good enough to state if you have yet inspected the site of the proposed Public School buildings at Balmain West, and proceeded with the preparation of the necessary plans and specifications.

2. I am to add that the Council decided to place the buildings in your charge in order that no delay should take place in their erection. It is desirable, therefore, that you should proceed in the matter as early as possible.

I have, &c.,
W. WILKINS,
Secretary.

No. 18.

No. 18.

The Secretary, Council of Education, to Mr. J. Macdonald.

Sir, Council of Education Office, Sydney, 10 October, 1876.

I am directed by the Council of Education to acquaint you that the Council has had under notice your letter, dated 25th ultimo, requesting the Council to reconsider its decision not to open the proposed Public School at West Balmain in the Presbyterian Church.

2. In reply, I am instructed to state that, having again carefully considered the circumstances of the case, and having also taken into account representations contained in your letter, the Council has resolved to adhere to its previous decision in the matter, which was communicated to you in my letter of 22nd ultimo (No. 76/15,132).

3. With reference to your statement that the Local Committee are surprised to find that the Council, after intimating on 31st August last "that it saw no objection to the proposal, should have considered it necessary to reverse its decision," I am to point out that my letter of 31st August was simply a notification to the committee that the Council saw no objection to the proposal to establish a Public School in West Balmain. Moreover, the decision conveyed to you on 22nd ultimo is to the effect that the Council had resolved to establish the school, thus carrying out the intention implied in the former letter, but would not lease the premises offered for reasons given. The Council is therefore unable to see how it can be charged with reversing its decision, no decision having been arrived at previous to that of which you were made aware on 22nd ultimo.

4. It may be mentioned in connection with this subject that the Council has recently secured a site for the proposed Public School building at West Balmain, containing 1 acre 1 rood 20 perches, with frontage to Darling and Western streets, and that the plans of the new buildings are now in course of preparation.

I have, &c.,
W. WILKINS,
Secretary.

No. 19.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 9 October, 1876.

Yours of the 3rd instant (No. 76/15,586) at hand, same date; absence from Sydney has prevented my replying sooner.

I had the honor to receive your Council's instructions for the above work on the 25th ultimo. I wrote at once to Mr. Tinley as you directed; on the 28th he called to pay quarterly account; work of his company took up all his time, so that he could not go to point out the site. 29th I went alone, and with difficulty found the piece of land answering to the written description you sent me; there was no survey sketch attached or any local guide for me. However, the piece of land, I found, has a church in course of erection on the corner; this put me about. Thinking there must be some mistake in the description, I took it to Mr. Reuss on the 30th for him to give me a survey plan; this I got on the 3rd instant. On the 4th I called upon you and reported what I had done, and explained that the site was not what I was under the impression the Council thought it to be. A copy of the survey is now in your possession, and I have commenced to work with the piece of land thereby shown. Although you were a little surprised at the shape, you told me I would have to do the best I could with it, at the same time kindly giving me such other information as I required.

I left Sydney a few hours after seeing you; in the meantime I have been studying out the plan, so that by next meeting of your Council I shall have sketches prepared to lay before them.

I trust this explanation of the delay mentioned in your second paragraph will be satisfactory to your Council, seeing that I was placed in doubt as to the land, &c., &c.

Yours, &c.,
J. HORBURY HUNT.

No. 20.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 12 October, 1876.

Please find herewith two sketch plans for the proposed Public School at the above place for the inspection of your Council. A shows a design to accommodate 100 primary and 100 infant scholars, as per instructions. Entrances for the two departments are on opposite sides of the buildings, class-room for each department with access to staircase independent of school-room. End windows are shown at each end of primary school; this will be second to infants' room as well, being at a high level are not shown on plan at entrance end. Other small windows will be provided more for ventilation than light, but not shown on plan, being at a high level. The out-offices and play-sheds are grouped together with main building, so as to fit the shape of the land. Cap and bonnet rooms are so placed as to be under view of teacher during school hours. B not being certain as to the requirement of a class-room to each department (primary and infants), I have made another design, marked B, in which only the primary school has a class-room. The general remarks above will apply to this design; the staircase does not appear on plan so easy as that for A; it has, however, one large landing half way up, in every respect as easy and safe as that for A. If any further description, delineation, or explanation should be required by your Council I will be most happy to supply same.

Yours, &c.,
J. HORBURY HUNT.

P.S.—I have not made elevation, understanding from you that the Council only required plans at first to settle upon arrangement of school, &c.—J.H.H.

No. 21.

No. 21.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 76-16,463.)

Sir, Council of Education Office, Sydney, 18 October, 1876.

I am directed by the Council of Education to acquaint you that the Council has had under notice your letter, dated 12th instant, enclosing sketch plans of the proposed Public School buildings at Balmain west.

2. In reply, I am to state that the Council, having carefully considered the matter, is of opinion that the sketch plans submitted are not suitable, and that buildings erected in accordance with such plans would prove unnecessarily expensive. Will you be good enough, therefore, to submit a fresh sketch plan for the approval of the Council. Returned herewith.

3. I am to add that, as regards the arrangements for teaching and the management of the school, the plan No. 4, transmitted herewith for your information, appears to meet the requirements of the case.

4. It may be mentioned that in preparing plans for the proposed buildings you are not restricted to a two-storied building.

I have, &c.,
W. WILKINS,
Secretary.

No. 22.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 23 October, 1876.

Yours of the 18th instant (No. 16,463) at hand. In accordance with direction contained in your second paragraph, I am completing fresh sketch plans for the above school, for a one and also a two-story building. With the permission of the Council, I will prepare finished drawings of both (after their approval) designs, and get tenders for the one-story as well as the two-story building, so as to settle the question as to which is the most economical class of building.

Yours, &c.,
J. HORBURY HUNT.

No. 23.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 27 October, 1876.

I have the honor to hand to you, for the inspection of your Council, fresh sketches for the Public School at the above place. Please call their attention to my last, dated 23rd.

Yours, &c.,
J. HORBURY HUNT.

No. 24.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 76–17,247.)

Sir, Council of Education Office, Sydney, 31 October, 1876.

With reference to your letter of the 27th instant, forwarding fresh sketch plans of the proposed Public School buildings at Balmain West, I am directed by the Council of Education to request that you will be good enough to furnish sketch plans of elevations for the buildings, together with rough estimates of the cost of the works, for the information of the Council. Transmitted herewith.

I have, &c.,
W. WILKINS,
Secretary.

No. 25.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 6 November, 1876.

In reply to yours of the 31st ultimo (No. 17,247), I beg to hand your Council pencil sketches of the two principal fronts of the above school building for the one-story building and the two story.

I have also made a rough estimate of the respective buildings.

	£
The two-story building	2,500
The one-story building	2,800

I have not considered furniture or fencing, but have allowed for lavatory and w.c. I hope the Council will adopt the two-story building. Should it be required to extend the school this design will admit of being placed on the site better than the one-story plan. (See survey plan.)

Yours, &c.,
J. HORBURY HUNT.

No. 26.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 76-17,732.)

Sir, Council of Education Office, Sydney, 8 November, 1876.

With reference to your letter of the 6th instant, submitting sketch plans of the proposed Public School buildings at Balmain West, I am directed to acquaint you that the Council of Education has approved of the plans of the two-story buildings.

2. Will you be good enough therefore to prepare plans and specifications of such buildings as soon as practicable, and submit them in due course for the approval of the Council. In addition to the works shown on the sketch plans provision should be made for weather-sheds, water-closets, tank, and spouting, school furniture, and fencing. Forwarded herewith.

3.

3. With regard to the school furniture it is desirable that you should confer with the Inspector, E. Johnson, Esq., on the subject. Three forms of plans and specifications are transmitted herewith; one of these forms should be filled up with a list of the articles required for the use of the school, and be attached to the specifications of the buildings.

I have, &c.,
GEORGE MILLER,
(For Secretary.)

No. 27.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 20 November, 1876.

Yours of the 8th instant (No. 76–17,732) at hand same date.

I will push the office work on as fast as consistent with doing the work well and carefully. I will communicate with Mr. Johnson, as you direct, about furniture, &c.

I have, &c.,
J. HORBURY HUNT.

P.S.—When the plans and specifications are complete I will send them to you for the inspection of the Council.—J.H.H.

No. 28.

Messrs. Stephen & Stephen to The Secretary, Council of Education.

Balmain West: Slade to Council.

Sir, 71, New Pitt-street, Sydney, 1 December, 1876.

Herewith we beg to forward certificate of title issued to the Council in this matter, vol. 271, folio 242; also vouchers (2) duly signed.

We have, &c.,
STEPHEN & STEPHEN,
(*Per* A. H. HEWLETT.)

No. 29.

The Secretary, Council of Education, to Messrs. Stephen & Stephen.

Gentlemen, Council of Education Office, Sydney, 4 December, 1876.

I am directed by the Council of Education to acknowledge the receipt of your letter dated 1st instant, forwarding certificate of title in connection with the transfer (Slade to Council) of certain land at Balmain West.

I have, &c.,
W. WILKINS,
Secretary.

No. 30.

Memorandum from The Secretary, Council of Education, to The Inspector of Schools, Sydney District.

Council of Education Office, Sydney, 4 December, 1876.

Balmain West: Conveyance of certain land at.

THE conveyance (Slade to Council) of certain land at the above place has now been completed.

W. WILKINS,
Secretary.

No. 31.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 4 December, 1876.

Please find herewith plans and specification for the above building, and I trust they will be found by your Council to be what they require. I have been careful to clearly show the parties tendering what it is the Council expects the contractor to do.

I have omitted the fencing, drainage, and levelling of ground. This will be better done under a separate contract, towards the completion of the buildings. I wrote, as directed, to Mr. Inspector Johnson, but as yet have not seen him.

Yours, &c.,
J. HORBURY HUNT.

No. 32.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 76-19,791.)

Sir, Council of Education Office, Sydney, 16 December, 1876.

With reference to your letter of the 4th instant, submitting plans and specifications of the proposed Public School buildings at Balmain West, I am directed by the Council of Education to acquaint you that it is observed that no specification of the school furniture accompanies the documents.

Will you be good enough, therefore, to furnish a list of the furniture to be provided as soon as practicable, in order that tenders for the whole of the work may be advertised for without further delay.

I have, &c.,
W. WILKINS,
Secretary.

No. 33.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West. 18 December, 1876.

Yours of the 16th instant (No. 76-19,791), at hand this a.m. I regret the delay that has taken place for the want of furniture schedule being filled up. I would have filled it up, had I not been directed to confer with Mr. Johnson, to whom I wrote on the 29th ult., but up to the time of my sending in the plans he had not called. (See my letter of 4th inst.) I am very anxious to complete the building as quickly as possible. I trust the Council will not count the time from date of my appointment. I was only about 20 days in getting the contract drawings before the Council. I saw Mr. Johnson at his office this a.m. He kindly gave me the required information as to furniture, etc., which you will find annexed to the plans and specification. That gentleman told me he had been busy with examinations, and further, he had some little hesitation in calling upon me about the Council's work, not having had any intimation of my being employed by the Council. I trust I shall not be charged with the delay.

Yours, &c.,
J. HORBURY HUNT.

No. 34.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 19 December, 1876.

With reference to your letter of 18th instant, I am directed by the Council of Education to acquaint you that advertisements, inviting tenders for the works in connection with the proposed Public School buildings at Balmain West, have been forwarded for insertion in the *Sydney Morning Herald*. The tenders should be addressed to you on or before the 19th January next. When received by you, will you be good enough to submit them to the Council for approval, accompanied by the plan and specification.

Plans and specifications, together with a few tender forms, are transmitted herewith.

I have, &c.,
W. WILKINS,
Secretary.

No. 35.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Public School, Balmain West, 19 January, 1877.

I have the honor of submitting to your Council the result of tendering for the erection of the above school buildings.

The annexed schedule shows the amount of each contractor's tender. I send herewith the forms of tender duly filled up and signed, also the plans and specification.

It is very satisfactory to be able to point out the tender of Mr. Elphinstone as being the lowest, being one of our best contractors. The amount of such tender £2,320.

The foundations below bottom bed of base course to be paid for per measurement at per 38s. per perch, which I estimate will come to about	£225
Windows, as per tender from Mr. Lyon, Cottier, & Co.	142
Drainage, say	25
Sundries	25
	£2,737

My rough estimate, as per letter Nov. 6, 1876, was put at £2,500, exclusive of furniture and play-shed. Furniture at £125, and play-shed, with its foundations, £275 = £400. Deduct this from the above sum, £2,337, being £163 less than my estimate. I point this out because it is generally said architect's estimates are not reliable.

In addition to the above there will be—

For fencing	£75
Levelling grounds, say	25
Total	£2,837

Yours, &c.,
J. HORBURY HUNT.

[*Enclosures.*]

19 January, 1877.

SCHEDULE of tenders for Public School, Balmain West, received this 19th day of January.

J. HORBURY HUNT.

£2,320	Mr. Wm. Elphinstone.	For the whole.
£2,330	Mr. Schultz.	
£2,340	Messrs. Smith & Bennett.	
£2,689	Mr. H. Phippard.	
£3,118	Messrs. Eaton & Sons.	
£3,725	Mr. Geo. Murray.	
£1,598	Mr. J. M. Moton—Masonry only.	
£1,694	Messrs. Usher and Fisher—Carpentry only.	
£1,700	Mr. J. Buchanan—Carpentry only.	

Messrs. Lyon, Cottier, & Co. to Mr. J. Hunt.

Balmain West Public School.

333, Pitt-street, Sydney, 19 January, 1877.

WE hereby tender to glaze and fix lead lights, in geometric patterns of tinted glass with ventilators, as shown, the whole fixed in complete working order, and to the satisfaction of the architect, for the sum of (£142) one hundred and forty-two pounds sterling.

LYON, COTTIER, & Co.,
P. J.L.

Mr.

40

Mr. W. Elphinstone, jun., to Mr. J. Hunt.

Sir, Glebe, 2 February, 1877.

I hereby offer to make the windows for the Balmain Public School, as follows, viz. :—

Hardwood frames and cedar sashes, glazed with 32 oz. glass, including the extra work of cutting reveals in the stonework for hardwood frames, for the sum of two hundred and eighty-five pounds (£285.)

WILLIAM ELPHINSTONE, Jun.,
Contractor.

No. 36.

The Secretary, Council of Education, to Mr. J. Hunt.

(No. 77–1,659.)

Sir, Council of Education Office, Sydney, 31 January, 1877.

With reference to previous correspondence, I am directed by the Council of Education to state that the Council has authorized the acceptance of the tender of Mr. W. Elphinstone, junior, for the sum of £2,320, for the erection of the proposed Public School buildings at Balmain West, and at the rate of £1 18s. per perch for the extra foundations.

2. Mr. Elphinstone's tender for weathersheds, which you appear to have overlooked, is not accepted by the Council. The Council has also resolved that the stained glass windows proposed by you, and tendered for by Messrs. Lyon, Cottier, & Co., shall be omitted.

3. Will you be good enough therefore to make the necessary arrangements with the contractor, and to transmit to this office a copy of the contract when entered into, and also to furnish copies of the plans and specifications. The tender and the original plans and specifications are herewith enclosed, together with forms of bond and agreement.

I have, &c.,
W. WILKINS,
Secretary.

All tenders (10) returned to Mr. Hunt.

No. 37.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, February 5, 1877.

I have informed Mr. Elphinstone of the Council's acceptance of his tender for the school at Balmain West, and in a few days will be able to send you the contract paper duly signed.

I have to point out that the play-shed is included in the accepted sum of £2,320.

Yours, &c.,
J. HORBURY HUNT.

No. 38.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Public School, Balmain West, 8 February, 1877.

Will you kindly instruct the Council's surveyor to correctly peg out the allotment upon which the above school is to be built, that I may see to the setting out the foundation work.

Yours, &c.,
J. HORBURY HUNT.

No. 39.

The Secretary, Council of Education, to Mr. F. Reuss, junior.

Sir, Council of Education Office, Sydney, 8 February, 1877.

I am directed by the Council of Education to request that you will be good enough to survey and peg out, for the information of Mr. J. H. Hunt, architect, of 91 Pitt-street, the Public School land at Balmain West, a plan and description of which are enclosed herewith. It is desirable that you should confer with Mr. Hunt in the matter.

I have, &c.,
W. WILKINS,
Secretary.

No. 40.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 8 February, 1877.

With reference to your letter dated 8th instant, I am directed by the Council of Education to acquaint you that Mr. F. H. Reuss, jun., has been instructed to survey and peg out the Public School at Balmain west, and to confer with you in the matter.

I have, &c.,
W. WILKINS,
Secretary.

No. 41.

Mr. F. Reuss, junior, to The Secretary, Council of Education.

Survey of Public School site, Darling Road, Balmain.

Sir, 183, Pitt-street, Sydney, 12 February, 1877.

In reply to your instruction of the 8th instant (No. 77/2,238), I have the honor to inform you that in accordance therewith, I, after consulting with Mr. Hunt, pegged out the land as per description and tracing furnished, and now returned herewith.

I have, &c.,
FERDINAND H. REUSS, junior,
Licensed Surveyor.

No. 42.

No. 42.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 26 February, 1877.

In accordance with the request contained in yours of the 31st ultimo (No. 77/1,659), I herewith forward copies of the plans and specifications, with the agreement and bond, for the erection and completion of the Public School at the above place, all duly signed.

Although the contract time is for twelve months, the contractor desires me to inform your Council that he will do all that lays in his power to give you possession in nine months.

I have been over and started the work insomuch as pegging out the position of the various buildings. The site is now being prepared for the foundations.

When the contract is signed I generally draw about one-half my commission on the whole. In this case I am entitled to the sum of £70; for such amount I have the honor to ask your Council for a cheque.

Yours, &c.,
J. HORBURY HUNT.

No. 43.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Public School, Balmain West, 7 November, 1877.

I beg to suggest that I be authorized to take the necessary steps in regard to having the above grounds enclosed and levelled off.

To do this a specification must be prepared, and tenders obtained, for the approval and acceptance of your Board.

Yours, &c.,
J. HORBURY HUNT.

(No. 77-17,806.)

No. 44.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 12 November, 1877.

With reference to your letter of the 7th instant, requesting authority to have the Public School site at Balmain West levelled and fenced, I am directed by the Council of Education to request that you will be good enough to submit for the consideration of the Council a specification of the necessary improvements, together with an estimate of the cost of the works.

I have, &c.,
W. WILKINS,
Secretary.

No. 45.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 3 January, 1878.

I am directed by the Council of Education to invite your attention to my letter dated 12th November last (No. 17,806), requesting you to submit, for the consideration of the Council, a specification of the improvements suggested by you in your letter of the 7th November, to the Public School Site Balmain West, together with an estimate of the cost of the proposed works. Will you be good enough to do so at your first convenience.

I have, &c.,
W. WILKINS,
Secretary.

No. 46.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Public School, Balmain West.

I have the honor to report to your Council that the fencing, &c., &c., to complete and enclose the grounds belonging to the above school will cost as follows:—

	£
Split paling fencing	117
Weatherboard fencing	27
Batten fence	36
Pair of large gates	15
Small gates (3)	10
Painting	20
Well, 20 feet deep	25
Pump and cover	15
Levelling down earth, and sundry other little matters ...	25
	£290

This estimate is based on a detail tender made by the contractor, Mr. Elphinstone, to which I have added £15 for any extra work I may require doing.

Yours, &c.,
J. HORBURY HUNT.

Very Urgent.—B.C., Inspector of Sydney District,—For your perusal and report; plan herewith.—W.W., 29/1/78. B.C., The Secretary,—As far as I can make out from the plans the following amount of fencing is required: 72 rods paling, 18 batten, 8½ weatherboards. I consider £180 an excessive estimate for the above. Some of the other items too appear high.—E.J., 30/1/78.

No. 47.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West Public School, 31 January, 1878.

I have just returned from Balmain West Public School. The contractor is drawing to a close with his work; I fear he will be a few days over his contract time, which expires on the 8th day of February. I now write to ask if I may not push on with the fencing and well, about which I wrote to you some few weeks since.

I was at Barrengarry last Saturday and Monday; upon this I wish to report to-morrow.

I am also in receipt of all the information I require about the schools on the Macleay River, with a sketch of the site, &c., sent by the local secretary.

Yours, &c.,
J. HORBURY HUNT.

P.S.—I wish I had gone on with the fencing, it might have been done by this time. I do not think the Council could have found fault with me, as the whole amount is not much.—J.H.H.

No. 48.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 6 February, 1878.

With reference to your letters of the 11th and 31st ultimo, furnishing an estimate of the cost of fencing, well, and levelling, in connection with the Public School premises at Balmain West, I am directed by the Council of Education to acquaint you that the Council has decided to procure tenders for the works. Will you be good enough, therefore, to prepare a specification of the improvements mentioned, and submit it for the approval of the Council, as soon as practicable.

I have, &c.,
W. WILKINS,
Secretary.

No. 49.

Memorandum from The Clerk of Works, to The Secretary, Council of Education.

Balmain West.

I HAVE carefully gone through Mr. Hunt's specification of the proposed fencing, &c., at the Public School, Balmain West.

The excessive and unusual size of the materials, and the elaborate and very unusual method of construction, will make all this fencing very expensive. They will last no longer, nor look much better than ordinary fences of the same description which could be constructed for half the cost of those proposed.

The water supply as proposed seems very expensive, without offering any advantage; the water for drinking purposes would be better direct from the pump than a tank; it would be much cheaper, and a No. 5, Douglas pump, costing £3, would answer as well as one to cost £10.

About the levelling of the playground I can say nothing, not having seen the place.

G. W. HARTNELL,
Clerk of Works.

Sydney, 12 February, 1878.

No. 50.

(No. 78-3,036) The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 18 February, 1878.

I am directed to acquaint you that the Council of Education has had under notice the plan and specification of the proposed fencing and levelling in connection with the Public School buildings at Balmain West, prepared by you.

2. I am further to state that the Council, having carefully considered the documents, is of opinion that while the excessive and unusual size of the materials to be used, and the elaborate method of construction will make the fencing very expensive they will not make it last longer, nor look much better than the ordinary description of fencing. It also appears to the Council that the water supply proposed though expensive does not offer any special advantage, and that water for drinking purposes would be better if obtained direct from the pump than from a tank, as specified. A No. 5 Douglas pump will be sufficient for the well. Will you be good enough therefore to prepare fresh plans and specifications of the proposed works, on a more economical scale, and submit them in due course for the approval of the Council, accompanied by an estimate of the cost.

3. I am to add that the Council expects you to give special consideration to the item of fencing, with a view to make it less expensive than that provided for in the specification.

I have, &c.,
W. WILKINS,
Secretary.

No. 51.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, 25 February, 1878.

In reply to your favour of the 18th instant (No. 78/3,036), I have the honor to inform you that I have carefully reconsidered the plans and specification for the fencing of the above grounds and dividing the playgrounds with fences, sinking a well, fixing pump and supply tank complete, and levelling off the grounds, laying down rubble drains to carry away surface rain water, and feel great hesitation in reducing the standard or quantity of work.

Mr.

Mr. Elphinstone, the contractor, has had the plans and specification, and is prepared to execute the whole in a thorough and complete manner for the sum of three hundred and fifty pounds (£350). To lay down 6" earthenware drain-pipes some 500 feet in place of the rubble-drain, £20 in addition to the above will be required, making a total of £370. My former report makes the cost of the work at £290. The excess of £80 arises from my specifying some parts of the work to be a better class, and the well to be larger in diameter and deeper, steined up and domed over with brick; the pumps and supply tank I have ventured to have fixed on a better but more expensive plan. Taking the whole of the work into consideration, I do not think the estimate excessive; no doubt it could be done cheaper, but most likely in a very inferior manner to that in which Mr. Elphinstone will do it. This rough work is the kind of work in which scamping can be done most successfully, let the architect be ever so sharp. It is just possible that I may be able to save the item of £20 for drains; all will depend on how I find the ground in excavating for the rubble-drains. I am as anxious as your Council to save every pound that I can, and do not fear their inspection when all is complete, feeling conscious that they will not be able to point out in any one instance where I have spent £1 unnecessarily. I hope permission may be given to me to proceed at once with the above work, as the buildings are now at the mercy of a rough lot of boys. Perhaps I may be of some service to your Council if I came up this afternoon and explained the matter. My office-boy will wait to come down for me which need not take 10 minutes.

Yours, &c.,
J. HORBURY HUNT.

No. 52.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir,

Council of Education Office, Sydney, 28 February, 1878.

With reference to your letter of the 25th instant, I am directed by the Council of Education to state that the Council has decided to accept Mr. W. Elphinstone's tender for the proposed fencing, levelling, draining, and other improvements in connection with the Public School grounds at Balmain West, for the sum of (£370) three hundred and seventy pounds.

2. The accompanying forms of agreement and original plans and specifications should be signed by the contractor, and returned to this office as early as practicable. Duplicate plans and specifications should also be signed by the contractor and forwarded to me. When received, the whole of the documents will be signed by the Council, and one copy of each will then be returned to you, for the guidance of the contractor in the performance of the works.

3. Will you be good enough to see that the works be properly carried out.

I have, &c.,
W. WILKINS,
Secretary.

No. 53.

Mr. J. Hunt to The Secretary, Council of Education.

Sir,

Balmain West, 4 March, 1878.

The authority of your Council for my proceeding with the fencing, &c., &c., at the above school came to hand on Saturday, 2nd.

Mr. Elphinstone has signed the contract this morning to be completed 6th of next month. You may therefore make some preparation for the opening about that date.*

Yours, &c.,
J. HORBURY HUNT.

* I will see that you have a progress report sent to you one week or ten days before that time, in case some unforeseen delay arises.

I am going over to-morrow to push things on, and shall do all I can to close up the works with despatch.—J.H.H.

The contract papers of fencing will be sent up in a day or so.—J.H.H.

No. 54.

Mr. J. Hunt to The Secretary, Council of Education.

Sir,

Balmain West, 6 March, 1878.

Please find herewith copies of the contract papers all duly signed by the contractor, copies of which I have for my guidance also signed by the contractor; not necessary to trouble you to get the Council's signature to them (so small a matter).

Mr. Reuss, the surveyor, will have to put down fresh pegs for fencing, as they have been pulled up in some places by the boys. Kindly instruct Mr. R. to attend to this as soon as possible.

I have, &c.,
J. HORBURY HUNT.

No. 55.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir,

Council of Education Office, Sydney, 26 March, 1878.

With reference to your letter of the 6th instant, reporting the removal of some of the surveyor's pegs from the Public School site at Balmain West, and requesting that fresh ones may be put down, in order that the fencing of the land may be proceeded with, I am directed by the Council of Education to state that the Council has authorized the replacing of the pegs, and would be glad if you will be good enough to make the necessary arrangements in the matter with the surveyor, Mr. F. Reuss, junior.

I have, &c.,
W. WILKINS,
Secretary.

No. 56.

No. 56.

Mr. J. Hunt, to The Secretary, Council of Education.

Balmain West, 13 April, 1878.

Sir,

I have just been over to the above school, and have to report that the whole of the premises will be fit for your occupation on or about the 24th instant. The school buildings are all completed, except washing the floors. Accounts are all ready for me to pass. Before doing this I should like to know what day I may have the pleasure of going over with yourself or the President to see that all is to your satisfaction. I am fixed for Wednesday next, but any other day I am at your service. We are having some trouble with the well; the depth specified has been reached, but no water. I am now having 2½-inch holes jumped in the rock; there are good wells at less depth all around us; we may strike water by the above means.

Yours, &c.,

J. HORBURY HUNT.

No. 57.

The Secretary, Council of Education, to Mr. J. Hunt.

Council of Education Office, Sydney, 17 April, 1878.

Sir,

With reference to your letter of the 13th instant, reporting that the Public School buildings at Balmain West will be completed on or about the 24th instant, and requesting that the President or I should visit and inspect them, I am directed to acquaint you that, if possible, I will accompany you to the school on Thursday next.

I have, &c.,

W. WILKINS,

Secretary.

No. 58.

The Hon. Secretary, Public School Board, Balmain, to The Council of Education.

Balmain West Public School Board, Balmain, 1 May, 1878.

Gentlemen,

The new Public School building, situated Balmain west, is to be opened by the Honorable the Colonial Secretary on Saturday afternoon, 4th instant, at 3·30.

The Local Board would be pleased to have the presence of the Members of the Council on that occasion.

I am, &c.,

THOMAS TINLEY,

Honorary Secretary.

No. 59.

Mr. J. Macdonald to The Secretary, Council of Education.

Public School, Balmain West, 2 May, 1878.

Sir,

I have the honor to enclose extract from the *Sydney Morning Herald* of this morning, intimating that the above school will be opened on Saturday next, and inviting the presence of intending pupils and the general public. The advertisement is "By order of the Local Board."

As I have personally taken a great deal of trouble in this matter so far, and am officially the Secretary to the Local Committee, I shall be glad to know, for the information of the committee, what steps have been taken by the Council since my last official communication to you. No intimation has been made to us of the appointment of a Local Board, or of the arrangements for the opening, and as our efforts have met with such extraordinary treatment we cannot take any part in the proceedings of Saturday next.

I have, &c.,

JAMES MACDONALD,

Secretary to the Local Committee.

No. 60.

The Secretary, Council of Education, to Mr. J. Macdonald.

Council of Education Office, Sydney, 3 May, 1878.

Sir,

I am directed by the Council of Education to acknowledge the receipt of your letter of yesterday's date, calling attention to an advertisement in the *Sydney Morning Herald*, with reference to the formal opening by the Honorable the Colonial Secretary of the new Public School buildings at Balmain West, on Saturday next, 4th instant.

2. In reply I am instructed to acquaint you that the Council has no knowledge of the circumstance referred to in the advertisement in question.

3. I am to add that no Public School Board has yet been appointed in connection with the Balmain West Public School. It is the Council's intention, however, to take steps for the appointment of a Board at once.

I have, &c.,

W. WILKINS,

Secretary.

No. 61.

The Secretary, Council of Education, to The Hon. Secretary, Balmain Public School Board.

Council of Education Office, Sydney, 3 May, 1878.

Sir,

I am directed by the Council of Education to acknowledge the receipt of your letter, dated 1st May instant, in which you state that the new Public School building, situated Balmain West, is to be opened by the Honorable the Colonial Secretary on Saturday afternoon, 4th instant, at 3·30, and intimate that the Local Board would be pleased to have the presence of the Members of the Council on that occasion.

2. In reply I am instructed to point out that at present there is no Public School Board at Balmain West. It is, however, the intention of the Council to recommend the appointment of a Board, in accordance with clause 22 of the Public Schools Act, to supervise the school in question.

I have, &c.,
W. WILKINS,
Secretary.

No. 62.

Mr. J. Hunt to The Council of Education.

Gentlemen, Balmain West School, May 6, 1878.

I have the honor to lay before you the certified accounts and my report in connection with the erection and completion of the above school. Mr. Elphinstone has completed his contract in every respect to my entire satisfaction.

The well has been sunk to the depth per contract, but no water. I have had two 3-in. holes jumped to a depth of 15 feet without finding water. The next step would be to excavate the rock to the depth of these holes, and jump again should we then get water; the depth would be too great to be raised by the boys. I suggest that the well be now increased to a diameter of about 10 feet, and made to hold the roof water; all the drain pipes are laid with connection to lead the water to the well if required; proper provision will be made to filter the water that is used for drinking.

The cost of making this tank and filtering cistern will be about £60 or £70; if this is left to me I will get it done at as little cost as possible.

There is provision made (temporarily) for the supply of the school for drinking purposes; when this water supply is completed everything in connection with the school will be as perfect as can be wished for.

Yours, &c.,
J. HORBURY HUNT.

No. 63.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 16 May, 1878.

With reference to your letter of the 6th instant, suggesting that, as water has not been found at the specified depth, the well in connection with the Public School at Balmain West should be increased in diameter about 10 feet, so as to form a tank for the roof water, I am directed by the Council of Education to state that the Council has authorised you to make arrangements for the carrying out of the works necessary to complete the tank as proposed, at a cost not exceeding seventy pounds (£70.) As little expenditure as possible should be incurred. It is understood that provision will be made for keeping the water pure by filtering.

I have, &c.,
W. WILKINS,
Secretary.

No. 64.

Mr. J. Hunt to The Secretary, Council of Education.

Sir, Balmain West, June 20, 1878.

I beg leave to ask your Council to grant me permission to have battens of cedar secured to walls of school for children to rest their backs against in place of the cold stones; this was suggested to me yesterday by your President. The teacher pointed out that the taps, plugs, &c., of lavatory are destroyed by boys who get over in the playgrounds when the school is locked up. I propose to enclose the lavatory with a door locked at a cost of about £5. Provision must also be made to keep one of the outer doors from blowing to in westerly gales; these three items will cost about £10. I think the President now sees the importance of my suggestion to build a keeper's residence, and will shortly prepare a sketch plan with rough estimate, and submit to your Council's consideration.

Yours, &c.,
J. HORBURY HUNT.

No. 65.

The Secretary, Council of Education, to Mr. J. Hunt.

Sir, Council of Education Office, Sydney, 26 June, 1878.

I am directed to acquaint you that the Council of Education has had under notice your letter, dated 20th instant, requesting authority to have certain improvements to the Public School premises at Balmain West effected, and offering your services as architect in connection with the proposed Public School buildings at Jerry's Plains.

2. In reply I am to state that the Council has granted a sum not exceeding £10 towards the cost of the undermentioned improvements to the Public School premises at Balmain West, viz.:—securing cedar battens to walls at school, providing doors to lavatory, altering one of the outer doors of school.

3. The abovementioned amount will be paid when notification of the satisfactory completion of the work has been received at this office, accompanied by the *accounts of expenditure.*

4. With regard to your offer of your services as architect in connection with the proposed new Public School buildings at Jerry's Plains I am to inform you that other arrangements have already been made for the preparation of the necessary plans and specifications.

I have, &c.,
W. WILKINS,
Secretary.

Sydney: Thomas Richards, Government Printer.—1879.

[1s. 9d.]

818—G

1878–9.

NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.

(REPORT FOR 1878.)

Presented to Parliament, pursuant to Act of Incorporation, 14 Vic. No. 31.

REPORT of the University of Sydney for the year ended 31st December, 1878.

1. The Senate of the University, in accordance with the provisions of the Act of Incorporation, 14 Victoria No. 31, has the honor to transmit the account of its proceedings during the last year, for the information of His Excellency the Governor and the Executive Council.

2. Twenty-four students passed the statutory examination, and were admitted to matriculation. Exemption from attendance on lectures was allowed in the case of seven undergraduates, who satisfied the Senate that the circumstances of their case were such as to warrant the concession of that privilege, and that their attainments were such as to enable them to pursue their studies without the assistance of the professorial lectures.

3. The honours during the year were adjudged as follows:—Scholarships—"Cooper" (for Classics), Reginald C. Allen; "Barker" (for Mathematics), Reginald C. Allen; "Deas-Thomson" (for Physics), Christian Böhrsmann; "Lithgow" (for the greatest proficient in the second year), William P. Cullen; "Renwick" (for Natural Science, in the third year), William F. Quaife, J. A. Fletcher, *æq.*; "Levey" (for general proficiency in the first year), H. Jeffreys; "Bowman Cameron" (for the greatest proficient in the first year), John G. Cribb; "University" (for general proficiency), 1st year, Robert R. King; 2nd year, Francis R. Brennan, Gerald R. Campbell, William H. Linsley, *æq.* Bursaries—"Maurice Alexander," M. A. Higgins; "Ernest Manson Fraser," J. W. F. Macmanamey; "Burdekin," Rowland Lenthall.

4. The following Degrees were conferred after examination:—

Doctor of Laws.—Richard M. Sly.

Master of Arts.—Henry C. L. Anderson, B.A., Francis Barton, B.A., Joseph Hector Carruthers, B.A., William Lee, B.A., William H. Manning, B.A., Robert Smith, B.A.

Bachelor of Arts.—Alister S. Bowman, Thomas Buckland, Charles Bundock, Alfred de Lisle Hammond, Thomas Lloyd, John D. S. Maclardy, Edward Raper, Lewis Whitfeld, William C. Wilkinson, William H. Yarrington.

5. At the yearly examinations in Trinity Term the following undergraduates obtained first classes in the several schools.

First Year.

Classics.	*Mathematics.*	*Chemistry.*
H. P. Owen,	W. Brennan,	*Experimental Physics.*
G. R. Campbell,	W. P. Cullen, *æq.*	W. P. Cullen,
W. Berry,	S. Wright, *æq.*	G. R. Campbell,
W. H. Linsley.	A. H. Feez,	A. Bowman.
	W. H. Linsley.	

Second Year.

R. C. Allen,	R. C. Allen,	C. Böhrsmann,
J. A. Fletcher,	J. B. Trivett,	W. F. Quaife,
C. Böhrsmann, *æq.*	J. J. Cohen,	J. A. Fletcher,
R. J. R. Edwards, *æq.*	W. Moore.	R. C. Allen.
W. Moore,		
W. F. Quaife.		

Professor Smith's prize to the student most distinguished at the Class Examinations (*vivâ voce*) in Chemistry and Experimental Physics was awarded to W. P. Cullen.

6. At the Public Examinations held in Sydney, and at the following centres:—Brisbane, Ipswich, Toowoomba, Grafton, Bathurst, Mudgee, East Maitland, Newcastle, Goulburn, Richmond, Albury, Kiama, and Terrara, the following candidates presented themselves, viz:—

Seniors—Sydney (males)	... ...	30
„ „ (females)	... ...	8
„ Centres (males)	... ...	18
„ „ (females)	... ...	2
Total	... ...	58

Of this number 41 passed and 17 failed.

Juniors—Sydney (males)	... ...	155
„ „ (females)	... ...	56
„ Centres (males)	... ...	136
„ „ (females)	... ...	17
Total	... ...	364

Of this number 243 passed and 121 failed.

The list of prizetakers will be found in the "Manual of Public Examinations," together with other matters of detail connected with the examinations (*Appendix* A.)

7. It is with much regret that the Senate reports the resignation of the office of Chancellor by the Honorable Sir Edward Deas-Thomson. After having held the Chancellorship for thirteen, and the Vice-Chancellorship for three years, and having occupied a seat on the Senate since the foundation of the University, he was induced to take this step by reason of his failing health and advanced years. The Honorable Sir William Manning was elected Chancellor in his room, and the Reverend Canon Allwood was re-elected Vice-Chancellor.

8. Vacancies were caused in the Senate by reason of the resignation of their Fellowships by Sir James Martin and Mr. Dalley. At a convocation held on the 7th August, Sir Alfred Stephen and Professor Pell were elected to the vacant seats.

9. Sir G. W. Allen having resigned the office of University Solicitor, in consequence of his election to the Senate, Arthur Mansfield Allen, Esq., M.A., was appointed in his place.

10. The Senate has to announce the bequest by the late Hon. George Allen of the sum of £1,000, for the endowment of a Scholarship or other benefaction, either in connection with or relation to or without any reference to any college (whether affiliated or not), or grammar school, or other educational establishment, upon such terms as the trustees of his will might determine. It has been appropriated for the foundation of a scholarship for proficiency in mathematics, in the second year, of the annual value of £50.

11. Mr. Ebenezer Barff, B.A., was re-appointed Master of Studies, and Mr. J. J. M. Beatty, LL.D., honorary assistant Examiner in Classics, for the year 1878–9.

12. A committee was appointed to revise the by-laws, with special reference to the "curricula" of Arts and Medicine. The new code, as adopted by the Senate, is hereto appended (B).

13. The question of the establishment of a medical school has again engaged the attention of the Senate, and it was decided to adhere to the propositions already submitted to the Government, that provision be made for a complete course of medical education in the University.

14. A communication was received from the Trustees of the Museum on the subject of the establishment of a technological and industrial museum, with a request that the services of Professor Liversidge might be retained in view of carrying out the scheme. A request was subsequently made by the Minister for Public Instruction that additional leave of absence of two months should be granted to him, to enable him to co-operate with the Agent General and Mr. E. Combes in procuring information respecting the system of industrial and technological instruction in Europe. The Senate having obtained the services of Mr. C. S. Wilkinson, Government Geologist, for the conduct of the classes in geology and mineralogy in 1879, assented to the proposition.

15. In pursuance of the conditions of the Alfred Hospital Site Dedication Act a scheme of the drainage of the hospital ground was submitted for the approval of the Senate. The system of drainage was approved, so far as the hospital was concerned, on the understanding that no part of the drain passing through the University land should be left open, and that any disturbance of the ground should be made good.

16. A draft bill for increasing the endowment of the University was forwarded to the Senate by the Minister for Public Instruction, and having been agreed to, was returned to him with a view to it being presented by Government to Parliament.

17. At the request of the Government of Queensland, the Senate consented to undertake the examination of candidates in that Colony for exhibitions to be held at Universities, and the following gentlemen were approved of as a Board to conduct them:—

Classics—The Professor, Dr. Badham; assistant do., Mr. H. Kennedy.
French—Professor Badham; Mr. H. Kennedy.
English—Professor Badham; Mr. J. J. M. Beatty.
Greek and Roman History—Professor Badham; Mr. H. Kennedy.
Mathematics—The Professor, Mr. J. J. Gurney; — Hawkins, Esq.
German—Professor Badham; Carl Sahl, Esq.
Natural Science—Dr. Smith, Professor of Chemistry, E. Barff, Esq., and C. Moore, Esq., Director of the Botanic Gardens.

18. The Senate has much pleasure in announcing the munificent donation by Thos. Walker, Esq., of Concord, of the valuable library of the late N. D. Stenhouse, Esq., which had been purchased at a considerable cost from the executors. Arrangements have been made for providing bookshelves in the ante-room to the great hall for its reception.

19. With a view to giving effect to the rules of the Supreme Court respecting the intermediate examination

examination of articled clerks, the Senate has appointed the heads of the colleges of St. Paul, St. Andrew and St. John, to act separately as examiners in such individual cases as may be referred to them by the Judges of the Supreme Court.

20. The Senate has had under consideration a report from the sub-committee of the Association of Engineers on the subject of technical education. Although fully appreciating the great importance of the subject, it was unable to take any steps in the matter, pending the passing of the University Increased Endowment Act, and the absence of Professor Liversidge, who was engaged in the collection of information for the purpose in Europe.

21. The annual account of receipts and disbursements of the University for the year ended 31st December, 1878, duly certified by the auditor, the Honorable Geoffrey Eagar, is hereto appended (C.)

HUGH KENNEDY, Registrar.

This report was adopted by the Senate on the 5th March, 1879, and ordered to be transmitted to the Government.

APPENDIX A.

UNIVERSITY OF SYDNEY—BY-LAWS.

Public Examinations.

102. Two Public Examinations shall be held every year; the one to be called the Junior Public Examination, and the other to be called the Senior Public Examination, and shall be open to all candidates (male or female) who may present themselves.

103. The Public Examinations shall be held at such times and at such places as the Senate may from time to time appoint.

104. The subjects of the Junior Public Examinations shall be the English Language and Literature, History, Geography, the Latin, Greek, French, and German Languages, Arithmetic, Algebra, Geometry, Natural Science, and such other branches of learning as the Senate may from time to time determine.

105. The subjects of the Senior Public Examinations shall be those mentioned in the foregoing section, together with higher Mathematics, Drawing, Music, Natural Philosophy, and such other branches of learning as the Senate may from time to time determine.

106. Every candidate who shall pass either of these examinations, or such portions of either of them as may be required by the Rules or Orders of the Senate in force for the time being, shall receive a certificate to that effect, specifying the subjects in which he shall have passed, and signed by the Dean of the Faculty of Arts and by the Registrar.

107. No person shall be admitted to either of the Public Examinations until he shall have paid such fees as may be required by the Rules or Orders of the Senate in force for the time being.

108. The Professors and Assistant Professors not engaged in tuition, except publicly within the University, together with such other persons as the Senate may from time to time appoint, shall form a Board for conducting the Public Examinations; and of this Board the Dean of the Faculty of Arts, or, in his absence, the Professor next in seniority, shall be chairman.

109. At the conclusion of each examination the Board shall transmit to the Senate a report of the result, signed by the chairman and at least one other member.

110. Subject to these By-laws, the Public Examinations shall be conducted according to such Rules or Orders as the Senate may from time to time establish.

Directions for conducting the Public Examinations.

1. The Public Examinations shall be held annually at the University, in the month of November, commencing on the first Monday in that month.

2. The fee for admission to the Junior Public Examination shall be £1 10s., and to the Senior Public Examination, £2. This fee shall admit to only one examination.

3. Candidates may enter year by year for the same subjects, or for different subjects as often as they please, provided that they take up not fewer than two subjects on each occasion. For each examination they must pay a separate fee.

4. Forms of application for admission to the Public Examinations (Form A.) may be obtained from the Registrar or from Messrs. Gibbs and Shallard. One of these forms must be filled up and sent to the Registrar, together with the proper fee, at least fourteen days before the commencement of the examinations.

5. In addition to the regular examination in November, the Board of Examiners are authorised, at their discretion, to hold Junior Public Examinations in Sydney at such other times as they may consider desirable, provided that not more than one such examination shall be held in the same term.

7. The examination shall be conducted by means of written or printed papers and *viva voce*, at the discretion of the examiners.

8. Public examinations may be held at any place where a person or persons, approved by the Senate, can be found to superintend the examination; provided always that the aggregate amount of fees paid by candidates at any such place shall be sufficient to defray the expenses of such examination.

9. Local examinations, as provided for in clause 8, shall be held at the same time as those at the University, and shall be conducted as follows:—

(*a*) Copies of the papers to be set at the Public Examinations at the University, together with such additional papers as the absence of *viva voce* examination may render necessary, shall be transmitted, under seal, to the person appointed by the Senate to superintend the local examinations.

(*b*) Candidates shall write out answers to the questions set, in the presence of the person appointed to superintend the examination, and in accordance with such detailed instructions as may be furnished by the chairman of the Board of Examiners.

(*c.*) The written answers shall be transmitted to the Board of Examiners, who shall examine them, and report thereon to the Senate.

(*d.*) The University will defray one-half of the local expenses of the examination. The other half must be paid by the Local Committee, who may repay themselves by charging the candidates with a small fee for the purpose.

10. The Senate may, at their discretion, send an examiner or examiners to conduct local examinations.

Junior Examination.

11. The subjects for the Junior Public Examination shall be those comprised in the following Sections:—

Section I.

Preliminary.—Writing from Dictation.
The rudiments of English Composition.
The first four rules of Arithmetic, simple and compound, and the Rule of Three.
All Candidates will be required to pass in this section, except those who have already passed in it.

Section II.

English History and General Geography.—The English History to date from the Norman Conquest to the Accession of Queen Victoria. An acquaintance with Dr. Smith's smaller History of England, or any similar work, will be sufficient. The Geography to consist in a knowledge of the physical features of all countries and the situations of the principal towns.

Section

Section III.

English.—Questions on the language generally, and others on the subject set for the year. *For further details see Notice and Hints to Candidates set on page 6, and Cycle of Subjects on page 8.*

Section IV.

French.—Passages for translation into English (*see Cycle*). Questions on Inflexions and short sentences for translation into French, such as to test the students' accuracy in the elementary parts of Grammar, including the common rules of Syntax.

Section V.

German.—Passages for translation into English (*see Cycle*). Questions and short exercises similar to those in French.

Section VI.

Latin.—Passages for translation into English (*see Cycle*), with a further examination similar to that in French (*See Hints to Candidates set on page 6*).

Section VII.

Greek.—Passages for translation into English (*see Cycle*), with a further examination similar to that in French.

Section VIII.

Arithmetic.

Section IX.

Algebra.—To proportion, including quadratic equation of one or two unknown quantities and surds.

Section X.

Geometry.—First three books of Euclid, and easy questions upon their subject matter.

Section XI.

Inorganic Chemistry.—The physical properties of gases. The principal elements, and their chief inorganic compounds.
[*Books recommended*:—Roscoe's Elementary Lessons in Chemistry (*Macmillan and Co.*)]

Section XII.

Physics.—Candidates will be expected to show a knowledge of the elements of Electricity, Magnetism, Light, Heat, and Sound.
[*Books recommended.*—Lessons in Elementary Physics, by Balfour Stewart (*Macmillan and Co.*)]

Section XIII.

Geology.—The elements of Physical Geography and Geology.
[*Books recommended*:—Jukes' School Manual of Geology; Keith Johnston's School Atlas of Physical Geography.]
N.B.—Every candidate, in addition to Section I., will be required to pass in two others at the least.

SENIOR EXAMINATION.

12. The subjects for the Senior Public Examination shall be those comprised in the following sections:—

Section I.

Preliminary.—The same as for the Junior Examination.
All Candidates will be required to pass in this section, except those who have already passed in it.

Section II.

History of Europe.—From the beginning of the thirteenth century to the end of the fifteenth; and Geography—Physical, Political, and Commercial.

Section III.

English.—Questions on the structure and origin of the language; on the derivation and meaning of words; on Idioms and Usages. Analysis, Composition. Questions on a set subject (*see Cycle*).

Section IV.

French.—Passages for translation into English (*see Cycle*). Question on Inflexions, Syntax, and Prosody. Passage for translation from English into French.

Section V.

German.—Passages for translation (*see Cycle*), with a further examination similar to that in French.

Section VI.

Latin.—Passages for translation (*see Cycle*), with a further examination similar to that in French.

Section VII.

Greek.—Passages for translation (*see Cycle*), with a further examination similar to that in French.

Section VIII.

Arithmetic.—A general paper. Questions may be set on any subjects which occur in one's ordinary reading, *e.g.*, newspaper statistics.

Section IX.

Algebra.—Including the three Progressions, the Binomial Theorem for a positive index, and the properties and use of logarithms.

Section X.

Geometry.—The first four Books of Euclid, the sixth Book, and the first twenty-one Propositions of the Eleventh Book, with easy deductions. A satisfactory knowledge of the first four Books shall entitle a candidate to pass in this section.

Section XI.

Trigonometry.

Section XII.

Elementary Surveying and Astronomy.

Section XIII.

Analytical Geometry.

Section XIV.

Mechanics.

Section XV.

Differential Calculus and Newton's Principia.

Section XVI.

Optics and Hydromechanics.
[*Books recommended*:—Todhunter's Algebra, or Gross's Algebra; Todhunter's Plane Trigonometry; Gillespie's Land Surveying; Todhunter's Analytical Geometry, or Salmon's Conic Sections; Todhunter's Mechanics, for Beginners; Goodeve's Principles of Mechanics; Todhunter's or Williamson's Differential Calculus; Frost's Newton's Principia, Sections I, II, III; Deschanel's Natural Philosophy (Light); Beasant's Elementary Hydrostatics.]

Section

Section XVII.

Inorganic Chemistry.—The same as for Juniors; the standard will, however, be higher.

Section XVIII.

Organic Chemistry.—The range of this subject will be confined to that of the text books recommended.

[*Books recommended.*—Fownes' Manual of Chemistry (*Churchill and Co.*); Miller's Elements of Chemistry (*Longman and Co.*)]

Section XIX.

Physics.—The same as for Juniors; the standard will, however, be higher.

[*Books recommended.*—Ganot's Physics; Deschanel's Natural Philosophy [*Blackie and Son.*)]

Section XX.

Geology.—General description and classification of rocks. Distribution of organic remains.
Candidates will be expected to name the specimens of common rocks and fossils placed before them.

[*Books recommended.*—Jukes' Manual of Geology, by Geikie; Lyell's Elements of Geology; Nicholson's Ancient Life History of the Earth; Nicholson's Palæontology.

Section XXI.

Mineralogy.—The elements of Crystallography, the physical and chemical proprieties of minerals, their classification, and the systematic description of the more abundant and important minerals; also, their modes of occurrence and associations.

[*Book recommended.*—Dana's Text Book of Mineralogy.]

Section XXII.

Physiology.—The elements of Animal Physiology.

[*Book recommended.*—Huxley's Lessons in Elementary Physiology (*Macmillan and Co.*)]

Section XXIII.

Zoology.—The general anatomical structure of the various groups in the Animal Kingdom, the principles of classification, and the distribution of animals.

[*Books recommended.*—Nicholson's Advanced Text Book of Zoology; Elementary Biology, Huxley and Martin.]

Section XXIV.

Botany.—Vegetable Physiology, the principles of classification, the distribution of plants.
Candidates will be expected to describe the specimens of common plants placed before them.

[*Books recommended.*—Oliver's Lessons in Elementary Botany (*Macmillan and Co.*); Carpenter's Vegetable Physiology.]

Section XXV.

Geometrical Drawing and Perspective.

Section XXVI.

Free Hand and Model Drawing.

Section XXVII.

Imitative Colouring.

Section XXVIII.

Music.

[*Book recommended.*—Richter's Harmony.]

Section XXIX.

Mental Science.—The Elements of Psychology and Logic.

N.B.—Every senior candidate, in addition to Section I., will be required to pass in two at least of the remaining sections.

Unless ten candidates at least present themselves for examination in a section, no paper will be set in that section.

13. The names of those candidates who pass the Senior Examination shall be arranged in classes, the names in each class being arranged alphabetically. Separate lists shall be made of those who may specially distinguish themselves in either of the following divisions:—English Language, and History, and Geography; Classics; Modern Languages; Pure Mathematics; Applied Mathematics; Chemistry and Experimental Physics; Geology; Drawing and Colouring; Music; Mental Science; Mineralogy; Physiology; Zoology; and Botany. And in these lists the names shall be arranged in classes and in order of merit.

14. After the name of each candidate in the above lists shall be added the name of his school or of his private teacher.

15. The University offers a Silver Medal to the highest proficient in each subject both of the Senior and Junior Examinations, provided the Examiners shall think that sufficient merit has been shown. It shall be possible for a candidate to obtain a medal in more subjects than one.

16. A separate account shall be kept of all receipts and disbursements on account of the Public Examinations.

17. The fees shall be collected by the Registrar and paid into the general fund of the University, and shall be appropriated in the first place to the payment of all expenses incurred, including printing, stationery, and fees paid to Examiners, other than the Professors and Assistant Professors. The residue, if any, shall be appropriated for payment of the members of the Examining Board.

FAIRFAX PRIZES.

A sum of £500 was given by John Fairfax, Esq., in 1872, for the purpose of founding two Annual Prizes of £20 and £10 severally, to be awarded to the greatest proficients among the female candidates at the Senior and Junior Public Examinations in Michaelmas Term. In the case of Seniors the candidates must not be over twenty-five years of age, and of Juniors seventeen years. The endowment money is invested in City of Sydney Debentures, yielding 6 per cent.

Senior Prize.	*Junior Prize.*
1871.—Bolton, Anne Jane	1871.—Rennie, Amelia Cummins
1875.—Everitt, M. M.	1872.—Garran, Mary Eppes
1876.—Whitfield, Caroline A.	1873.—Badham, Julia
A'Beckett, Caroline A., *prox. aeet.*	1874.—A'Beckett, C. A. } *æq.*
1877.—Garran, Helen Sabine	Carney, Kate }
1878.—Burdoff, Bertha Marie	1875.—Hall, A. F.
Haggard, Alice, *prox. aeet.*	1876.—Shadler, Cornelia
	1877.—Holt, Eliza M.
	1878.—Russell, Emily L. } *æq.*
	Russell, Jane F. }

JOHN

John West Medal.

In 1874, Debentures to the extent of £200 were given by the subscribers to a memorial of the Rev. John West, Editor of the *Sydney Morning Herald*, for the foundation of an annual Gold Medal, to be awarded to the greatest proficient in the Senior Public Examinations.

1875.—Allen, Reginald
1876.—Dunn, Thomas
1877.—Murray, Hubert

University Prizes at Public Examinations.

Prizes of £20 and £10 are appropriated annually by the Senate for the greatest proficients amongst the male candidates at the Senior and Junior Public Examinations in Michaelmas Term. The limit of age for Seniors is twenty-five, for Juniors seventeen years.

Senior Prize.

1873.—Allen, G. B.
1874.—Maclardy, J. D. S.
1875.—Allen, Reginald
Moore, W. L., *prox. acct.*
1876.—Dunn, Thomas
1877.—Murray, J. H.
Cribb, John G., *prox. acct.*

Junior Prize.

1872.—Fletcher, A. J. } *æq.*
Maclardy, J. D. S. }
1873.—M'Keon, P. } *æq.*
Moore, A. L. }
1874.—Murray, J. H.
1875.—Lloyd, C. J.
Rennie, G. E., *prox. acct.*
1876.—Byrnes, Thomas
Millard, A. C., *prox. acct.*
1877.—Butler, Francis
1878.—Jones, T. E.

Civil Service Examination.

Colonial Secretary's Office,
Sydney, 6th October, 1871.

His Excellency the Governor, with the advice of the Executive Council, and in accordance with an address of the Legislative Assembly, of the 17th of February last, directs it to be notified for general information that, from and after the first proximo, all persons seeking appointment to a clerical office in the Public Service of the Colony must produce a certificate, signed by the Dean of the Faculty of Arts and the Registrar of the Sydney University, showing that they have passed a satisfactory examination in Section I.* of the subjects appointed by the University of Sydney for the Public Examinations held by the University, viz. :—

Reading aloud a passage from some standard English author.
Writing from Dictation.
The rudiments of English Grammar.
The first four rules of Arithmetic, simple and compound, and the Rule of Three.
Geography.
The outlines of English History since the Conquest—that is, the succession of Sovereigns, and the chief events of each reign.

JOHN ROBERTSON.

The fee for admission to the Civil Service Examination shall be £2.

Candidates who shall have failed to pass the examination may be admitted to any subsequent examination without the payment of any additional fee; but this exemption shall not extend to more than *two* additional examinations.

Notice.

In future the candidates who pass the Junior Examination will be arranged according to a twofold standard in each section, except that of History and Geography.

In order to pass in the lower English it will be sufficient for a candidate to spell with correctness, to parse accurately, and to explain words or sentences occurring in the subject given out for the year, as for instance in the first Book of "Paradise Lost" for the year 1878. For the higher English the same kinds of questions will be asked as hitherto. The lower Latin questions will be such as any candidate can answer who has thoroughly mastered the accidence, the concords, and the cases governed by adjectives, verbs, and prepositions. The knowledge of the candidates will be tested, as heretofore, rather by exercises than by direct questions. It will also be necessary that such candidates should translate passages from the book of Cæsar named for the year with tolerable accuracy. No notice will be taken of the answers of any candidate in the higher English or higher Latin paper unless he shall have answered the lower paper in a satisfactory manner. It is hoped by this arrangement two good results will be obtained—(1) That diligent scholars will not be precluded from success by reason of the standard of attainment being too high for them; (2) that the efforts made by teachers to ensure a solid ground-work will be assisted and encouraged.

A few hints to Candidates preparing for the Junior Public Examination.

The subjects pertaining to Section III., on which questions will be asked, may be classed under four heads:

I. *Parsing.* In naming the parts of speech, the candidate is not bound to use the words employed by the author of any particular Grammar. Any words used in other Grammars will equally satisfy the Examiners. For instance, if in parsing the sentence, "Seeing is believing," he were to call the first or the last word a participle, this would be marked as a blunder, but he would be free to call it a participial noun, or an infinitive, or by any other name which showed that he did not confound it with a participle. In like manner, there are certain words which appear in some Grammars as adverbs, and in others as conjunctions; here, also, it would not be imputed as a fault to the candidate if he followed one Grammar rather than another; but it will save the student's time to understand that, neither in parsing, nor in answering any other question, will it be necessary for him to know the classes of adjectives, or adverbs, or conjunctions, as given in certain Grammars; the ordinary divisions of the noun-substantive and the verb are the only ones which will be required of him. With regard to the moods, it will save a student much trouble if he treated the so-called conditional and subjunctive moods as merely artificial uses of the potential; but if he has been taught otherwise, he can answer as he has been taught without fear of its being imputed to him as a fault. The errors against which he has to guard, under the head of parsing, will appear in the following examples:—When *like* is used as an adverb, and he calls it an adjective, when *down* is used as a preposition, and he calls it an adverb, or when he treats such words as *that, far,* or *half,* or *more,* &c., otherwise than he is warranted by the sentence in which any one of them occurs, or when he confounds the past tense with the past participle, or calls a neuter verb active, or *vice versâ,* or when he fails to detect what part of a sentence governs the rest.

II. *A knowledge of the meaning of words.* It is obvious that no student can be entitled to pass with credit in the English section if he is unable to give a fair explanation of words in common use, or of such as are found in the Reading Books' or in authors suited to his age. The endeavour of the Examiners has been to select a number of words, not with the hope that they will all be answered, but with the expectation that every diligent student will be able to explain a fair proportion of them. The examiners have met with answers which showed that the candidate had confounded *ambiguous* with *amphibious* or *ambitious, elicit* with *illicit, deprecate* with *depreciate, valid* with *invalid, paramount* with *paramour.* To *eliminate* was interpreted to take the *eliments* of; to *invalidate* to *make strong;* to *denounce* to *renounce;* to *enervate* to *refresh the nerves;* to *imprecate* to *emplicate.* A hundred other instances might be added, but these will suffice to put the student on his guard. It is reported that some candidates have wasted their time in reading up the dictionary, as a preparation for answering questions of this class. The only preparation that is of the least value for such a purpose is to mark carefully what is heard or read, and to acquire a definite conception of its meaning. Without attention and thought, nothing can be learnt that is worth the learning.

III.

* Note.—This refers to Section I. as it stood in the year 1875. Since 1876 the Civil Service Examination has been altogether distinct from the Public Examinations.

III. *Etymology.* It would be unfair to expect that the boys who come from schools where neither French or Latin is taught should be able to give the derivations of English words which are borrowed from those languages. Nevertheless, as there is more than one manual of etymology intended expressly for the use of schools of the above description, and as this branch of knowledge ought to be encouraged, the Examiners will set questions which involve a knowledge of a few of the most obvious Latin roots from which English words in everyday use are derived. On that part of etymology which traces the connection between one English word and another it is reasonable to expect that candidates from all schools should be able to give satisfactory answers.

IV. *Analysis.* Many schemes are published in books of education according to which the learner is expected to place in certain squares, arranged for the purpose, the extensions or limitations of the principal subject, or of the predicate, or of the object; and other contrivances are adopted in order to separate the principal sentence from its subordinate sentences, or to distinguish subordinate from co-ordinate clauses. The Examiners, in setting sentences for analysis, require *no performances of this kind.* Their only drift is to ascertain whether the candidate can distinguish the subject from the predicate, or, in other words, the thing of which the writer or speaker is thinking from that which he has to tell us concerning it. If this is done in two or three instances, the Examiners will give as full marks for this species of answers as for any of a more elaborate kind.

The advice of the Examiners on the general preparation of this and all other subjects is one that every teacher has to repeat continually to his pupils. It is laziness not to exercise your memory; it is worse laziness to burthen your memory, in order to save yourself the trouble of understanding and reflecting on what you learn. Half the battle in an examination is courage, and courage never fails him who has mastered his subjects by thought.

Many candidates write out their work roughly at first, and afterwards make a fair copy to show up. Now, though the Examiners by no means undervalue neatness and accuracy, they strongly advise candidates to write so carefully and well at first that no copying may be necessary. Mistakes frequently occur in this copying, and so the work shown up, though neat, is inaccurate; moreover, candidates put off the writing-out so long, that in mathematical papers they have only time to give the answer, for which they get no marks at all (see Form E. § 3), whereas the full work, however rough, might get some marks if shown up.

In writing out Euclid, references to preceding propositions are not necessary, unless they are especially asked for, and even in that case the *enunciation* of the proposition will be sufficient, its *number* will never be required.

Form E.

DIRECTIONS TO CANDIDATES FOR THE PUBLIC EXAMINATIONS.

1. No books, manuscripts, writing paper, or blotting paper are allowed to be brought into the examination room, or into the building where the examination is held.

No communication, by word or otherwise, between candidates is allowed during the examination, but if a candidate wishes to communicate with a Superintendent he may stand up in his place.

Candidates are to write on one side only of their paper, and they are to lay each sheet, when finished, close beside them, *with the face downwards.*

Any candidate violating any of the above regulations is liable to be immediately expelled from the examination room.

2. Each candidate is to place his distinguishing number at the head of every sheet of paper which he sends up. *He is not to write his name or initials upon his papers.*

He is to prefix to each answer the number or letter corresponding with the question. He is not obliged to copy the question.

He is to write on the outside of his papers, when folded, his distinguishing number, the name of the subject, and the letter S., J., or C.S., according as it forms part of the Senior, the Junior, or the Civil Service Examinations.

Any breach of the rules in this paragraph will at least produce delay, and may cause the omission of a candidate's name from the published lists.

3. In answers to the mathematical questions, the whole of the work must be sent up. No credit will be given for *answers only.*

Warning will be given ten minutes before the time fixed for giving up papers. When the papers are called for, every one is to cease writing immediately.

Candidates should so arrange their papers that on the Examiner's opening them the answer to the first question may *face* him, and the other answers lie in order behind it.

Questions may be answered in any order, and in the mathematical papers full credit will be given for the second part (or *rider*) of a *double* question even if the first part is not answered.

Candidates should fasten together their written papers before giving them up. They may use for this purpose metal paper fasteners, or pieces of tape or string. The papers are to be connected, before folding, at the *upper left-hand corner.*

Form F.

INSTRUCTIONS TO LOCAL COMMITTEES SUPERINTENDING PUBLIC EXAMINATIONS.

1. If one room is used, two of the Committee must be present during the whole of the examination; if more than one separate room, then two of the Committee in each room, who must carefully superintend the whole examination, and see that the candidates use no unfair means, either by assisting each other or by using books or notes. The members of the Committee can, if they wish it, relieve one another, so long as the correct number are always present. *No persons, except those under examination, members of the Committee, and University Examiners, are permitted to be in the room during the examination.*

2. Places must be allotted to the candidates so that they may be seated at least five feet apart from centre to centre. All diagrams, &c., having reference to the subjects of the examination must be removed from the walls of the examination room. Inks, pens, blotting paper, and white writing paper (foolscap or post) must be provided, also metal paper fasteners, or other means for connecting the written papers.

3. The candidates must be in their places ten minutes before the time fixed for the paper. After this time no candidate must be admitted, unless under very exceptional circumstances, and by express permission of the Superintendents, and then *only* if no person has left the room who has seen the examination paper. No candidate must on any account be admitted who is half-an-hour late. Arrangements must be made so that in case any candidate is allowed to leave the room for any necessary purpose he may remain under sufficient supervision during his absence. Places should be assigned to candidates according to their distinguishing numbers, so that consecutive numbers may sit together; but if senior and junior candidates are examined at the same time they should be placed alternately as far as can be arranged.

4. It may be of service to the Superintendents in some cases that the teacher or teachers of the candidates should attend before the examination begins, to assist in identifying and arranging the candidates. There is no objection to this. *But the teacher or teachers must leave the room before the envelope containing the examination questions is opened.*

5. The writing materials should be distributed, and the candidates told to write their distinguishing numbers on each sheet as they use it. No candidate is to be allowed to bring in any writing or blotting paper for himself.

6. The envelopes of examination questions must be opened in the examination room in the presence of the Superintendents and of the candidates just before the time fixed for beginning the paper. No paper of questions may on any pretence be taken from the room until every candidate shall have completed and given up his worked paper.

7. As soon as a candidate has finished with a sheet of paper he is to turn it face downwards on the table.

8. Ten minutes before the time fixed for giving up papers the candidates are to be warned; and at the time fixed for giving up the papers they are immediately to cease writing, arrange their papers in order (so that on opening them the answer to the first question may *face* the Examiner, and the other answers lie in order behind it), see that every sheet has the distinguishing number on it (but no name), fasten and fold the papers, and hand them to a Superintendent to initial. The worked papers must immediately be sealed up and sent by post to "The Registrar, Sydney University." Before they are thus sealed up, neither a teacher nor any other person, not being a Superintendent of Examination or officer of the University, must be allowed to enter the room. If a candidate who has entered for a paper fail to answer any of the questions, a blank sheet folded and endorsed with his number is to be sent up with the other written papers.

9. Superintendents of Examinations are cautioned against talking in the room unnecessarily, as it tends to disturb and distract the attention of candidates. They are also requested to refrain from making observations on the work of the candidates, either to the candidates themselves or to each other, in such a tone as to be overheard by any of the candidates.

10. The papers must be initialled by one of the Superintendents when they are received from each candidate, as a guarantee that each paper has been worked by the person whose distinguishing number it bears. This is to prevent personation, and the Superintendents will see how essential it is that this duty should not be treated as a mere matter of form. The Superintendents will of course know both the name and the distinguishing number of each candidate.

11. The printed passage furnished for dictation is to be read to the candidates by a Superintendent at any convenient time during the first day's examination. The Superintendent is first to read it over for the candidates to catch the meaning, and candidates are to listen, but not to write. Then he is to read it again *slowly*, a few words at a time, for the candidates to write. Immediately after this second reading, the candidates are to give up their papers. *They are not to be allowed any time for final corrections.*

N.B.—A copy of this paper is to be posted up in the examination room.

Form G.

PUBLIC EXAMINATIONS.

Form of proposal to act as a Committee.

WE, the undersigned, propose to act as the Local Committee for the Public Examinations to be held at and to commence on the day of 18 .

Signature.	Address.	Occupation.

1. The Committee must consist of a Secretary and at least two other gentlemen; and if there are female candidates for examination, it must also include at least two lady members. It must be composed entirely of well-known responsible persons of independent position, who have no such personal interest in the examination as can lay them open to the slightest suspicion of partiality.

2. It is very desirable that as many persons as possible in recognised positions of public responsibility in the district should act on the Committee.

3. For duties of Committee, see separate form. (*Form* F.)

Form H.

UNIVERSITY OF SYDNEY.

Public Examinations.

To be filled in and signed by the Superintendents, and forwarded to the University with each set of worked papers.

WE, the undersigned, Superintendents of the Public Examinations held at in *rooms, hereby certify that we were present during the examination on the day of 18 , when the accompanying papers on were worked in our presence in accordance with the rules for Public Examinations.

Dated this day of 18 .

Signatures.	Hour of Arrival.	Hour of Departure.

* Here state whether the candidates sat in one or more rooms.

Cycle of subjects for the Public Examinations.

THE English, Latin, Greek, French, and German subjects for the Public Examinations are arranged in cycles of four years' period in accordance with the following scheme.

The Board of Examiners are empowered to alter these cycles at any time, with the sanction of the Senate, but eighteen months' notice will be given of any change in the Manual of Public Examinations.

ENGLISH.

Juniors.

1879. Milton's Comus and Sonnets.
1880. Milton's Samson Agonistes and Lycidas.
1881. Milton's Paradise Lost, Book II.
1882. Milton's Paradise Lost, Book I.

Seniors.

1879. Shakespeare's Julius Cæsar.
1880. Selections from the Spectator (Addison).
1881. Shakespeare's Tempest.
1882. Bacon's Essays.

LATIN.

Juniors.

1879. Cæsar, Book II.
1880. Cæsar, Book III.
1881. Cæsar, Book IV.
1882. Cæsar, Book I.

Seniors.

1879. Livy, Book II. Horace, Odes, Book II.
1880. Livy, Book XXI. Horace, Odes, Book III.
1881. Livy, Book XXII. Horace, Odes, Book IV.
1882. Livy, Book I. Horace, Odes, Book I.

GREEK.

Juniors.

1879. Xenophon's Anabasis, Book II.
1880. „ „ Book III.
1881. Xenophon's Anabasis, Book IV.
1882. „ „ Book I.

Seniors.

1879. Iliad, Books III, IV. Demosthenes' Orations, VI, VII, VIII, IX.
1880. Iliad, Book V. Demosthenes' Orations, XIV, XV., XVI, XVII.
1881. Iliad, Books VI, VII. Demosthenes' Orations, I, II, III, IV.
1882. Iliad, Books I, II. Demosthenes' Orations, I, II, III, IV.

FRENCH.

Juniors.

1879. La Fontaine's Fables, Books IV, V, VI.
1880. „ „ Books VII, VIII.
1881. La Fontaine's Fables, Books IX, X, XI.
1882. „ „ Books I, II, III.

Seniors.

1879. Siècle de Louis Quatorze, Chapters XVIII to XXXII. Racine's Athalie.
1880. Siècle de Louis Quatorze, Chapters I to XVII. Racine's Iphigénie.
1881. Siècle de Louis Quatorze, Chapters XVIII to XXXII. Racine's Phédre.
1882. Siècle de Louis Quatorze, Chapters I to XVII. Racine's Esther.

GERMAN

GERMAN.

Juniors.

1879. Lessing's Fables.

1880. Lessing's Fables.

Seniors.

1879. Schiller's Thirty Years' War, Books III., IV.

1880. Schiller's Thirty Years' War, Books I. II.

RESULT OF THE SENIOR PUBLIC EXAMINATION.—1878.

GENERAL PROFICIENCY—(*Names in alphabetical order*). A, first class; B, second class; C, third class.

Name of Scholar, and Place of Education.	History and Geography.	English.	French.	German.	Latin.	Greek.	Arithmetic.	Algebra.	Geometry.	Trigonometry.	Elementary Surveying, &c.	Analytical Geometry.	Mechanics.	Inorganic Chemistry.	Geology.
CLASS I.—None.															
CLASS II.															
Costin, William Charles, Brisbane Grammar School	A	C	C	..	C	..	C	..	B	C	..	..	C	..	..
Flint Charles Alfred, Brisbane Grammar School	..	C	C	..	C	..	B	B	B	A	..	..	A	C	..
Glasson, Robert Gustavus, Newington College	B	..	..	..	C	..	B	B	A	B	C	..	..	..	..
Hutton, Falconer West, Newington College	B	..	C	..	C	..	B	B	B	C	..	..	..	..	..
M'Nab, Alexander, Brisbane Grammar School	..	C	C	..	B	C	B	B	C	C	..	..	C	C	..
Ross, Benjamin Atkinson, Brisbane Grammar School	B	C	C	..	C	C	B	B	C	C	..	..	C	C	..
Woolcock, John, Brisbane Grammar School	A	C	C	..	C	C	B	C	..	C	..	..	C	C	..
CLASS III.															
Adam, James, Sydney Grammar School	B	..	..	..	..	..	B	C	C	C	..	..	C	..	..
Addison, George Campbell, Sydney Grammar School	B	..	..	..	..	..	C	C	..	..	..	..	..	..	..
Ayres, Charles, Sydney Grammar School	C	C	C	..	C	C	..	..	..	..	..	..	..	..	..
Barker, Theodore Hugh, Sydney Grammar School	B	..	C	..	C	B	..	..	..	..	..	..	..	C	..
Barlee, Frederick Rudolph, Sydney Grammar School	..	C	C	..	B	A	..	..	..	..	..	..	..	..	..
Blumer, Charles, Crown Street Public School	..	..	..	..	..	..	B	..	C	..	..	..	..	..	..
*Burdoff, Bertha Marie, Brisbane Grammar School	A	A	..	B	..	..	..	..	C	..	..	..	..	..	..
Butler, Francis Joseph, St. Patrick's College	B	C	C	..	B	..	C	C	C	..	..	..	..	..	..
Cameron, Maggie, Alberto College	..	C	..	..	..	..	..	..	..	..	..	..	..	..	..
Ducker, Theophilus, Newington College	B	C	C	..	..	..	C	..	C	..	..	..	..	C	..
Dunn, Thomas, Sydney Grammar School	..	..	..	..	..	..	C	..	B	..	..	..	..	..	..
Ebsworth, Arthur Charles, Sydney Grammar School	..	C	C	..	C	..	..	..	C	..	..	..	..	..	..
Fox, Charles Bennett, Brisbane Grammar School	B	C	C	..	C	..	B	C	C	..	..	..	..	C	..
Fraser, Henry George, Mr. Kinloch	..	..	..	..	..	..	B	..	B	C	..	..	..	..	..
Fraser, Robert Allen, Mr. Kinloch	..	C	..	..	..	..	C	C	B	C	..	..	..	..	..
Fullerton, Janet Christina, Miss Baxter	..	C	C	..	..	..	..	..	..	..	..	..	..	..	..
Graham Elizabeth, William-street Public School	B	C	C	..	..	..	..	..	..	..	..	..	..	..	..
†Haggard, Alice, Brisbane Grammar School	..	C	B	B	..	..	..	..	C	B	..	..	..	..	..
Harden, Henry Scott, Mr. Bowyer	..	C	B	..	C	C	C	..	B	B	..	..	..	..	..
Haughton, Arthur, Mr. Conway	C	..	..	..	..	..	C	B	..	..	..	..	..	..	..
Howard, Edward, Newington College	..	..	..	..	..	..	A	C	B	..	..	..	..	..	..
Kent, Charles George, Brisbane Grammar School	A	C	..	..	..	..	..	..	..	..	..	..	..	..	..
Marrack, John Rea M., Newington College	C	..	B	..	..	..	C	..	A	..	..	..	..	..	C
Moore, David Cooper, Sydney Grammar School	..	..	..	..	B	A	..	..	..	..	..	..	..	C	..
Moriarty, Merion, Sydney Grammar School	..	..	..	..	C	B	..	..	..	..	..	..	..	..	..
Murphy, Edward, Roman Catholic School, Mudgee	B	..	..	..	..	..	..	..	C	..	..	..	..	..	..
Oliver, Eva Maria, †William-street Public School	C	C	..	..	..	..	..	..	..	..	..	..	..	..	..
Rennie, George Edward, Sydney Grammar School	B	C	..	..	C	B	C	..	A	..	..	..	..	C	..
Somerville, George Barnett, Newington College	B	C	..	..	B	..	C	C	C	..	..	..	..	C	..
Thompson, Eva, Mr. Gouly	..	..	C	..	..	..	C	..	..	..	..	..	..	..	..
Trail, Cecil Graham, King's School	..	..	C	..	C	..	..	C	B	..	..	..	..	..	..
Wade, Charles Gregory, King's School	..	..	..	..	C	..	C	..	C	..	..	..	..	..	..
White, Emily Jane, Alberto College	..	C	C	..	..	..	..	..	..	..	..	..	..	..	..
Wilkinson, Fredk. Bushby, Sydney Grammar School	..	..	..	..	B	B	..	C	C	..	..	C	..	..	..

* Fairfax Prize. † *Proxime accessit* do.

Distinguished—(*Names in order of merit*).

ENGLISH, HISTORY AND GEOGRAPHY.

Class I.—None.

Class II.

Bertha Marie Burdoff, Brisbane Grammar School.
George Bennett Somerville, Newington.
Francis Joseph Butler, St. Patrick's College, Goulburn.

CLASSICS.

Class I.—None.

Class II.

Frederick Rudolph Barlee, Sydney Grammar School.
David Cooper Moore, Sydney Grammar School.

MODERN LANGUAGES.

Class I.—None.

Class II.

Alice Haggard, Brisbane Grammar School.
John Rea M. Marrack, Newington.
Henry Scott Harden, Mr. Bowyer.

MATHEMATICS.

Class I.

Charles Alfred Flint, Brisbane Grammar School.

Class II.

Robert Gustavus Glasson, Newington.
Falconer West Hutton, Newington.

RESULT OF THE JUNIOR PUBLIC EXAMINATION.—1878.

H, Higher; L, Lower; S, Satisfied the Examiners.

Names, and Place of Education.	Preliminary.	History and Geography.	English.	French.	German.	Latin.	Greek.	Arithmetic.	Algebra.	Geometry.
Alderdice, W. O., Crown Street Public School	S	..	..	..	..	..	..	H	L	..
Allen, Arthur Wigram, Sydney Grammar School	S	..	H	H	..	H	H	H	L	L
Amess, William, Sydney Grammar School	S	S	H	..	..	H	..	H	H	L
Archer, James, Toowoomba Grammar School	S	S	L	H	..	..	..	H	L	L
Archibald, A. W., Chatsworth Island Public School	S	S	L	..	..	..	..	H	H	H
Archibald, F. F., Chatsworth Island Public School	..	..	H	..	..	L	..	H	H	L
Armstrong Alice M., William-street Public School	S	..	L	..	..	..	..	H	L	..
Backhouse, Francis Herbert, The King's School	S	..	..	..	..	L	..	L	L	H
Bailey, Philip Edward, Jamberoo Public School	S	..	L	..	..	..	..	L	H	..
Bassan, Albert Edward., Paddington Public School	S	..	..	..	..	..	..	L	L	H
Bauer, Sophie W. E., Brisbane Grammar School	S	..	L	L	..	..	..	L	H	L
Baylis, Frederick William., Sydney Grammar School	S	..	..	..	..	..	..	H	H	L
Beehag, Albert Jobson, Sydney Grammar School	S	..	H	L	..	H	L	H	H	L
Belcher, S. H., Mr. Belcher, Goulburn School	S	..	..	L	..	..	..	H	L	..
Bennett, John, Kiama Public School	S	S	..	..	..	..	..	H	L	L
Bergin, Tessa Maria, Mr. Ord	S	..	H	H	..	..	..	..	..	..
Berne, Percy, Newtown Public School	S	S	H	..	..	L	..	H	L	L
Berry, Henriette S J., The Misses Hooper	S	S	H	..	..	..	..	..	L	..

Names, and Place of Education.	Preliminary.	History and Geography.	English.	French.	German.	Latin.	Greek.	Arithmetic.	Algebra.	Geometry.
Biddell, Bessie, Miss Whitfield	S	S	H	H	..	..	..	L	..	..
Bird, Walter Foster, Sydney Grammar School	S	..	L	L	..	L	L	H	H	H
Black, Alfred Owen, Balmain Public School	S	..	..	..	..	..	..	..	..	L
Black, Victor, Brisbane Grammar School	S	..	H	..	H	H	L	L	..	..
Blackman, Robert Henry, Kiama Public School	..	..	L	..	..	..	..	H	..	..
Bolton, Frederick Henry, Burwood Public School	..	..	L	..	..	..	..	L	L	L
Booker, Edward Gilbert, Ipswich Grammar School	S	..	..	..	..	..	..	..	L	L
Bornstein, Richard, Private	S	..	..	..	..	..	..	..	L	L
Borton, Roger Frederick, Ipswich Grammar School	S	..	..	..	..	..	..	..	L	L
Bowler, Lillian Fanny, The Misses Cook	S	S	H	H	..	L	..	H	..	L
Brennan, John, St. Patrick's College	S	..	L	..	..	L	..	..	L	..
Britten, Ernest Henry, The King's School	S	..	..	..	..	L	..	..	L	L
Brown, Walter Sigismund, The King's School	S	..	..	..	..	L	..	L	H	..
Browne, Charles Frederick, Ipswich Grammar School	S	S	H	..	..	..	..	H	..	..
Bugle, Alice E. M., Cleveland-street Public School	S	..	H	..	..	..	..	H	..	L
Burns, William Arthur, North Parramatta Public School	S	..	L	..	..	L	H	..	L	L
Burns, Vincent, Sydney Grammar School	S	..	H	H	..	L	L	H	..	..
Butler, James R., All Saints' College, Bathurst	S	S	H	H	..	H	..	..	H	L
Byram, William James, Brisbane Grammar School	S	..	..	..	..	..	..	H	..	..
Cains, John Thomas, Sauchie House, Maitland	S	S	H	..	..	L	..	H	L	H
Cairncross, M. A., Miss O'Connor, Brisbane	S	..	L	..	..	..	..	H	..	L
Caldwell, Joseph John, Mudgee Public School	S	..	L	..	..	..	..	H	L	..
Cameron, W. H. M., High School, Goulburn	S	..	L	..	..	..	..	H	..	H
Campbell, E. V., Woodford Dale Public School	S	..	L	H	..	H	..	H	L	L
Campbell, Percy, Mr. Bowyer	S	S	..	..	..	..	..	H	..	..
Carmody, Patrick, St. Mary's, Ipswich	S	..	..	..	L	H	L	H	L	H
Carvosso, Arthur V., Brisbane Grammar School	S	..	H	..	..	..	..	H	..	..
Cavanagh, Edward James, Sydney Grammar School	S	S	H	..	..	..	..	H	..	H
Chambers, Eliza, William-street Public School	S	..	H	..	..	L	..	H	..	..
Chapman, William Henry, Grafton Grammar School	S	S	H	..	..	L	..	H	..	H
Charlton, Mary Margaret, Miss Baxter	S	..	..	..	..	..	..	H	..	..
Chester, William Edward, Fort-street Public School	S	S	L	..	..	L	..	H	..	H
Clarke, Herbert, Newington College	S	..	..	..	..	..	..	H	..	..
Coates, William H., South Parramatta Public School	S	S	L	..	..	..	..	H	..	L
Cobcroft, Clarence, Richmond Public School	S	..	L	..	..	..	..	H	..	..
Cockburn, W. Stuart, Mr. Horniman	S	..	L	..	..	L	..	H	..	L
Colley, George, Jamberoo Public School	S	..	L	..	..	L	..	H	..	L
Colley, William M., Kiama Public School	S	..	H	..	..	..	..	H	..	..
Connor, Thomas J., Crown-street Public School	S	S	L	..	..	..	..	H	..	..
Cooper, Herbert Beverley, Mr. Bowyer	S	..	..	..	..	..	..	H	..	..
Cork, William Henry, Milton Public School	S	..	..	..	..	..	..	H	..	..
Cowdery, Edward H., Burwood Public School	S	S	..	..	..	..	..	H	..	..
Cowdery, William Reynolds, Burwood Public School	S	..	L	..	..	L	..	H	..	L
Cowper, Elizabeth M., North Parramatta Public School	S	..	L	..	..	..	..	H	..	..
Cran, Alexander, Ipswich Grammar School	S	..	L	..	..	..	..	H	..	..
Cree, George Percy, Jamberoo Public School	S	..	L	..	..	L	..	H	..	L
Creed, Marian, Private	S	S	L	..	..	..	..	H	..	..
Crisford, Clara, Richmond Public School	S	..	L	..	..	L	..	H	..	L
Crocker, Herbert, Sydney Grammar School	S	..	L	..	..	H	..	H	..	L
Curran, James J., Roman Catholic School, Mudgee	S	..	..	..	..	..	..	H	..	..
Dalton, Henry, Sacred Heart College, Maitland	S	S	L	..	..	L	..	H	..	L
Daly, Eugene William, Roman Catholic School, Mudgee	S	..	..	..	..	..	..	H	..	..
Dangar, Effie, Mrs. Chilcott	S	S	H	..	..	..	..	H	..	L
Day, Alfred Goodwin, Newtown Public School	S	S	H	..	..	..	..	H	..	L
Day, Sydney Thomas, Newington College	S	S	L	..	..	L	..	H	L	L
Deane, Charles M., Burwood Public School	S	S	..	..	..	..	..	H	L	L
Devine, Alfred E., Toowoomba Grammar School	S	S	..	..	..	L	..	H	L	L
Dick, William Thomas, Newcastle Public School	S	S	H	..	L	L	..	H	L	H
Dickson, Ada Mary, Brisbane Grammar School	S	S	L	L	..	L	..	H	..	..
Dickson, Annie Maud, Brisbane Grammar School	S	S	L	L	..	L	..	H	..	L
Dight, Jessie, Alberto College	S	S	..	..	..	..	..	H	L	L
Donaldson, Philip C., Grafton Grammar School	S	..	L	..	..	..	L	H	L	L
Dowling, Septimus William, The King's School	S	..	L	..	..	L	..	H	L	L
Ducker, Arthur Rowland W., Private	S	..	L	..	..	..	..	H	L	L
Duff, Gordon D. McD., Crown-street Public School	S	S	L	..	..	H	L	L	..	L
Dwyer, William E., Sacred Heart College, Maitland	S	S	L	..	..	L	..	L	..	L
Eden, Guy Ernest M., Sydney Grammar School	S	S	H	..	..	..	..	H	L	L
Edwards, Wilbraham Tollemache, Oaklands	S	S	L	..	..	..	..	H	L	L
England, Theophilus, Paddington Public School	S	..	L	..	..	..	..	H	..	..
England, Thomas H., Paddington Public School	S	..	L	..	..	..	..	H	..	..
Evans, Herbert Arthur, Sydney Grammar School	S	S	L	H	..	L	..	H	..	H
Farrand, A. H., Mr. Bowyer	S	..	..	..	..	..	..	H	..	..
Ferguson, John, Newington College	S	S	L	..	..	L	..	H	L	H
Fitzgerald, G. F., South Parramatta Public School	S	..	L	..	..	..	..	H	..	..
Flannery, Edmund F. P., Balmain Public School	S	S	H	H	..	..	..	H	..	L
Fletcher, Harold Brisbane, Newington College	S	..	L	..	..	H	L	H	..	..
Flett, Kenneth George, Sydney Grammar School	S	S	L	L	..	L	..	H	..	L
Flynn, William T., St. Patrick's College, Goulburn	S	..	L	..	..	..	..	H	..	..
Ford, Allan Bateman, Mr. Bowyer	S	S	H	..	..	L	L	H	..	H
Freeman, Herbert G., Windsor Grammar School	S	S	L	..	..	..	..	H	..	L
Frewin, William, St. Patrick's College, Goulburn	S	..	L	..	..	L	..	H	..	L
Furner, Alice E., William-street Public School	S	S	L	..	..	L	..	H	..	L
Gelling, Benjamin R., Wallsend Public School	S	S	L	..	..	L	..	H	..	H
Gelling, Theodore, Wallsend Public School	S	S	L	..	..	L	..	H	..	H
Gill, Janie, Alberto College	S	S	L	..	..	L	..	H	..	L
Gillespie, J., St. Patrick's College, Goulburn	S	..	L	..	..	..	..	H	..	L
Golledge, William Arthur, Newington College	S	..	L	..	..	L	..	H	..	L
Gower, Ida L., Macquarie House, Bathurst	S	S	L	..	..	..	..	H	..	L
Graham, Ernest Davies, Ipswich Grammar School	S	S	L	..	L	..	..	H	..	L
Grundy, Samuel, Albury Grammar School	S	S	..	..	..	L	..	H	..	L
Hamilton, James, Brisbane Grammar School	S	S	H	..	H	L	L	H	..	H
Harvison, George James, Kiama Public School	S	..	L	..	..	H	..	H	..	L
Hayles, Edith G., Macquarie House, Bathurst	S	..	L	..	..	..	..	H	..	L
Higgins, Lizzie Isobel Irene, Springfield College	S	S	H	L	..	..	..	H	..	L
Hill, Charles Augustus, Sydney Grammar School	S	..	H	..	..	..	..	H	..	L
Hills, Richard T., Sauchie House, Maitland	S	..	L	L	..	L	L	H	L	L
Hodgson, Charles H., Toowoomba Grammar School	S	S	L	H	..	..	..	H	L	L
Holle, Ernest Theodore, Oaklands	S	..	L	L	..	H	L	H	L	H
Hollingworth, Albert Charles, Ryde Public School	S	..	L	..	..	L	..	H	..	L
Jackson, William, Ipswich Grammar School	S	..	L	..	L	..	..	H	L	L
James, William, Sydney Grammar School	..	S	H	H	..	L	H	H	H	..
Jenkins, Grace L. V., Springfield College	S	..	H	H	..	H	..	H	..	..
Johnson, J. J., St. Kilian's College, Brisbane	S	..	H	..	..	H	..	H	..	L
Jones, George Frederic, Sydney Grammar School	S	S	H	H	..	H	H	H	H	L
*Jones, Thomas Edward, Brisbane Grammar School	S	S	L	..	..	H	..	H	L	L
Kent, Irving, Mr. E. D. Gouly	S	S	H	..	..	..	..	H	L	..
Kent, Sydney, Mr. E. D. Gouly	S	..	..	..	..	L	..	H	L	L
King, Cecil John, Private	S	..	..	..	..	..	..	H	L	L
King, Copland, Private	S	..	..	..	..	..	..	H	L	L
King, William Cooper, Sydney Grammar School	S	..	L	..	..	L	H	L	..	..
Kite, Lilian Mary, The Misses Cooke	S	S	..	H	..	..	..	H	..	L
Klein, Henry John, Richmond Public School	S	..	L	..	..	..	..	H	L	H
Kline, John, Sacred Heart College, Maitland	S	..	L	..	..	..	..	H	H	H

Names, and Place of Education.	Preliminary.	History and Geography.	English.	French.	German.	Latin.	Greek.	Arithmetic.	Algebra.	Geometry.
Lamrock, William, Sydney Grammar School	S	S	L	..	..	..	..	L	L	L
Leigh, Frederick Barker, The King's School	..	..	H	..	..	..	..	H	..	L
Leigh, William Alfred, Oaklands	S	S	L	..	..	..	..	H	..	L
Leverrier, Frank, Sydney Grammar School	S	..	L	H	..	L	..	L	H	L
Liddle, Percy Herbert, Brisbane Grammar School	S	..	H	H	..	H	L	H	..	..
Lilley, Annie Mary, Brisbane Grammar School	S	..	H	L	..	H	..	L	..	..
Little, John Orr, Surry Hills Wesleyan School	..	S	L	..	..	..	..	H	L	L
Lipscombe, John J., Sauchie House, Maitland	S	S	L	..	..	..	..	H	..	..
Lockett, John Francis, Ipswich Grammar School	S	S	L	..	..	..	..	H	L	L
Macintosh, Catherine M., Brisbane Grammar School	S	S	H	L	..	..	..	L	..	..
Mackins, John, St. Patrick's College, Goulburn	S	..	..	..	..	..	..	L	L	L
Martin, Horace Edwin, Mr. Bowyer	S	..	..	..	..	..	..	L	L	L
M'Credie, John, Burwood Public School	S	..	..	..	..	..	..	H	..	..
M'Dougall, Stuart B., Toowoomba Grammar School	S	..	L	..	..	L	..	..	L	H
M'Evilly, U., St. Patrick's College, Goulburn	S	..	H	..	..	L	..	H	L	..
M'Farlane, George Henry, Mudgee Public School	S	..	L	..	..	..	..	H	L	H
M'Intyre, John Edwin, Sydney Grammar School	..	S	H	L	..	H	H	H	L	..
M'Kay, Charles, Sydney Grammar School	..	S	..	..	..	H	..	H	L	H
M'Kay, John Roderick, Orange Grammar School	S	..	L	..	..	..	..	H	L	..
M'Lean, John Alexander, Kiama Public School	S	..	..	..	..	..	..	H	..	L
M'Lucas, Roderick, Woodford Dale Public School	S	..	L	..	..	..	..	L	..	..
M'Phie, Alexander, Dunmore Public School	S	S	..	..	..	..	..	H	L	H
M'Phie Niel Angus, Dunmore Public School	S	S	..	..	..	..	..	H	L	L
Mears, Rosetta J., William-street Public School	S	..	L	..	..	..	..	L	..	..
Mercer, Montague D., Paddington Public School	S	..	L	..	..	..	..	L	L	H
Miller, Herbert John, Sydney Grammar School	S	..	L	..	..	..	..	H	H	..
Montagu, Jessie Beatrice, Mrs. Montagu	S	..	H	H	..	..	..	..	..	..
Moore, John, Sydney Grammar School	S	..	H	..	..	..	..	H	L	H
Morton, M. F., Presbyterian School, Shoalhaven	S	S	L	..	..	..	..	H	L	..
Morton, O G., Presbyterian School, Shoalhaven	..	..	L	..	..	..	..	L	L	L
Moss, Lawrence, Sydney Grammar School	S	S	L	..	..	..	..	H	..	..
Mutton, Harry P., Crown-street Public School	S	..	..	..	..	..	..	H	..	L
Nathan, Alfred W., Sydney Grammar School	..	S	L	..	..	H	L	H	..	..
Neale, Alfred John T., Sydney Grammar School	..	..	L	..	..	L	..	..	..	..
Newsham, F. E., Macquarie House, Bathurst	S	..	L	L	..	..	..	..	..	L
Newton, R. G., St. John's School, Mudgee	S	S	L	..	..	..	..	L	..	..
Nicholls, William Henry, Mr. Ord	S	..	H	L	..	..	..	L	..	H
Nicholson, William, Presbyterian School, Shoalhaven	S	..	..	..	..	..	..	L	..	L
Nisbet, Walter Blake, Brisbane Grammar School	S	..	H	L	..	L	L	H	H	L
Oakes, Leslie Manton, Newington College	S	..	H	..	..	L	..	H	L	L
O'Dwyer, Michael, Crown-street Public School	S	S	L	..	..	..	..	H	L	L
Ogg, Allan Gordon, Ipswich Grammar School	S	..	..	..	..	..	..	H	H	L
O'Sullivan, Patrick A., Ipswich Grammar School	S	..	H	..	L	L	..	H	..	L
Palmer, John Ewan, Oaklands	S	S	L	..	..	L	..	..	..	..
Palmer, William Harrington, Mr. Blackmore	S	..	L	..	..	..	..	L	..	L
Paterson, Andrew B., Sydney Grammar School	S	..	H	L	..	H	..	H	..	..
Paterson, John Edward, Sydney Grammar School	S	..	L	..	..	L	..	..	..	..
Peers, Frank J., Balmain Public School	S	..	..	..	..	..	..	H	L	L
Piddington, Albert B., Sydney Grammar School	..	S	H	H	..	H	H	H	H	H
Pollock, David Alexander, Sydney Grammar School	..	..	L	..	..	H	L	L	L	..
Pratt, Alfred Ernest, Sydney Grammar School	S	..	H	..	..	H	..	H	L	L
Price, James Thomas B., Brisbane Grammar School	S	..	L	..	L	L	L	H	L	..
Punch, Thomas H. J., Balmain Public School	S	..	..	..	..	..	..	H	L	L
Read, Mary Ann, Dunmore Public School	S	S	..	..	..	..	..	H	L	..
Richards, Henry, Milford School	S	..	..	..	..	..	..	L	..	L
Ritchie, Robert F., South Parramatta Public School	S	..	..	..	..	..	..	H	L	L
Rodgers, Jordan, Newington College	S	S	H	..	..	..	..	H	..	H
Rogers, John Robert, Newcastle Public School	S	S	H	..	..	..	..	H	..	..
Rolin, Tom, Sydney Grammar School	..	S	H	L	..	H	H	H	H	H
Rountree, Cameron S., The King's School	..	S	L	..	..	..	..	H	L	H
Rudd, Harry, Richmond Public School	S	S	L	..	..	..	..	H	L	..
Rush, Maria R., Cleveland-street Public School	S	..	L	..	..	..	..	L	..	..
*Russell, Emily Louisa, The Misses Hooper	S	S	H	H	..	L	..	H	L	..
*Russell, Jane Foss, The Misses Hooper	S	S	H	H	..	L	..	H	L	..
Rygate, Charles D. H., Sydney Grammar School	..	..	L	..	..	L	L	H	L	L
Rygate, Phillip William, Newington College	S	..	..	..	..	..	..	H	L	H
Saddington, Mary Menzies, Miss Martin	S	..	H	H	..	..	..	..	..	..
Schultz, Ernest Ludwig, Balmain Public School	S	..	L	..	..	..	..	H	H	H
Shand, Alexander B., Burwood Public School	S	..	L	..	..	..	..	H	L	..
Shelton, Edwin, Balmain Public School	S	..	..	..	..	..	..	H	L	L
Sheppard, A. W., St. John's School, Mudgee	S	..	L	..	..	..	..	H	..	L
Sherring, Joseph William, Sydney Grammar School	S	..	H	L	..	H	L	H	H	L
Shute, Richard, Sydney Grammar School	S	..	L	L	..	H	..	H	..	L
Skarratt, Lucy Anne, The Misses Hooper	S	..	H	H	..	..	..	..	..	..
Smith, Percy C., Toowoomba Grammar School	S	..	..	H	..	L	..	L	L	L
Solomon, Alexander M., Fort-street Public School	S	..	..	..	..	..	..	L	..	L
Somerville, A. I., Cleveland-street Public School	S	S	H	..	..	..	..	H	..	..
Stephens, Alfred G., Toowoomba Grammar School	S	S	H	L	..	H	..	L	..	..
Stonier, George Alfred, Sydney Grammar School	..	S	L	H	..	H	L	H	H	H
Street, John William, Sydney Grammar School	S	..	L	L	..	L	L	H	L	..
Street, Philip Whistler, Sydney Grammar School	S	..	L	..	..	L	..	H	L	..
Stuart, Catherine F., Dunmore Public School	S	..	..	..	..	..	..	L	L	..
Sutherland, Constance A., Glebe Public School	S	S	H	..	..	..	..	H	..	..
Sutherland, George Whitfield, Private	..	S	L	..	..	L	..	H	L	L
Sydes, Edward John, Ipswich Grammar School	S	S	H	..	L	L	..	H	L	..
Tarplee, William Frederic, Sydney Grammar School	S	..	H	L	..	H	..	L	L	L
Taylor, Edgar, Burwood Public School	S	..	L	..	..	..	..	H	H	..
Thomas, Roderick A., Grafton Grammar School	S	..	L	..	..	..	..	H	L	H
Thomson, Thomas M., Sydney Grammar School	S	S	..	..	..	..	..	H	..	H
Thorburn, James T., Cambewarra Public School	S	S	H	..	..	..	..	H	..	H
Trevitt, William Thomas, Ryde Public School	S	..	H	..	..	..	..	H	L	..
Wade, Charles William, Dunmore Public School	S	..	..	..	..	..	..	H	L	..
Walker, Frederick W., Windsor Grammar School	..	S	L	..	..	L	..	..	..	..
Walsh, Western, Mr. Bowyer	S	..	..	L	..	L	..	H	L	H
Warden, Winter David, Newington College	S	..	..	..	..	..	..	H	L	L
Watkin, Edmund, Surry Hills Wesleyan School	S	S	L	..	..	..	..	L	..	L
Watson, Henry John, Burwood Public School	S	..	L	..	..	..	..	L	H	..
Waugh, Mary Ann, Brisbane Grammar School	S	S	H	H	..	L	..	L	..	H
White, Ethel G., St. John's School, Mudgee	..	..	L	..	..	..	..	L	..	..
White, Marian, Alberto College	S	S	L	L	..	..	..	..	..	..
Whitfield, Jessie Mary, Miss Whitfield	S	S	H	H	..	..	..	H	L	L
Wilks, William Henry, Balmain Public School	S	S	L	..	..	..	..	L	L	L
Williams, Cyrus J. R., Brisbane Grammar School	S	..	L	..	..	L	..	L	L	H
Williams, Thomas Henry, Mr. J. W. Fletcher	S	S	L	..	..	..	..	L	..	..
Wilson, Townsend, Sydney Grammar School	S	..	L	..	..	L	..	L	..	..
Wilson, Walter Frederick, Brisbane Grammar School	S	S	H	..	..	L	L	H	..	L
Wickham, Edward Charles, The King's School	S	..	L	..	..	L	..	H	..	H
Wilton, William, Mudgee Public School	S	..	L	..	..	..	..	H	..	..
Wiseman, Florrie May, The Misses Hooper	S	S	L	L	..	..	..	..	..	..
Wood, Arthur, Lambton Public School	..	S	L	..	..	..	..	H	H	H
Wood, John Robert, Newcastle Public School	S	S	L	..	..	..	..	H	L	..
Woodward, Ernest A., Newington College	S	S	H	..	..	..	..	H	L	L

* Equal for the Fairfax Prize.

* Prize of £10.

PRIZES.

The prizes at the public examinations were awarded as under :—
University Prize for junior males : Thomas Edward Jones, Brisbane Grammar School ; ditto ditto, seniors, not awarded. John Fairfax Prize for senior females : Bertha Marie Burdoff, Brisbane Grammar School ; Alice Haggard, *prox. acct.*, Brisbane Grammar School. John Fairfax Prize for junior females : Emily Louisa Russell and Jane Foss Russell, *æq.* the Misses Hooper. John West Medal, for senior candidates, not awarded.

Silver Medals for Special Subjects.

Seniors.—History and Geography : John Woolcock, Brisbane Grammar School ; Bertha M. Burdoff, *prox acct.*, Brisbane Grammar School. Greek : Frederick Rudolph Barlee, Sydney Grammar School. Arithmetic : Edward Howard, Newington. Geometry : George Edward Rennie, Sydney Grammar School. Trigonometry : Charles Alfred Flint, Brisbane Grammar School. Mechanics : Charles Alfred Flint, Brisbane Grammar School.

Juniors.—History and Geography : Tom Rolin, Sydney Grammar School ; *prox. acct.*, Charles McKay, Sydney Grammar School. English : Tom Rolin, Sydney Grammar School ; *prox. acct.*, Albert B. Piddington, Sydney Grammar School. French : Frank Leverrier, Sydney Grammar School. Latin : Tom Rolin, Sydney Grammar School ; *prox. acct.*, T. E. Jones, Brisbane Grammar School. Greek : Albert B. Piddington, Sydney Grammar School ; *prox. acct.*, T. E. Jones, Brisbane Grammar School. Arithmetic : Tom Rolin, Sydney Grammar School ; *prox. acct.*, George Colley, Jamberoo Public School ; Clara Crisford, Richmond Public School ; John R. Rodgers, Newcastle Public School ; Arthur Wood, Lambton Public School. Algebra : Thomas Edward Jones, Brisbane Grammar School ; *prox. acct.*, Tom Rolin, Sydney Grammar School. Geometry : Arthur Ben. Carvosso, Brisbane Grammar School ; *prox. acct.*, Percy Campbell, Mr. Bowyer's ; William Henry Chapman, Grammar School, Grafton ; Tom Rolin, Sydney Grammar School ; Western Walsh, Mr. Bowyer's.

Analysis of the Senior and Junior Public Examinations held in November, 1878.

The number of candidates for the Senior Examination was 58, viz., in Sydney, 30 males and 8 females, and in the country districts, 18 males and 2 females. Of this number (58) 41 passed and 17 failed.

Subject of Examination.	No. who entered.	First Class.	Second Class.	Third Class.
History and Geography	49	4	13	4
English	52	1	0	21
French	35	0	3	19
German	2	0	2	0
Latin	37	0	6	15
Greek	19	2	5	4
Arithmetic	54	1	11	12
Algebra	50	0	4	11
Geometry	58	3	9	14
Trigonometry	35	2	2	7
Elementary Surveying, &c.	2	0	0	1
Analytical Geometry	7	0	0	1
Mechanics	18	1	0	5
Inorganic Chemistry	27	0	0	10
Physics	14	0	0	0
Geology	2	0	0	1
Geometrical Drawing, &c.	5	0	0	0
Freehand and Model Drawing	10	0	0	0
Imitative Colouring	3	0	0	0
Music	2	0	0	0

The number of candidates for the Junior Examination was 364, viz., in Sydney, 155 males and 56 females, and in country districts, 136 males and 17 females. Of this number (364) 243 passed and 121 failed.

Subject of Examination.	No. who entered.	Higher Division.	Lower Division.
History and Geography	354*		
English	360	76	113
French	129	29	33
German	19	2	8
Latin	153	30	63
Greek	58	9	21
Arithmetic	352	150	54
Algebra	298	27	115
Geometry	284	41	95

*108 satisfied the Examiners.

The successful candidates in the examinations came from the following educational establishments :—

	Seniors.	Juniors.	Total.
Sydney Grammar School	11	39	50
Brisbane ,, ,,	9	16	25
Ipswich ,, ,,	..	10	10
Toowoomba ,, ,,	..	6	6
Grafton ,, ,,	..	3	3
Windsor ,, ,,	..	2	2
Albury ,, ,,	..	1	1
Newington College	6	10	16
King's School	2	7	9
St. Patrick's College, Goulburn	1	6	7
Sacred Heart College, East Maitland	..	3	3
All Saints' College, Bathurst	..	1	1
Presbyterian School, Shoalhaven	..	3	3
Roman Catholic School, Mudgee	1	2	3
St. John's School, Mudgee	..	3	3
St. Kilian's College, Brisbane	..	1	1
Public School, Crown-street	1	5	6
,, ,, William-street	2	4	6
,, ,, Ryde	..	2	2
,, ,, Dunmore	..	5	5
,, ,, Kiama	..	5	5
,, ,, Lambton	..	1	1
,, ,, Chatsworth Island	..	2	2
,, ,, Jamberoo	..	3	3
,, ,, Newcastle	..	3	3
,, ,, Cambewarra	..	1	1
,, ,, Wallsend	..	2	2
,, ,, Richmond	..	4	4
,, ,, Mudgee	..	3	3

	Seniors.	Juniors.	Total.
Public School, Parramatta N.	..	2	2
" " Parramatta S.	..	3	3
" " Milton	..	1	1
" " Woodford Dale	..	2	2
" " Fort-street	..	2	2
" " Newtown	..	2	2
" " Paddington	..	4	4
" " Burwood	..	3	3
" " Balmain	..	7	7
" " Cleveland-street	..	3	3
" " Glebe	..	1	1
Orange Grammar School	..	1	1
St. Mary's School, Ipswich	..	1	1
Mr. Fraser, West Maitland	..	3	3
Mr. J. W. Fletcher, Woollahra	..	1	1
Milford School	..	1	1
Mr. Southey, Mittagong	..	4	4
Mr. Bowyer	1	6	7
Mr. Blackmore	..	1	1
Mr. Belcher, Goulburn	..	1	1
Mr. Metcalfe "	..	1	1
Mr. Ord	..	2	2
Mr. Horniman	..	1	1
Mr. Gouly	1	2	3
Alberto College	2	3	5
Queen's College	..	1	1
Springfield College	..	2	2
Miss Martin	..	1	1
Mrs. Chilcott	..	1	1
Miss Newsham, Bathurst	..	3	3
Misses Hooper	..	5	5
Misses Cooke	..	2	2
Miss Whitfield	..	2	2
Miss Baxter	1	1	2
Miss O'Connor, Brisbane	..	1	1
Mr. Conway, Ashfield	1	..	1
Wesleyan School, Surry Hills	..	2	2
Mr. Kinloch	2	..	2
Private	..	6	6
	41	243	284

CIVIL SERVICE EXAMINATION.

ARITHMETIC.—1½ hours.

1. Find the quotient and remainder when forty-one million sixty thousand and seven is divided by twenty-four thousand six hundred and twenty-four.
2. How often is £1 17s. 6d. contained in £28 2s. 6d.?
3. Find the cost of 339 sheep at £1 9s. 6d. each.
4. Subtract 156 miles 4 furlongs 216 yards from 191 miles 2 furlongs 2 yards.
5. Make out a bill for the following articles:—27 yards of flannel at 3s. 4d. per yard; 32 yards of calico at 5½d. per yard, 3½ dozen stockings at 8s. 4d. per dozen; 6 pairs of gloves at 3s. 6d. per pair.

ENGLISH.—2 hours.

A. Write down the past tense and past participle of—To slay, to set up, to lie down, to thrust, to burst, to strew.
B. Parse the following:—Though none are without fault, some have acted worse, and shown a worse spirit than others.
C. Explain the meaning of four at least of the following words:—Insipid, Emaciated, Sepulture, Proselyte, Criterion, Sedentary.
D. Which of the following sentences are faulty? Give your reason.

His sickness is owing to various causes.
His departure was prior to mine.
Owing to the drought there was no grass.
Prior to embarking he made his will.
No one is so frightened of the dog as him.
If it was me you meant, I deny it.

HISTORY.—2 hours.

A. Name each of the English sovereigns who succeeded his brother or his grandfather.
B. Describe two principal events in each of the following reigns—Edward I., Henry IV., James I., George III.
C. Who were John of Gaunt, Perkin Warbeck, the Duke of Monmouth, Robert Clive?

GEOGRAPHY.—1½ hours.

1. Draw a rough map of Africa, showing the different seas by which it is surrounded, and indicate upon this map the positions of the Nile, the Congo, the Zambesi, Cape Colony, Ashantee, Abyssinia, Egypt, Algeria, Zanzibar, Tunis, Dahomey, and also the Canary and Cape Verd Islands, Madeira, and Madagascar.
2. Of the following countries, viz.:—1. Great Britain, 2. France, 3. Spain, 4. Italy, 5. Austria, 6. Germany, 7. Belgium, 8. The Netherlands, 9. Russia, 10. Switzerland, 11. Norway and Sweden, and 12. Denmark,—which are the largest; which have most seaports; which are republics, and which kingdoms; and which are neighbouring states?
3. How would you go by water from the Crimea to Japan?
4. What and where are the following:—Adrianople, Alsace, Callao, Corea, Cyprus, the Dardanelles, Detroit, Elba, Fiji, Gibraltar, Hongkong, Lucerne, Teneriffe, and Tennessee?

DICTATION.

The modes of sepulture in divers countries are very dissimilar, but they all seem to point to a belief in the survival of some principle exempted from the laws of physical decay. They are all based upon the assumption that the deceased person is not unconscious of the ceremonies and observances by which the mourners endeavour to propitiate his disembodied spirit, or to commemorate the achievements by which his earthly career was distinguished.

PRELIMINARY EXAMINATION.

ENGLISH COMPOSITION.—1 hour.

"Cruelty to Animals."

ARITHMETIC.—1 hour.

1. Multiply seventeen millions thirty-two thousand and forty by ten millions nine hundred and nine thousand six hundred and five.
2. Multiply 17a. 3r. 35p. by 29. Also £13 14s. 11d. by 39.
3. A bar of metal weighing 8 lbs. 4 ozs. 16 dwts. troy is made into coins each weighing 1 oz. 8 dwts. How many coins are there?
4. If the railway fare for a journey of 50 miles be 12s. 6d., what should be the fare for a journey of 120 miles?

JUNIOR

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JUNIOR EXAMINATION.

History and Geography.—3 hours.

A. Give an outline of all the events in English History, from the death of Richard II. to the accession of Henry V.

B. Describe in order the events in the reign of Charles II., from the Restoration to the accession of James II.

C. Write down all that you know of Wentworth Earl of Strafford, and of William Pitt, the younger. State also who were Stephen Langton, Cardinal Beaufort, Edmund Spenser, John Pym, John Dryden, Jonathan Swift, Robert Harley.

D. Where are Astrakan, Belgrade, Benares, Catania, Dunkirk, Famagosta, Funchal, Goa, The Hague, Indianopolis, Lexington, Mostaganem, Mossoul.

E. Mention the rivers which flow into the Persian Gulf, the Gulf of Mexico, and the Baltic; and name the countries through which they severally flow.

F. Name the countries lying to the north and north-west of British India, and describe their natural features and the condition of their inhabitants.

Satisfactory answers are required to two questions in Geography and two in History.

English.—3½ hours.

Parse and give the construction of the words in italics.

A.

They heard, and were abashed, and up they sprung
Upon the wing, as when men *wont* to *watch*
On duty, *sleeping found by whom they dread*,
Rouse and bestir themselves *ere well awake*.

B. Seeing, Worse, Worth, Up, Early, Enough, Half. Each of these words belong to more than one part of speech. Show this by examples of your own making.

C. State which of the following verbs is transitive and which intransitive—

a. This language becomes a hero. b. The wind blew a hurricane. c. You cannot turn a somersault. d. Do not play the fool. e. The Chinaman grows excellent cabbages. f. What a fine boy you have grown. g. Your brother will soon become a philosopher.

D. Explain the meanings of the words in italics in the following sentences—

a. For his fault *amerced*
Of heaven.
b. The Dorian *mood*.
Of flutes and soft *recorders*.
c. That *uxorious* king.
d. On the *grunsel* edge.
e. *Serried* shields.
f. *Puissant* legions.
g. In vision *beatific*.
h. The *zenith*.
i. *Panim* chivalry.
j. The precious *bane*.

E. Quote any lines that you remember on the following subjects:—The comparison of Satan's spear. The remains of glory in Satan's fall. The speech of Satan in summoning his host from the lake.

For higher English.

F. Explain the formation of the following words:—Against, Beneath, Beyond, But, If, Meanwhile, Shrovetide.

G. Give an explanation of the following allusions—

a. Busiris and his Memphian chivalry.
b. A multitude, like which the pop'lous north
Poured never from her frozen loins, to pass
Rhene or the Danaw.
c. A leper once he lost and gained a king.
d. That small infantry
Warred on by cranes.
e. When the sun with Taurus rides.
f. Whose orb
Through optic glass the Tuscan artist views
At evening from the top of Fesolé.

H. Explain the following constructions—

a. To be weak is miserable
Doing or suffering.
b. For the mind and spirit remains
Invincible, and vigour soon returns
Though all our glory extinct, and happy state
Here swallowed up in endless misery.
c. For never since created man
Met such embodied force, as, named with these
Could merit more than that small infantry
Warred on by cranes.
d. Which, full high advanc'd,
Shone like a meteor streaming to the wind
With gems and golden lustre rich emblaz'd
Seraphic arms and trophies.

French.—3 hours.

A. Translate into English—

Une chauve-souris donna tête baissée
Dans un nid de belette: et, sitôt qu'elle y fut,
L'autre, envers les souris de longtemps courroucée,
Pour la dévorer accourut.
Quoi! vous osez, dit-elle, à mes yeux vous produire,
Après que votre race a tâché de me nuire!
N'êtes-vous pas souris? Parlez sans fiction.
Oui, vous l'êtes; ou bien je ne suis pas belette.—
Pardonnez-moi, dit la pauvrette,
Ce n'est pas ma profession.
Moi, souris! des méchants vous ont dit ces nouvelles.

B.

Par ma barbe! dit l'autre, il est bon; et je loue
Les gens bien sensés comme toi.
Je n'aurais jamais, quant à moi,
Trouvé ce secret, je l'avoue.
Le renard sort du puits, laisse son compagnon,
Et vous lui fait un beau sermon
Pour l'exhorter à patience:

Si le ciel t'eût, dit-il, donné par excellence
Autant de jugement que de barbe au menton,
Tu n'aurais pas, à la légère,
Descendu dans ce puits. Or, adieu, j'en suis hors :
Tâche da t'en tirer, et fais tous tes efforts ;
Car pour moi j'ai certaine affaire
Qui ne me permet pas d'arrêter en chemin.

C. Translate into French—

We have some meat and some good eggs.
These fables are better than those of Florian.
This bird sings but very little.
Why does he not show himself?
I have given him the half of it.
What a foolish story!
He has a kinder look than those other generals.

D. Write down the first person singular of the present and past subjunctive of—avoir, battre, connâitre, devoir, ecrire, faire ; and the past participles of—mettre, prendre, savoir, tenir, voir, vouloir.

HIGHER PAPER.

E. Translate into French—

a. He possesses books which he has never read.
b. That house is not mine, for I have sold it.
c. I do not think that he can keep his promise unless he is willing to work more than he has done hitherto.
d. However difficult the task may be it will be accomplished in some (*few*) days.
e. We should have shown ourselves sooner had we not feared to disturb you.
f. He ought to have lent it to you, had it only been for two days.

LATIN.—3½ hours.

A. Translate into English—

Bello Helvetiorum confecto, totius fere Galliæ legati, principes civitatum, ad Cæsarem gratulatum convenerunt ; 'intelligere sese, tametsi, pro veteribus Helvetiorum injuriis Populi Romani, ab iis pœnas bello repetisset, tamen eam rem non minus ex usu terræ Galliæ, quam Populi Romani accidisse : propterea quod eo consilio florentissimis rebus domos suas Helvetii reliquissent, uti toti Galliæ bellum inferrent imperioque potirentur, locumque domicilio ex magna copia deligerent, quem ex omni Gallia opportunissimum ac fructuosissimum judicassent, reliquasque civitates stipendiarias haberent. Petierunt, uti sibi concilium totius Galliæ in diem certam indicere, idque Cæsaris voluntate facere, liceret : sese habere quasdam res, quas ex communi consensu ab eo petere vellent.' Ea re permissa, diem concilio constituerunt et jurejurando, ne quis enuntiaret, nisi quibus communi consilio mandatum esset, inter se sanxerunt.

B. Planities erat magna, et in ea tumulus terrenus satis grandis. Hic locus æquo fere spatio ab castris utrisque aberat. Eo, ut erat dictum, ad colloquium venerunt. Legionem Cæsar, quam equis devexerat, passibus ducentis ab eo tumulo constituit. Item equites Ariovisti pari intervallo constiterunt. Ariovistus, ex equis ut colloquerentur et, præter se, denos ut ad colloquium adducerent, postulavit. Ubi eo ventum est, Cæsar initio orationis sua Senatusque in eum beneficia commemoravit, 'quod rex appelatus esset a Senatu, quod amicus, quod munera amplissima missa : quam rem et paucis contigisse et pro magnis hominum officiis consuesse tribui' docebat : 'illum, cum neque aditum, neque causam postulandi justam haberet, beneficio ac liberalitate sua ac Senatus ea præmia consecutum.'

C. Write down the perfects and supines of the following verbs—Ardeo, condo, fallo, lino, misceo, pello, perago, subtraho, tondeo, veho ; and the genders of grex, fax, vox, dens, ros, sal, vallis, collis.

D. Translate into Latin—

We will sleep under the shade of this great tree.
The face of these two brothers is not the same.
The general was not able to use the twentieth legion.
The easiest part of this book will please this boy.
The corn of one island would have given food to the whole army.

ADDITIONAL FOR HIGHER LATIN.

He was so angry, that he spared nobody.
The general answered, that if they would not follow him, he would go alone into the enemies' camp.
We do not know in what city Homer was born, nor what master he had in making verses.
He bought a horse at a great price to carry his son to Rome.
We shall need greater prudence and virtue to finish this business according to our wish.

GREEK.—3 hours.

A. Translate into English—Xen. Anab. I., 4, 12.
From Οἱ δὲ ποιήσαντες ἐκκλησίαν to εἰς Ἰωνίαν πάλιν.

B.—Xen. Anab. I., 9, 15.
From Τοιγαροῦν πολλὴ ἦν ἀφθονία to τὴν προθυμίαν.

C. Translate into Greek—

The women are better than the men.
He had more ships than horsemen.
His hands were more powerful than his tongue.
These gifts will be pleasant to your daughters.
The slaves were thrown to three lions.
Do not cast this meat to the dogs.
These bones are not profitable except for strong teeth.

D. Write down the future and aorist active of the following words—
ἀφίημι, γιγνώσκω, διαμένω, κορέννυμι, λανθάνω, παράσσω, and the aorist passive of δίδωμι, θάπτω, κόπτω, φαίνω.

HIGHER GREEK.

E. Translate into Greek—

Write down the tenses in use in all voices of ἐσθίω, αἱρῶ, ὁρῶ, φέρω, ὠνοῦμαι. Give the forces of ἐπὶ and παρὰ, as followed by different cases.
If you had not learnt the art from me you would not have become great.
He left the city that he might not fall into the hands of his enemies.
I will write him a letter that he may see that he has erred.
While many praised the king, he alone bid him beware of the danger into which he was rushing.
Mind you speak in his defence if they say anything against him.
They did not know to whom fortune would give the victory, else they would not have run away so disgracefully.

Those who desire to attempt D can omit either A or B, but not C or D.

GERMAN.—3 hours.

Translate into English—

A. Ich muß dich doch etwas fragen; sprach ein junger Adler zu einem tiefsinnigen, grundgelehrten Uhu. Man sagt, es gäbe einen Vogel, mit Namen Merops, der wenn er in die Luft steige, mit dem Schwanze voraus, den Kopf gegen die Erde gekehrt, fliege. Ist das wahr?

Ei nicht doch! antwortete der Uhu; das ist eine alberne Erdichtung des Menschen. Er mag selbst ein solcher Merops sein; weil er nur gar zu gern den Himmel erfliegen möchte, ohne die Erde auch nur einen Augenblick aus dem Gesichte zu verlieren.

B.

B. Eine blind gewordene Henne, die des Scharrens gewohnt war, hörte auch blind noch nicht auf, fleißig zu scharren. Was half es der arbeitsamen Närrin? Eine andere sehende Henne, welche ihre zarten Füße schonte, wich nie von ihrer Seite, und genoß, ohne zu scharren, die Frucht des Scharrens. Denn so oft die blinde Henne ein Korn aufgescharret hatte, fraß es die sehende weg.

Der fleißige Deutsche macht die Collectanea, die der witzige Franzose nutzt.

C. Write down the German for—I began, I brought, I flew, I grew, I lost, I cried out, I threw, On the ground, According to your taste, With my own eyes, In the air, Their old dwellings, Under a tall oak.

D. Write down the German for—With the gay feathers of the peacock. I remember all the circumstances of that time. He peeled off the beautiful skin of the frozen snake. There came many races of men from strange countries. The swallows build their nests rather under warm roofs than in tall trees. He dealt with me very cruelly, but I saw no possibility of convincing others of it. How much have we suffered from you, ye excellent champions who, while ye appear to defend us, tear us in pieces.

ARITHMETIC.—3 hours.

All candidates are required to show up satisfactory work in the first part of this paper.

FIRST PART.

1. Multiply forty million five hundred thousand six hundred and seventeen by one million seventy thousand and thirty.
2. Find the value of 5 acres 3 roods 25 poles, at £132 per acre.
3. What is the interest at $6\frac{1}{2}$ per cent. on a debt of £1,500.
4. What are decimal fractions? Turn $\frac{3}{7}$ and $\frac{2}{70}$ into circulating decimals, and find their difference.
5. Find the square root of 207936.
6. How many yards of carpet 2 ft. 4 in. wide will be required to cover the floor of a square room whose sides are 17 ft. 6 in. long?
7. Simplify $\dfrac{9\frac{3}{7} - 7\frac{2}{9}}{1\frac{2}{63}}$, and $3\frac{1}{2} - 1\frac{7}{8} + 4\frac{5}{12} - 2\frac{11}{30}$.

SECOND PART.

8. How many rods of fencing are required to enclose a square piece of ground containing 832a. 2r. 25p.?
9. Find the amount of £1,800 in 3 years at 5 per cent. compound interest.
10. A bankrupt's liabilities are £3,758 17s. 6. What are his assets if he can pay 13s. $7\frac{1}{2}$d. in the pound?
11. Express $\frac{4}{13}$ of $\frac{8}{85}$ of $2\frac{5}{6}$ of 7s. 7d. + ·043 of 15s. 6d., as the decimal of £41 3s.

ALGEBRA.—3 hours.

All candidates are required to show up satisfactory work in the first part of this paper.

FIRST PART.

1. Simplify the following expressions:—

$$\text{(i)}\quad (a+b+c)^2 - a(b+c-a) - b(c+a-b) - c(a+b-c).$$

$$\text{(ii)}\quad (a+b+c)^2 + (a+b-c)^2 + (b+c-a)^2 + (c+a-b)^2.$$

2. Reduce to its lowest terms—

$$\frac{4x^3 - 9x^2 - 15x + 18}{4x^3 - 9x^2 - 16x +}.$$

3. Resolve into factors, and find the L.C.M. of—

$$x^6 - y^3,\ x^4 - y^2 \text{ and } x^8 + x^4 y^2 + y^4.$$

4. Prove the rule for "Transposing" in solving equations, and solve the following simple equations:—

$$\text{(i)}\quad \frac{3 + x}{5 - 10x - 4x^2} = \frac{1 + 3x}{1 + 2x - 12x^2}.$$

$$\text{(ii)}\quad \frac{x-1}{a-1} + \frac{x-2}{a-2} = \frac{5}{a-1} + \frac{4}{a-2}.$$

5. If $a = \frac{1}{2}$ and $b = \frac{1}{3}$, find the value of—

$$\left\{\frac{2a^3 - 3a^2b}{4b^3 + 5ab^2} - \frac{5a^2 - 63b^2}{23ab}\right\}^3.$$

6. If A were to give B 30s., B would have four times as much as A, but if B were to give A 7s. 6d., they would each have the same amount. How much has each?

SECOND PART.

7. Solve the equations—

$$\text{(i)}\quad \frac{5x-2}{x+5} + 7\tfrac{1}{2} = \frac{6x-1}{x-3}.$$

$$\text{(ii)}\quad \begin{cases} \dfrac{2}{xy} + \dfrac{1}{x} = -\frac{1}{6}, \\[2ex] \dfrac{5}{xy} - \dfrac{4}{y} = 1\frac{5}{12}. \end{cases}$$

$$\text{(iii)}\quad \begin{cases} \dfrac{x}{y} + \dfrac{y}{x^2} = \dfrac{35}{36}, \\ x + y = 5. \end{cases}$$

8. Extract the square root of—

$$4x - 12x^{\frac{5}{6}}y^{\frac{1}{6}} + 5x^{\frac{2}{3}}y^{\frac{1}{3}} + 14x^{\frac{1}{2}}y^{\frac{1}{2}} - 11x^{\frac{1}{3}}y^{\frac{2}{3}} - 4x^{\frac{1}{6}}y^{\frac{5}{6}} + 4y.$$

9. Prove that—

$$\sqrt{\left\{\frac{\sqrt{3}+1}{\sqrt{3}-1}\right\}} - \sqrt{\left\{\frac{\sqrt{3}-1}{\sqrt{3}+1}\right\}} = \sqrt{2}.$$

10. If a, b, c, d be proportionals, prove that the sum of the greatest and least is greater than the sum of the other two. Prove also that $b + c$ is greater than $\sqrt{ad}$.

GEOMETRY.—

GEOMETRY.—3 hours.

1. What figures does Euclid define which are not rectilineal figures?

2. If two triangles have two sides of the one equal to two sides of the other each to each, and have also the angles contained by those sides equal to one another, they shall also have their bases or third sides equal; and the two triangles shall be equal, and their other angles shall be equal each to each, namely those to which the equal sides are opposite.

3. The angles which one straight line makes with another straight line on one side of it are either two right angles or are together equal to the right angles.

4. The opposite sides and angles of a parallelogram are equal to one another, and the diameter bisects the parallelogram, that is, divides it into two equal parts.

The lines joining the middle points of the sides of a parallelogram, in order, form a parallelogram.

5. The complements of the parallelograms, which are about the diameter of any parallelogram, are equal to one another.

Prove that the complements cannot be made to coincide unless either the parallelogram is equilateral, or else the sides of the complements bisect the diagonal of the parallelogram.

6. If a straight line be divided into any two parts, the squares on the whole line and on one of the parts are equal to twice the rectangle contained by the whole and that part, together with the square on the other part.

7. The 47th proposition of Book I proves that in any right-angled triangle the square on the side subtending the right angle is equal to the squares on the sides which contain the right angle. How is this proposition extended in the second Book?

If A B C is a triangle and D the middle point of B C, prove that the squares on A B and A C are together double of the squares on A D and D C.

8. The angles in the same segment of a circle are equal to one another.

The angle in a segment of a circle is half the angle between the tangents at the extremities of the base of the segment.

9. In a circle the angle in a semi-circle is a right angle; but the angle in a segment greater than a semi-circle is less than a right angle; and the angle in a segment less than a semi-circle is greater than a right angle.

If from the ends of the base of a triangle perpendiculars be drawn to the opposite sides, the extremities of these perpendiculars shall be equidistant from the middle point of the base.

10. If two straight lines cut one another within a circle, not at right angles, one, and one only, passing through the centre, prove that the rectangle contained by the segments of one of them shall be equal to the rectangle contained by the segments of the other.

The sum of the squares of the segments of a chord of a circle drawn through a fixed point is greatest when the chord also passes through the centre.

SENIOR EXAMINATION.

HISTORY AND GEOGRAPHY.—3 hours.

A. Give an account of Frederick II., of Hohenstaufen, and of the condition of the Italian cities during his time.

B. Mention the principal events affecting Italy, France, and the Empire, during the reign of Phillip IV., the Fair, of France.

C. With what events are the following persons connected:—Innocent III., Cola di Rienzi, John Huss, John Guttenberg, Ivan the Terrible, Charles the Bold, and Bartholomew Diaz?

D. Describe the principal discoveries made in the interior of Africa since 1850.

E. What are the chief natural products exported to other lands from Austria, England, Mauritius, Russia, Sicily?

F. Draw a rough map of Central Asia, and in it mark the districts reached by the Russians. Describe the countries situated between these districts and the frontiers of British India.

G. Where are the following places, and for what are they celebrated:—Angora, Avignon, Benevento, Broussa, Rhodes, Damietta, Basle, Prague, Constance?

(*Satisfactory answers are required to two questions in Geography, and two in History.*)

ENGLISH.—3½ hours.

A. The English Language has much fewer inflections than the Anglo-Saxon. To what causes is this difference to be attributed? What inflections were retained in early English which have since become obsolete?

B. Give the etymologies of—

Thrall, Glosey, Glossary, Season, Cordwainer, Haberdasher, Issue, Alligator, Wiseacre, Chapman, Gossip.

C. Name three of the principal English metres, and scan a specimen of each.

D. Write sentences to illustrate the meanings of the following adjectives—

Contingent, Reciprocal, Perfunctory, Virtual, Surreptitious, Supposititious, Versatile.

E. Explain the following—

a. Late learners cannot so well take the ply.
b. Men will not take pawn without use.
c. They will hardly be able to colour other men's monies in the country.
d. Without praying in aid of Alchymists.
e. Some there are that know the resorts and falls of business that cannot sink into the main of it.
f. Such as love business rather upon conscience than upon bravery.

F. Change the words in italics in the following phrases into the form used by Bacon:—

a. Men's behaviour should be like their apparel, not too strait or *precise*.
b. Great men *had better* maintain themselves impartial.
c. Works of great ostentation are undertaken *in order that* there might seem to be some use of great riches.
d. The voices of the dialogue *ought to be* strong and manly.
e. According to my small *measure*.
f. *Unless* he gives himself a little scope.
g. That counsel of the apostles *ought to be* prefixed.
h. Let them be upon a fair open *level*.
i. Sell not all thou hast *unless thou hast* a vocation.

G. Give some account of any two of the following essays—

Of Nobility, of Innovations, of Plantations, of Custom and Education, of Studies.

FRENCH.—3 hours.

A. Translate into English—

(20 août 1672) Enfin la populace effrénée massacra dans la Haye les deux frères De Witt: l'un qui avait gouverné l'Etat pendant dix-neuf ans avec vertu, et l'autre qui l'avait servi de son épée. On exerça sur leurs corps sanglants toutes les fureurs dont le peuple est capable: horreurs communes à toutes les nations, et que les Français avaient fait éprouver au maréchal d'Ancre, à l'amiral Coligni, etc.; car la populace est presque partout la même. On poursuivit les amis du pensionnaire. Ruyter même, l'amiral de la république, qui seul combattait alors pour elle avec succès, se vit environné d'assassins dans Amsterdam.

B.

Catinat avait dans l'ésprit une application et une agilité qui le rendaient capable de tout, sans qu'il se piquât jamais de rien. Il eût été bon ministre, bon chancelier, comme bon général. Il avait commencé par être avocat, et avait quitté cette profession à vingt-trois ans, pour avoir perdu une cause qui était juste. Il prit le parti des armes, et fut d'abord enseigne aux gardes françaises. En 1667 il fit aux yeux du roi, à l'attaque de la contrescarpe de Lille, une action qui demandait de la tête et du courage. Le roi la remarqua, et ce fut le commencement de sa fortune. Il s'éleva par degrés, sans aucanne brigue; philosophe au milieu de la grandeur et de la guerre, les deux plus grand écueils de la modération; libre de tous préjugés, et n'ayant point l'affectation de paraître trop les mépriser. La galanterie et le métier de courtisan furent ignorés de lui; il en cultiva plus l'amitié, et en fut plus honnête homme. Il vécut aussi ennemi de l'intérêt que du faste; philosophe en tout, à sa mort comme dans sa vie.

C.

C. Translate into English—

Ce Juif même, il le faut confessor malgré moi,
Ce Juif, comblé d'honneurs, me cause quelque effroi :
Les malheurs sont souvent enchainés l'un à l'autre ;
Et sa race toujours fut fatale à la vôtre.
De ce léger affront songez à profiter.
Peut-être la fortune est prête à vous quitter ;
Aux plus affreux excès son inconstance passe :
Prévenez son caprice avant qu'elle se lasse.
Où tendez-vous plus haut ? Je frémis quand je vois
Les Abymes profonds qui s'offrent devant moi :
La chûte désormais ne peut être qu'horrible,
Osez chercher ailleurs un destin plus paisible.
Regagnez l'Hellespont et ces bords écartés
Où vos aïeux errants jadis furent jetés,
Lorsque des Juifs contre eux la vengeance allumée
Chassa tout Amalec de la triste Idumée.

D. Translate into French—

You cannot imagine the grief which your letter has occasioned me. The calamities which have befallen our friend were all the more unexpected because the last time that we met—about three weeks ago—he appeared to me to suspect none of those evils which were destined to put his constancy to so severe a proof. His enemies must have been very clever, to have hidden their designs from him so completely. However this may be, all his friends must now make haste to come to his assistance. As for me, unless the state of my health prevents me, I will start for Paris to-morrow week, at four in the afternoon. Be so good as to let poor Victor know it, so that the expectation of my arrival may beguile him from his own reflections. The speculation of which you speak has cost me more than it has brought me in. God bless you.

Either A, C, D, or B, C, D must be answered by candidates.

LATIN—3½ hours.

A. Translate into English—

Medium erat in Anco ingenium, et Numae et Romuli memor ; et praeterquam quod avi regno magis necessariam fuisse pacem credebat cum in novo tum feroci populo, etiam quod illi contigisset otium, sine injuria id se haud facile habiturum : temptari patientiam et temptatam contemni, temporaque esse Tullo Regi aptiora quam numae. Ut tamen, quoniam Numa in pace religiones instituisset, a se bellicae caerimoniae proderentur, nec gererentur solum sed etiam indicerentur bella aliquo ritu jus ab antiqua gente Acquicolis, quod nunc fetiales habent descripsit, quo res repetuntur. Legatus ubi ad fines eorum venit, unde res repetuntur, capite velato filo (lanae velamen est) ' Audi, Juppiter,' inquit ; ' audite fines' (cujuscunque gentis sunt nominat) ; audiat fas. Ego sum publicus nuntius populi Romani : juste pieque legatus venio, verbisque meis fides sit.' Peraglt deinde postulata. Inde Jovem testem facit. ' Si ego injuste impieque illos homines illasque res dedier populo Romano mihique exposco, tum patriae compotem me nunquam siris esse.' Haec, cum fines suprascandit, haec quicunque ei primus vir obvius fuerit, haec portam ingrediens, haec forum ingressus, paucis verbis carminis concipiendique jurisjurandi mutatis, peragit. Si non deduntur quos exposcit, diebus tribus et triginta (tot enim sollemnes sunt) peractis bellum ita indicit, ' Audi Juppiter, et tu Juno, Quirine diique omnes coelestes, vosque terrestres, vosque inferni audite. Ego vos testor, populum illum' (quicunque est, nominat) ' injustum esse neque jus persolvere. Sed de istis rebus in patria majores natu consulemus, quo pacto jus nostrum adipiscamur.'

B.

Me quoque devexi rapidus comes Orionis
Illyricis Notus obruit undis.
At tu, nauta, vagae ne parce malignus arenae
Ossibus et capiti inhumato
Particulum dare : sic quodcunque minabitur Eurus
Fluctibus Hesperiis, Venusinae
Plectontur silvae te sospite, multaque merces,
Unde potest, tibi defluat æquo
Ab Jove, Neptunoque sacri custode Tarenti,
Negligis immeritis nocituram
Postmodo te natis fraudem committere ? Fors et
Debita juro vicesque superbæ
Te maneant ipsum : precibus non linquar inultis,
Teque piacula nulla resolvent.
Quamquam festinas, non est mora longa ; licebit
Injecto ter pulvere curras,

C. Write down the partitive numerals from one to ten, inclusive.

D. Give the genders of Apex, Callis, Crus, Dens, Dos, Fax, Margo, Mos, Sal, Vallis ; and the perfects of the following verbs—Ascendo, Contingo, Datrudo, Elicio, Excutio, Impello, Oblino, Parcello.

E. Translate into Latin—

FOR PASS.

After he came to the fortieth milestone, as he saw no house from which to beg a morsel of bread, he regretted that he had not obeyed the advice which his friends had given to him when setting out ; for he now saw that it would have been better to carry his own food with him. He therefore sat down under an aged oak and considered what measures it behoved him to take before the sun set.

FOR HONOURS.

F. But it is said, that he himself, when he surveyed from an eminence that great and magnificent city, shed many tears, in pity of its impending fate, reflecting into what a scene of misery and desolation its fair appearance would be changed when it came to be sacked and plundered by the soldiers. For the troops demanded the plunder, and not one of the officers durst oppose it. Many even insisted that the city should be burnt and levelled with the ground ; but to this Marcellus absolutely refused his consent. It was with reluctance that he gave up the effects and the slaves ; and he strictly charged the soldiers not to touch any free man or woman, not to kill, or abuse, or to make a slave of any citizen whatever.

But though he acted with so much moderation, the city had harder measure than he wished, and amidst the great and general joy, his soul sympathised with its sufferings, when he considered that in a few hours the prosperity of such a flourishing state would be no more.

G. Give the feet and the place of the cæsura in the following metres—

Elegiac, Trimeter, Iambic, Sapphic, Alcaic.

GREEK.—3 hours.

A. Translate into English—Hom. Il. I., 586.

From *Τέτλαθι, μῆτερ ἐμή τοι κομίσαντο πεσόντα.*

Explain the forms—

Τέτλαθι, μεμαῶτα, τεταγών, κάππεσον, and give analogous instances.

B. Translate into English—Hom. Il. II., 419.

From *'Ωτρέφατ', οὐδ' ἄρα πώ τοι τετύκοντό τε δαῖτα, Δαίνυντ', οὐδέ τι θυμὸς ἐδεύετο δαιτὸς ἐίσης.* The following words being underlined :—*δέκτο, ἀμέγαρτον, Λύερυσαν, ὠμοθέτησαν, ἐπάσαντο, Ὤπτησάν, τετύκοντό.*

Give some account of the underlined words.

C.

19

C. Translate into English—Dem. Olynth. III., 19.
From Μένειν γὰρ ἐξὴν τὸ καὶ μισθὸν ἔχετε.

D. Translate into English—Dem. le Cor., § 242.
From Ἐξ ὧν καὶ σαφέσταται ἂν τις ἴδοι τὸ καὶ οὗτοι πάντες.

E. Translate into Greek—The Athenians were greatly incensed to see themselves thus betrayed, and, at the same time, dejected and discouraged at so general a defection. They alone could not think of giving battle to so prodigious an army. To quit the city and embark on board their ships was the only expedient at present; and this the generality were very unwilling to hearken to, as they could neither have any great ambition for victory, nor idea of safety, when they had left their temples of their gods and the monuments of their ancestors.

Themistocles, perceiving that he could not by the force of human reason prevail with the multitude, set his machinery to work, as a poet would do in a tragedy, and had recourse to prodigies and oracles. The prodigy he availed himself of was the disappearing of the dragon of Minerva, which at that time quitted the holy place; and the priests finding the daily offerings set before it untouched, gave it out among the people, at the suggestion of Themistocles, that the goddess had forsaken the city, and that she offered to conduct them to sea.

Candidates can choose between A and B, and between C and D. At least one-half of E must be attempted.

Arithmetic.—3 hours.

1. Find the greatest common measure of 15496 and 12665.
2. Divide ·0096 by 1·2; also express 7s. 2d. as the decimal of £3 15s. 9d.
3. From a rod a foot long portions are cut off, each ·007 of an inch long. How many such portions can be cut off, and what is the length of the remaining piece?
4. Simplify $\frac{7\frac{1}{2}-7\frac{1}{2}\times\frac{2}{3}-\frac{3}{5}\div 7\frac{1}{2}}{2\frac{1}{2}\times 1\frac{1}{2}-\frac{2}{3}}$
5. Find the cost of 95 tons 5 cwt. 1 qr. 7 lbs. at £4 18s. 6d. per ton.
6. Find, in decimals of a pound, the amount of £1 in six years at 10 per cent. compound interest, and hence find the amount of £137 17s. 6d., for the same time and at the same rate correct to the nearest farthing.
7. Divide £143 11s. 2d. among three persons in the proportions of 2, 7, 19.
8. If a person transfers 1234 stock from the 3¼ per cents., selling at 88⅛, to the 3½ per cents., at 95⅔, what will be the difference in his income?
9. A new company is formed with £20 shares, and two thousand five hundred and sixty-two shares are taken by the public; what call must be made per share to raise immediately £8,967?
10. What is meant by the number of deaths in a town being corrected for increase of population?

The deaths during a certain week of last year were at the rate of 20 per thousand per annum, and in the corresponding week this year they were at the rate of 18·5 per thousand; the actual number of deaths was the same in each week. By how much per cent. had the population increased during the year?

Algebra.—3 hours.

1. Show that $a\,(a-b+c)\,(a+b-c)+c\,(a-b-c)\,(a-b+c)=(a-c)\,\{(a+c)^2-b^2\}$.
2. Simplify—
$$\frac{x}{2}\left(\frac{1}{x-y}-\frac{1}{x+y}\right)\frac{x^2-y^2}{x^2y+xy^2}.$$
3. Resolve into factors and find the L.C.M. of—
$$x^3+2x^2y-9xy^2-18y^3,\ 3x^3+x^2y-22xy^2-24y^3,\text{ and }3x^3+11x^2y-2xy^2-24y^3.$$
4. Solve the equations—
(i) $(b-c)\,x^2+(c-a)\,x+a-b=0.$
(ii) $$\begin{cases}\frac{x}{y}+\frac{y}{z}+\frac{z}{x}=3\frac{1}{2}=\frac{y}{x}+\frac{z}{y}+\frac{x}{z},\\ x+y+z=40.\end{cases}$$
5. Two persons, A and B, walk from P to Q and back. A starts one hour after B, overtakes him one mile from Q, meets him twenty minutes afterwards, and arrives at P when B is half-way back. Find the distance from P to Q.
6. Find factors which will rationalise—
$\sqrt{a}-\sqrt[6]{a}$, $x^{\frac{1}{2}}y^{\frac{1}{2}}+z^{\frac{1}{6}}$ and $x^{\frac{3}{5}}+x^{\frac{2}{5}}y^{\frac{1}{2}}+x^{\frac{1}{5}}y+y^{\frac{2}{5}}$,
and simplify $\frac{1+\sqrt{3}}{\sqrt{2}-\sqrt{3}}-\frac{1-\sqrt{3}}{\sqrt{2}+\sqrt{3}}$
7. If A vary as B, prove that A is equal to B multiplied by some constant quantity.

If 5 per cent. of the whole population be criminals, if also 70 per cent. of the whole population can read and write, but only 30 per cent. of the criminals; prove that 2⅓ per cent. of the people who can read and write, and 11⅓ per cent. of those who cannot, are criminals.
8. Find the sum of n terms of an Arithmetic Series, of which the first term and common difference are known.

If to each term of an A.P. be added the term next following, prove that a new A.P. is formed, and that the sum of its first n terms is $(2a+nd)\,n$, where a is the first term and d the common difference of the original series.
9. Approximate to $\sqrt{99}$ by means of the Binomial Theorem.
10. Find the value of $\left\{\frac{5}{7}\right\}^{\frac{1}{9}}$ having given.

$\log 5 = \cdot 6989700.$
$\log 7 = \cdot 8450980.$
$\log 96330 = 4\cdot 9837616.$
$\log 96331 = 4\cdot 9837661.$

Geometry.—3 hours.

Write out the following propositions and deductions:—
1. If two triangles have two sides of the one equal to two sides of the other, each to each, but the angle contained by the two sides of one of them greater than the angle contained by the two sides equal to them of the other, the base of that which has the greater angle shall be greater than the base of the other.

In this proposition Euclid makes a particular pair of sides coincide. Explain, with a figure, why the other sides would not do.
2. Parallelograms on the same base and between the same parallels are equal to one another.

Prove that the diagonals of a parallelogram divide the parallelogram into four equal parts.
3. If a straight line be divided into two equal parts, and also into two unequal parts, the rectangle contained by the unequal parts, together with the square on the line between the points of section, is equal to the square on half the line.

Hence, find where a given straight line must be divided so that the rectangle contained by the two parts may be the greatest possible.
4. If two circles touch one another externally, the straight line joining their centres shall pass through the point of contact.

Show that it also passes through the intersection of their common tangents.

5.

5. In a circle, the angle in a semi-circle is a right angle, but the angle in a segment greater than a semi-circle is less than a right angle, and the angle in a segment less than a semi-circle is greater than a right angle.

If two straight lines cut one another at right angles in a circle, dividing its circumference into four segments, prove that the sum of the angles in a pair of opposite segments is three right angles.

6. Inscribe a circle in a given square.

How would you do it, practically, with compasses and ruler only.

7. The sides about the equal angles of triangles which are equiangular to one another are proportionals; and those which are opposite to the equal angles are homologous sides.

If perpendiculars be drawn from equal angles on the opposite sides, these perpendiculars are also proportionals.

8. Parallelograms which are equiangular to one another have to one another the ratio which is compounded of the ratio of their sides.

Parallelograms whose diagonals cut at the same angle have to one another the ratio which is compounded with the ratio of their diagonals.

9. If two straight lines meeting one another be parallel to two others that meet one another, and are not in the same plane with the first two, the first two and the other two shall contain equal angles.

10. Find the locus of the vertices of all the triangles which stand on a given base, AB, and have the side AC to the side BC in a constant ratio.

TRIGONOMETRY.—3 hours.

1. Which is the greatest, 44° 37′ 23″, or 49^g 58^c 12^{cc}?

Given that $x^\circ + x' + x'' \div x^g + x^c + x^{cc}$ = one right angle find x

2. Find the sine, cosine, and tangent of 60°.

The base of an equilateral triangle is trisected, and a line is drawn from the vertex to one of the two points of trisection; find the sine of the angle between this straight line and the base.

3. Find an expression for all the angles which have (i) the same sine as α, (ii) the same sine and the same cosine as α.

Find sin 2640° and tan 3390°,

4. Prove that $\tan (A + B) = \dfrac{\tan A + \tan B}{1 - \tan A \tan B}$, and show that

$$\sqrt{\frac{\tan 2A - 2\tan (A - B) - \tan 2B}{\tan 2A - \tan 2B}} = \frac{\sin (A + B)}{\cos (A - B)}.$$

5. If, in the indentity $\sin 3x = 3 \sin x - 4 \sin^3 x$, we put $\sin 3x = \dfrac{1}{\sqrt{2}}$, we get a cubic in $\sin x$. Solve this cubic and interpret the three results.

The sides of a right-angled triangle are in Arithmetic Progression; find the sines of the angles.

7. Prove the formula—

$$\sin \frac{A}{2} = \sqrt{\frac{(s - b)(s - c)}{bc}}.$$

Find the angle A in the triangle ABC, where $a = 340$ feet $b = 420$ feet and $c = 400$ feet, having given

log 6 = 0·7781513,
log 35 = 1·5440680,
L sin 24° 27′ = 9·6168944,
L sin 24° 28′ = 9·6171721.

8. From the point A, B bears due E., P bears N.N.E., and Q bears E.N.E. From B, P bears N.N.W., and Q bears N.E. Find the bearing of P from Q, and show that $BQ = AB$.

9. If R be the radius of the circumscribed circle of a triangle ABC, and r that of the inscribed circle, prove that

$$\frac{1}{2rR} = \frac{1}{bc} + \frac{1}{ca} + \frac{1}{ab}.$$

10. If $\dfrac{\sin\theta}{x} = \dfrac{\sin\phi}{y} = \dfrac{\sin(\theta + \phi)}{z}$.

Prove that $\cos(\theta + \phi) = \dfrac{z^2 - x^2 - y^2}{2xy}$.

ANALYTICAL GEOMETRY.—3 hours.

1. Draw the straight lines whose equations, referred to rectangular axes are

$$\frac{x}{4a} + \frac{y}{2a} = 1,\ 3x + 2y = 5a,\ 3y - x = 2a,$$

and find the area of the triangle contained by them.

2. Find the equation to a circle, cutting the axis of x at a distance c from the origin, and touching the axis of y.

Prove that the centres of all such circles lie on the curve $y^2 = 2cx - c^2$.

3. Find the equations to the tangent and normal to the curve $y^2 = 4ax$.

4. The tangents to a parabola at P and Q the extremities of a focal chord meet in T, and the normals in N; prove that TN bisects PQ.

5. Two parabolas are such that the focus of each coincides with the vertex of the other; find the angle at which they cut each other.

6. If x', y' and x'', y'' be two points on the ellipse $\dfrac{x^2}{a^2} + \dfrac{y^2}{b^2} = 1$, prove that the equation

$$\frac{x^2}{a^2} + \frac{y^2}{b^2} - 1 = \frac{(x - x')(x - x'')}{a^2} + \frac{(y - y')(y - y'')}{b^2}$$

represents the straight line passing through both of them, and hence deduce the equation to a tangent at x', y'.

7. Prove analytically that the product of the perpendiculars from the foci of an ellipse upon any tangent is equal to the square of the minor axis.

8. Give a geometrical definition of the hyperbola, and find its equation referred to rectangular axes drawn (i) through focus (ii) through the centre, (iii) through a vertex.

9. Write down the equation to the tangent to a hyperbola corresponding to each of the three forms of its equation found the 8th question.

10. Investigate formulæ for transforming rectangular co-ordinates from one set of axes to another, the origin being the same.

What does the equation $xy = c^2$ become if the axes are turned through half a right angle.

11. Find the polar equation to a conic in the form

$$\frac{l}{r} = 1 + e\cos\theta.$$

Prove that the rectantangle under the segments of any focal chord is one quarter of the rectangle under the whole chord and the latus rectum.

12.

12. All possible squares are inscribed in a given square; prove that the middle points of their sides lie on four straight lines which form another square.

MECHANICS.—3 hours.

1. Assume the parallelogram of forces for commensurable forces and prove it for incommensurable forces.

If AB be a straight line, bisected in C, and if O be any point whatever, prove that forces OA, OB are equivalent to a force $2OC$.

If $ABCD$ be any quadrilateral, prove that forces represented by AB, AD, CB, CD are equivalent to a force four times that represented by the line joining the middle points of the diagonals.

2. Enunciate the triangle of forces.

If ABC be any triangle, and if BC be divided into any number of equal parts at the points, D, D', D'', &c., and if CA and AB be divided into the same number of equal parts at the points E, E', and F, F', &c., respectively; prove that a system of forces represented by all the lines AD, AD', &c., BE, BE', &c., CF, CF', &c., will keep a particle in equilibrium.

3. Prove that the algebraical sum of the moments of any two forces, whose lines of action meet about a point in their plane, is equal to the moment of their resultant about that point.

4. The distances of any number of heavy particles in a plane from a straight line in the plane being given, determine the distance of the centre of gravity of the system from that straight line.

5. Find the centre of gravity of a quadrilateral figure which has two sides parallel.

If the length of the parallel sides have the ratio $m : n$, and the distances of the centre of gravity from them the ratio $p : q$, prove that

$$\frac{p + q}{p - q} = 3.\ \frac{m + n}{m - n}.$$

6. Describe the differential wheel and axle, and draw a section of one transverse to the axis. Find its mechanical advantage in terms of the radii.

7. Investigate the relation between the power and the weight in a system of pullies in which a single string passes round all the pullies.

8. What law regulates the extension of elastic strings?

Two strings of equal lengths but different elasticities are knotted together at one end so as to form a single string. What force will be required to stretch this string to double its length?

9. If a rod is in equilibrium under two forces only, one at each end, show that these forces must act along the rod.

Three weightless rods are connected by compass joints at their extremities so as to form a triangle ABC, which is squeezed between the thumb, at D on AB, and the finger at E on AC. Find the line of action of the mutual pressure produced at A.

PHYSICS.—3 hours.

1. A body weighs 252 grains in air, 36 in water, and 63 in spirit; what is the specific gravity of the body and of the spirit?

2. How is the measure of time by a clock affected by changes of temperature? Explain the nature of some one of the compensating pendulums.

3. A room of 2000 cubic feet capacity is heated from 60° to 80° F.; how much air is expelled from the room?

4. What degree on Reaumur's thermometer, and on the centigrade, corresponds to — 40° of Fahrenheit?

5. How is the boiling point of water affected by increase or diminution of pressure, by presence or absence of air in the water, and by the nature of the containing vessel?

6. What happens to water when dropped into a red-hot capsule? And what explanation may be given of the phenomena?

7. Describe Volta's electrophorus. Explain how it is used, and the theory of its action.

8. Describe (with diagrams) the construction of the batteries of Daniel, Smee, and Grove.

9. Define magnetism; and state some of the points of resemblance and difference between it and common electricity.

10. State how a compass-needle and a dipping-needle would behave if placed directly over one of the magnetic poles of the earth.

INORGANIC CHEMISTRY.—3 hours.

1. Give the symbols and atomic weights of oxygen, hydrogen, nitrogen, carbonic oxide, carbonic acid, nitrous oxide, nitric oxide, and sulphuretted hydrogen.

2. By what tests would you distinguish and identify the abovenamed gases?

3. State the average composition of atmospheric air. What reasons have we for believing that oxygen and nitrogen are only mechanically mixed and not chemically combined?

4. What are believed to be the chief sources of carbonic acid in the atmosphere, and the chief agencies that prevent its undue accumulation?

5. State what you know of nitric acid,—in regard to its preparation, properties, uses, and tests.

6. The chloride, iodide, bromide, and flouride of sodium are presented, each in a separate solution; by what tests would you distinguish them from each other.

7. What are the components of gunpowder? Give a formula to represent approximately its composition, and state what ought to be the products of its perfect combustion.

8. Describe the preparation of calomel and corrosive sublimate, giving diagrams to illustrate the re-actions.

9. Describe a mode of reducing sulphide of silver on the large scale. Give the physical characters of silver.

10. Describe the appearances observed on mixing protosulphate of iron (ferrous sulphate) with chloride of gold. Give an equation or diagram to illustrate the re-action.

N.B.—Papers in other sections were not printed, the candidates being so few. Copies of these MS. papers may be seen at the University.

APPENDIX B.

BY-LAWS OF THE UNIVERSITY.

ALL By-laws heretofore passed by the Senate and now in force are hereby repealed, and in lieu thereof the following By-laws shall be and are hereby declared to be the By-laws under which the University of Sydney shall henceforth be governed. Provided always that nothing herein contained shall be deemed to revive any By-law previously repealed, or to prejudice any matter already done or commenced under any By-law hitherto in force.

CHANCELLOR.

1. The election to the office of Chancellor shall take place at a duly convened meeting of the Senate, to be held in Lent Term.

2. The Chancellor shall be elected for a period of three years (except as hereinafter provided), to be computed from the date of election, but shall be eligible for re-election.

3. In the event of the office of Chancellor becoming vacant by death, resignation, or otherwise, before the expiration of the full term of office herein prescribed, the election of a successor shall be proceeded with at the next ensuing regular meeting of the Senate, and the Chancellor so appointed shall hold office until the Lent Term next after the expiration of three years from the date of such election.

VICE-CHANCELLOR.

VICE-CHANCELLOR.

4. The election of the Vice-Chancellor shall take place annually, at a duly convened meeting of the Senate, to be held in Lent Term, except as in cases otherwise provided for by the Act of Incorporation.

SENATE.

Meetings and Rules of Procedure.

5. The Senate shall meet on the first Wednesday in every month, or on the nearest convenient day, should such first Wednesday be a public holiday, and may adjourn from time to time to conclude any unfinished business.

6. At any time in the interval between such monthly meetings it shall be competent for the Chancellor, or in his absence the Vice-Chancellor, in any case of emergency to call a special meeting of the Senate, to be held as soon as conveniently may be, for the consideration of any business which he may wish to submit to them.

7. Upon the written requisition of any three members the Chancellor, or in his absence the Vice-Chancellor, or in the absence of both, the Registrar, shall convene a special meeting of the Senate, to be held as soon as conveniently may be after the expiration of seven days from the receipt of such requisition.

8. Except in any case of emergency as aforesaid, no motion initiating a subject for discussion shall be made but in pursuance of notice given at the previous monthly meeting, and every such notice shall be entered in a book, to be kept by the Registrar for that purpose.

9. The Registrar shall issue to each member of the Senate a summons with a written specification of the various matters to be considered at the next meeting of the Senate, whether such meeting be an ordinary or a special one, and such summons, except in any case of emergency as aforesaid, shall be issued at least three days previously to such meeting.

10. In the event of a quorum of the Senate not being present at any monthly or other meeting within half an hour after the hour appointed, the members then present may appoint any convenient future day, of which at least three days' notice shall be given by the Registrar in the usual manner.

11. All the proceedings of the Senate shall be entered in a journal, and at the opening of each meeting the minutes of the preceding meeting shall be read and confirmed, and the signature of the Chairman then presiding shall be attached thereto.

12. If any Fellow shall without leave from the Senate be absent from its meetings for six consecutive calendar months his fellowship shall *ipso facto* become vacant.

ELECTION TO VACANCIES.

13. At the first meeting of the Senate after the occurrence of a vacancy among the Fellows, a day shall be fixed for a Convocation for the election of a successor, such day to be within sixty days from the date of such Senate meeting, and to be announced at least thirty days before such Convocation, by notice posted at the University and by advertisement in one or more of the daily newspapers.

14. No person shall be eligible for election to fill any vacancy among the Fellows unless his name shall have been communicated to the Registrar by some *legally qualified voter at least ten clear days before the time of Convocation; and it shall be the duty of that officer to cause the name of such person and the fact of his candidature to be forthwith on receipt of such communication advertised in one or more of the daily papers published in Sydney, and to be posted in a conspicuous place in the University for eight clear days at least before such Convocation.

15. The Convocation for the election of a Fellow shall be held in the University, and shall be presided over in the same manner as if it were a meeting of the Senate. Every candidate submitted for election must be proposed and seconded by legally qualified voters. If one candidate only be so proposed and seconded, then such candidate shall be declared by the President to be duly elected; but if more than one candidate be so proposed and seconded, an election shall be made by ballot. Before proceeding to such ballot, two members of Convocation shall be chosen by the members present to act as scrutineers, and such scrutineers shall report the result of the ballot to the President, who shall declare the candidate having the majority of votes to be duly elected, and in the event of an equality of votes, the election shall be decided by the casting vote of the President.

16. At the time fixed for a Convocation for the election of a Fellow the Registrar shall prepare for the President's use a complete list of all persons entitled to vote under the provisions of the law, and a copy of such list shall be posted in a conspicuous place in the University for two days at least before the time of Convocation.

17. None but legally qualified voters shall be allowed to be present during the taking of a poll.

EX OFFICIO MEMBERS.

(24 Victoria No. 13.)

18. The Senior Professor of Classics, the Senior Professor of Mathematics, and the Senior Professor of Chemistry and Experimental Physics shall be *ex officio* members of the Senate, under the provisions of the "Sydney University Incorporation Act Amendment Act of 1861."

SUPERIOR OFFICERS.

(24 Victoria No. 13.)

19. The Registrar and Solicitor to the University are hereby declared to be Superior Officers of the University, entitled to the rights and privileges conferred by the "Sydney University Incorporation Act Amendment Act of 1861."

20. The present Auditor of the University, the Honorable Geoffrey Eagar, is hereby declared to be a Superior Officer of the University, entitled to the rights and privileges conferred by the "Sydney University Incorporation Act Amendment Act of 1861."

REGISTRAR.

21. The Registrar shall keep all necessary records of the Proceedings of the University, conduct all necessary correspondence, and keep such registers and books of account as may be required.

22. All fees, fines, or other sums received by the Registrar in his capacity as such, shall be paid into the Bank of the University, in order that the same may be applied, accounted for, and audited in such manner as the Senate may from time to time appoint.

SEAL OF THE UNIVERSITY.

23. The Seal of the University shall be placed in the charge of the Chancellor or Vice-Chancellor, and Registrar, and shall not be affixed to any document except by order of the Senate.

FACULTIES.

24. There shall be three Faculties in the University, viz:—

1. Arts.
2. Law.
3. Medicine.

LIMITATION OF THE TITLE OF PROFESSOR.

25. The title of Professor shall be distinctive of those public teachers of the University upon whom the Senate shall have conferred that title; and no person in or belonging to the University, or any College within it, shall be recognised as Professor without the express authority of the Senate.

PROCTORIAL

* The legally qualified electors are Fellows of the Senate for the time being, Professors, Public Teachers and Examiners in the Schools of the University, Principals of Incorporated Colleges within the University, Superior Officers of the University, declared to be such by By-law, and Graduates who shall have taken any or either of the degrees of M.A., LL.D., or M.D., in this University.

PROCTORIAL BOARD.

26. The Chancellor, the Vice-Chancellor, the Senior Professor of Classics, the Senior Professor of Mathematics, and the Senior Professor of Chemistry and Experimental Physics shall form a Board, to be called the "Proctorial Board," to which shall be confided the duty of enforcing the observance of order on the part of the Undergraduates of the University. This Board shall make such regulations as it may deem expedient for the maintenance of discipline amongst the Undergraduates, and shall have the power of inflicting or authorising to be inflicted all such academic punishments as are sanctioned by the present usage of British Universities, including fines to an amount not exceeding five pounds (£5) for any one offence: Provided, however, that the Board shall not proceed to the expulsion of any Undergraduate, or his suspension for a period exceeding one Term, without the express authority of the Senate.

27. No question shall be decided at any meeting of this Board unless three Members at the least shall be present.

28. At meetings of this Board the Chair shall be occupied by the Chancellor, or in his absence by the Vice-Chancellor, or in the absence of both, by the Dean of the Faculty of Arts; and in the event of an equality of votes at any meeting, the Chairman shall have a casting vote. At meetings of this Board the Registrar of the University shall attend and record the proceedings, and it shall be his duty to collect all fines imposed by or under the authority of the Board. It shall be the duty of the Registrar to convene the Board on the requisition of any one of its members at such time within seven days from the date of the requisition as may be directed by the Chancellor, or in his absence by the Vice-Chancellor, on whom it shall be incumbent to give such direction on the Registrar's application. In the event of the absence of the Chancellor and Vice-Chancellor, the time of meeting shall be fixed by the Dean of the Faculty of Arts.

BOARD OF STUDIES.

29. The Chancellor, the Vice-Chancellor, and the Professors of the three several Faculties shall form a Board, to be called the Board of Studies, for the consideration of all general questions relating to the studies of the University which may be referred to them by the Senate.

DEANS OF FACULTIES.

30. A Dean for each of the Faculties in the University shall be elected by the Senate from time to time for a term of three years.

31. In the event of the office of Dean becoming vacant by death, resignation, or otherwise, before the expiration of the full term of office herein prescribed, the election of a successor shall be proceeded with at the next ensuing regular meeting of the Senate; and the Dean so appointed shall hold office until the first regular meeting of the Senate in the Term next after the expiration of three years from the date of such election.

TERMS.

32. The Academic year shall contain three Terms, that is to say—

Trinity Term—Commencing on the first Monday in June, and terminating with the last Saturday in August.

Michaelmas Term—Commencing on the first Monday in October, and terminating with the third Saturday in December.

Lent Term—Commencing on the first Monday in March, and terminating with the 3rd Saturday in May.

FACULTY OF ARTS.

Subjects of Study.

33. Professors and Lecturers appointed by the Senate shall give instruction in the following subjects:—

1. Greek Language and Literature.
2. Latin Language and Literature.
3. Ancient History.
4. Logic.
5. Mathematics.
6. Natural Philosophy.
7. Chemistry.
8. Experimental Physics.
9. Physical Geography.
10. Geology.
11. Mineralogy.

Board of Examiners.

34. The Professors in the Faculty of Arts, together with such other persons as may from time to time be appointed by the Senate, shall form a Board of Examiners for conducting the examinations in the Faculty of Arts, and of this Board the Dean of the Faculty, or in his absence, the Professor next in seniority, shall be Chairman.

35. The Board of Examiners shall, from time to time, and in accordance with the provisions of the By-laws for the time being, frame rules and appoint times and places for the several examinations in the Faculty of Arts.

36. At the conclusion of each examination the Board shall transmit to the Senate a report of the result, signed by the Chairman, and by at least two other members.

Matriculation.

37. Candidates for Matriculation must make application to the Registrar before the commencement of Trinity Term.

38. The Matriculation Examination shall take place during the first fortnight of Trinity Term, commencing on the second day of that Term, but the Examiners, in special cases, with the sanction of the Chancellor or Vice-Chancellor, are authorised to hold such examinations at such other times as may be deemed expedient.

39. The examination shall be conducted by means of written or printed papers; but the Examiners shall not be precluded from putting *viva voce* questions.

40. The names of all candidates who have passed the Matriculation Examination shall be arranged and published in such order as the Board of Examiners shall recommend to the Senate.

41. Students who shall have passed the Matriculation Examination and shall have paid a fee of Two Pounds to the Registrar may be admitted by the Senate as Members of the University.

42. The Examination for Matriculation shall be in the following subjects:—

The Greek and Latin Languages.
English Grammar and Composition.
*Elementary Chemistry, Physics, or Geology.
Arithmetic.
Algebra, to simple equations inclusive.
Geometry, first book of Euclid.

43. Any candidate for matriculation shall on application to the Board of Examiners be exempted from examination in Greek.

Lectures.

44. Lectures shall commence on the first day of Term, excepting in the first or Trinity Term, in which they sha commence on the Monday after the conclusion of the matriculation and other examinations hereinafter provided for.

45. Lectures of an hour each shall be given by the Professors at such times and in such order as the Senate may from time to time direct.

46. Before the admission of a student to any course of lectures he shall pay to the Registrar of the University such fee as shall have been appointed by the Senate.

47. Full and complete tables of lectures and subjects of examinations shall be printed annually in the Calendar and posted at the University from time to time.

48. Candidates for degrees shall during their first year attend the University Lectures on the following subjects:—

1. Greek Language and Literature.
2. Latin Language and Literature.
3. Mathematics.
4. Experimental Physics.

*Text Books—Science Primers published by Macmillan & Co.

49. Candidates for Degrees shall during their second year attend the following lectures:—

1. Greek Language and Literature.
2. Latin Language and Literature.
3. Mathematics.
4. Natural Philosophy.
5. Chemistry.
6. Geology.

50. Candidates for B.A. shall during their third year attend the University Lectures upon those subjects in which they shall have elected to be examined in accordance with section 65.

Exemption from Lectures.

51. Any Undergraduate not holding a Scholarship in the University, nor being a Member of a College established under the provisions of the Act 18 Victoria No. 37, may be exempted from attendance upon any or all of the abovenamed lectures, upon producing evidence which shall satisfy the Senate that there are sufficient reasons for such exemption: Provided that no such exemption shall be granted for more than one year at any one time.

52. No such exemption shall be granted until the Examiners shall have specially certified to the Senate that the abilities and attainments of the applicant are such as to enable him in their opinion to keep up with the usual course of study at the University without attendance upon lectures. Undergraduates admitted *ad eundem statum* and who are not required to pass the Matriculation Examination, shall nevertheless be required to pass a Special Examination, to be certified by the Examiners as above, before obtaining exemption from attendance upon lectures.

Yearly Examinations.

53. Yearly Examinations shall be held during the first fortnight of Trinity Term, and no Undergraduate shall absent himself therefrom, except under medical certificate.

54*. The Undergraduates of the first and second years shall be examined in the subjects of the Undergraduate course upon which lectures have been given during the year, and shall be required to pass in such proportion thereof as the Senate shall from time to time determine.

55. No Undergraduate not exempted under section 51 from attendance upon lectures shall be admitted to these examinations who without sufficient cause shall have absented himself more than three times during any one Term from any prescribed course of lectures.

56. Every Undergraduate exempted from attendance upon lectures under section 51 shall before being admitted to any Yearly Examination pay to the Registrar a fee of Two Pounds. If any such candidate fail to pass the examination, the fee shall not be returned to him, but he may be admitted again to examination without the payment of any additional fee.

57. Prize Books stamped with the University Arms shall be given to each student who shall be placed in the first class in each year.

58. Such undergraduates as absent themselves from the examinations, except under medical certificate, or fail to pass them in a satisfactory manner, shall at the discretion of the Senate on the report of the Examiners be required to keep additional Terms before proceeding to the B.A. Degree.

59. Undergraduates who shall have passed the Yearly Examinations shall receive certificates to that effect signed by the Dean of the Faculty of Arts and by the Registrar.

ADMISSION AD EUNDEM STATUM.

60. Undergraduates of other Universities may at the discretion of the Senate be admitted *ad eundem statum* in this University without examination. Provided always that they shall give to the Registrar, to be submitted to the Senate, sufficient evidence of their alleged *status* and of good conduct.

BACHELOR OF ARTS.

61. The examination for the Degree of B.A. shall take place once a year, at the beginning of Trinity Term.

62. No candidate shall be admitted to this examination unless he produce a certificate from the Dean of the Faculty of Arts that he is of nine Terms' standing, and that he has passed all the examinations required since his admission to the University.

63. The fee for the Degree of B.A. shall be Three Pounds. No candidate shall be admitted to the examination unless he have previously paid this fee to the Registrar. If a candidate fail to pass the examination, the fee shall not be returned to him; but he shall be admissible to any subsequent examination for the same Degree without the payment of an additional fee.

64. The examination shall be conducted, in the first instance, by means of printed papers; and at the termination of such examination, each candidate shall undergo a *viva voce* examination if the Examiners think fit.

65. To obtain the Degree of B.A. candidates shall pass satisfactory examinations in two at least of the undermentioned Schools:—

1. Classical—The Greek and Latin Languages and Ancient History.
2. Mathematical— Mathematics and Natural Philosophy.
3. Natural Science—Chemistry, Experimental Physics, Practical Chemistry, Geology and Mineralogy.

66. In addition to the ordinary examinations for B.A., there shall be special papers for Honours in the Schools of Classics, Mathematics, and Natural Science.

67. The candidates in each school shall be arranged in classes in order of merit.

68. The most distinguished candidate for Honours in each of the aforesaid Schools shall if he possesses sufficient merit receive a prize of Ten Pounds.

MASTER OF ARTS.

69. There shall be a Yearly Examination for the Degree of M.A., during Lent Term, or at such other times as the Examiners with the sanction of the Chancellor or Vice-Chancellor may appoint.

70. Every candidate for this Degree must have previously obtained the Degree of B.A., and two years must have elapsed since the time of his examination for such Degree. He will also be required to furnish evidence of having completed his twenty-first year.

71. The fee for the Degree of M.A. shall be Three Pounds. No candidate shall be admitted to the examination unless he have previously paid this fee to the Registrar. If a candidate fail to pass the examination, the fee shall not be returned to him; but he shall be admissible to any subsequent examination for the same Degree without the payment of an additional fee.

72. Candidates for the Degree of M.A. shall elect to be examined in one or more of the following branches of knowledge:—

1. Classical Philology and History.
2. Mathematics and Natural Philosophy.
3. Logic, Moral, Mental and Political Philosophy.
4. Natural Science.

The candidate most distinguished in each branch at the Examination shall if he possess sufficient merit receive a gold medal.

73. The Senate may at its discretion admit to examination for the Degree of Master of Arts any person who shall have obtained at least two years previously the Degree of Bachelor of Arts, or equivalent first Degree in Arts in any other University approved by the Senate. Every candidate for admission under this By-Law must make application in writing to the Registrar, and supply satsfactory evidence of his qualification as aforesaid, and that he is a person of good fame and character, and upon the approval of his application shall pay to the Registrar a fee of Five Pounds. Every candidate before he is admitted to his Degree shall be required to furnish evidence of having completed his twenty-first year. *SCHOLARSHIPS

* See resolutions appended to the By-laws.

*Scholarships.

74. Scholarships shall be awarded after examination as the Senate may from time to time appoint.

75. No Scholarship shall be awarded except to such candidates as exhibit a degree of proficiency which shall be satisfactory to the Examiners.

76. The examination for Scholarships shall be concurrent with the Matriculation and Yearly Examinations, additional papers and questions being set when required.

FACULTY OF LAWS.

Bachelor of Laws.

77. Until Professorships are established there shall be a Board of Examiners appointed by the Senate to test the qualifications of candidates desirous of obtaining a Degree in Laws. The examination for the Degree of LL.B. shall take place at such times as the Examiners with the sanction of the Chancellor or Vice-Chancellor may appoint.

78. Every candidate for the Degree of LL.B. shall lodge with the Registrar satisfactory evidence of having taken the Degree of B.A., or some equivalent Degree, at least one year previously in this or in some other University approved by the Senate. Every such candidate shall also furnish satisfactory evidence that he is a person of good fame and character, and that he has completed his twenty-fifth year.

79. The fee for the Degree of LL.B. shall be Ten Pounds. No candidate shall be admitted to the examination unless he have previously paid his fee to the Registrar. If the candidate fail to pass this examination, the fee shall not be returned to him, but he shall be admissible to any subsequent examination for the same Degree without the payment of an additional fee.

80. Candidates for the Degree of LL.B. shall be examined in the following subjects :—

Roman, Civil, and International Law.
Constitutional History and Constitutional Law of England.
General Law of England.

Doctor of Laws.

81. The Degree of LL.D. shall not be conferred until after the expiration of two academic years from the granting of the LL.B. Degree. Every candidate shall be required to pass an examination in the Civil Law in the original Latin, with especial reference to such particular works as the Examiners may from time to time determine. The fee for the Degree of LL.D. shall be Ten Pounds.

82. The Senate shall have power to admit to examination for the Degree of LL.D. any person who shall have obtained at least two years previously the Degree of LL.B. at any other University approved by the Senate, and who shall have completed his twenty-seventh year, and shall also have obtained the Degree of Bachelor of Arts, or an equivalent first Degree in Arts, at any such University, or shall pass an examination similar to that prescribed for the Degree of Bachelor of Arts in this University. Every candidate for admission under this By-law must make application in writing to the Registrar, and supply satisfactory evidence of his qualifications as aforesaid, and that he is a person of good fame and character, and upon the approval of his application he shall pay to the Registrar a fee of Two Pounds for the entry of his name in the University Books, in addition to the prescribed fee for his Degree.

FACULTY OF MEDICINE.

Bachelor of Medicine.

83. A Professor appointed by the Senate shall give Lectures in Chemistry.

84. Until other Professorships in the Faculty of Medicine be constituted in the University, there shall be a Board of Examiners appointed by the Senate to test the qualifications of candidates who may apply for Medical Degrees to be granted in accordance with the provisions contained in the Act of Incorporation.

85. Such candidates must lodge with the Registrar of the University satisfactory evidence of having taken the Degree of B.A., or some equivalent Degree, in this or in some other University approved by the Senate. Candidates who have not taken such Degree must pass an examination similar to that prescribed for the B.A. Degree in this University, or must produce evidence of having passed such other preliminary literary or scientific examination as may be considered by the Senate sufficient for the purpose.

86. The candidate must also furnish evidence that he is of good fame and character, that he is not under twenty-one years of age, and that he has diligently pursued a course of Medical Studies, extending over a period of four years, at some Medical School approved of by the Senate. His certificates must show that he has attended the following eight classes, each for a course of six months—Anatomy, Practical Anatomy, Physiology, Chemistry, Materia Medica, Surgery, Practice of Medicine, Midwifery; and the following five classes each for a course of three months—Botany, Practical Chemistry, Medical Jurisprudence, Clinical Medicine and Clinical Surgery; also that he has attended for two years the Medical and Surgical Practice of a Hospital containing not fewer than one hundred beds, and that he has been engaged for six months in compounding and dispensing medicines.

87. Medical or Surgical Diplomas from regularly constituted Examining Boards in Europe or America may at the discretion of the Senate be accepted as equivalent to the whole or part of the above-mentioned certificates.

88. As soon as the required documents have been declared satisfactory by the Senate, the Registrar shall notify to the candidate the day on which his examination will commence.

89. Before being admitted to examination, the candidate must deposit with the Registrar a fee of Ten Pounds, which will not be returned in the event of the candidate not passing the examination; but such candidate may be admitted to any future examination without any further charge.

90. Upon compliance with the above regulations, and on the report of the Examiners that the candidate has passed a satisfactory professional examination, the Senate shall confer upon him the Degree of M.B.

Doctor of Medicine.

91. The degree of M.D. shall not be conferred until after the expiration of two academic years from the granting of the M.B. Degree.

92. The candidate must produce evidence that, after having obtained the Degree of M.B., he has spent two years in hospital practice, or three years in practice, either private or in the public service. He shall also be required to produce a certificate from the Superintendent of a Public Lunatic Asylum of diligent attendance at such asylum for three months, such attendance being either before or after his obtaining the Degree of M.B. Further, he shall be required to pass the following examination, which shall be conducted by means of printed papers and *viva voce* interrogations.

(*a.*) Commentary on a case in Medicine, Surgery, or Obstetric Medicine, at the option of the candidate.
(*b.*) Medicine (including Psychological Medicine).
(*c.*) Examination and report on cases of patients under treatment in the wards of a hospital.
(*d.*) *Viva voce* Interrogations and Demonstrations from specimens and preparations.

93. The fee for the Degree of M.D. shall be Ten Pounds.

94. The Senate shall have power to admit to examination for the Degree of Doctor of Medicine any person who shall have obtained at least two years previously the Degree of Bachelor of Medicine or some corresponding first Degree in Medicine at any other University approved by the Senate. Every candidate for admission under this By-law must make application in writing to the Registrar and supply satisfactory evidence of his qualifications as aforesaid, and also that he is a person of good fame and character. Upon the approval of his application, he shall pay to the Registrar a fee of Two Pounds for the entry of his name in the University Books, in addition to the prescribed fee for his Degree. Before the granting of the Degree every passed candidate will be required to furnish evidence of having completed his twenty-third year.

Register of Graduates.

95. A Register of the Graduates of the University shall be kept by the Registrar in such manner as the Senate shall from time to time direct, and such Register shall be conclusive evidence that any person whose name shall appear thereon as holding the Degree of Master of Arts, or Doctor of Laws, or Doctor of Medicine at the time of his claiming to vote at a Convocation for the election of a Fellow of the Senate is so entitled to vote, and that any person whose name shall not appear thereon at the time of his claiming to vote in Convocation, is not so entitled to vote.

Substitutes

* See list of Scholarships appended to the By-laws.

SUBSTITUTES FOR OFFICERS.

96. Any act required by the By-laws to be performed by any officer of the University may during the absence or other incapacity of such officer, unless otherwise provided, be performed by a person appointed by the Senate to act in his place.

ACADEMIC COSTUME AND DISCIPLINE.

97. The Academic Costume shall be: for—

The Chancellor and the Vice-Chancellor—a robe and cap similar to those worn by the Chancellor of the University of Oxford. In undress, the silk gown worn by other Members of the Senate—black velvet cap and gold tassel.

A Member of the Senate—the habit of his Degree, or a black silk gown (of the description worn by civilians holding Degrees from Oxford and Cambridge), with tippet of scarlet cloth, edged with white fur and lined with blue silk,—black velvet trencher cap.

Doctor of Laws or Medicine—the gown worn by Graduates of the same rank in the University of Oxford,—hood of scarlet cloth lined with blue silk, black cloth trencher cap.

Master of Arts—the ordinary Master's gown of Oxford or Cambridge, of silk or bombazine, with black silk hood lined with blue silk,—black cloth trencher cap.

Bachelor of Laws or Medicine—the black gown worn by civilians in Oxford or Cambridge holding Degrees, with hood of blue silk lined with white fur,—black cloth trencher cap.

An Officer not being a Graduate—a black silk gown of the description worn by civilians not holding Degrees,—black cloth trencher cap.

Bachelor of Arts—a plain black stuff gown, with hood similar to that worn by the B.A. at Cambridge,—black cloth trencher cap.

Undergraduate—a plain black stuff gown,—black cloth trencher cap,

Scholar—the same gown, with a velvet bar on the sleeve,—black cloth trencher cap.

98. Members of the University shall on all public occasions when convened for academic purposes appear in their Academic Costume.

99. The Undergraduates shall appear in Academic Costume when attending lectures and on all public occasions in the University, and whenever they meet the Fellows, Professors, or other Superior Officers of the University shall respectfully salute them.

100. Each Professor and Lecturer shall keep a daily record or class roll of the lecturers delivered by him, showing the number and names of the students present at each lecture. These class rolls shall be laid on the table at each monthly meeting of the Senate, and shall be collected by the Registrar at the end of each Term, and preserved for reference.

NON-MATRICULATED STUDENTS.

101. Any person desirous of attending University Lectures may do so without Matriculation, upon payment of such fees as the Senate may from time to time direct.

PUBLIC EXAMINATIONS.

102. Two Public Examinations shall be held every year; the one to be called the Junior Public Examination, and the other to be called the Senior Public Examination, and shall be open to all candidates male or female who may present themselves.

103. The Public Examinations shall be held at such times and at such places as the Senate may from time to time appoint.

104. The subjects of the Junior Public Examinations shall be the English Language and Literature, History, Geography, the Latin, Greek, French, and German Languages, Arithmetic, Algebra, Geometry, Natural Sciences, and such other branches of learning as the Senate may from time to time determine.

105. The subjects of the Senior Public Examinations shall be those mentioned in the foregoing section, together with higher Mathematics, Drawing, Music, Natural Philosophy, and such other branches of learning as the Senate may from time to time determine.

106. Every candidate who shall pass either of these examinations, or such portions of either of them as may be required by the Rules or Orders of the Senate in force for the time being, shall receive a certificate to that effect, specifying the subjects in which he shall have passed, and signed by the Dean of the Faculty of Arts and by the Registrar.

107. No person shall be admitted to either of the Public Examinations until he shall have paid such fees as may be required by the Rules or Orders of the Senate in force for the time being.

108. The Professors and Assistant Professors not engaged in tuition except publicly within the University, together with such other persons as the Senate may from time to time appoint, shall form a Board for conducting the Public Examinations; and of this Board the Dean of the Faculty of Arts, or in his absence the Professor next in seniority, shall be Chairman.

109. At the conclusion of each examination the Board shall transmit to the Senate a report of the result, signed by the Chairman and at least one other member.

110. Subject to these By-laws, the Public Examinations shall be conducted according to such Rules or Orders as the Senate may from time to time establish.

APPENDIX C.

RECEIPTS and Disbursements of the University of Sydney for the year 1878 :—

Receipts.	£ s. d.	£ s. d.	Disbursements.	£ s. d.	£ s. d.
Balance in Commercial Bank, 31st December, 1877		2,141 10 11	Paid for Salaries	4,674 19 9	
Received Annual Endowment		5,000 0 0	,, Improvement of Grounds	124 12 9	
,, Lecture fees, after paying Professors	231 10 6		,, Sundry charges, including Printing	620 8 11	
,, Matriculation Fees	47 16 0				5,420 1 5
,, Degree Fees	45 0 0		,, University Scholarships		175 0 0
		324 6 6	,, one Debenture for Wentworth Fellowship		100 0 0
,, from Government for Repairs to Building		168 0 0	,, one Debenture for Barker Scholarship		100 0 0
,, from Government for Philosophical Apparatus		1,000 0 0	,, Repairs to Building	168 0 0	
,, for Pasturage		100 0 0	,, ,, ,,	1,319 17 5	
,, from Executors of Hon. G. Allen for a Scholarship		1,000 0 0			1,487 17 5
Interest on Debentures and Rents of Properties belonging to Private Foundations—			,, by remitting to England for Philosophical Apparatus		1,000 0 0
Lithgow Scholarship	70 0 0		,, on Fixed Deposit in Bank of New South Wales, this sum devised by the Hon. G. Allen for a Scholarship		959 10 0
Wigram Allen Scholarship	20 0 0		,, the following sums on account of Private Foundations :—		
Levey Scholarship	45 0 0		Lithgow Scholarship	50 0 0	
Deas-Thomson Scholarship	101 17 9		Levey Scholarship	35 0 0	
Wentworth Fellowship	37 10 0		Deas-Thomson Scholarship	59 7 6	
Nicholson Medal	10 0 0		Wentworth Fellowship	10 4 3	
Cooper Scholarship	159 9 11		Cooper Scholarship	126 3 9	
Barker Scholarship	146 19 11		Barker Scholarship	136 8 0	
Wentworth Prize Medal	10 0 0		Belmore Medal	15 0 0	
Belmore Medal	15 0 0		John Fairfax Prize	30 0 0	
John Fairfax Prize	30 0 0		Salting Exhibition	20 0 0	
Salting Exhibition	30 0 0		M. Alexander Bursary	37 10 0	
M. Alexander Bursary	62 10 0		John West Prize	10 0 0	
John West Prize	10 0 0		Hunter Bailey Bursary, No. 1	50 0 0	
Hunter Bailey Bursary, No. 1	50 0 0		Burdekin Bursary	25 0 0	
Wentworth Bursary, No. 1	50 0 0		E. M. Fraser Bursary	25 0 0	
Wentworth Bursary, No. 2	50 0 0		Sir Hercules Robinson Prize	26 5 0	
Burdekin Bursary	50 0 0		Hunter Bailey Bursary, No. 2	50 0 0	
E. M. Fraser Bursary	50 0 0		Renwick Scholarship	37 10 0	
J. E. Fraser Bursary	50 0 0		Bowman Cameron Scholarship	25 0 0	
Sir Hercules Robinson Prize	26 5 0				768 8 6
Hunter Bailey Bursary, No. 2	50 10 0		Balance in Commercial Bank, 31st December, 1878		1,340 3 8
Renwick Scholarship	82 10 0				
J. B. Watt Exhibition	50 0 0				
Bowman Cameron Scholarship	25 0 0				
Hovell Lectureship	334 11 1				
		1,617 3 7			
Total £		11,351 1 0	Total £		11,351 1 0

GEOFFREY EAGAR,
Auditor.

WILLIAM CLARK,
Accountant.

UNIVERSITY OF SYDNEY.

STATEMENT of Receipts and Disbursements on Account of the Civil Service and Public Examinations for the year ended 31st December, 1878 :—

Receipts.	£ s. d.	Disbursements.	£ s. d.
Received fees from Candidates for Civil Service and Public Examinations :—		Paid fees to Examiners and all other expenses in connection with these Examinations	838 17 6
Civil Service	263 18 0		
Public Examinations	574 19 6		
£	838 17 6	£	838 17 6

Sydney : Thomas Richards, Government Printer.—1879.

[1s. 3d.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.

(BENEFACTIONS BESTOWED BY PRIVATE PERSONS.)

Ordered by the Legislative Assembly to be printed, 2 April, 1879.

[*Laid upon Table in answer to Question 2, Votes No. 96, 2 April 1879.*]

SCHEDULE OF FOUNDATIONS AT THE UNIVERSITY.

Date.	Donor.	Amount.	Object of Foundation.
		£	SCHOLARSHIPS.
1853	Solomon Levey, Esq.	500	Originally for Education of Orphans in the Grammar School; now for Natural Science in Second Year in the University.
1853	Thomas Barker, Esq.	1,000	For Proficiency in Mathematics.
1854	Hon. Sir E. Deas-Thomson, C.B., K.C.M.G.	1,000	For Proficiency in Chemistry and Experimental Physics.
1854	W. C. Wentworth, Esq.	200	Annual Prize for English Essay.
			SCHOLARSHIP.
1857	Sir D. Cooper, Bart.	1,000	For Proficiency in Classics.
			EXHIBITION.
1858	S. K. Salting, Esq.	500	For a Student from the Sydney Grammar School.
			FELLOWSHIP.
1862	W. C. Wentworth, Esq.	445	For a Travelling Fellowship (amount to accumulate sufficiently).
1864	W. Lithgow, Esq.	1,000	For a Scholarship, now awarded for Classics in Second Year.
			PRIZE.
1867	Sir C. Nicholson, Bart.	200	For an Annual Prize for Latin Verse.
1867	Educational Fund devised by Dr. Gilchrist, of Sydney, in which this University's interest is capitalized as—	3,000	The right of the Presentation every other year to a Scholarship of £100 per annum, tenable for three years, and to be held at the University of London or of Edinburgh.
1870	Sir G. W. Allen	381	Towards the Foundation of a Scholarship (amount to accumulate sufficiently).
			PRIZE.
1870	Earl Belmore	300	For Annual Prize for Agricultural Chemistry.
1872	Hon. John Fairfax	500	For Annual Prizes for Females at the Public Examination.
			BURSARY.
1874	Mrs. Maurice Alexander	1,000	To found one Bursary.
			PRIZE.
1874	Subscribers to Testimonial to Rev. John West.	200	For Annual Prize at Public Examination.
			BURSARIES.
1874	Edwin Dalton, Esq.	10,000	Bequest, subject to a tenure for one life, for Scholarships in memory of the Rev. Dr. Woolley.
1876	Hon. John Fraser	2,000	To found two Bursaries, in honor of his deceased sons.
1876	Fitzwilliam Wentworth, Esq.	2,000	To found two Bursaries, in honor of his father, William Charles Wentworth.
1876	Mrs. Burdekin	1,000	To found a Bursary.
1876	Mrs. Hunter Baillie	1,000	To found a Bursary.
1877	Mrs. Hunter Baillie	1,000	To found a Bursary for Sons of Ministers of Religion.
1877	Hon. J. B. Watt	1,000	To found an Exhibition for Students from Primary Schools.
1877	Arthur Renwick, Esq.	1,000	To found a Scholarship for Natural Science, with especial reference to Comparative Anatomy, when a School of Medicine shall have been established.
1877	Andrew R. Cameron, Esq., M.D.	1,100	For a Scholarship for General Proficiency in the First Year.
1877	Mrs. Hovell	5,000	For the Foundation of a Professorship of Geology and Physical Geography.
1878	Hon. George Allen	1,000	For a Scholarship for Proficiency in Mathematics in the Second Year.
	Carried forward	£37,326	

NOTE.—Some of the above amounts were originally given in the form of Debentures, at a cost to the Donors in excess of the nominal amounts; and others, in like form of investment, have since increased in value. Accumulations have also arisen, to the amount of about £3,100, under the directions of Benefactors, and from changes of investment and other causes.

OTHER BENEFACTIONS.

Date.	Donor.	Amount.	Object of Foundation.
		£	
	Brought forward	37,326	
	Sir Charles Nicholson, Bart.	.....	Collection of Egyptian Antiquities, &c.
	J. H. Challis, Esq.....	750	For Great Northern Window in University Hall.
	Sir Charles Nicholson, Bart.	500	For Great Western Window.
	Sir Daniel Cooper, Bart.	500	For Great Eastern Window.
	Henry O'Brien, Esq.	100	For Side Windows in the Hall.
	Charles Newton, Esq.	100	
	Edward Knox, Esq.	100	
	William Long, Esq.	100	
	John Dobie, Esq.	100	
	Robert Fitzgerald, Esq.	100	
	A. Moses, Esq.	100	
	John Reeve, Esq.	100	
	Thomas Barker, Esq.....	100	
	Henry and Alfred Denison, Esqs...	100	
	Thomas W. Smart, Esq.	100	
	P. Jennings, Esq.	1,000	Towards an organ.
	A. Renwick, Esq.	100	For purchase of book ("Leipsius: Antiquities of Egypt and Æthiopia").
	Mr. Justice Faucett	150	For Prize.
	Sir H. Robinson	53	
	T. Mort, Esq.	315	For a Travelling Fellowship.
	Prof. Woolley.....	50	For Prizes.
	E. Hamilton, Esq.	50	
	Sir C. Nicholson.....	80	
	Hon. G. Allen.....	30	
	G. Merewether, Esq.....	50	
	Prof. Pell.....	120	
	Prof. Smith	140	
	T. Walker, Esq.....	700	Being the amount paid by him for the Library of the late Mr. Stenhouse, and presented to the University.
		£43,014	

In addition to the above, it has been officially notified to the Senate, that the Hon. W Macleay has by will devised to the University his valuable Museum of Natural History and Zoological Library, together with £6,000 for the foundation and maintenance of a Curatorship in connection with it.

HUGH KENNEDY,
Registrar.

[8d.]

Sydney: Thomas Richards, Government Printer.—1879.

1878–9.

NEW SOUTH WALES.

UNIVERSITY OF SYDNEY.

(BY-LAW.)

Presented to Parliament, pursuant to Act 14 Vic. No. 31.

UNIVERSITY OF SYDNEY—BY-LAW.

Ex officio Members of the Senate.

"THE present Professor of Geology and Mineralogy shall be an *ex officio* Member of the Senate, under the provisions of the 'Sydney University Incorporation Act Amendment Act of 1861.'"

The Corporate Seal of the University was duly affixed hereto on the seventh day of May, 1879,— (L.S.)

HUGH KENNEDY, Registrar.

W. M. MANNING, Chancellor.
ALFRED STEPHEN.

[3d.] 687—

1878.

NEW SOUTH WALES.

SYDNEY GRAMMAR SCHOOL.

(REPORT FOR 1877.)

Presented to Parliament, pursuant to Act of Incorporation, 18 Victoria.

The Secretary to the Trustees, Sydney Grammar School, to The Minister of Justice and Public Instruction.

Sir, Sydney Grammar School, 14 October, 1878.

I have the honor, by direction of the Trustees of the Sydney Grammar School, to transmit to you, for the purpose of being laid before the Parliament, the following Report of their proceedings, and the progress of the school during the year 1877 :—

At the Trustees first meeting, Professor Pell and the Honorable George Allen were unanimously re-elected Chairman and Vice-Chairman of the Board for the current year.

The first Monday in the month having been found to be an inconvenient day for the monthly meetings of the Trustees, the day was altered to the last Monday in the month.

The Trustees have adopted the following School Regulations since their last report, viz. :—

1. Whenever any boy is reported for misconduct or habitual idleness, one or more bad marks (according to the nature of the offence) will be affixed to his name. Any boy in the Upper School who shall have five such bad marks affixed to his name in any one week, or eight bad marks in any two consecutive weeks, will have to attend upon the following Saturday. Any boy in the Lower School who shall have six bad marks affixed to his name in any one week, or ten bad marks in any two consecutive weeks, will have to attend upon the following Saturday. Any boy who shall be detained for three consecutive weeks will render himself liable to dismissal, if in the Upper School, and to a caning if in the Lower School. Any boy who has more than ten bad marks in any one week will have his name posted on the walls of his classroom, and will be liable, upon the recommendation of his form master, to be caned. In case of those who have conscientious scruples against attending school on Saturday, the punishment of detention will be commuted for an imposition of 300 lines in the Upper School and of 150 lines in the Lower School. Such impositions must be handed in to the Head Master at 9·30 a.m. on Monday. The Saturday detention will be most strictly enforced, and no excuse, except on account of serious illness, can be accepted.
2. Boys will not be allowed to absent themselves from school, except in cases of illness, and such cases must be certified by the parents or guardians of the boy.
3. No boy will be allowed to absent himself from school during school hours without obtaining a special permission from the Head Master.
4. Any boy coming late to school will have two bad marks affixed to his name.
5. Promotions, both in the Classical Forms and the Mathematical Divisions, will be made quarterly, according to the combined results of the weekly marks and the examination marks.
6. The usual monthly half-holiday will be given to all boys whose conduct and progress during the preceding month have been satisfactory, on the afternoon of the last Friday in each month.
7. All boys in the Upper School will enter and leave the school by the front door; all boys in the Lower School by the door leading into the playground.
8. All crowding and loitering in the passages must be checked.
9. Boys are positively forbidden to throw stones upon the school premises, or to clamber upon the school buildings.
10. Any damage done to the property of the school must be reported at once to the Head Master, and, if the damage has been done wilfully, must be made good at the expense of the person who has caused the damage.
11. Any boy guilty of lying, cheating, or deliberate impertinence to a Master will, upon conviction, render himself liable to dismissal if in the Upper School, and to a caning if in the Lower School.
12. These regulations will be rigidly enforced.

On

On the recommendation of the Head Master, Mr. J. H. Skinner, of Baliol College, Oxford, was temporarily employed as an Assistant Classical Master at a salary at the rate of £200 a year.

The Trustees have the pleasure to record their thanks to the Hon. W. C. Windeyer, M.P., for a donation of £5, given for the purpose of encouraging the boys at the Sydney Grammar School in the practice of the art of writing good English. The Trustees have also to report that Mr. Windeyer has very generously promised to bestow a permanent annual prize of £3 3s., to be given in the form of books for the best English essay, the subject for which shall be chosen by the Head Master.

The Trustees have for the present decided to dispense with the services of a drawing master, and it will be a matter for future consideration how far, and upon what principle, the teaching of drawing should form part of the ordinary curriculum of the school.

The Honorable W. C. Windeyer's acceptance of the office of Attorney General caused a vacancy in the Board of Trustees. On the 25th June the Trustees elected Alfred J. Cape, Esq., to the vacant seat. At the same meeting the Head Master informed the Trustees that Mr. Weiss had resigned his Assistant Mastership, and Mr. J. H. Skinner was placed on the School Staff at a salary at the rate of £300 per annum.

In consequence of the retirement of Professor Pell from the Senior Professorship of Mathematics in the Sydney University, and the arrival of his successor (Professor Gurney) in the Colony, the Chairmanship to the Board of Trustees became vacant. Professor Pell was eleven times elected Chairman.

At a meeting of the Trustees, held on the 30th July, the Honorable George Allen was unanimously elected Chairman for the remainder of the current year, and the Vice-Chair being vacant by the above election, M. H. Stephen, Esq., was unanimously elected Vice-Chairman for the same period. At the same meeting Mr. Carl Leutzner was appointed, on three months probation, to give ten hours' instruction a week in French and German, at a salary at the rate of £105 a year.

The Trustees regret to record the death of their late Chairman, the Honorable George Allen, who had been a Trustee of the school for eleven years, and had held the Vice-Chair for six years. His regular attendance at the Board showed the great interest he took in the management and welfare of the school.

On the 26th November leave of absence was applied for and granted to Mr. Whitfeld, up to the end of the first quarter of the ensuing year, to enable him to recruit his health. At the same meeting Mr. Bean sent in his resignation as 2nd Classical Master, in consequence of his election to the Headmastership of All Saints College, Bathurst.

At a special meeting of the Trustees, held on the 3rd December, Professor Badham, the Senior Professor of Classics in the Sydney University, was unanimously elected Chairman of the Board, and Professor Pell was elected a Trustee in the room of the Honorable George Allen, deceased. At this meeting Mr. Carl Leutzner was appointed Master of Modern Languages in the school, at a salary at the rate of £250 a year, the appointment to take effect from the 1st of January ensuing.

The Trustees have much pleasure in reporting that the average number of pupils during the year has been fully up to the limit of 400, and that the discipline and efficiency of the school has been most satisfactory.

The account of the receipts and disbursements of the school during the year will be found in the annexed Appendix.

I have, &c.,
W. H. CATLETT,
Secretary.

APPENDIX.

APPENDIX.

RETURN of the Receipts and Disbursements of the Sydney Grammar School for the Year 1877.

Receipts.	£ s. d.	£ s. d.	Disbursements.	£ s. d.	£ s. d.
To balance brought forward from 1876	.....	1,193 16 3	By Salaries	4,218 15 0	
,, Endowment	1,500 0 0		,, Capitation Fees paid to Masters	1,702 15 0	
,, School Fees from Pupils	5,527 0 0		,, Allowances	177 5 4	
,, Interest from fixed Deposits	51 0 0				6,098 15 4
,, Donation from the Hon. W. C. Windeyer	5 0 0		,, Stationery	107 1 0	
		7,083 0 0	,, Printing	46 15 6	
,, Fixed Deposits	.....	850 0 0	,, Advertisements	7 3 9	
					161 0 3
			,, School Prizes	35 0 0	
			,, Knox Prizes	15 0 0	
			,, Windeyer Prize	5 0 0	
					55 0 0
			,, Petty expenses	85 12 8	
			,, Insurance	9 0 0	
					94 12 8
			,, Repairs and improvements to Buildings	390 16 2	
			,, Cost of building new Class-rooms	1,011 4 1	
			,, Furniture for new Class-rooms	122 14 8	
					1,524 14 11
			,, Fixed Deposit Accounts	.....	850 0 0
			,, Balance in the Commercial Bank, on the 31st December, 1877	.....	342 13 1
	£	9,126 16 3		£	9,126 16 3

Audited, January 22, 1878,—
JAMES C. TAYLOR,
Accountant.

W. H. CATLETT,
Secretary,
2 January, 1878.

RETURN of the Sydney Grammar School for the Year ending 31 December, 1877.

Office.	Name.	Salaries.	Allowances.	Fees from Pupils.	Total.	Remarks.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Head Master	Albert Byethesea Weigall	500 0 0	.....	902 10 0	1,402 10 0	Residence allowed.
Mathematical Master	Edward Pratt	400 0 0	50 0 0	500 5 0	950 5 0	£50 compensation for rooms.
Classical Master	Edwin Whitfeld	300 0 0	.....	300 0 0	600 0 0	
Second Classical Master	Edwin Bean	400 0 0	.....	.....	400 0 0	Resigned, 31st Decr.
Assistant Master	Lawrence Stephenson	300 0 0	.....	.....	300 0 0	
Do. do.	Henry Charles Lennox Anderson	279 3 4	10 0 0	.....	289 3 4	Lecturer in natural science.
Do. do.	Charles Henry Francis	291 13 4	.....	.....	291 13 4	
Do. do.	Alfred de Lisle Hammond	241 13 4	.....	.....	241 13 4	
Do. do.	John Perry	229 3 4	.....	.....	229 3 4	
Do. do.	James G. Davis	233 6 8	.....	.....	233 6 8	
Do. do.	J. H. Skinner	191 13 4	.....	.....	191 13 4	
Do. do.	Frederick Lyon Weiss	116 13 4	.....	.....	116 13 4	Resigned, 30th June.
English Master	Charles John Fache	200 0 0	50 0 0	.....	250 0 0	
Writing Master	Carl Johan Nelson	225 0 0	.....	.....	225 0 0	
Master of Modern Languages	Carl Leutzner	43 15 0	.....	.....	43 15 0	
Drawing Master	Joseph Fowles	66 13 4	.....	.....	66 13 4	Office abolished, 1st August.
Janitor and Drill Sergeant	Walter R. H. Pope	100 0 0	12 0 0	.....	112 0 0	Residence allowed.
Secretary and Accountant to Trustees	William Henry Catlett	100 0 0	55 5 4	.....	155 5 4	
	£	4,218 15 0	177 5 4	1,702 15 0	6,098 15 4	

Audited, January 22, 1878,—
JAMES C. TAYLOR,
Accountant.

W. H. CATLETT,
Secretary,
2 January, 1878.

RETURN of the number of Masters of the Sydney Grammar School, as well as the number of Scholars in the Year 1877.

Number of Masters.	Number of Scholars.				
	First Quarter.	Second Quarter.	Third Quarter.	Fourth Quarter.	Average.
Fourteen engaged for their whole time. Two engaged for particular lessons.	401	406	401	398	401½

W. H. CATLETT,
Secretary,
2 January, 1878.

Sydney: Thomas Richards, Government Printer.—1878.

[3d.]

1878–9.

NEW SOUTH WALES.

SYDNEY FREE PUBLIC LIBRARY.

(REPORT FROM TRUSTEES, FOR 1878.)

Presented to Parliament by Command.

The Trustees of the Free Public Library to The Minister of Justice, &c.

Sir, Sydney, 14 March, 1879.

I have the honor to transmit to you the Eighth Annual Report of the Trustees of the Free Public Library, for the year 1878.

The Trustees have to record the loss of three zealous and distinguished members of their Board during the past year, namely,—

The Rev. William Branwhite Clarke, M.A., F.R.G.S., F.R.S., who died on the 17th June, 1878.
The Rev. John Dunmore Lang, M.A., D.D., who died on the 8th August, 1878, and
The Hon. Robert Owen, M.L.C., who died on the 25th November, 1878.

The vacancies in the Board caused by the deaths of the above-named gentlemen have been filled up by the appointment of—

Edward Greville, Esq., M.P., who succeeded the Rev. W. B. Clarke; appointed 9th August, 1878.
James Norton, Esq., who succeeded the Rev. Dr. Lang; appointed on 1st November, 1878; and
the Hon. Sir J. George L. Innes, Knt., M.L.C., who succeeded the Hon. Robt. Owen; appointed on 11th February of this year.

At the Reading-room of the Reference Library the attendance is only 3,293 in excess of the previous year*; the total number of readers recorded by the turnstile (see Appendix Aa) being 97,053 during the 322 days that the Library was open to the public; so that there has not been that great increase of readers which was expected to follow upon opening the Institution on Sundays. But at the same time, it must be borne in mind that this slow rate of increase may also arise in great part from the closeness and discomfort of a building totally inadequate to its purpose.

The Trustees have caused a Return to be prepared (see Appendix C) which shows the number of visitors, with the class of books used, and the number of volumes read on Sundays, since the 21st April† up to the 29th December, 1878, inclusive, by which it will be seen that the public has not availed itself to any considerable extent of the opportunities recently conferred upon it, the average number of volumes used each Sunday not exceeding 197 in both Libraries, while the daily average during the week exceeds 620. It may also be observed by a reference to Appendix Aa, that the average daily number of volumes used on proclaimed Public Holidays, on which the Library has been kept open for the convenience of readers, does not exceed 95, showing clearly that the greatest use is made of the Library on the regular working days of the week.

During the year the stock of the Library has been increased by 4,390 volumes, of which 2,200 vols. have been added to the Reference Library, and 2,190 to the Lending Branch.

The Trustees have to thank various donors for works presented to the Library during the year, some of which are of great value. A record of all donations has been made, and a complete list of the same will be found in Appendix E, making a total of 255 vols.

In 1875 the Trustees effected an insurance on the books contained in the Institution for £10,000; but in consequence of the large addition of books and the large increase in the value of the stock since the date of that insurance, they thought it advisable to increase the amount of the insurance by two extra policies of £2,500 each, making the total amount for which the books are now insured £15,000. The estimated value of the Library at this date is about £30,000.

The Trustees desire once more earnestly to call your attention to the necessity of providing additional room for this Institution. The present shelf room is barely sufficient for the books already in the Library, and for those that have been purchased and are expected shortly to arrive there is no space remaining. A still more serious evil is the overcrowding of the readers, especially of that considerable number which is occupied with works requiring uninterrupted attention and reflection. The ample provision of books on arts, sciences, and the deeper kinds of literature, can never be expected to answer its purpose until the readers are far better accommodated than at present.

The

*Through a defect in the construction of the turnstile—which has since been rectified—the total number of visitors given in last year's Report was incorrect.

† The first Sunday on which the Libraries were opened.

The Reference Library was closed from the 1st to the 17th February, 1878, inclusive, for the purpose of stocktaking, but the checking of the books did not show any difference from the record obtained from time to time, by the application of a simple process for ascertaining the absence of any volume.

Although the officers exercise a constant and careful supervision of the property, yet a few books have been discovered to be mutilated, and these the Trustees regret to say principally in the room set apart for the ladies, where the vigilance of the attendants cannot be as strictly exercised as in other parts of the Library. Two volumes have also been stolen during the year from the Reference Department,—a fact which will not be held as very discouraging when we take into consideration the number of visitors and the freedom allowed in handling the books, and it is only fair to the officers to state that it is owing to their care and watchfulness that so little damage has been done.

Appendix B gives a return of the class of books borrowed from the Lending Branch during the 334 days that it was open to the public. In this period 1,199, new tickets were issued to borrowers, and 486 tickets of original borrowers were renewed, so that the total number of tickets issued in the year amounts to 1,685. The total number of visits from borrowers was 19,994, who obtained 20,165 volumes in the year. Of these borrowed books over 200 volumes had not been returned as required by the regulations at the expiration of the year, but this number has been reduced at the present date to eleven volumes, seven of which were taken from the counter without any receipt-slip having been given for them, consequently the borrowers are unknown, and the other four borrowers have given addresses at which they cannot be found. It is probable that in course of time the books will be returned, as it is now well known that any person found in possession of a book belonging to the Public Library, unless duly authorized, is liable to prosecution. A list of these missing volumes will be found in Appendix H.

To prevent books from being hereafter taken from the Library without a receipt, and to economize the time of the officers, an ingenious contrivance named a recorder has been introduced by the Principal Librarian, by which a borrower can ascertain for himself whether any work which he wants is on the shelves, so that he can fill up his receipt-form without distracting the attention of the officer by inquiries. It is calculated that according to this system each application for books will not take more than thirty seconds.

The trustees think that the results both in the Reference and in the Lending Department are fully adequate to the money laid out by the Government on the Free Public Library, and they look forward with confidence to still greater success attending the Institution when a larger building and one better suited to the purposes of study shall have superseded the one now in use.

I have, &c.,
CHARLES BADHAM,
Chairman.

APPENDIX A.

RETURN of the number of Volumes in the Free Public Library, Sydney, on the 31st December, 1878.

Synopsis of Classification.	Reference Department.	Lending Branch.	Total.
Natural Philosophy, Science, and the Arts	2,820	906	3,726
History, Chronology, Antiquities, and Mythology	2,607	617	3,224
Biography and Correspondence	1,955	661	2,616
Geography, Topography, Voyages and Travels, &c.	2,450	783	3,233
Periodical and Serial Literature	6,675	.....	6,675
Jurisprudence	1,354	139	1,493
Theology, Moral and Mental Philosophy and Education	1,538	350	1,888
Poetry and Drama	774	164	938
Miscellaneous Literature, and Collected Works, including Greek, Latin, and Foreign Literature	2,594	703	3,297
Works of Reference and Philology	1,758	.....	1,758
Prose Works of Fiction	1,358	.....	1,358
Patents	71	3,848	3,919
Duplicates and unbound volumes	1,280	.....	1,280
Pamphlets	1,738	.....	1,738
Total	28,972	8,171	37,143

APPENDIX Aa.

RETURN of the number of Visitors to the Library, the number of days the Library was open to the public, and the average number of volumes used on Sundays, Public Holidays, and Week-days.

Total number of Visitors recorded by the Turnstile to the Reference Library	97,053	
Do. do. do. to the Lending Branch	19,994	
Total	117,047	
Total number of days that the Library was open (including 37 Sundays from 21st April to 31st December, 1878)		322 days.
Average number of volumes used on Sundays—Reference Library	187	
Do. do. do. Lending Branch	10	
		197 vols.
Average number of volumes used on Public Holidays—Reference Library	85	
Do. do. do. Lending Branch	10	
		95 vols.
Average number of volumes used on Week-days—Reference Library	556	
Do. do. do. Lending Branch	66	
		622 vols.

APPENDIX B.

APPENDIX B.

RETURN of the Class of Books borrowed from the Lending Branch, from 1st January to 31st December, 1878.

No. of days open.	No. of Tickets issued to Borrowers.	No. of Borrowers' Visits.	Synopsis of Classification.	No. of Volumes read.
334	1,685	19,994	Natural Philosophy, Science and the Arts	2,971
			History, Chronology, Antiquities, and Mythology	2,582
			Biography and Correspondence	2,378
			Geography, Topography, Voyages and Travels	4,183
			Jurisprudence	267
			Mental and Moral Philosophy, &c.	964
			Poetry and Drama	863
			Miscellaneous Literature, Patents, &c.	5,957
			Total	20,165

APPENDIX C.

RETURN of the Class of Books read, the number of Volumes used, and the number of Visitors to the Libraries, on Sundays, from 21st April to 29th December, 1878, inclusive.

No. of Sundays open.	No. of Visitors.	Daily average of Visitors.	Reference Library.	No. of Volumes.	Daily average of Volumes used
37	5,291	143·	Natural Philosophy, Science, and the Arts	859	23·216
			History, Chronology, Antiquities, and Mythology	473	12·784
			Biography and Correspondence	420	11·351
			Geography, Topography, Voyages and Travels, &c.	899	24·297
			Periodical and Serial Literature	433	11·703
			Jurisprudence	207	5·594
			Theology, Moral and Mental Philosophy, and Education	599	16·189
			Poetry and Drama	364	9·838
			Miscellaneous Literature and Collected Works, including Greek, Latin, and Foreign Literature	652	17·622
			Works of Reference and Philology	375	10·135
			Prose Works of Fiction	1,658	44·811
			Total	6,939	187·540
			LENDING BRANCH.		
36	364	10·111	Natural Philosophy, Science, and the Arts	40	1·111
			History, Chronology, Antiquities, and Mythology	40	1·111
			Biography and Correspondence	40	1·111
			Geography, Topography, Voyages and Travels	94	2·611
			Jurisprudence	6	·167
			Mental and Moral Philosophy, &c.	28	·778
			Poetry and Drama	7	·195
			Miscellaneous Literature, Patents, &c.	109	3·027
			Total	364	10·111

APPENDIX D.

LIST OF OFFICERS.

Trustees :—

The Rev. Charles Badham, D.D., Professor of Classics and Logic in the University of Sydney (*Chairman*).

The Hon. W. B. Dalley, Q.C., M.L.C.
W. A. Duncan, Esq.
Edwd. Greville, Esq., M.P.
The Hon. Sir W. Macarthur, Knt., M.L.C.
The Hon. W. Macleay, F.L.S., M.L.C.
James Norton, Esq.
W. J. Stephens, Esq., M.A.
John Stewart, Esq.

The Hon. Sir J. George L. Innes, Knt., M.L.C.

Principal Librarian :—Robt. Cooper Walker.

Assistant Librarian and Compiler :—D. R. Hawley.

LENDING BRANCH.

Librarian :—E. G. W. Palmer.

Assistant Librarian :—Edward O'Brien.

Entry Clerk :—A. A. Richardson.

APPENDIX E.

APPENDIX E.

List of Donations during the year 1878; received from the following:—

W. L. Adye, Esq. Musical Notes, &c.

John Appleby, Esq. L'Instruction du Peuple, par Emile Laveleye.

Bolton Public Library. Twenty-fourth Annual Report of the Committee.

Brighton Free Library. Fourth Annual Reports of the Sub-Committees.

J. G. Beaney, Esq., F.R.C.S. The History and Progress of Surgery; an Address. Diseases of the Hip-joint, by J. G. Beaney, F.R.C.S. Pamphlets.

C. H. Barlee, Esq. Once a Week, Sydney. No. 1.

Dr. F. Beer. The case of Dr. Frederick Beer. By J. S. Moore. The Conspiracy unmasked. Speech delivered March, 1878. By W. H. Cooper. Opinions of the Press, &c., on the case of Frederick Beer, M.D. Pamphlets.

John Brazier, Esq., C.M.Z.S. List of Land Shells collected on Fitzroy Island. Pamphlet.

Sir R. Barry, Kt. Catalogue of the Library of the Supreme Court of Victoria. 8vo.

J. Barnard, Esq. Statistics of the Colony of Tasmania, for 1877.

A. W. Birchall, Esq. Annual Report of the Launceston Mechanics' Institute, for 1877. Catalogue of the Library of the Launceston Mechanics' Institute. Pamphlets.

Birmingham Free Libraries. Catalogue of the Reference Department, by J. D. Mullins. Catalogue of the Shakespeare Memorial Library. Free Libraries and Newsrooms—their Formation and Management, by J. D. Mullins. Catalogues of Birmingham Books in the Reference Department. Brief Hand List of the Cervantes Collection. Opening of the Free Reference Library; Inaugural Address, by George Dawson, M.A. The Shakespeare Memorial Library and the Art Gallery, by J. A. Langford, LL.D. Tenth to the Sixteenth Annual Reports of the Free Libraries Committee.

Bolton Public Library. Twenty-fifth Annual Report of the Committee.

Cobden Club. Russia, Turkey, and England. By Richard Cobden, Pamphlet. Speeches on questions of Public Policy. By Richard Cobden. 8vo. Financial Reform Almanac for 1878. Roy. 8vo. Political Writings of Richard Cobden. 8vo.

Cook, Madame C. Comic History of New South Wales, Nos. 1–13.

J. J. Calvert, Esq. Journal of the Legislative Council of New South Wales, Vol. 27, Parts 1 and 2, and vol. 28.

Colonial Secretary. Flora Australiensis. By G. Bentham and Baron F. von Mueller, C.M.G., &c., vol. 7.

R. D. Christie, Esq. Coo-e-e. An Illustrated Shorthand Magazine, Nos. 1–6.

W. B. Campbell, Esq. Charity and Philanthropy; a Prize Essay. By Rev. S. W. Brooks. Pamphlet.

G. Didsbury, Esq. New Zealand Specifications of Inventions, &c., for 1876–77. 2 vols.

D. Dickinson, Esq. Fourth Annual Report of the Committee of the West Bromwich Free Library.

Dundee Free Library. Report of the Committee, to the Town Council of Dundee, Nov. 1877.

R. D. Fitzgerald, Esq., F.L.S. Australian Orchids. By R. D. Fitzgerald, F.L.S.

R. Gibson & Co. Mess. Robertson Bros. Catalogue of Pure Shorthorn and Hereford Cattle. 12mo. S. Gardiner, Brunswick Herd; Catalogue of Pure Shorthorn Cattle. Priced Catalogue of Messrs. Robertson Bros. Fifth Annual Sale, 1878. 12mo. Priced Catalogue of Samuel Gardiner's Annual Sale, 1878. 12mo. Catalogue of Pure Shorthorn and Hereford Cattle bred at Colac by Messrs. Robertson Bros. 12mo.

H. F. Garner, Esq. Books on the Colonies and Colonial Publications. 4to. Catalogue of Library of the Crown Law Offices, Melbourne. Roy. 8vo.

C. A. Goodchap, Esq. Railways of New South Wales; Report of the Commissioner for 1877. Fol.

J. Hector, Esq., C.M.G. Proceedings of the New Zealand Institute, vols. 9, 10, and Index. Reports of Geological Explorations. 3 vols. Twelfth Annual Report on the Colonial Museum and Laboratory. 8vo.

Hon. Thomas Holt. Judicial Treatment of the accused; Report of a Speech delivered by the Hon. T. Holt, Esq., M.L.C. Pamphlet.

S. Hoskin, Esq. Daniel Deronda. By George Eliot. Roy. 8vo.

S. Harper, Esq. Musings on the Past, Present, and Future. 12mo.

Mr. Justice Hargrave. Law Lectures, &c. &c. By the Hon. J. F. Hargrave. Vol. 1.

Joseph Henry, Esq. Annual Report of the Board of Regents of the Smithsonian Institution. 8vo.

E. F. Hughes, Esq. The Millennium; an Epic Poem. By E. F. Hughes. 12mo.

Italian Government. Popolazione. Movimento dello Stato Civile, 1875–76. 4 vols.—Annali del Ministero di Agricoltura, etc., 1875–77. 3 vols.—Navigazione nei Porti del Regno, 1876. 4 vols.—L'Italia Economica. Nel 1873. 2 vols.—Statistica delle Cassa di Risparmio in Italia, 1870–76. 2 vols.—Statistica della Emigrazione, 1876.—Statistica Elletorale Politica, 1861–76.—Statistique Internationale des Caisses d'Epargne.—Bilanci Communali, 1875–76.—Notizie e Studi sull' Agricoltura, 1876.—Cenni Statistici sulla Produzione Mineraria in Italia, 1870.

S. W. Jones, Esq. Votes and Proceedings of the Legislative Assembly (N. S. Wales), 1865–66, and 1876–78. 12 vols.

Jules Joubert, Esq. Journal of the Agricultural Society of New South Wales, 3rd Series, Part 1.

Rev. J. Jefferis, LL.B. Life Lessons from the Career of Thomas S. Mort.—Enfranchisement of Labour.—Socialism in Germany. By the Rev. J. Jefferis, LL.B. Pamphlets.

R. M. Jones, Esq. The Generative Organs. By E. Swedenborg. 8vo.

P. A. Jennings, Esq. The Berlin Congress from an Australian Standpoint. By P. A. Jennings. Pamphlet.

Kindersley & Co. Sydney University Magazine. Nos. 1–6, vol. 1, and 1 & 2, vol. 2.

H. Kennedy, Esq. Sydney University Calendar, 1878–79.

R. Kay, Esq. Annual Report of the South Australian Institute, 1877–78. Pamphlet.

A. O'Grady Lefroy, Esq. Votes and Proceedings of the Legislative Council, Western Australia, 1877. Fol. Acts of Council, Western Australia, 1877. 4to.

Linnean Society of New South Wales. The Proceedings of. Parts 2, 3, vol. 2, and 1, 2, vol. 3.

Liverpool Free Public Library, Twenty-fifth Annual Report, 1878.

Dr. Liebius. The Argentine Republic; by R. Napp. 8vo.—Brazilian Biographical Annual; by J. M. de Macedo. 3 vols.

Manchester Geological Society. Transactions. Parts 14–22. Vol. 14.

Manchester Free Libraries. Twenty-fifth Annual Report of the Council.

Melbourne University. The Melbourne University Calendar for 1877–78.—Examination Papers—February Term, 1877.

G. R. Maclean, Esq., J.P. The Sydney Magazine. Edited by G. R. Maclean, J.P. Nos. 1–5. Vol. 1.

Dr. A. Moffitt. Papers on Blood-poisoning, &c. Pamphlet.

Madras Government. Annual Reports of the Three Lunatic Asylums in the Madras Presidency, 1876–78. Pamphlets.—Report on the Census of the Madras Presidency, 1871. 2 vols.—Manual of the Bellary District. Roy. 8vo.—Manual of the District of Cuddapah. Roy. 8vo.—Manual of the Nellore District. Roy. 8vo.—Annual Medical Report of Lying-in Hospital, 1876–77.—Standing Information regarding the Official Administration of the Madras Presidency.—Annual Report of the Civil Dispensaries, for 1876–77.—Report on Vaccination throughout the Presidency, 1876–77.—Report on the Administration of the Madras Presidency, 1876-77.—Report of Public Instruction in the Madras Presidency, 1875–76.

Daniel Matthews, Esq. Third Report of the Maloga Aboriginal Mission School, Murray River.

"Manfred." Lord Byron vindicated, or Rome and her Pilgrim; by Manfred. Sm. 4to.

C. Poppenhagen, Esq. Northern Agricultural Association, Singleton; Member's Pamphlet for the year 1878.

APPENDIX E—*continued.*

R. S. Pryce, Esq. The British Flag triumphant; or, the Wooden Walls of Old England. 8vo.

E. Preston, Esq. Unclaimed Money.—Index to Heirs-at-Law, Next of Kin, &c. 2 vols.

Queensland Government. Acts of the Parliament of Queensland, 1877–78. 2 vols.

J. Rae, Esq., A.M. New South Wales Railways. Report of the Commissioner for Railways, 1865–76. 4 vols.

Royal Society of Tasmania. Papers, Proceedings, and Report for 1876.

Thos. Richards, Esq. New South Wales Law Almanac, for 1878.—Supply of Water for the Town of Goulburn; Report to the Government of New South Wales, by W. Clark.—The Statutes of New South Wales, 1877–78.

G. H. Reid, Esq. The Year Book and Almanac of Canada, 1877.

Royal Society of New South Wales. Journal and Proceedings of. Vol. XI.

C. Robinson, Esq. Agricultural Map and General Statistics of New South Wales.—Carte Agricole et Statistique Générale.—Mineral Map and General Statistics.—Carte Minéralogique et Statistique Générale.—Mineralogische Karte und allgemeine Statistik.—Landwirthschaftliche Karte und allgemeine Statistik.—Progress and Resources of New South Wales.—Progrès et Ressources de N.-G. du Sud.

E. W. Rudder, Esq. Truth *v.* Error. Conditional Immortality, by a Layman. Pamphlet.

Joseph Radford, Esq. Free Public Libraries, Westminster:—Annual Report, &c., of the Commissioners, 1876–77.

Sheffield Free Public Libraries. Twenty-first Annual Report of the Committee, 1877.

Hon. W. H. Suttor. Geological Maps of the Districts of Hartley, Bowenfells, &c. By C. S. Wilkinson, F.G.S. Mines and Mineral Statistics; Department of Mines, New South Wales, 1877: Pamphlets.

Dr. R. Schomburgk. Catalogue of Plants under cultivation, Botanic Gardens, South Australia. Report on the Progress and Condition of the Botanic Garden, &c., South Australia, 1877.

South Australian Government. Acts of Parliament of S. A.; 1877–78. Proceedings of the Parliament of S. A., 1877. 4 vols. fol.

F. Senior, Esq. The Letters of Junius, 8vo.

Piazzi Smyth, Esq., F.R.S.E., &c. Astronomical Observations made at the Royal Observatory, Edinburgh. By Piazzi Smyth, F.R.S.E., &c. Vol. 14.

Tasmanian Government. Journal of the Legislative Council and Papers, Tasmania. Vols. 23, 24, 25. Acts of Parliament of Tasmania. Part 1, vol. 4.

Messrs. Turner and Henderson. The Australian, vol. 1.

Victorian Institute. Journal of the Transactions of; Nos. 43–47. vols. 11, 12. On the Free Relations of Scientific Thought and Religious Belief. By the Right Rev. H. Cotterill, D.D., &c. Pamphlet.

Victorian Government. Papers presented to both Houses of Parliament, Victoria; 1877–78. 3 vols. fol.

Wolverhampton Free Library. Eighth Annual Report of the Committee, 1877.

Rev. J. E. Tenison-Woods, F.G.S., &c. Brief Description of the Marine Shells of Tasmania, &c. On some New Tasmanian Marine Shells, &c. By the Rev. J. E. Tenison-Woods, F.G.S., &c. Pamphlets.

John Whitton, Esq. New South Wales Railways: Section of the Great Western Railway. Section of the Great Northern Railway. Section of the Great Southern Railway. 3 vols. fol. Report to the Hon. the Secretary for Public Works on the Railways in course of construction, &c., in the Colony of New South Wales. By John Whitton, Esq.

Rev. W. Woolls, Ph. D., &c. A Sermon preached in St. Peter's Church, Richmond. By the Rev. W. Woolls, Ph. D. A Letter addressed, in 1839, to the Students of the Sydney College. By the Rev. W. Woolls. The Organic Constituents of Plants, &c. By Dr. G. C. Wittstein.

Carroll D. Wright, Esq. Ninth Annual Report of the Bureau of Statistics of Labor. Boston, 1878. 8vo.

Mr. W. C. Willman. A Book of Autographs. Cr. 8vo.

Frederick Young, Esq. Imperial Federation of Great Britain and her Colonies. Edited by Frederick Young. Cr. 8vo. Proceedings of the Royal Colonial Institute, vols. 8, 9. On Trek in the Transvaal. By H. A. Roche. Cr. 8vo.

John Young, Esq. Report of the Canadian Commissioner at the Exhibition of Industry held at Sydney, N. S. Wales, 1877.

APPENDIX F.

REGULATIONS FOR VISITORS—(Reference Library).

1. The Library will be open every week-day from 10 a.m. to 10 p.m., except New Year's Day, Anniversary Day, Good Friday, Easter Monday, Queen's Birthday, Christmas Day, Boxing Day, and such other days as the Trustees may from time to time direct.

2. Visitors will not be permitted, under any circumstances, to take books out of the Library.

3. Adult visitors may themselves take such books as they wish to read from the shelves, but must leave them on the Library tables when done with. All persons under 18 years of age must apply to one of the Library Assistants for such books as they may desire.

4. Such visitors as may wish to make extracts from the books, papers, maps, &c., with *ink*, must make special application to the Librarian to do so.

5. No conversation will be allowed in the Library, otherwise than in a whisper.

6. No person will be permitted to sit in the room with his hat on; nor will any person who is intoxicated, or in a dirty condition, be admitted to the Library.

7. Children under 12 years of age are not admitted.

8. Any visitor writing in or upon, folding down a leaf, defacing, mutilating, or otherwise injuring any book, spitting on the floor, smoking in the doorway, or eating food or fruit, will be excluded from the Library.

9. The Librarian has the power to remove, by force if necessary, any visitor who shall wilfully break any regulation, or injure any property of the Library, or shall otherwise prove offensive to readers or officers of the Institution.

10. The Librarian shall at *all times* have power to prohibit *any* book or books, &c., from being taken off the shelves, or to exclude from the Library any person or persons who may refuse to comply with any part of the Regulations of the Institution, or to obey any reasonable directions of the Librarian.

11. Readers desirous of proposing books for addition to the Library may do so by writing the same in a Suggestion Book, which will be submitted regularly to the Trustees for consideration.

APPENDIX G.

REGULATIONS FOR BORROWERS FROM THE LENDING BRANCH.

1. The Lending Branch of the Free Public Library will be open on every week-day, from 1 o'clock p.m. until 7 o'clock p.m., and on Sundays from 2 o'clock until 6 o'clock p.m., *excepting the last week in December* in each year; and the Library will be closed on New Year's Day, Anniversary of the Colony, Good Friday, Easter Monday, Queen's Birthday, Christmas Day, Boxing Day, and such other days as the Trustees may direct.

2. Books will be lent only to persons residing in the City or Suburbs, or in the districts to which the penny postage extends.

APPENDIX G—*continued.*

3. Persons wishing to borrow books to read at home, must first obtain a recommendation from one of the Trustees of the Institution, the Mayor, or one of the Aldermen of the City, or a Justice of the Peace, on proper forms, which can be obtained from the Officer in charge of the Library. This recommendation must be signed by the applicant, and will be exchanged for a Borrower's Ticket, entitling the person recommended to borrow books for twelve calendar months, from the 1st of January in each year, subject to the Regulations.

4. Every person, before obtaining a Borrower's Ticket, is required to read the Regulations, and must sign his or her name and place of residence in a book containing a copy of the printed Regulations, and such signature shall be taken and be considered as an assent to the Regulations.

5. It is not necessary that books should be delivered to and returned by the borrowers personally; but they must send a messenger competent to deliver their message, and to take due care of the books—the officer in charge having instructions to refuse books to messengers whom he may consider incompetent to take proper care of them.

6. Borrowers' Tickets must be produced *every time* a book is applied for.

7. Books when returned are not to be left on the counter, nor to be given to any one except the Librarian, or the officer in charge, and tickets must be shown. Borrowers will be held responsible for books said to have been delivered in any other way.

8. No person shall under any pretence be admitted behind the counter, nor shall any person but the Librarian or officers in charge be permitted to take books from the shelves of the Lending Branch.

9. Borrowers must wait to be served in their turn.

10. Borrowers are cautioned against losing their tickets, as they will be held responsible for any book or books which may be taken out of the Library by the use of their lost tickets, until the period for which the tickets are granted has expired. But a lost ticket may be replaced subject to this responsibility.

11. Any change of residence of a borrower must be intimated to the Librarian within one week of such change, under penalty of the forfeiture of the right to borrow books.

12. Folding down the leaves, writing in, or marking any book or books, or returning books torn, or in a dirty condition, will render the borrower liable to have his or her ticket cancelled, and to be excluded from the future use of the Library.

13. If a book be in any manner injured, or lost, the borrower must immediately pay the value of the damage done, or pay the full value of the book if lost or stolen from his or her possession, at the discretion of the Librarian. But all books stolen or lost shall continue the property of the Government, although paid for by the borrower.

14. Persons leaving the Colony or changing their residence to places beyond the districts to which the penny postage extends, are required to return their tickets to the Librarian, otherwise they will be excluded from any future use of the Library.

15. All applications for books must be written on the proper slips provided at the counter for that purpose; but the applicant should first ascertain from the officer in charge if the book required is in.

16. Only one volume will be issued at a time, and borrowers are not allowed to have more than one volume in their possession, except by the special permission of the Librarian; and the officer in charge may refuse to change books twice on the same day.

17. All books must be returned within the period of *fourteen* days, but may be re-issued, except in cases of works in demand. Non-compliance with this rule will render the borrower liable to the suspension of his or her ticket for three months.

18. If at any time the Trustees should deem it necessary to stop the issue of books for any period, either by notice in the Library or by advertisement in the daily papers, all books for whatever period they may be lent, must be returned within the time prescribed by such notice; and any borrower failing to return his or her book before the last day of such notice, will be excluded from the future use of the Library, unless the Trustees shall see fit to decide otherwise.

19. The Librarian shall have the power at any time to cancel borrower's ticket, either for not returning a book within the prescribed time, or for any other non-compliance with the Regulations, or if it should be discovered that the borrower has imposed upon the person recommending him. But if, on application to the Trustees, a sufficient guarantee is given that the Regulations will be strictly complied with, they will grant a fresh ticket.

20. No book can be engaged beforehand; the person who first applies for a book after it has been returned is entitled to have it, provided he is not the borrower by whom the book has just been returned.

21. The officer in charge has the power to exclude, or if necessary to remove by force, from the Lending Room, any person or persons misconducting themselves, or for non-compliance with any reasonable request, or for any infringement of the Regulations of the Institution.

22. The Trustees shall at all times have the power to cancel any borrower's ticket, or may refuse to issue a ticket to any person producing a recommendation, or may forbid at any time, or for any period, the issue of any book or books, without assigning any reason therefor.

APPENDIX H.

Lists of all the Books missing from the Lending Branch on the 31st December, 1878.

Hallam's Remains in Prose and Verse. 1·100.
Bremer's The Neighbours. 3·5.
Pauli's Alfred the Great. 6·12.
Chambers's Miscellany. 8·79.
Bunyan's Pilgrim's Progress. 10·7.
Amos's Service of Law. 10·81.
Froude's Short Studies. 14·80.
Greenwood's Low Life Deeps. 14·112.
Jerrold's Works. 15·104.
Timb's Abbey Castles, &c. 18·110.
Therry's New South Wales. 22·37.

[6*d*.] Sydney: Thomas Richards, Government Printer.—1879.

1878–9.

NEW SOUTH WALES.

AUSTRALIAN MUSEUM.

(REPORT FROM TRUSTEES FOR 1878.)

Presented to Parliament, pursuant to Act 17 Vict. No. 2, sec. 9.

REPORT OF THE TRUSTEES OF THE AUSTRALIAN MUSEUM, FOR THE YEAR ENDING 31st DECEMBER, 1878.

To His Excellency the Governor-in-Chief,—

1. The Trustees of the Australian Museum have the honor to submit to your Excellency this their Twenty-fifth Annual Report.

2. The Museum has been open to the public continuously throughout the year, and the total number of persons who have visited it have been 96,830. In April the Honorable the Minister for Justice and Public Instruction transmitted to the Trustees a copy of a resolution passed by the Legislative Assembly, affirming that it was desirable that the Museum should be opened for the admission of the public on Sunday afternoons. Mr. Leary also communicated the expression of his desire that the resolution should be carried into effect as soon as possible, and intimated that he approved of the necessary expenditure being incurred. Parliament appropriated the sum of £200 for the purpose, and arrangements were accordingly made, by which on the first Sunday of the ensuing month, without infringing upon the liberty of the attendants to be present at Divine Service, the Museum was prepared for the reception of visitors. The number of persons who have attended on Sundays has been 36,071, or an average of 1,030 visitors for each afternoon. On many occasions the building has been inconveniently crowded, but the conduct of visitors has been decorous and orderly.

3. By the addition of £100 per annum to the amount of the supplementary endowment, Parliament has enabled the Trustees to open the Museum at 10 o'clock a.m. instead of noon, which is the usual hour of opening most Museums of a similar character throughout the world. In order to maintain the collections in a good state of preservation, the Trustees have had imposed upon them the necessity of closing the Museum on one day in each week to permit of the systematic examination and renovation of the specimens, and Monday has been selected as the most convenient. The Trustees have likewise had under consideration the propriety of extending the hours of admission until 10 o'clock at night. The Curator reported that artificial light would be very injurious, if not destructive, to the specimens, and for that reason, as well as on the ground of expense, the proposal was held to be inadmissible.

4. Upon the return of their collector from New Guinea, the Trustees obtained a valuable addition to their types of New Guinea fauna. An opportunity offered at an early period of the year to fit out an expedition for the exploration of the Baxter River, and for the probable acquisition of ethnological and other specimens from that part of New Guinea—a country to which the attention of Australian communities, and persons who are interested in natural science in other parts of the globe, has been much directed. The Museum had profited nothing by Signor D'Albertis' expeditions, but with the co-operation of Captain Pennefather, and the willingness of the Government to lend the steam launch "Neva," the Trustees anticipated that they would be able to acquire important collections for a comparatively small outlay, while at the same time their operations would be conducted in a manner calculated to impress the natives with feelings of friendship, justice, and benevolence. When, however, they were on the point of completing their arrangements, Captain Pennefather, who was to have acted as the leader of the expedition, had the misfortune to bring himself within the operation of the quarantine laws, and to suffer so long a detention that it was not possible to carry out the expedition at the season of the year within which alone Europeans can hope to enjoy health on the low-lying shores of New Guinea. The proposed expedition had thus to be abandoned. Since then, however, the Trustees have succeeded in obtaining collections of birds, mammals, and ethnological specimens from Mr. Broadbent, Mr. Goldie, and others who have spent some time in New Guinea. The Trustees have also been able to acquire by purchase and exchange numerous specimens of the natural history of New Zealand and Fiji, in which the Museum was deficient. They have at the same time neglected no opportunity of obtaining new and duplicate specimens of the fauna of Australia, these being always valuable for exchange with kindred institutions. One of their collectors is now at work in North Australia, and arrangements have been made for sending another to Tasmania.

5. In response to the invitation of the New South Wales Commissioners for the Paris Exhibition, the Trustees prepared a collection of Australian birds, mammals, and minerals. The presence of Professor Liversidge at the Exhibition will enable them to exchange these specimens for others which the Museum does not possess, so that the Trustees hope their co-operation will have contributed not only to the interest of the New South Wales portion of the Exhibition, but will also have been the means of enhancing the

attractiveness and value of the Museum itself. They have to record their obligations to Professor Liversidge for the time and attention he has given to the business of the Museum in the purchase of minerals, specimens, and in other respects during his stay in Europe.

6. In July the Honorable the Minister of Justice and Public Instruction submitted for the consideration of the Trustees plans for an extension of the Museum building for the purpose of an Art Gallery. The Trustees concurred with Mr. Leary in the propriety of erecting the proposed structure, and had pleasure in approving of the plans submitted.

7. In this projected increase of space the Trustees recognized an opportunity to give effect to wishes which they had long entertained, namely, to lay the groundwork for the establishment of a Technological and Industrial Museum. An Institution of that character is much needed in the Colony, and the Trustees believe that an Industrial Museum, with classes for instruction, would afford much valuable practical information to a large class of the community. With that object they urged the Government to request Professor Liversidge, in conjunction with Mr. Combes and the Agent General, to collect information respecting the organization and management of the best Technological Schools and Museums in Europe, and asked that the sum of £500 should be placed at the disposal of those gentlemen with which to obtain such drawings and working models as they might consider desirable. The Government promptly acceded to the request, and the Trustees anticipate that the Agent General, having the assistance of these gentlemen, will be in a position to supply such information as will indicate to the Government the wisest course to pursue in the adoption of measures intended to provide for technical and art training.

8. The marine fauna of Port Jackson comprises forms found elsewhere only in a fossil state. Special efforts have been made during the year to obtain as perfect a collection of the fauna of Port Jackson as possible, in which the Museum has hitherto been deficient.

9. Impressed with the necessity which exists for cases in which to exhibit to the public the collections which are being increased yearly by donation, collection, and purchase, the Trustees requested the Colonial Architect to prepare designs for show-cases of the most approved pattern, and plans showing the general arrangement on the different floors of the Museum. The Trustees reserved a large portion of the vote of £500 appropriated by Parliament for the purchase of specimens and fittings, for the construction of cases; but more urgent duties have delayed the preparation of the plans until the end of this year. The Trustees, however, hope that by the liberality of Parliament they will soon be placed in a position to carry out, with the assistance of the Colonial Architect, a well considered and systematic plan for completing the case-furniture of the Museum.

10. There have been two vacancies at the Board during the year. These have been caused by the retirement of Mr. H. C. Russell, B.A., and Commander Stackhouse, R.N., and they have been filled by the election of Mr. Edwin Chisholm, M.D., and Mr. H. H. B. Bradley.

11. The contents of the Appendices are,—I, the balance-sheet for the year 1878; II, a list of books purchased out of the Endowment Fund for the Museum Library; III, a list of books acquired by donation; IV, attendance of visitors; V, attendance of the Trustees; VI, a list of donations; VII, a list of specimens acquired by exchange; VIII, a list of specimens purchased; IX, specimens collected—particulars of work done by the taxidermists.

A. W. SCOTT, M.A.,
Chairman.

(L.S.)

APPENDIX No. I.

BALANCE SHEET of the Trustees of the Australian Museum for the year ending 31st December, 1878.

1878.		£	s.	d.		£	s.	d.
January 1 ...	To balance forward	548	7	9	December 31, 1878,—			
December 31..	To payments by Colonial Treasurer, as follows:—				By salary to Curator	500	0	0
" ...	Supplementary Endowment, 1877	200	0	0	" Secretary, taxidermists (2), articulator (1), attendants (4)	905	10	2
" ...	Collection of Specimens, 1877 ...	287	5	1	" Curator and three attendants, Sundays (6 months, ending Dec. 28)	112	3	4
" ...	Endowment, 1878, under Act of Incorporation	1,000	0	0	By collection of specimens	369	17	5
" ...	Supplementary Endowment, 1878	300	0	0	" purchase of specimens	283	18	10
" ...	Collection of Specimens, 1878 ...	300	0	0	" compilation of catalogue	81	18	0
	Curator's Salary	500	0	0	" purchase of books and periodicals	83	11	7
	Opening Museum on Sundays ...	200	0	0	" chemicals	90	4	10
					" timber	19	12	2
					" window blinds	5	9	3
					" specimen bottles and cork	23	16	0
					" ironwork and implements	31	0	11
					" stationery, engraving, and bookbinding...	25	0	2
					" cartage, freight, and Customs charges ...	31	16	1
					" postage, advertisements, and exchange ...	10	1	9
					" law costs	5	5	0
					" lighting and cleaning	14	15	8
					" fuel	14	14	6
					" taxidermists' materials, &c.	16	4	0
					" balance forward	710	13	
	Balance forward..... £	3,335	12	10	£	3,335	12	10
		710	13	2				

APPENDIX

APPENDIX No. II.

Books purchased out of the Endowment Fund for the Museum Library, 1878.

Annals of Natural History.
Athenæum.
Ibis.
Nature.
Philosophical Magazine.
Transactions of the Entomological Society.
Works of the Palæontographical Society.
British Cretaceous Brachipoda, Part II.
The Fossil Reptilia of the Wealden Formations, Part II, Dinosauria.
Mollusca from the Great Oolite, Part III, Bivalves.
British Fossil Corals.
Corals from the Silurian Formation, Part V.
Fossil Balanidæ and Verrnadæ of Great Britain.
Fossil remains of Mollusca found in the Chalk of England, Part II, Cephalopodia.
Fossil shells of the London clay, Part III, No. 1. 1855.
Agassiz—Echinodermes.
Maclise—Osteology.
Esper—Pflanzenthiere. 5 vols.
Flinders' Voyage. 2 vols.
Voyage of the "Astrolabe," 8 vols., with atlases.

APPENDIX No. III.

Books acquired by donation, 1878.

Presented by John Brazier, C.M.Z.S. :—
List of Land-shells collected on Fitzroy Island.

Presented by the Linnean Society :—
Proceedings of the Linnean Society of N.S.W., vol. II.
" " " " III.

Presented by the Smithsonian Institution, Washington, D.C., United States :—
Memoirs of the Museum of Comparative Zoology at Harrard College. Vol. V, No. 1.

Presented by Die Kaiserliche Akademie der Wissenschaften, Vienna :—
Voyage of the "Novara."
Anthropology.
Zoology.
Atlas.

Presented by Arthur Bertrand, Paris :—
Zoologie et Paléontologie Générales, par Paul Gervais. Livraison 14, 15, and 16.
Ostéographié des Cétacés Vivants et Fossiles. Van Beneden et Paul Gervais.

Presented by Professor Liversidge :—
Bulletin de la Société Impériale des Naturalistes de Moscou, 1877, Nos. 3 and 4.

Presented by the Government of New South Wales :—
Owen—Fossil Mammals of Australia, text 1877.
" " plates 1877.

APPENDIX No. IV.

Attendance of Visitors during 1878.

January	7,581
February	3,368
March	4,212
April	7,980
May	6,903
June	4,914
July	5,294
August	3,893
September	3,650
October	4,039
November	3,991
December	4,934
	60,759

Sunday Attendance.

From May 5 to December 28 inclusive	36,071

APPENDIX No. V.

Attendances of the Trustees, 1878.

Official Trustees.

His Honor the Chief Justice	0
The Honorable the Colonial Secretary	0
The Honorable the Colonial Treasurer	0
The Honorable the Attorney General	0
The President of the Colonial Medical Board	0
The Surveyor General	1
The Auditor General	2
The Colonial Architect	2
The Collector of Customs	0

Crown Trustee.

The Honorable Sir Edward Deas-Thomson, K.C.M.G., M.P.	0

Elective Trustees.

Belisario, John, Esq., D.D.S.	8
Bradley, H. H. B., Esq.	1
Chisholm, Edwin, Esq., M.D.	3
Cox, James C., M.D., C.M.Z.S.	9
Hill, Edward S., Esq., J.P., C.M.Z.S.	6
Liversidge, A., Esq., Professor of Geology, Sydney University	0
Mackay, Patrick, Esq.	13
Morgan, Cosby William, Esq., M.D.	3
Norton, James, Esq.	13
Onslow, Arthur, Captain, R.N., M.P.	8
Roberts, Alfred, Esq., M.R.C.S.	10
Scott, Alexander Walker, M.A.	15
Stackhouse, Thomas, Commander, R.N.	2

APPENDIX No. VI.

DONATIONS.

MAMMALS.

	PRESENTED BY
A Native Cat (*Dasyurus viverinus*)	Master H. Newcombe.
A Great Kangaroo (*Macropus major*)	Mr. Muir.
Cavia aperea	Mr. E. J. W. Palmer, Burwood.
Two Mus sp.	Mr. J. Ramsay, Bourke.
A Ferret (*Mustela furo, Linn.*)	Mr. D. Dale, Sydney.
A Jackal (*Canis aureus, Linn.*)	Chas. Moore, F.L.S.
A Petrogale pennicillata	
An Echidna (*Tachyglossus hystrix*)	Mr. D. Witham.
Portion of Skeleton and Skull of an Aboriginal of Neway Island	Mr. Summers.
One Skull of an Aboriginal of "Mooa"	Captain Pennefether, Torres Straits.
Seven Skulls of Aborigines of "Mobiac Island"	
Two " " Lord Howe's Group	Captain Hastings.
One Skull of an Aboriginal of Rhotumah	
" " Havanna Harbour	
One Macacus aurea, var.	Mr. R. Williams, Oxford-street.
Two Young from pouch of Petaurista taguanoides	Mr. J. P. Josephson, Prospect.
One Phalangista vulpina, from pouch	
The Lower Jaw of a Horse	Mr. J. C. Roberts, Boro.
" " Maori	Mr. Peter Roberts, Boro.
One Phalangista vulpina	Chas. Moore, F.L.S., Botanic Gardens, Sydney.
One Vivera sp.	
One Dasyurus maculatus	Mr. J. W. Rothwell.
One Macacus sp.	Mr. Thos. Fisher.
One Betongia pennicillata	Mr. Nuth, Glebe.
One Dasyurus viverinus	Mr. Kinghorn, Maytown.
One Macacus sp.	Chas. Moore, F.L.S.
One Phascolarctos cinerea	Mr. Nuth, Glebe
One Dasyurus viverinus	Mr. Keen, Burwood.
One Phascolarctos cinerea	Mr. J. W. Henderson, Richmond River.
Six Dasyurus viverinus, from the pouch	Mr. J. P. Josephson.
Acrobates pygmea	Mr. E. de C. Irby, Glen Innes.
A Calf with two heads	Mr. Lee, Goulburn.
An Echidna (*Tachyglossus hystrix*)	Mr. H. J. Teece.
" "	Mr. Watson.
Scotophilus sp. from Eromanga	Rev. H. A. Robertson.
Phascolarctos cinerea	Chas. Moore, F.L.S., Botanic Gardens, Sydney.
Vivera civetta	
Skull of an Aboriginal of North-west Queensland	Mr. D. Witham.
Two Albinoes (*Mus decumanus*)	Chas. Moore, F.L.S.
Three " "	Mr. ———
Young Belideus flaviventer, from pouch	Mr. J. P. Josephson, Prospect.
Two Fœtal Pigs conjoined	Messrs. Wormal and Blayney.

BIRDS.

One Alcyone azurea	Mr. C. Bardsley.
One Gracula religiosa	Mr. W. Legge.
One Chicken with four legs	Mr. Hyam.
One Mitua tuberosa	Chas. Moore, F.L.S.
One " " young	
One Ptistes erythropterus	
One Xenorhynchus australis	
One Ardetta flavicollis	Mr. A. W. Wiltshire.
One Callipepla californica	Mr. Neaves.
One Astur cinereus	Mr. H. Carpenter.
One Platycercus personatus	Chas. Moore, F.L.S.
One Melopsittacus undulatus	
One Apteryx mantelli	
One Psephotus pulcherrimus	
Two Leucosarcia picata	
Two Goura coronata	
Two Gymnorhina tibicen	
One Ptilonorhyncus holosericeus	
One Munia sp.	
One Polyplectron chinguis	
One Cacatua ophthalmica	
One Talegalla lathami	
One Aix galericula	

BIRDS—*continued.*	PRESENTED BY
Three Turtur sp.	Chas. Moore, F.L.S.
One Hybrid Duck (*Anas sp.*)	
One Euphema pulchella	
One Falco peregrinus	
Two Platycercus pennantii	
One „ eximius	
One „ pallidiceps	
One Callipepla californica	
Four Myzantha garrula	
One Paradisea raggiana	A. Roberts, Esq., M.R.C.S.
One Nycticorax caledonicus	C. De Costa Belisario, D.D.S.
One Dendrocygna eytoni	James Ramsay, Esq.
One Sphenostoma cristata	
One Eurystomus pacificus	P. L. Shepherd, Esq.
One Callipepla californica	Mr. Neaves.
One Himantopus leucocephalus	W. C. Browne, Esq., M.P.
One Menura superba	Mr. Jas. Dunlop.
One Herodias pacifica	Captain Onslow, R.N.
Two Climacteris scandens	Mr. Chandler.
Two Trichoglossus concinnus	
One Chthonicola sagittata	
One Orecincla lunulata	
Two Vanga destructor	
One Ninox maculata	Mr. Hinder.
One Ptistes erythropterus	Mr. R. B. Greville.
Four Platycercus eximius	Mr. H. Ackland.
One „ pennantii	
One Trichoglossus novæ hollandiæ	Mr. Killigrew.
One Dacelo gigas	Mr. Nuth.
One Callipepla californica	G. M. Holden, Esq.
One Pardalotus punctatus	Mr. Stein.
One Turtur suratensis	Mr. H. Ackland.
One Phalacrocorax carboides	Mr. Newcombe.
One Callipepla californica	Mr. Devlin.
One Fulica australis	Mr. C. A. Steward.
One Erythura psittacea	Le Comte de Castelnau.
One „ sp.	
One „ sp.	Mr. J. A. Thorpe.
One Sylvia sp.	
One Apteryx mantelli	Mr. Kingdon.
One Callipepla californica	Dr. Cox.
One Elanus axillaris	Mr. ———
One Platycercus pennantii	Mr. J. A. Thorpe.
One Climacteris erythrops	
One Synoicus sinensis	
Two Circus wolfei	Rev. H. J. Robinson, Eromanga.
One Trichoglossus massenæ	
One Graucalus caledonicus	
One Merula albiceps *sp. nov.*	
One Campephaga sp.	
One Halcyon juliæ	
One Zosterops flavifrons	
Three „ griseonota	
One Erythura psittacea	
One Chrysæna victor	Master Trouton.
One Eurystomus pacificus	Mr. A. Woolley.
One Glareola grallaria	Mr. Gillis, Dubbo.
One Scythrops novæ hollandiæ	Mr. D. Howson.
Two Cacatua galerita	Mr. J. A. Thorpe.
Five Nectris carnipes	Mr. Jennings.
One Falco melanogenys	Mr. W. Bradley.
One Eurystomus pacificus	Mr. O. Ward.
One Nycticorax caledonicus	Mr. W. Scott.
One Halcyon sanctus	Mr. J. A. Thorpe.
One Melithreptus brevirostris	
One Acanthiza lineata	
One Pardalotus punctatus	
One Dromaius novæ-hollandiæ	Mr. G. Hunt.
One Xerophilla leucopsis	James Ramsay, Esq.

BIRDS' EGGS.

Egg of a common Fowl, showing peculiar deposition of carbonate of lime	Mr. H. A. Greville.
Egg of Sula australis (?), from the Auckland Islands	Mr. Unterhirst.
Six Eggs of Nectris carnipes, from the Solitary Islands	Mr. M'Leod.
Four „ „ „ „	Mr. Murray.

REPTILES.

Two Grammatophora barbata	Mr. Alfred Parsons., Wollongong.
One „ ornata	
One Cyclodus gigas	Mr. Rd. Edwards.
One Gecko, Phyllurus platurus	Mr. J. Jamieson.
One Dendrophis punctatula	Mr. Chas. Watson.
One Hoplocephalus curtus	Mr. J. Moorcroft.
One „ „	Mr. Francis Parker, Manly.
One Morelia spilotes	
One Diemenia superciliosa	Mr. D. Armstrong.
One Hoplocephalus curtus	Sir John Hay.
One Cyclodus gigas	T. E. Pedley, Esq.
Three Phyllurus platurus	Mr. F. Goddard.
One Grammatophora cristata	
One Cyclodus gigas, from Dawson River	D. Witham, Esq.
One Pseudechis porphyiacus	Mr. A. Dumbrell.
One Vermicella annulosa	C. D. Smith, Esq.
One Hoplocephalus curtus	E. S. Hill, Esq.

REPTILES—*continued.*	PRESENTED BY
One Philas johnstonei	Mr. A. Jones, Forest Lodge.
One Dendrophis sp.	Mr. Johnstone, s.s. "James Paterson."
One „	
One Hoplocephalus sp.	
One Nardoa gilberti	
One Tropidonotus picturata	
One Morelia spilotes	Mr. George Barker.
One Diemenia superciliosa	Mr. J. H. Robinson.
Two Disteira doliata	Capt. E. Potts.
One Strophium spinigera	R. C. Want, Esq.
One Egernia cunninghami (head of)	Mr. J. A. Thorpe.
One Crocodilus biporcatus juv.	— Waller, Esq., Herbert River.
One „ „ „	Mr. E. Spalding, Sydney.
One Hoplocephalus curtus	Mr. Skinner, Manly.
One Brachysoma diadema, Dawson River	D. Witham, Esq.
One Hoplocephalus sp.	P. Mackay, Esq.
Two Tropidolepisma sp.	Mr. J. A. Henderson.
Two Pseudechis porphyriacus	Alex. Anderson, Esq., Kurrajong.
One Morelia spilotes	
One Cyclodus gigas	
One Grammatophora barbata	
One Morelia spilotes	Mr. Thos. Stewart.
One Hoplocephalus coronatus	F. J. Josephson, Esq.
One Lialis punctatula	
Two Grammatophora barbata	Mr. Johnstone, s.s. "James Paterson."
Three Dipsas sp.	
One Diemenia sp.	
One Hoplocephalus sp.	
One Tropidonotus picturata	
One Hoplocephalus curtus (?)	
One Typhlops ruppelli	Walter Blaxland, Esq., Merriwa.
One Trachydosaurus rugosus	
Two Hinulia whitei	
Two Strophium spinigera	
Two Diplodactylos	
One Lialis punctatula	
Two Hoplocephalus nigriceps	
One Hinulia sp.	
One Horned Lizard, from California	Mr. Harwood.
One Hoplocephalus sp.	Robt. Scott, Esq.
One „	
One Vermicella annulatum	
One Typhlops ruppelli	
Two Hunilia tæniata	P. E. Pedley, Esq.
One Trachydosaurus rugosus	Mr. John Cotter.
Two Gecko sp., from Eromanga	Rev. H. Robertson, Eromanga.
Five Hinulia „	
One Mocoa sp. „	
One Diemenia superciliosa (*juv.*)	J. P. Josephson, Esq.
One Typhlops ruppelli	
One Acanthophis antarctica	Mr. Hayes.
Three Grammatphora sp.	Mr. W. Lucas.
One Phyllurus platurus	Mr. James Riskin.
Chlamydosaurus kingii	Mr. Johnstone, s.s. "James Paterson."
One Grammatophora barbata	Mr. J. A Thorpe.
One Pygopus lepidopodus	Mr. Farsinidge.
One Diemenia sp.	
One Pygopus lepidopodus	Mr. G. Corbitt.
One Brachysoma diadema	Mr. Scott, North Shore.
One Sea Snake (*Pelamis bicolor*)	Hon. J. Macintosh.
Six Lialis punctatula	James Barnet, Esq.
One „ „	Master D. Simmonds.
Four „ „	Mr. ——, Light-house, Solitary Islands.
One Dendrophis punctulata	E. S. Hill, Esq.
One Lialis punctatula	Mr. ——
One Hydrosaurus varius	Mr. W. Doolan.
One Chlamydosaurus kingii	Mr. J. Johnstone.
Two Lialis amesthystinus	Mr. W. Powell, Torres Straits.
One Grammatophora barbata	J. P. Josephson, Esq.
One Pygopus lepidopodus	Master Asher.
One Cyclodus gigas	Mr. F. C. Johnstone.
One Crocodilus biporcatus	W. Felmingham, Esq.
One Hydrosaurus varius	Captain Arnold, A.S.N. Co.
One Diemenia superciliosa	
One Nardoa gilberti	
One Grammatophora barbata	
SHIELD REPTILES.	
One Chelonia oblonga	Mr. H. Drake.
BATRACHIANS.	
Nine Pseudophryne australis	P. E. Pedley, Esq.
FISHES.	
A Fresh-water Perch (*Lates* sp.)	Mr. Alfred Parsons.
One Girella tricuspidata	
One Ostracion concatenatus	Mr. Thos. Kyle.
One Batrachus sp., Port Jackson	Mr. Seymour.
One Rhinobatus sp. „	I. J. Josephson, Esq.
One Trygla sp. „	Mr. Seymour.
One Caranx ciliaris, from Newcastle	Mr. A. B. Portus.
One Muræsesox cinerea	Capt. J. W. Laughton.

FISHES—*continued.*	PRESENTED BY
Four Osteoglossum leichhardti, from the Dawson River	D. Witham, Esq.
One fresh-water Perch	
One Myliobatus sp., Port Jackson	I. J. Josephson, Esq.
One Trygonoptera testaceus	
Two Caranx ciliaris, Port Jackson	P. E. Pedley, Esq.
One Ostracion concatenatus	Mr. R. Alexander.
Four young Sharks, Carcharias sp.	E. S. Hill, Esq.
One Zygæna, malleus ? Port Jackson	I. J. Josephson, Esq.
One Pagrus unicolor	Mr. Johnstone, A.S.N. & Co.
One Ostracion concatenatus	Miss L. Barnet.
One „ aracana	Mr. I. Tucker.
One Tetrodon sceleratus	R. Whitfield, Esq.
One Salarias sp., from an oyster	Master Selkirk.
Two Fistularia serrata	Mr. Williamson.
One Ostracion aracana	Mr. E. J. M'Kone.
One Pagrus unicolor	Mr. James Miller.
One Glaucosoma sp.	I. J. Josephson, Esq.
One Monacanthus hippocrepis	
One Zeus australis	— Athurton, Esq.
One Cristiceps grandis	Mr. Skinner, Manly.
One Trigla kuma	C. Griffiths, Esq.
One Plectropoma annulatum	Mr. H. Ackland.
One Olistherops cyanomelas	
One Heterodontus phillippi	Mr. J. J. Higley.
Five Chætodonta sp.	Mr. Johnstone, s.s. "James Paterson," A.S.N. Co.
One do. multifasciatus	
One Pagrus sp.	
Heterodontus phillippi	Mr. R. Boland.
A Salarias	Mr. G. Anderson.
Echeneis remora	Messrs. M'Leod and Jennings.
One Monacanthus sp.	Mr. ——
One Heterodontus phillippi	I. J. Josephson, Esq.
One Echeneis remora	Mr. A. Wheeler.
One Hippocampus novæ hollandiæ	Mr. C. Osbourne.
One Platurus scutatus, Fortuna Island	Mr. J. M. Johnstone.
MOLLUSCA.	
Mitra sinensis	Mr. Wm. Cuthill.
Two Helix atramentarius	Rev. J. E. T. Woods, F.L.S.
One Patella ustulata	
One siphonaria diemanensis	
Four Trochocochlea tæniata	
Two „ constricta	
Two „ australis	
Four animals of Argonauta argo, from Port Jackson	Mr. Skinner, Manly.
ARACHNIDA.	
A Spider, Gasteracanthus	L. Hienson, Esq.
A Spider, Poltus, with group of Nests	G. M. Holden, Esq.
Two Scorpions from California	Mr. Harwood.
Several collections of Australian Spiders in spirits, from Prospect	J. P. Josephson, Esq.
Six Spiders (*Mygale sp.*) &c.	Alex. Anderson, Esq.
One Scorpion	Rev. H. A. Robertson.
Two Gasteracanthus sp.	
One Poltus sp.	Dr. Milford, Sydney.
Two Gasteracanthus sp.	
CRUSTACEA.	
A large Crab (*Thalamita crucifera*) from Port Jackson	Mr. William Shaw.
A Crab (*Paramithrax peronii*)	Mr. ——
A Crab covered with sponges (*Hyastenus diacanthus*)	Mr. Ackland.
A long-armed Prawn (*Palæmon ornatus*) from the Manning River	Mr. E. Shoesmith.
A Crab (*Hyastenus diacanthus*)	Mr. F. Hagan.
Two Crabs (*Hyastenus diacanthus*), from Port Jackson	H. Prince, jun., Esq.
A fresh-water Cray-fish (*Astacoides spinifer*)	Mr. Alex. Anderson.
Two large specimens of Lepturus viridis, from ponds near Hunter River	Mr. Payne.
A large Crab (*Prionorhynchus Edwardsii*), from the Auckland Islands	D. Mackinlay, H.M.S. "Nymphe."
Five large Prawns (*Penæus Sydneyensis*), from Cook's River	Mr. J. A. Hay, Lyell.
MOLLUSCOIDA.	
Two species of Polyzoa	Mr. Wm. Houston.
ANNULOSA.	
A Sea-worm (*Eunice sp.*)	Mr. Wm. Houston.
Four Sea-worms (*Eunice sp.*)	Mr. ——
A Wire-worm (*Gordius aquaticus*)	Mr. Molloy.
ACTINOZOA.	
Two pieces of Coral	Mrs. Eliza Francis.
Specimens of Cylicia quinaria	Dr. B. Read, M.R.C.S.
ECHINODERMATA.	
A Comatula, Port Jackson	D. J. C. Cox.
„ „	Mr. C. Benbow.
INSECTA.	
Lava of Sequoria triangularis	Mr. ——
Collection of Coleoptera in spirits, from Prospect	J. P. Josephson, Esq.
A Lomaptera sp.	Mr. Johnston, s.s. "James Paterson."
Collection of Insects (Coleoptera, Orthoptera, and Myriopoda)	W. Blaxland, Esq.
Gryllus sp	Mrs. Fisher.
Two Phasma sp.	Alex. Anderson, Esq.
Six Pentaptera sp.	James Norton, Esq.
Two Mantis sp., from Eromanga	Rev. H. A. Robertson.
One Phasma sp., from Eromanga	
A Moth (*Antheræa eucalypti*)	Mr. Wm. Wilsmore.
A Beetle (*Macrotoma gemella*), from Bingera	Mr. ——

GEOLOGICAL SPECIMENS AND FOSSIL REMAINS.	PRESENTED BY
Fossil Wood impregnated with Iron Pyrites, from Orange Gold-fields	Inspector Turton, Bathurst.
Three Pentune sp.	
Recent Limestone, with impressions of Ferns (*Pteris aquilina*)	Mr. G. A. Loxton.
A large Meteorite (*cast of*)	The Commissioners of Paris Exhibition
Specimens of Volcanic Rock, from Mount Gambier	Mr. S. N. Teulon.
„ „ from Blue Lake, S. A.	
Fossil Ferns	Mr. ——
Molar tooth of Diprotodon	Mr. ——
Portion of ramus of lower jaw of do.	A. J. Doyle, Esq.
Collection of Opals in stone	Mr. E. J. Weeks.
Five Incisors of Diprotodon	Mr. ——, Gelgoine Station.
One Molar of do.	
Three upper Molars of do. of Diprotodon	
Medean portion of Tibia of do.	
One anterior portion of lower jaw of do.	
One „ „ „ „ ?	
Sacral vertebra of an ox (*semi-fossilized*), from Gelgoine Station, Canonbar	
An Agate pebble	Mr. Wills, Ballaarat.
A large Meteoric Stone?	Chas. Cropper, Esq.
Hollow Nodule of Ironstone	
Encrinites, from Shoalhaven	Wm. Lovegrove, Esq.
A piece of fossil Coral	Mr. Wm. Roach.
Cast of a Bivalve shell	
Specimen of Asbestos	

ETHNOLOGICAL SPECIMENS.	
One Skeleton and Skull, from Neway	Mr. Summers.
One Skull, from Moca	Capt. Pennefether.
Two Skulls, from Lord Howe's Island	Capt. Hastings.
One Skull, from Rotumah	„
One „ Havana Harbour	„
Seven Skulls, from Mobiac Island	Capt. Pennefether.
Lower Jaw of Maori	Mr. P. Roberts.
Collection of Ethnological Specimens, from Murray River	R. J. Campbell, Esq.
Two Skulls of Queensland Aborigines	Mr. Withan.
One Skull of Manakailapa, Pele, New Hebrides	Rev. Peter M'Pherson, M.A., Missionary from Eromanga.
One Sacred Stone Ring, Eromanga	
One „ „ large, Eromanga	
Two Spears, Solomon Is.	
Two Star Stone Clubs, Eromanga	
One Tomahawk, with ornamental handle, New Hebrides	
One carved Pigeon, cut on head of wooden monument used in religious ceremonies	
One Earthenware Pot	
One Conch Shell, used as Trumpet	
One Water-worn Pebble "God of the Pigs"	
One Drinking Cup of Human Skull	
One Native Drum, hollowed stem of tree, carved	

ED. P. RAMSAY,
Curator.

APPENDIX No. VII.

EXCHANGES.

List of Specimens forwarded to the Trustees of the Australian Museum for the purpose of exchange by the several persons and Institutions whose names are appended.

Date.	Specimen.	Locality.	To whom sent.
1878.			
Jan. ...	Stone Adzes (3)	Samoa	Baron Von Hugel.
„ ...	4 Stone Adzes	Fiji Islands	„ „
„ ...	1 Ptilopus mariæ♂	„ „	Mr. Chamberlain.
„ ...	2 Chryssena victor	„ „	„
„ ...	1 Lamprolia victor	„ „	„
„ ...	1 Pœcillopora eydouxi	Pacific Ocean	Mr. Woods.
„ ...	1 Eos sp.	North-west Coast of New Guinea	Museo Civico di Storia Naturale di Genoa.
„ ...	2 Parotia sexpennis	Mt. Arfarck, New Guinea	„ „ „
„ ...	1 Pitta maxima	Halmahera, „	„ „ „
„ ...	1 „ macklottii	„ „	„ „ „
„ ...	1 Tanysiptera galatea	Warbusi, „	„ „ „
„ ...	1 „ margarittiæ	Halmahera, „	„ „ „
„ ...	1 „ carolinæ	Mafor, „	„ „ „
„ ...	1 Halcyon diops	Halmahera, „	„ „ „
„ ...	1 Lorius fuscata	Abansinam „	„ „ „
April ...	1 Astur sp.		Capt. Hutton, Otago Museum, N.Z.
„ ...	1 Accipiter nisus	N. Germany	„ „ „
„ ...	1 „ pensylvanicus	N. America	„ „ „
„ ...	1 Tinnunculus alaudarius	India	„ „ „
„ ...	1 Buteo vulgaris	Germany	„ „ „
„ ...	1 „ fuliginosus	India	„ „ „
„ ...	1 Circus macrurus	„	„ „ „
„ ...	1 „ cyaneus	„	„ „ „
„ ...	1 Strix candida	„	„ „ „

Captain Hutton, Otago Museum, New Zealand.

1 Strix pratincola.
1 Surnium næbulosa.
1 Otus brachyotius.
1 Halcyon smyrnensis.
1 „ pileata.
1 „ pulchella.
1 Pelargopsis javanicus.
1 Merops bicolor.
1 Megalaima chrysopogon.
1 „ versicolor.
2 Clyptomena viridis.
1 Podiceps philippensis.
1 „ dominicus.
1 Harelda glacialis.
1 Mareca penelope.
1 Querquedula crœca.
1 Dendrocygna viduata.
1 Spatula clypeata.
1 Fulica atra.
1 Phæton rubricauda.
1 Eudyptes antipodes.
1 Graculus brazilianus.
2 „ carbo.
1 „ melanognathus.
1 Plotus melanogaster.
1 Ardea virescens.
1 Nycticorax gardeni.
1 Herodias egretta.
1 Bubulcus ibis.
1 Ardea leucoptera.
1 Herodias garzetta.
1 Zanclonius diardi.
1 Rhinortha chlorophæa.
1 Piaya mexicana.
1 Phœnicophaes erythrognathus.
1 Coracias indica.
1 Pica candata.
1 „ nuttalli.
1 Dicrurus microcercus.
1 Harpactes hasumba.
1 Centropus philippensis.
1 „ medius.
1 Charadrius piloris.
1 Chettusia bribboni.
1 Lobivanellus indica.
1 Hoplopterus ventralis.
1 Strepsilas interpres.
1 Tringa maritima.
1 Gallinago frenata.
1 Ortygometra affinis.
1 Palœornis schisticeps.
1 „ lathami.
1 „ caniceps.
1 Platycercus alpinus.
1 Coryllis galgalus.
2 Meiglyptes brunneus.
1 Colaptes mexicanoides.
1 Picus himalayanus.
1 Brachypernus aurantius.
1 Brachylophus mentalis.
1 „ (Picus) „
1 Orocetes erythrogaster.
1 Tricholapternus squamatum.
2 Irene puella.
1 Icterus baltimorus.
1 Cimbirhynchus macrorhynchus.
1 Eurylaimus ochromelas.
1 Calorhamphus fuliginosus.
1 Phyllornis aurifrons.
1 „ javanicus.
1 „ malabarica.
1 Turdus torquatus.
1 „ merula.
1 „ viscivora.
2 „ pilaris.
2 „ musicus.
1 „ iliacus.
1 Geocichla unicolor.
1 Chatœrrhœa caudata.
1 Microscelis ochrocephalus.
1 Tchitrœa paradisea.
1 Pycnonotus melanocephalus.
1 Acridotheres tristis.
1 Eulabes javanicus.
1 Cinnyris asiatica.
1 Munia atricapilla.
1 Thyothorus maculipectus.
1 Plectrophanes nivialis.
2 Fringilla montifringilla.
1 Anthus arboreus.
1 Loxia curvirostris.
1 Montifringilla nivialis.
1 Chlorospiza chloris.
1 Aegiophus linaris.
2 Alauda arvensis.
1 Emberiza miliaris.
2 „ citrinella.
1 Sylvia currica.
3 „ cinerea.
1 „ sylvicola.
1 „ hortensis.
1 Saxicola rubetra.
1 Pratincola rubetra.
2 „ rubicola.
1 „ caprata.
1 Ruticilla lithys.
1 Muscicapa atricapilla.
2 „ grisola.
1 Parus cinereus.
1 „ cristatus.
1 Troglodytes parvulus.
1 Certhia familiaris.
1 Motacilla flava.
1 Sciurus novæ boracensis.
1 Orites caudatus.
1 Calidris arenaria.
1 Rallus philippensis.
1 Seriornis satyrus.
1 Apteryx australis.
1 Docenastus ensiferus.
1 Rhamphomicron heteropogon.
1 Chœtocercus muescentii.
3 Heliangelus clarissæ.
2 Helianthœa typica.
1 Panoplites flavescens.
1 Hemithylaca iodura.
1 Chrysaronia anone.
1 Oxypogon guerins.
10 Eriocnemis cupreiventris.
2 Rhamphomicron microrhynchus.
2 Urolampra tyrianthinus.
2 Eriocnemis vestita.
4 Chlorostilbon poortmani.
A Collection of Devonian Fossils.

— Cheeseman, Esq., Curator, Auckland Museum.

1 Sterna caspia.
1 „ frontalis.
2 Limosa banneri.
1 Larus scopulinus.
1 „ dominicanus.
2 Anarhynchus frontalis.
1 Charadrius bicinctus.
2 „ obscurus.
2 Halcyon vagans.
2 Prosthemadera Novæ Zealandiæ.
1 Glaucopsis wilsonii.
1 Circus gouldii.
2 Porphyrio melanotus.
2 Ninox Novæ Zealandiæ.
1 Botaurus pœcilopterus.
3 Nestor meridionalis.
2 Apteryx mantelli.
2 Carpophaga Novæ Zealandiæ.
1 Anas superciliosus.
1 Eudynamys tahitensis.
2 Anthus Novæ Zealandiæ.
1 Platycercus auriceps.
2 Gerygone flaviventris.
2 Zosterops lateralis.
2 Rhipidura flabellifera.
15 Moari axes (ethnological specimens.)
5 Crania of Maories.
1 Cast of footprint of moa, and portion of bone, sand-slab with do.
1 Egg of Apteryx mantelli.

Capt. Hutton, Otago Museum.

10 Bones of Cnemiornis calcitrans.
2 Skeletons of Apteryx oweni.
2 „ Glaucopis cinerea.
2 „ Nestor meridionalis.
3 „ Stringops habroptilus.
2 „ Kcropia crasirostris.
1 „ Eudyptes minor.
1 „ „ pachyrhynchus.
1 Apteryx oweni.
1 Glaucopis cinerea.
1 Nestor notabilis.
2 Prosthemadera, N.Z.
1 Crædion carunculatus.
1 Stenorhynchus leptonyx.
1 Zosterops lateralis.
1 Ocydromus fusca

Le Comte de Castelnau, Sydney.

2 Halcyon sancta.
3 Aplonis caledonica.
2 Gliciphilla chlorophœa.
2 Myzomela sanguinolenta.
2 Campephaga montronzieri.
3 Pachycephala assimilis.
1 ,, morariensis.
1 Zosterops lateralis.
1 ,, griseonota (?).
1 Zosterops (?)
1 ,, xanthrochroa.
2 Gerygone flavolateralis.
2 Eopsaltria flavigastra.
1 Myiagra caledonica.
1 Rhipidura bulgeri.
1 ,, verreauxi.
1 Erythura psittacea.

Dr. Mackinlay, H.M.S. "Nymph."

1 Strix delicatulus.
2 Xema.
1 Petroica sp, N.Z.
3 Ptilotis (anthornis) melanura.
2 Rhipidura.
1 Prosthemadera, novæ zealandiæ.
3 Sternoides.
2 Fish with parasites.
2 Butoroides javanica.
3 Ptilotis carunculatus.
1 Merula.
1 Chalcophaps.
1 Halcyon recurvirostris.
2 Petroica pusilla.
1 Pachycephala.
1 Campephaga.
2 Calornis brevirostris.
1 Myzomela.
2 Trichoglossus.
2 Asterias.
2 Larus.
1 Larus dominicanus.
1 Procellaria gigantea.

Mr. Dall, Nelson.

3 Prosthemadera, Novæ Zealandiæ.

Collection of Birds from M. Alphonse Milne-Edwards, Jardin des Plantes, Paris.

1 Vultur calvus.
1 Gyps indicus.
1 Aquila rapax.
1 Rostrhamus sociabilis.
1 Micronisus badius.
1 Pernis ptilorhynchus.
1 Polyboroides tipicus.
1 Polyborus cheriway.
1 Ictinea plumbea.
1 Haliætus vocifer.
1 Gypohierax angolensis.
1 Helotarsis ecaudatus.
1 Urubitinga zonura.
1 ,, anthracina.
1 ,, schistacæa.
1 Buteo lineatus.
1 ,, brachypterus.
1 Cymindis unceatus.
1 Milvago chimachima.
1 ,, megalopterus.
1 Poliornis teesa.
2 Cerchneis newtoni.
1 Melierax gabar.
1 Elanus torquatus.
1 Ibycter americanus.
1 Bubo virginianus.
1 Syrnium cinereum.
1 Ketupa ceylonensis.
1 Nyctea nivea.
1 Speotyto cunicularia.
1 Scops braziliensis.
1 Nyctibius pectoralis.
1 Nyctidromus americanus.
1 Chordieles texensis.
1 Centurus carolinus.
1 Colaptes mexicanus.
1 Coua serriana.
1 Centropus superciliosus.
1 Melias tristis.
2 Leptosoma discolor.
1 Eurystomus glaucurus.
1 Coccyzus americanus.
1 Crotophaga ani.
1 Rupicola peruviana.
1 Crochalopteron Ellioti.
1 Bhringa ramifer.
1 Megalaima lineata.
1 Oriolus diffusus.
1 Eurylaimus macrorhynchus.
1 Guiraca ludiviciana.
1 Rhinortha chlorophœa.
1 Piaya cayana.
1 Pteroglossus prasinus.
1 ,, torquatus.
1 Trogon caligatus.
1 ,, puella.
1 ,, massena.
1 Merops viridis.
1 Melittophaga gularis.
1 Ceryle rudis.
1 Halcyon atricapilla.
1 Alcedo ispida.
1 Ceryle superciliosa.
1 Corythornis vintsioides.
1 Ithaginis geoffroyi.
1 Phasianus torquatus.
1 Minuda meleagris.
1 Ciconia leucocephala.
1 Monassa nigrifrons.
1 Coua pyrrhopygia.
1 Prionops poliocephalus.
1 Buchanga assimilis.
1 Galioscoptes carolinensis.
1 Pomatorhinus stridulus.
1 Manacus candei.
1 Icteria viridis.
1 Emberiza aureola.
1 Ceblepyris cana.
1 Otocorys bilopha.
1 Artamia rufa.
1 Mimus polyglottus
1 Vanga curvirostris.
1 Ixus sinensis.
1 Melanotus hypoleucus.
1 Dendrornis eburneirostris.
1 Lanius schah.
1 Glareola ocularis.
1 Melanotis cœrulescens.
1 Tiga rafflesii.
1 Passer swainsonii.
1 Motacilla flaviventris.
1 Toria tiphia.
1 Setophaga ruticilla.
1 Timalia pileata.
1 Artamia viridis.
2 Drepanis coccinea.
1 Setophaga miniata.
1 Tchitrea mutata.
1 Hemignathus lucidus.
1 Pogonias brucei.
2 Fondia madagascarensis.
1 Cuculus Klassei.
1 Toria zeylonica.
1 Vidua principalis.
1 Siurus nove boracensis.
1 Colius senegalensis.
1 Ptilogonys cinereus.
1 Artamia bicolor.
1 Hartlaubia madagascarensis.
1 Progne purpurea.
1 Monasa tenebrosa.
1 Melanodiglossa lafresnayi.
1 Ptilopus jambu.
1 Treron nepalensis.
1 Erythrœna pulcherima.
2 Psittacula cana.
1 Agapornis pullaria.
1 Irrisor melanorhynchus.
1 Promerops caffer.
1 Galbula melanogenia.
1 Aglactis rufipennis.
1 Chaliomitra gutturalis.
1 Campylopterus hemileucocercus.
1 Anthreptes celebensis.
1 Angladiana notata.
1 Florisuga melivora.

1 Ramphomicron microrhyncha.
1 Paphosia Helenæ.
1 Trochilus colubris.
1 Thaumastura enicura.
1 Amazilia pristina.
1 Engenes fulgens.
1 Arachnechthra flammaxillaris.
1 Cyrtostomus pectoralis.
2 Pancœola pulchella.
1 Pipra erythrocephala.
2 ,, striolata.
1 Pipra mentalis.
1 Cœreba cœrulea.
1 Setophaga ruticilla.
1 Basileuterus delalkii.
1 Dendrœca dominica.
1 Oxyurus spinicauda.
1 Philepitta jala.
1 Capito Richardsonii.
1 Setophaga verticalis.
2 Collocalia francica.
1 Pelvis of Struthio camelus.

A collection of mounted Birds and Skins, illustrating the Fauna of Ontario, Canada, from — Mummery, Esq., Canada, comprising—

170 Specimens of Birds. | 25 Specimens of Mammals.

E. P. RAMSAY,
Curator.

APPENDIX No. VIII.

SPECIMENS PURCHASED.

1 Elacate nigra (fish market).
2 Trygonorbina fasciata (fisherman).
1 Nest of Monarcha gouldii (Broadbent).

Mr. Sers, Port Darwin.—Collection of Fishes and Reptiles.

5 Squamipennes.
2 Chætodonts.
13 Periopthalmus.
5 Batrachidæ.
1 Synancidium horridum.
1 Antenarius.
1 Platycephalus sp.
1 Pectropoma.
2 Therapon caudivittata.
4 Squamipennes.
5 Berycidæ.
1 Synaptura.
1 Murœna.
1 Lialis punctatula.
1 Crocodilus biporcatus, *juv.*
2 Crustaceans.
2 Molossus australis.

Mr. George Masters.

1 Ptistes erythropterus.

Mr. Moorcroft, Richmond River.

1 Podiceps novæ-hollandiæ.
1 Graculus novæ-hollandiæ.
1 Nycticorax caledonicus.
1 Athena strennua.
1 Strix tenebricosus.
1 Circus assimilis.
1 Calyptorhynchus leachii.

Mr. George Palmer.

6 Cyclopsitta coxenii.

Mr. George Masters.

3 Calamoherpe australis.
2 Pachycephala occidentalis.

Mr. Kendall Broadbent, Cairns, Trinity Bay.

2 Casuarius australis.

Mr. E. Waller.

1 Tadorna vulpanser.

Mr. Moorcroft, Richmond River.

4 Petaurista taguanoides.
1 ,, flaviventer.
3 Halmaturus wilcoxi.
1 Phalangister cannina.
1 Echidna hystrix.
2 Natives' shields.
4 Boomerangs.
2 Nulla nullas.
1 Paddymelon stick.

Mrs. Tost.

2 Goronticus spinicollis.

Mr. Kendall Broadbent, Cairns, Trinity Bay.—Collection of Birds.

1 Tadorna radjah.
2 Megapodius tumulus.
1 Pandion leucocephalus.
1 Centropus macrurus.
2 Endynamys flindersii
1 Cracticus quoyi.
2 Carpophaga spilorrhoa.
6 Ptilopus superba.
1 ,, swainsoni.
2 Caprimulgus macrourus.
1 Dacelo leachii.
10 Tanysiptera sylvia.
1 Alcyone azurea.
1 Trichoglossus chlorolepidotus.
13 Cyclopsitta macleayana.
3 Pitta simillima.
1 Ægialites geoffroyi.
1 Limnocinclus acuminatus.
1 Calornis metallica.
1 Colluricincla parvissima.
1 Ptilotis macleayana.
2 Eopsaltria leucura.
1 Melithreptus albogularis.
3 Pardalotus melanocephalus.
1 Sittella striata.
5 Cinnyris frennata.
1 Glyciphilla subfasciata.
2 Myiagra plumbea.
5 Arses kaupii.
2 Malurus amabilis.
2 Estrelda phœton.
7 Malurus brownii.
5 Pteropus conspicillatus.
2 Mus sp.

1 Zygæna lewini. (from Fish Market.)

Mr. E. Coleman, Richmond River.

25 Ptilorhis paradisea.
14 Sericulus melinus.
25 Pitta strepitans.
2 Menura alberti.
1 Cacatua galerita.
1 Trichoglossus chlorolepidotus.
1 Aprosmictus scapulatus.
1 Donacola castaneothorax.

Mr. Abbott, Fiji Islands.

2 Strix lulu.
3 Carpophaga latrans.
3 Phlegœnas stairii.
1 Porzana tabuensis.
2 Rallus philippensis.
1 Procellaria cookii.
1 Totanus gryseopygius.
1 Halcyon sacra.
3 Ptilotis carunculata.
4 Pachycephala græffei.
4 Myiolestes nigrogularis.
4 „ vitiensis.
1 Collocalia spodiopygia.
2 Artamus vitiensis.
1 Aplonis tabuensis.
1 Rhipidura layardii.
2 Vitia ruficapilla.
4 Herodias jugularis.
4 Porphyrio vitiensis.

James Wilcox, Clarence River.

3 Ptilonorhynchus holocericeus.
1 Ailurœdus smithii.
1 Ptilorhis paradisea.
2 Eurystomus australis.
2 Dicrurus bracteatus.
2 Schœniclus australis.
1 Hiaticula nigrifrons.
2 Porzana palustris.
2 Orthonyx spinicaudus.
3 Podargus humeralis.
5 Eudynamis flindersi.
1 Podiceps novæ hollandiæ.
1 „ „ (?), *juv.*
2 Calyptorhynchus leachii.
1 Nycticorax caledonicus.
1 Scythrops novæ hollandiæ.
1 Aquila audax.
1 Athene strenua.
1 Ardea novæ hollandiæ.
2 „ pacifica.

Mr. J. Gaskell, Melbourne.

2 Hiaticula monacha.
2 Schœniclus australis.
2 Scolopax australis.
2 „ bicincta.
2 „ ruficapilla.
3 Thalassidroma marina.
2 Glottis glottoides.
2 Sterna poliocercus.
3 Recurvirostris rubicollis.
4 Biziura lobata.
2 Calyptorhynchus funereus.
2 Callocephalon galeatum.
1 Polytelis melanura.
2 Aprosmictus scapulatus.
2 Leucosarcia picata.
2 Fulica australis.
2 Gallinula tenebrosa.
1 Astur sp.

Mr. Petterd, Launceston.

1 skull of Thylacinus cynocephalus.

Sydney Markets.

3 Anas castanea
4 Anas nævosa.

Mr. Stein, Smithfield.

3 Acrobates pygmea.
1 Phalangista laniginosa.
3 Typhlops ruppelli.
1 Brachysoma diadema.

Mr. Emerson.

1 Palinurus.
4 Anas castanea.

Mr. Masters.

1 Anas nævosa.

Mr. Waller.

1 Anas castanea.
1 Xema novæ-hollandiæ.
2 Anthochæra inauris.
1 Echidna hystrix.

Mr. Petterd, Tasmania.

2 Gymnorhina organica.
1 Graucalus parvirostris.
1 Anthochæra inauris.
1 Trichoglossus concinnus.
1 Lathamus discolor.
1 Pachycephala glaucura.
1 Estrelda bella.
1 Malurus longicaudus.
1 Petræca multicolor.
1 Pardalotus quadragintus.
1 „ punctatus.
1 Colluricincla harmonica.
Small collection of Birds Eggs.
„ „ Marine Shells.

Mr. Kendall Broadbent, Port Moresby, New Guinea.

9 Manucodia atra.
19 Eulabes dumontii.
2 Cyclopsitta aruensis.
10 Chlamydera cerviniventris.
1 Oriolus striatus.
1 Colluricincla brunnea.
1 Grauculus augustifrons.
1 Cracticus cassicus.
1 Melidora goldiei.
3 Tanysiptera galatea.
2 Pitta novæ-guinæ.
1 Chalcophaps (stephani, *juv.*) ?.
1 Piezorhynchus alecto.
1 Melithreptus albogularis.
6 Malurus alboscapulatus.
2 Podargus papuensis.
2 Centropus spilopterus.
2 Eudynamys flindersii.
2 Microglossus atterrimus.
6 Chalcopsittacus chloropterus.
11 Eclectus polychlorus.
2 Trichoglossus massenæ.
1 Astur sharpei.
1 Sauloprocta tricolor.
1 Sphecotheres salvadori.
1 Podargus papuensis.

Mr. Duckworth, Cabramatta.

1 Sauloprocta motacilloides.
1 Climacteris scandens.
1 Myzantha garrula.
1 Anthochæra carunculata.
1 Meliphaga phrygia.
2 Trichoglossus novæ-hollandiæ.
9 „ concinnus.
3 „ pusillus.
1 Dacelo gigas.

Mr. Sheedy and others.

Halcyon sanctus.
3 Pachycephala gutturalis.
1 Alcyone azurea.
2 Acanthorhynchus tenuirostris.
3 Artamus sordidus.
3 Origma rubricata.
2 Sittella chrysoptera.
4 Sphenura brachyptera.
1 Psophodes crepitans.
1 Chalcites plagosus.
2 Ptilotis chrysops.
3 Meliornis novæ hollandæ.
7 „ sericea.

1 Malurus lamberti.
1 Myzomela sanguinolenta.
1 Dicœum hirundinaceum.
6 Estrelda bella.
1 „ temporalis.
1 Turtur.
2 Pachycephala gutturalis.
2 Sericornis frontalis.
1 Acanthiza reguloides.
1 „ lineata.
1 Perameles nasuta.
2 Belideus breviceps.
1 Hapalotis arboricola.

Mr. J. Nuth.

1 Tachyglossus hystrix.

Mr. Sheedy, Middle Harbour.

5 Origina rubricata.
4 Malurus lamberti.
1 Estrelda bella.
1 Stipiturus malachurus.
1 Chalcites basalis.
2 „ plagosus.
1 Alcyone azurea.
1 Menura superba.
1 Eurystopodus albogularis.
1 Chalcophaps chrysochlora.
1 Oreocincla lunulata.
3 Origma rubricata.
3 Monarcha carinata.
1 Gerygone albogularis.
1 Chalcites plagosus.

1 Pezoporus formosus.
1 Pachycephala gutturalis.
1 Petroica multicolor.
1 Hylacola pyrhopygia.
1 Œdicnemus grallarius.
1 Phaps elegans.
1 Pachycephala gutturalis.
1 Falcunculus frontalis.
1 Cincloramphus rufescens.
2 Rhipidura rufifrons.
2 Malurus lamberti.
2 Dicœum hirundinaceum.
2 Estrelda bella.
2 Eggs of Podargus strigoides.

Mr. Stein, Smithfield.

3 Belideus flaviventer.
3 „ breviceps.

1 Petaurista taguanoides.
1 Phalangista laniginosa.

J. A. Boyd, Esq., Fiji.

3 Astur rufitorques.
1 Strix lulu.
2 Hirundo tahitica.
1 Halcyon sancta.
1 „ ?
1 Artamus mentalis.
3 Ptilopus apicalis.
3 „ luteovirens.
1 „ mariæ.
2 Platycercus splendens.
3 „ personatus.
2 Lorius solitarius.
3 Trichoglossus amabilis.
2 Leptornis viridis.
2 Ptilotis procerior.
4 Myiolestes nigrogularis.
3 „ vitiensis.
2 Merula vitiensis.

3 Pachycephala graffeii.
3 Campephaga maculosa.
2 Aplonis vitiensis.
3 Myiagra cæruleocapilla.
1 „ castaneothorax.
2 Vitia ruficapilla.
3 Petræca pusilla.
2 Erythrura pealei.
1 Cuculus simeis.
2 „ fuscatus.
1 Charadrius longipes.
1 Porphyrio vitiensis.
2 Rallina pœcilopterus.
2 Leptotarsus vagans.
1 Butoroides.
1 Demiegretta sacra.
2 Procellaria albifrons.
1 Sterna melanauchen.

Mr. Goodwin.

1 Eupetes macrocercus.
2 Rallus.
1 Batrachostomus.
1 Caprimulgus.
2 Rollulus roulroul.
2 Toucan tricolor.
4 Ardetta.

4 Eurylaimus sumatrana.
1 Crotophaga.
5 Gecinus.
2 Platylophus galericulatus.
4 Graucalus.
2 Pecten, sp.
10 Aspergillius sp.

Mr. E. Waller.

1 Halcyon (Pelargopsis) gurial.
2 Todopsis cyanocephala.
1 Arses chrysomela.
1 Amadina sp.
1 Gracula dumontii.
1 Ailurœdus buccoides.

1 Trogon splendens.
1 Lorius cardinalis.
1 Paleornis schisticeps.
1 Bucco. sp.
1 Butoroides.

Mr. Sers.

2 Diomedia exulans.

Mr. Stein.

1 Skeleton of Belideus flaviventer.
1 Hoplocephalus curtus.
3 Brachysoma diadema.
4 Hinulia elegans.
2 Gecko,

1 Pelodryas cœrulea.
64 Hylas.
2 Acrobates pygmea.
1 „ „ with young in pouch.
1 Fœtus of Belideus flaviventer.

Mr. Kendal Broadbent, Port Moresby.

5 Podargus papuensis.
2 Caprimulgus macrourus.
1 Ægotheles bennettii.
1 Athene undulatus. *sp. nov.*
1 Haliætus leucogaster.
1 Henicopernis longicauda.
1 Baza stenozona.
2 Astur sharpii, *sp. nov.*
2 Tanysiptera salvadoriana. *sp. nov.*
2 Syma flavirostris.
1 Melidora macrorhyncha.
2 Halcyon albicilla.
3 Dacelo gaudichaudi.
4 „ leachii.
9 Tanysiptera galatea.
2 Microglossus aterrimus.
5 Eclectus polychlorus.
2 Aprosmictus chloropterus, *sp. nov.*
2 Trichoglossus massenæ.
5 Eos fuscata.
2 Cyclopsittacus chloropterus.
2 Cyclopsitta aruensis.
1 Trichoglossus subplacens.
2 Nasiterna pusilla.
6 Cyclopsitta suavissima.
4 Goura d'albertisi.
2 Carpophaga pinon.
2 „ zoæ.
1 „ pacifica.
1 „ van-wyckii.
1 „ rufiventris.
1 Geophilla nicobarica.
2 Reinwardtœna reinwardti.
1 Ptilopus perlata.
1 Ptilopus rivolli.
1 „ gestroi.
1 „ pulchella.
2 „ iozonus.
2 „ coronulatus.
1 Chalcophaps margarettiæ.
5 Cicinurus regius.
1 Campephaga sloetei.
1 Ailurœdus stonei.
4 Mino robertsoni.
2 Craspedophora magnifica.
8 Paradisea raggiana.
3 „ „ (*adult males.*)
7 Manucodia atra.
3 „ keraudreni.
2 Rectes feruginea.
3 Chlamydodera cerviniventris.
2 Mino (Eulabes) dumontii.
2 Cracticus mentalis.
1 Cuculus (assimilis?)
1 Pomatostomus isidorii.
1 Calornis cantoroides.
3 Eupctes nigrocrissus.
5 Donacola nigriceps.
1 Dicæum rubrocoronatum.
1 Ptilotis germana.
1 Stigmatops albo-auricularis *sp. nov.*
2 Strix delicatulus.
1 Lobivanellus miles.
2 Peizorhynchus alecto.
3 Arses telescopthalmus.
1 Monarcha guttula.
1 Rhipidura episcopalis.
1 Eopsaltria brunnea.
1 Dendrochelidon mystacea.
1 Campephaga boyeri.
2 Gracalus sp.
2 Pachycephala fuliginata, *sp. nov.*
4 Eopsaltria placens, *sp. nov.*
2 Arses chrysomela.
1 Micrœsa flavigaster.
2 „ flavovirescens.
1 Monarcha melanoptera.
1 Melanocharis niger.
2 Malurus alboscapulatus.
2 Todopsis bonapartii.
2 Rhytidoceros plicatus.
9 Cuscus chrysorhous.
1 Harpya major.
3 „ orientalis.
1 Scotophilus sp.
1 Liasis amethystinus.
2 Macropus crassipes.
1 Pteropus conspicillatus.
3 Belideus ariel.
1 Perameles moresbyensis.

Ethnological Specimens :—

4 Cocoanut spoons.
1 Rasp of ray's skin.
1 Mat armlet.
3 Head-dresses of Cassowary feathers.
1 Mouth ornament.
1 Ornament of parrots' feathers.
1 Belt of dyed bark.
1 Belt of Paradisea papuana feathers.
1 Necklace of Cypræa shells.
1 „ cut shells.
2 Netted bags.
4 Daggers of Cassowary bone.
7 Stone tomahawk blades.
11 „ adzes with handles.

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1 Perameles broadbentii ; new species from New Guinea.
3 Taphozous australis.
2 Craspedophora magnifica.

Messrs. Tost & Coates.

1 Sciurus fossa.
2 Sciurus sp.
1 Pouched rodent.

Mr. Watson.

1 Diodon hystrix.
1 Pagurus miles.

Mr. Blunden, Port Moresby.

1 Chief's Club of Quartz.

Mr. Andrew Goldie, New Guinea.

3 Ægialitis hiaticula.
3 Para novæ-guineæ.
1 Porzana quadristrigata.
1 Accipiter, sp.
1 Baza. stenozoa
1 Machaerhamphus alcinus.
1 Ninox (undulatus?)
1 Strix tenebricosus.
2 Ægotheles bennetti.
1 Caprimulgus.
1 Dendrochelidon mystaceus.
2 Melidora macrorhyncha.
1 Alcyone (lessoni?)
1 Myiagra plumbea.
1 Campephaga sp.
2 Eupetes cœrulea.
2 Graucalus boyeri.
1 Arses aruensis.
2 Peltops blainvillei.
1 Pachycephala collaris, *sp. nov.*
1 Plectorhyncha stictocephalus.
2 Manucodia keraudreni.
1 Paradisea raggiana.
1 Craspedophora magnifica.
1 Mino robertsoni.
1 Chalcophaps jobiensis.
2 Henicophaps albifrons.
1 Carpophaga mulleri.
1 „ van wickii.
1 Ptilopus rivolii.
1 „ „?
1 „ ionozonus.
1 „ pulchella.
5 Cuculus canorus.
1 Centropus menbeckii.
2 Rhytidoceros ruficollis.
1 Cacomantis sp.
1 Rectes dichroa.
1 Donacola nigriceps.
1 Hemipodius melanotus.
1 Eurystomus crassirostris.
1 Lorius hypœnochrous.
2 Cyclopsitta sp.
5 „ cervicalis.
2 Trichoglossus subplacens.
2 Herodias heliosyla.
1 Butoroides flavicollis.
1 Plotus novæ hollandiæ.

Collection of Ethnological Specimens from Port Moresby :—

5 Sets of bows and arrows.
4 Disc-shaped clubs.
2 Star " "
4 Wooden clubs or sago-beaters,
1 Bundle of spears.
4 Paddles.
12 Flat stone axes.
6 Stone adzes (Motu).
6 " " (Kerapuna).
5 Wooden dishes.
2 Bark girdles, carved.
6 Baskets of plaited matting.
1 Carved bamboo scent-bottle.
1 Native "Jew's-harp."
2 Rolls matting.
1 Sheet palm-leaf matting.
1 Sample cleaned flax.
2 Chinam gourds.
1 Tortoise-shell netting-mesher.
1 Net and needle.
1 " (complete).
4 Women's dresses
1 Man's dress of plaited cordage.
1 Specimen strong cordage.
4 Mouth ornaments of red seeds, &c.
3 Head dresses of Cassowary feathers and shells.
2 " " Paradise feathers.
1 " " Cuscus skin and feathers.
1 Head-dress of Paradise plumes.
1 " Cassowary "
1 " Electus tail feathers.
1 Head scratcher.
1 Browlet of Cockatoo feathers.
1 Armlet of Cassowary "
1 Head-dress Cockatoo "
1 " " Cassowary "
2 Necklaces of cut shells.
1 " nuts and human hair.
1 " cowries.
2 Armlets for purchasing their wives.
1 Necklace Echidna quills and cut shells.
2 " cut shells.
2 Scent sachet (cuscus secretion, and salvia leaves).
2 Browlets of cypræa shells.
2 Breast ornament of cowry shells, cut.
1 Armlet of human jaw.
5 Lime spoons or chinam sticks, of various devices.
2 Skulls and other bones of natives of Port Moresby.
5 Skulls of natives of Teste Island.

Collection of Fish (spirit specimens) from New Guinea :—

1 Perch.
1 Serannus sp.
1 Labrus sp.
2 ——— ? (Acronuridæ).
2 ——— (Chætodontidæ).
1 Scarus.
2 Percidæ.
1 Eupencicthys sp.
1 Holocanthus.
1 Labrus sp. (Labridæ).
1 Ostracion.
2 Acronurus.
1 Labrus (?) (Labridæ).
1 Henoichus cornutus.
1 Chrysophrys.
1 Chætodonta sp.
1 Perch (Percidæ).
1 Balistes.
1 Scarus sp.
1 Therapon sp.
1 Acronurus.
1 ——— ? (Percidæ).
1 Balistes sp.
1 Julis sp. (Labridæ).
1 Holocentum sp.
1 Geres sp.
2 Star fish.
1 Hermit crab in Dolium.
2 Hydrosaurus (Lace Lizard).
2 Cyclodus.
1 Large Liasis.
1 Small tree snakes.
2 Dorcopsis luctuosa.
10 Macropus crassipes.
3 Skulls of "
1 Canis papuensis.
6 Cuscus maculatus.
1 Perameles moresbyensis.
1 Pteropus sp.
1 Belideus ariel.
1 Hoplocephalus sp.
12 Fish in spirits, viz. :—
3 Chætodonts.
1 Henoichus cornutus.
1 Balistes.
1 Acronuridæ.
1 Holocanthus.
1 Therapon sp.
4 Percidæ of sp.

1 Dried body of a child.
1 Skull and bones of adult.

Collection of 130 specimens of Butterflies and Moths from New Guinea.

ED. P. RAMSAY,
Curator.

APPENDIX No. IX.

List of Specimens collected by the Museum collector, Alex. Morton.

1 Acanthorhynchus tenuirostris.
2 Micræca macroptera.
1 Melithreptus brevirostris.
1 Petroica multicolor.

At Port Moresby, New Guinea.

Pearl shell with coral attached.
Specimens of auriferous quartz from Port Moresby.
" black sand with gold washed from same.
Specimens of coarse sand from Laloki River.
" flint from Port Moresby.

Birds.

4 Paradisea raggiana.
2 Cincinurus regius.
1 Manucodia kerandreni.
5 " atra.
5 Chlamydodera cerviniventus.
10 Tanysiptera galatea.
10 Halcyon gaudichaudi.
5 Alcyone pusilla.
5 Halcyon macleayi.
2 " sancta.
1 Melidora macrorhynchus.
1 Alcyone lessoni.
3 Syma torotora.
1 Dacelo leachii.
2 Eclectus polychlorus.
3 Trichoglossus massenæ.
3 Geoffroyius aruensis.
1 Eos fuscata.
1 Chalcopsittacus chloropterus.
6 Cyclopsitta suavissima.
1 Nasiturna pusilla.
1 Collyriancla parvissima.
2 " brunnea.
2 Donacola nigriceps.
2 Pomatostomus isidori.
2 Arses chrysomela.
5 Piezorhynchus electo.
2 Zodopsis cæruleocephala.
5 Arses cuado.
3 Monarcha guttula.
3 Merops ornatus.
5 Monarcha carinata.
1 Ptilolis analoga.
1 " " ?
1 " filigera ?
6 Dicrurus carbonareus.
4 Rectes feruginea.
2 Edolcosoma ?

1 Edoleosoma melas.
1 „ boyeri.
1 Cynoicus cervinus.
1 Artamus leucopygialis.
1 Chalcites minutilus?
1 „ „
1 „ meyeri.
2 Cuculus nov. sp.
1 „ dumetorum?
1 Eurystomus crassirostris.
1 Ninox dimorpha.
1 Glyciphilla subfasciata.
9 Calornis metallica.
4 „ cantor.
8 Sphecotheres salvadorii.
3 Cracticus.
1 Gracucalus angustifrons.
1 Crinnyris frenata.
2 Oriolus striatus.
1 Ailurædus stonei.
7 Eulabes dumontii.
1 „ robertsoni.
1 Porphyrio melanopterus.
2 Podargus papuensis.
1 Podiceps novæ-hollandiæ.
1 Tadorna radjah.
1 Phalacrocorax melanoleuca.
1 Cracticus quoyi.
1 Lobivanellus miles.
1 Centropus menbeckii.
1 „ nigricans.
2 Buceros ruficollis.
2 Carpophaga pinon.
2 „ mulleri.
1 Ianthænas rawlinsoni.
1 Carpophaga zoæ.
1 „ spilorrhoa.
2 „ puella.
1 Macropygia amboinensis.
1 Ptilopus perlata.
1 Chalcophaps stephani.
1 „ chrysochlora.
4 Ptilopus coronulatus.
1 „ iozonus.
1 Geopelia placida.
1 Machærirhamphus alcinus.
1 Aster sharpei.
2 Eopsaltria brunnea.
8 Goura d'Albertisi.
2 Calornis metallica.
1 Eclectus polychlorus.
2 Lobivanellus miles.
1 Machærirhynchus flaviventris.
1 Chalcites plagosus.
2 Todopsis bonapartei.
1 Melithreptus albogularis.
1 Myiagra plumbea.
1 Manucodia keraudreni.
1 Dacelo gaudichaudi.
1 Tanysiptera galatea.
1 Ceyx solitarius.
1 Alcyone lessoni.
1 Calornis cantor.
1 Syma flavirostris.
1 Gerygone inconspicua, *sp. nov.*
1 Merops ornatus.
1 Athene albomaculata.
1 Dicrurus.
1 Peltops blainvillei.
2 Eos fuscata.
1 Leptotarsus guttula.
1 Gallinula tenebrosa.
1 Schœniclus albescens.
1 Charadrius mongolus.
1 Sea Worm (Eunice sp.)

Morton. Part 1.—Collected at Cape York.

2 Ptilorhis victoriæ. (*Barnard Isles.*)
2 „ alberti.
2 Philemon buceroides.
1 Dacelo leachii.
1 Aster cinereus.
1 Carpophaga assimilis.
3 Calornis metalica.
2 Syma flavirostris.
1 Merops ornatus.
1 Actitis empusa.
1 Ægialitis ruficapillus.
1 Geopelia humeralis.
1 Ptilopus swainsonii.
1 Carpophaga assimilis.
1 „ spilorrhoa.
4 Trichoglossus novæ hollandiæ
4 Colluricincla parvissima.
6 Ptilotis filigera.
2 „ analoga.
1 Campephaga karu.
1 Myiagra plumbea.
1 Microglossus aterrimus.

Morton. Part 2.—Collected at Port Darwin.
Not yet arrived.

Collected by J. A. Thorpe, Taxidermist.

14 Trichoglossus concinnus.
23 Birds (Nos. 1,543 to 1,565).
2 Macropus major.
4 Halmaturus ruficollis.
10 Macropus major.
16 Halmaturus ruficollis.
18 Skeletons of do. do.
1 Platycercus pennantii.
1 Climacteris erythrops.
1 Synoicus chinensis.
1 Tinnunculus cheneroides.
1 Grallina picata.
1 Gymnorhina tibicen.
2 Corvus australis.
11 Platycercus eximius.
2 „ pennantii.
1 Cacatua galerita.
2 Pardalotus assimilis.
1 Geobasilus chrysorrhous.
2 Chlamydochen jubata.
3 Scolopax australis.

ED. P. RAMSAY,
Curator.

APPENDIX No. X.

TAXIDERMIST'S WORK.

MAMMALS MOUNTED.

1 Ferret (*Mustela furo*).
1 Native cat (*Dasyurus viverinus*).
1 Wallaby (*Halmaturus stigmaticus*).
1 Vulpes lagopus.
1 Felis maniculatus.
1 Semnopithecus entellus.
1 Cercopithecus cephus.
1 Monkey (*Mcacus sp*).
1 Large kangaroo (*Macropus major*).
2 Phalangista vulpina.
1 Viverra sp.
1 Cælogenys paca.
1 Felis pajeros.
1 Saiga tartarica.
1 Phalangista laniginosa.
1 Dasyurus maculatus.
1 „ viverinus.
1 Macacus sp.
1 Semnopithecus.
1 Phalangista canina.
1 Phascolarctos cinerea.
1 Dasyurus viverinus (*Albino*).
1 Vivera civetta.
1 Perameles broadbenti.
2 Kangaroos (Dorcopsis luctuosa).
1 Perameles.
2 Sciurus sp.
1 „ „
1 Rodent (Cœlogenys sp).

MAMMALS

Mammals skinned and cured.

2 Native bears (Phascolarctos cinerea).
1 Belideus taguanoides.
3 „ flaviventer.
4 „ breviceps.
1 Phalangista laniginosa.
32 Kangaroos and wallabies.
2 Halmaturus.
1 Macropus major.
1 Dasyurus viverinus.

Crustacea cured and set-out.

1 Large crab (*Thalamita crucigera*).
1 Large palinurus sp.

Skeletons prepared and set-up.

1 Tiger remounted.
10 { Phascolarctus cinerea / Dasyurus viverinus } prepared.
1 Homo sapiens, prepared.
13 Skulls of ditto „
1 Jackal, set up.
1 Hyæna, „
1 Bear (*Phascolarctos cinerea*), set up.
1 Echidna (*Tachyglossus hystrix*) „
1 Platycercus personatus, „
1 Skeleton of small whale, 15 feet long. (Globiocephalus sp.,)
1 Large pigeon (Goura coronata).
1 Small dove (Geopelia placida).
1 Mustella furo.
1 Eagle (*Aquila fucosa*).
1 Cacatua ophthalmica.
1 Gymnorhina tibicen.
1 Betongia pennicillata.
1 Seal (Zalophus Australis).
1 Night parrot (Stringops habroptilus).
1 Perameles nasuta.
1 Betongia pennicillata.
1 Skull of a calf with two heads.

Birds mounted.

1 Large Cassowary (*C. australis*).
1 Gigantic crane (*Xenorhynchus australis*).
1 Kiwi (*Apteryx mantelli*).
1 Cassowary (*C. australis*), *juv.*
1 Pheasant (*Polyplectron chinguis*).
1 *Anas gibberifrons.*
1 Callipepla californica.
1 Aix galericula.
1 Turtur risoria.
1 Apteryx australis.
6 Birds of sp.
1 Duck (hybrid).
1 Chalcites plagosus.
1 Hylacola pyrrhopygia.
1 Ptilotis filigera.
1 Falco peregrinus.
1 Emu (*juv.*)
1 Mitua tuberosa (*juv.*)
1 Loxia sp.

Birds.

12 Skins relaxed and made up.
225 Birds, skinned and cured.

Reptiles mounted.

1 Large crocodile (*Philas johnstonei*).
1 Lizard (*Trachydosaurus rugosus*).

Fishes set out.

2 Large Baramundi (*Osteoglossum leichhardti*).
2 *Zygæna lewinii.*
1 Large Cibium comersonii.
1 Large *Pagrus unicolor.*
1 Large Monacanthus hyppocrepis.
1 "John Dorey" (Zeus australis).
1 Diodon hystrix.
1 Echeneis remora.
50 prepared for spirits.

Photos.

22 Negatives of objects of Natural History.
20 „ „ „
40 Photos printed.
10 „ „
20 Photos printed.

Sundries.

Insects, &c., &c.
250 Coleoptera.
26 Casts and moulds of fossil Bones.

ED. P. RAMSAY,
Curator.

Sydney: Thomas Richards, Government Printer.—1879.

[1s.]

568—C

1878-9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

COLONIAL MUSEUM IN LONDON.

(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be printed, 18 *June,* 1879.

SCHEDULE.

NO.					PAGE.
1.	The Agent General to the Colonial Secretary, with enclosures.			14 March, 1879	1
2.	Do.	do.	do.	10 April, 1879	3
3.	Dr. Forbes Watson to	do.	do.	10 April, 1879	8

No. 1.

The Agent General to The Colonial Secretary.

3, Westminster Chambers,
Victoria-street, S.W., 14 March, 1879.

Sir,

I have the honor to enclose copy of a letter dated 11th ultimo, which I, conjointly with the other Agents General, addressed to the solicitors who are understood to represent a Company in whose hands is the disposal of a building partially erected on the Thames Embankment, which was originally intended to be a National Opera House, but which, since the failure of the project for this purpose, has commended itself to Dr. Forbes Watson as a possible site for the proposed Colonial Museum which has formed the subject of previous correspondence. I also enclose a copy of the reply, dated 1st instant, to the above letter, which was addressed to the Agent General for Victoria, and only reached me on the 11th instant.

I desire to add that, when I consented to sign the above letter, I fully bore in mind the purport of your letter, No. 77/7600, of the 15th February, 1878, on this subject, which, when it was received, I duly communicated to Dr. Forbes Watson, and also to the Under Secretary of State for the Colonies, and to the Honorary Secretary of the Colonial Institute; but I was unwilling to dissociate myself from the other Agents General in the inquiry which I found that they were anxious to make, and I accordingly joined them on its being arranged that our letter should merely take the form of an endeavour to ascertain the probable cost of the building in question. I regret however that our action in the matter has apparently been misinterpreted or misrepresented, and that paragraphs on the subject, copies of which I enclose, have appeared in the *Globe* newspaper of the 8th and in the *Standard* of the 10th instant. As soon as my attention was directed to these paragraphs I at once, in conjunction with the other Agents General, addressed to the editors of the above newspapers letters in contradiction of their erroneous statement, which appear in the *Globe* of the 10th and in the *Standard* of the 11th instant, copies of which I also enclose.

I have, &c.,
WILLIAM FORSTER.

[*Enclosures.*]

The Agents General for the Colonies to Messrs. Bolton and Mote.

8, Victoria Chambers, Victoria-street, Westminster, 11 February, 1879.

Gentlemen,

Having been informed that you are the Solicitors to the Company who at present have the disposal of the partially erected Opera House on the Victoria Embankment, we shall feel obliged if you can state to or ascertain for us the price which would be accepted for it.

As you are possibly aware, it has been from time to time under the consideration of many leading colonists to establish a Colonial Museum in this metropolis; and if the new Opera House could be purchased at a reasonable sum, we should feel happy to communicate the fact to our respective Governments for their consideration.

We have, &c.,
ARCHIBALD MICHIE, Agent General for Victoria.
WILLIAM FORSTER, " New South Wales.
JULIUS VOGEL, " New Zealand.
ARTHUR BLYTH, " South Australia.
A. MACALISTER, " Queensland.

Messrs. Bolton and Mote to Sir Archibald Michie.

11, Grays Inn Square, London, W.C., 1 March, 1879.

Site for proposed new Opera House, Victoria Embankment.

Sir,

We have laid the letter of the 11th February, signed by yourself and the Agents General for New South Wales, New Zealand, South Australia, and Queensland, before the Committee acting on behalf of the noblemen and gentlemen interested in the above site, and we are instructed to reply to your communication.

The Committee instruct us to say that provided they receive, within four months, an offer of £40,000, from responsible parties, they will recommend those whom they represent to enter into a contract for sale of the site in question (with the unfinished buildings thereon) at that amount.

The site is held under an agreement for a lease from the Metropolitan Board of Works for the term of eighty years from 29th September, 1874, at a ground rent of £3000 per annum.

You should however know that there are four freehold houses adjoining, belonging to Mr. Webster (a member of the Committee), and it is necessary that those houses should be purchased, for they have ancient lights which might be affected by buildings erected on the site, and the owner of the houses could prevent the full use of the site. But Mr. Webster is willing to sell the houses, so that they can be acquired at the same time that the site is purchased, and all difficulty can thus be removed.

Mr. Webster instructs us to say that, as part of the arrangement, he will be prepared to sell his houses for £13,000—the actual cost thereof.

In making this communication, it is not to be understood that the Committee intend to preclude themselves from treating with other parties, or from arranging for the resumption of building operations, with a view to the completion of the present unfinished building as an Opera House, should it be decided to carry out the original idea.

In conclusion, it is necessary to explain that the Committee have not any power to enter into a contract to sell the property. To a certain extent they represent a number of individual interests; the parties whom they represent will probably act as advised; but all parties interested will individually have to sign or approve of any contract. The approbation of the Metropolitan Board will also be necessary, and when the proposed arrangements are in a sufficiently advanced stage the Committee will place the matter before that Board. This communication must therefore be accepted as a part of a negotiation only, and not in any sense as part of a contract.

We have, &c.,

BOLTON AND MOTE.

[EXTRACTS.]

The Globe, Saturday, March 8, 1879.

THE PROPOSED COLONIAL MUSEUM.

IN view of the apparently unsurmountable difficulties which attend the completion of the new National Opera House on the Victoria Embankment, we understand that all the Agents General for the different Colonies have entered into negotiations for the purpose of securing this site for the proposed Colonial Museum.

The Standard, Monday, March 10, 1879.

THE Agents General of New South Wales, Victoria, South Australia, and Queensland have entered into negotiations with the Committee of Management of the National Opera House with the view of acquiring the site appropriated to that building on the Thames Embankment, should the Opera House project not be carried out. If the requisite arrangements can be made, in which of course the Metropolitan Board of Works will ultimately be concerned, it is intended to establish the long contemplated Colonial Museum on the site in question, the spot being considered by the colonial representatives as peculiarly suitable for the purpose.

The Globe, Monday, March 10, 1879.

A DISTINCTION WITHOUT A DIFFERENCE.

(*To the Editor of the Globe.*)

Sir,

With reference to the paragraph headed "The proposed Colonial Museum" in your issue of the 8th instant, will you kindly give publicity to our contradiction of the statement, that we, as Agents General for our respective Colonies, "have entered into negotiations for the purpose of securing the site of the new National Opera House on the Victoria Embankment," or any "site for the proposed Colonial Museum." The only foundation for such a statement consists in the fact that, at the request of a gentleman who has taken some interest in the matter, we wrote a joint letter, the purport of which was to inquire the price of the site in question, and to state that if it could be purchased at a reasonable sum we should feel happy to communicate the fact to our respective Governments for their consideration.

We are, &c.,

ARCHIBALD MICHIE, Agent General for Victoria.
WILLIAM FORSTER, ,, New South Wales.
JULIUS VOGEL, ,, New Zealand.
A. MACALISTER, ,, Queensland.
ARTHUR BLYTH, ,, South Australia.

March 10th.

The Standard, Tuesday, 11 March, 1879.

THE NATIONAL OPERA HOUSE.

(*To the Editor of the Standard.*)

Sir,

Will you kindly permit us to contradict the statements in your issue of the 8th instant, that we, as Agents General for our respective Colonies, "have entered into negotiations with the Committee of Management of the National Opera House, with the view of securing the site appropriated to that building on the Thames Embankment," or that we have formed or pronounced any opinion of this site "as peculiarly suitable for the purpose of the long-contemplated Colonial Museum."

The only foundation for such statements consists in the fact that, at the request of a gentleman who has taken some interest in the matter, we wrote a joint letter, the purport of which was to inquire the price of the site in question, and to state that if it could be purchased at a reasonable sum, we should feel happy to communicate the fact to our respective Governments for their consideration.

We remain, &c.,

ARCHIBALD MICHIE, Agent General for Victoria.
WILLIAM FORSTER, ,, New South Wales.
JULIUS VOGEL, ,, New Zealand.
A. MACALISTER, ,, Queensland.
ARTHUR BLYTH, ,, South Australia.

March 10.

No. 2.

No. 2.

The Agent General to The Colonial Secretary.

Sir, 3, Westminster Chambers, Victoria-street, S.W., 10 April, 1879.

In continuation of my letter of the 14th ultimo (S. 62-79), in which I referred to the action taken by the other Agents General in London and myself to ascertain the cost of the building intended for the new National Opera House, which in the mind of Doctor F. Watson is admirably suited for the contemplated Colonial Museum, I have now the honor to transmit for your further information a letter and its enclosure received by me this afternoon from Doctor F. Watson, which fully explains the project he has in view.

I desire to call your attention to the last paragraph of the printed statement; and if you consider it necessary to give the subject any consideration, you will possibly be able to comply with the request of Doctor Watson, for an answer by telegram.

I have, &c.,
WILLIAM FORSTER.

[*Enclosures.*]

Dr. T. Forbes Watson to The Agent General for New South Wales.

Sir, India Office, 10 April, 1879.

With reference to the letter which at my suggestion was addressed on the 11th of February last to Messrs. Bolton and Watt [? Mote], the Solicitors to the National Opera House Company, requesting them to state the price which would be accepted for the partially erected Opera building on the Victoria embankment, with the view—in the event of its being purchasable for a reasonable sum—of communicating that fact to your Government for its consideration, and to their reply to you, dated the 1st of March, in which they state that the Committee, acting on behalf of the noblemen and gentlemen interested in the above matter, have instructed them to say that, provided they receive within four months an offer of £40,000 from responsible parties, they will recommend those whom they represent to enter into a contract for the sale of their rights in the site, with the unfinished buildings thereon, at that amount,—I have the honor to now forward a copy of a statement, with plans, showing what it would cost to complete the buildings referred to as a Colonial Museum, together with other particulars required for enabling your Government to judge of the matter as a whole.

The period within which a reply must be given to the Committee of the National Opera House Company expires on the 30th of June; and as the plans and estimates, which have necessarily occupied some time in working out, cannot now reach Australia before the end of May or the beginning of June, it is requisite—as pointed out in the last paragraph of the statement—that the decision with regard to this matter should be communicated by telegraph, an additional reason for this course being that in this manner it would enable the necessary steps for the purchase of the site, and the constitution of the suggested representative body of trustees, to be taken before the termination of the present Session of Parliament.

In the letter of the Solicitors of the Opera House Company above referred to, a proviso is inserted to the effect that in making the communication in question it is to be understood that the Committee do not intend to preclude themselves from treating with other parties, or from arranging for the resumption of building operations with a view to the completion of the present unfinished buildings as an Opera House, should it be decided to carry out the original idea. With respect to this proviso, I am in a position to state that it is only intended to take advantage of it to the extent of having, in the event of the failure of the Museum project, some other arrangements to fall back upon on the expiry of the four months period indicated in their letter.

I have, &c.,
T. FORBES WATSON.

THE COLONIAL MUSEUM.

PROPOSAL to purchase the site and partially erected buildings of the National Opera House on the Victoria Embankment for a Colonial Museum, and estimate of the cost of the building and its maintenance.

THE difficulties in the way of completing the projected National Opera House, on the Victoria Embankment, have resulted in affording an unusually favourable opportunity for the final settlement of the question of the establishment of a Colonial Museum in London, which has already excited a great amount of interest in this country, and which has been the subject of numerous memorials to Her Majesty's Government on the part of all the principal Chambers of Commerce, and many of the chief towns in the United Kingdom.* The Committee, acting on behalf of the noblemen and gentlemen interested in the proposed Opera House, have undertaken to recommend those whom they represent to enter into a contract for the sale of the unfinished building, together with their rights in the lease of the site, for the sum of £40,000, for the purpose of its being devoted to a Colonial Museum. It would be hardly possible to find a site more suitable for such a Museum, and for the concentration in the same building of the offices of the Emigration and other Colonial Agents, at present scattered in different parts of London. As will be seen from the accompanying plan it is, in some respects, superior to even the Fife House site, formerly recommended. Quite close to the Houses of Parliament, the Colonial and other public offices, it possesses the additional advantage of being directly accessible from the great thoroughfare of Parliament-street.

Cost of the site.—In consideration of the public importance of the undertaking, the site, which is the property of the Metropolitan Board of Works, was granted to the Opera House Company on exceedingly favourable terms; and there are grounds for believing that the Board would be equally willing to facilitate the arrangements now required for its being devoted to a public purpose of still greater importance—such as a Colonial Museum. The site is at present held on an eighty years' lease, at a rental of

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* Memorials in favour of the establishment in London of a Museum for the Colonies and India were addressed to Her Majesty's Government during the years 1876 and 1877 by the following Chambers of Commerce:—Manchester, Liverpool, Glasgow, Birmingham, Bradford, Bristol, Edinburgh, Batley, Derby, Dewsbury, Darlington, Dundee, Exeter, Falmouth, Huddersfield, Macclesfield, Leeds, Newport (Mon.), Nottingham, Southampton, Sunderland, and Worcester; as also by the city of London and the cities of Aberdeen, Bath, Bristol, Dundee, Edinburgh, Glasgow, Norwich, Oxford, and Rochester; and by the towns of Bedford, Bolton, Boston, Berwick, Davenport, Dewsbury, Falmouth, Greenock, Hartlepool, Hastings, Kidderminster, Leicester, Middlesborough, Paisley, Reading, Salford, Scarboro', Southampton, and Sheffield.

of £3,000 per annum. It is probable that, having regard to the public usefulness of the institution which it is now proposed to erect on it, the Board would not assess the value of the freehold at more than twenty-five years' purchase, or at £75,000. In addition to the main plot held on lease by the Opera House Company, there are four houses which it is also necessary to acquire, and which are offered for £13,000, the sum actually paid for them by the present holder. The cost of the freehold of the whole site would thus amount to £88,000, which, as subsequently indicated, would have to be provided for by this country.

Cost of the building.—The shape of the site is so favourable that, with the exception of the necessary carriageways, the whole of the remaining portion, covering 45,000 square feet, can be roofed in. The unfinished Opera building has, so far, been carried out in a manner admirably suited for a monumental structure, and can be adapted with the greatest ease for a Museum. The foundations are more than 45 feet deep, and a basement floor, 20 feet high, has been obtained under the whole building. The works already carried out have cost £61,000 in actual money paid to the contractor, and, with incidental expenses, the total sum spent on them will have amounted to at least £65,000. But the Company is willing to hand them over for £40,000; and as almost the whole of the structure now standing can be utilized, the difference between the two above sums would represent a very considerable saving on the total cost of the Museum. According to the accompanying plans, prepared by Mr. Francis H. Fowler, the architect of the Opera House, the entire building for the Colonial Museum, providing ample exhibition space for the different Colonies, with library, reading, and lecture rooms, as well as offices for the Agents General, can be completed for a sum of £135,000. This sum includes £10,000 for water, heating and lighting, as also full provision for all incidental expenses. With the £40,000 to be paid down for the buildings now standing, the total cost of the structure will be thus brought to £175,000.

Circumstances in favour of immediate action in this matter.—The Colonies have recently taken a prominent part in the International Exhibitions of Philadelphia and Paris, and during the current and following years great Exhibitions will be held in Melbourne and Sydney. These Exhibitions cannot fail to result in the accumulation of very valuable collections illustrating the resources of the different Colonies, many of which would be of a description admirably suited for the proposed Museum. The time has come when it is certainly desirable that, in addition to the usual transitory effect of International Exhibitions, some permanent benefit should be derived from them. A large portion of the collections and many of the fittings will remain available at the close of the Sydney and Melbourne Exhibitions. It is difficult to imagine a measure more calculated to benefit the Colonies than the utilization of such materials in connection with the establishment of a permanent exhibition of colonial products in the metropolis of the country which affords the greatest market in the world.

The building proposed for the Museum is already so far advanced that it could be readily completed in time to receive the collections from the Melbourne Exhibition, so as to open with a Colonial Exhibition in London, in the autumn of 1881.

Thus at the present moment there are available an admirable site and a building which can be completed at a less cost than a new structure would come to, whilst the collections and fittings from the Exhibitions would help to stock the Museum with but slight additional expense.

The present occasion is therefore a more favourable one than is ever likely to occur again for obtaining at a comparatively small cost a representation of the resources of the Colonial Empire in the very centre of London, and for rendering permanently useful the results of the numerous Exhibitions in which the Colonies have taken such a noble part.

Constitution of the proposed Museum as a joint undertaking between the United Kingdom and the different Colonies.—The proposed Colonial Museum, although located in London, cannot be regarded as a merely metropolitan or even as a merely English institution. On the contrary, every part of the empire will be equally interested in it. In fact, although it must be of great advantage to the mother country to possess so complete a representation of the resources of the British Empire as the Colonial Museum may be expected to afford, yet perhaps the most direct benefit will be derived by the Colonies themselves. Their products will be brought directly under the notice of the consuming classes of this country, whilst the picture of the resources of each Colony will afford a guide to the British capitalist looking out for a sound investment, or to the intending emigrant seeking a new home. Thus the flow to the Colonies of labour and capital—the two great wants of all new countries—is likely to be materially assisted by an institution which will at the same time facilitate the disposal of their produce. Such a Museum will therefore directly promote the most vital interests of the Colonies. The advantages however will certainly not be all on the side of the Colonies. It is undoubtedly for their interest to attract British labour and capital; but, remembering how all experience goes to show that "trade follows the flag," it is no less in the interest of the mother country that its superabundant population and capital should find an outlet in its own Colonies, rather than in foreign countries, and should tend to the political and commercial development of the British Empire, rather than to the strengthening of antagonistic or rival communities.

The proposed Museum possesses therefore a truly Imperial character, and will fulfil truly Imperial functions. It is therefore essential that from the very beginning its arrangement and administration should proceed in harmony with the requirements both of the Colonies and of the mother country. There is no better way for ensuring this harmony than by making it a joint undertaking between England and the Colonies, and granting to each of them a proportionate voice in the organization and management of the institution. This character of a joint undertaking should be reflected in the constitution of the body to be entrusted with its management, and the cost both of its erection and its maintenance should be shared between all the parties concerned.

Following the precedent of the British Museum, it is suggested that the management of the Colonial Museum should be entrusted to a body of Trustees, an Act of the Imperial Parliament being duly passed for this and the other purposes to be hereafter indicated. This body might be constituted in the following manner:—

The Colonies would be represented by the following members:—

The Crown Agents for the Colonies.
The Agents for the Dominion of Canada and its Provinces.
The Agent General for New South Wales.
The Agent General for Victoria.
The Agent General for South Australia.
The Agent General for Queensland.
The Agent General for New Zealand.

In

In addition, representatives for the South African Colonies, the West Indies, and Ceylon, Tasmania, and Western Australia, would be appointed.

England would be represented by—

The Secretary of State for the Colonies.
The permanent Under Secretary of State for the Colonies.
The Lord President of the Council of Education.
The Lord Mayor of London.
The Chairman of the Metropolitan Board of Works.
The President of the Associated Chambers of Commerce.
The President and the Chairman of the Council of the Society of Arts.
The President and the Chairman of the Council of the Royal Colonial Institute.

The *ex-officio* Trustees above named should have power to elect six additional members.

Arrangements for the maintenance of the Museum.—The Trustees, as in the case of the British Museum, would have in their hands the entire management of the Museum, and the control of the annual expenditure. The cost of maintenance should be shared between England on one side and the Colonies on the other. As will be seen below,* this may be roughly calculated at £12,000 per annum, viz. :—

General superintendence of Museum, trade museum, library, reading-room, clerical staff, and contingencies	£2,540
Special superintendence for the separate colonial sections	3,300
Labour, police, lighting, water, heating, and repairs	6,160
	£12,000

To provide for this sum, one-half, *i.e.*, £6,000, would have to be voted annually by the Imperial Parliament, whilst the remaining £6,000 would be provided by the Colonies. It must be noted however that even with this arrangement the Colonies will in reality contribute rather more than the Mother Country, since the cost of any additional collections or renewals of old ones will naturally fall on them; but the division of the expenditure on the above plan seems to correspond with the directness, so to speak, of the interest which England and the Colonies respectively have in the Museum. There would be however a certain inconvenience in leaving the maintenance of the Museum entirely dependent upon annual votes of Legislatures situated in every quarter of the globe. The Museum itself should not be regarded as a possible source of revenue. It should be made as popular as possible, and to this end it would be undesirable to charge any fees for the admission of the public: hence no income could be anticipated from that source. But a considerable annual revenue may be obtained from the block of offices attached to the Museum. These offices will be specially suited for the Agents of the different Colonies, not only on account of the central position of the Museum, but also from their being placed in immediate communication with the sections in the building which represent their own Colony. Even if at any future time some of the Colonies, which have now Agents in London, should desire to make other arrangements, their offices in the Museum buildings could be easily let, and probably at a higher rent than it is proposed to charge in the first instance. The revenue from this source is estimated at £2,700, which is somewhat less than the sum actually paid for the rents of the offices at present occupied by the six Colonies which have representatives in London, viz., Canada, New South Wales, Victoria, South Australia, Queensland, and New Zealand.

It is proposed, therefore, that all the Colonies, even those who have no Agents of their own in London, should share jointly in the cost of the office block attached to the Museum, and that the rents obtained from this source should go towards the maintenance of the Museum. This sum of £2,700, with the English grant of £6,000, would provide for all the services which are absolutely indispensable for the carrying on of the Museum, viz., general superintendence £2,540, and general charges £6160, together £8,700. There would thus remain only the £3,300 for the special superintendents of the different sections to be provided for out of the Colonial grants to the Agents in this country, under whom they would act; and it may be remarked that if for a time any Colony were to omit to make the necessary provision for this purpose, such an omission would not interfere with the working of the Museum as a whole, although it might, to a certain extent, affect the special interests of the Colony in question.

Mode of sharing between this Country and the Colonies the first cost of establishing the Museum.—The first cost of the whole undertaking will consist in the purchase of the site, and the costs of building, an estimate for both of which has already been given. It is suggested that England should provide the money

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* The following estimate of the cost of annual maintenance has been drawn out on the basis of the actual expenditure by other institutions of a similar character.

1. General Superintendence—		
Director	£800	
Assistant Director	500	
Librarian	350	
Assistant to ditto	150	
Three clerks	278	
Stationery, postage, printing, binding, labelling, advertisements, &c.	462	
		£2,540
2. Special Superintendence—		
Ten Superintendents—one for each of the chief colonial sections, to be nominated by the Colonies themselves, at (say) an average of £250 each	2,500	
Ten writers for ditto	800	
		3,300
3. General Charges—		
Mechanics, attendants, and labour	1,560	
Police	2,400	
Water, heating, and lighting	1,500	
Repairs, &c., &c.	700	
		6,160
		£12,000

money necessary for the purchase of the site, and that the Colonies should provide the cost of the building.

Description of the building.—The general arrangement of the building appears from the plans hereto appended. It will consist of a large central hall, 225 feet long by 102 feet broad, with two tiers of galleries. On one side there will be three floors of independent exhibition rooms communicating with the hall, and on the other side a block containing six groups of offices, each with its own separate entrance, and from each of which there is direct access to the Museum. Below the level of the main hall there is a basement 20 feet in height. The main entrance will be from the Victoria Embankment, but an entrance, which is likely to be largely used, has been obtained through Derby-street, from Parliament-street, which is only about 30 yards distant. As the ground on this side is about 9 feet lower than along the Embankment frontage, the adjoining portion of the basement floor will supply very suitable accommodation for services for which there is no room on the principal floor.

For exhibition purposes there will be available the main hall with its galleries, the additional exhibiting rooms on the left, and the top floor in the office block. The floor space thus provided amounts to about 70,000 square feet, which has been subdivided into a series of independent sections for each of the great Colonies or groups of Colonies. The portions of the Museum which will be common to the different Colonies have been located either in the basement adjoining the Parliament-street entrance, or in a separate block projecting from the north frontage. Provision has been made for a spacious library and reading-room, for a large hall capable of seating 1000 persons, for a smaller hall or lecture room for 350 persons, as also for the necessary Museum offices and Committee rooms, together with space for a Trade Museum. The floor space of this common portion amounts to upwards of 15,000 square feet. The three and in part four floors of the block available for the offices of the Colonial Agents, will contain, independently of staircases and passages, a useful space of about 19,000 square feet, in addition to the basements below them. Ample space for workshops and store-rooms is further available in the unappropriated portion of the basement.

Allotment of space to the different Colonies.—In apportioning the total space between the different Colonies, account has been taken of their relative population and resources. Thus the space allotted to the dominion of Canada is more than double that of any other Colony or group of Colonies, and the space allotted to such populous Colonies as New South Wales and Victoria is larger than that assigned to Queensland or South Australia. At the same time, it has been attempted to make each Colonial section correspond with some natural division of the Museum, such as a bay or a room, or a definite series of bays and rooms, so as to leave each Colony free to arrange its own space to the best advantage without interfering with the general effect. It will be observed that the space in the building for each of the great Colonies has been selected with reference to the position of its offices, so as to afford the most direct communication between the two. Canada has, on this account, been located along the Parliament-street end of the building, because it requires larger offices than any other Colony, and the necessary space for them can be more easily obtained at that end than at the other. In order to give an idea of the character of the space allotted to each of the sections, it may be mentioned that a Colony like New South Wales occupies two bays of one side of the Museum, with a floor space of about 2200 square feet on the Museum floor, 1100 square feet in each of the two galleries above, and, in addition, three independent rooms, one on each floor, communicating with the Museum and the galleries, affording each an additional space of 650 square feet, the Colony thus obtaining a total floor-space of about 6400 square feet. Victoria has about the same space, as also New Zealand. South Australia and Queensland have, on the left side of the Museum, the same amount of Museum floor and gallery space as Victoria, but there are no additional rooms for them to have on that side; a small increase in the space devoted to South Australia has, however, been obtained by assigning to it, in the second gallery, the bay above Western Australia, in addition to its own two bays. With regard to Ceylon, and the other Colonies located along the Embankment front, it must be observed that it is not intended to raise the central portion above the vestibule nor the quadrants on either side as high as the rest of the building. The portion above the two stair-houses will however be carried up to the full height, and will afford, in the second gallery, some additional space for South Africa on the one side, and for the West Indies on the other. As regards the office-block, it will be seen that the partition walls between the six groups of offices have been inserted on the plans at equal intervals; but in the final settlement these can be easily shifted a little so as to bring the space for each Colony within its special requirements.

It is hoped that an examination of the plans will lead to the conclusion that the distribution here proposed fairly represents the requirements of the different Colonies, especially if it be taken into account that if the limits of the sections were to be fixed without regard to the structural divisions of the Museum in the desire of approximating more nearly to the relative population or revenue of the different Colonies, the difficulties of arrangement which would result from such a course would more than counterbalance any small advantage which might be derived from it. It is also believed that the space will be ample, not only for the present but also for the prospective requirements of the Colonies. In fact it will probably be sufficient at starting to occupy only the Museum floor and the first gallery, leaving the second gallery for future extensions. It must also be kept in mind that in addition to the space appropriated to the different Colonial sections, amounting to about 63,000 square feet, there remains an unappropriated exhibition space of nearly 7000 square feet, consisting mainly of the galleries above the office-block, which will be available for any special or temporary purpose. Thus, the total space provided for in the building, in addition to that of the separate sections, will amount to about 41,000 square feet, viz. :—

Extra Museum galleries	7,000	square feet.
Library	1,200	„
Reading-room	1,850	„
Hall for 1,000 persons	5,100	„
Lecture-room for 350 persons	1,800	„
Museum offices and Committee-rooms	1,850	„
Trade museum	3,200	„
Offices for Colonial Agents, about	19,000	„
Total	41,000	„

Sharing

Sharing of cost between the different Colonies.—As already indicated, the total cost of the building has been estimated at £175,000 (£40,000 for the unfinished building, as now standing, and £135,000 the architect's estimate for its completion). This does not include however the cost of the fittings and arrangement of the portions common to all the sections, viz., the library and reading-room, lecture-rooms, Trade Museum, and Museum Offices. Including the first cost of the library, it is estimated that a sum of £10,000 will be amply sufficient for this purpose, thus bringing up the total to £185,000. As it is advisable however to keep on the safe side, and to avoid any necessity for supplementary grants, it will be prudent to adopt a sum of £200,000 as a basis for the calculation of the share falling on each Colony, with the understanding that this is an outside estimate. The actual expenditure ought to fall short of this sum; and as all the arrangements from first to last will be in the hands of the Trustees, it will be their duty to see that the undertaking is carried out with the greatest possible economy and efficiency.

The floor-space assigned to each of the Colonial sections supplies the basis for the distribution of the total cost. And as the total floor-space allotted to the different sections amounts to 63,100 square feet, the expenditure, calculated at £200,000, will give £3 3s. 6d. as the cost of each square foot of floor-space. The appended table shows the share of expense falling on each Colony calculated on the above basis. It must be remembered that for the sum therein indicated, each Colony will not only obtain the Museum space required for its own special purposes, but will also enjoy all the advantages afforded by the common library and reading room, lecture rooms, &c., and share in the revenue afforded by the office block, which, as already shown, will of itself suffice to meet the portion of the general charges of maintenance falling on the Colonies. In addition to the cost of the building, the cost of fittings and of the first arrangement of the collections may be estimated at about 20 per cent. of the cost of each section, but many of the Colonies will have a considerable quantity of fittings left from the different Exhibitions, Canada indeed having already on hand and available all its fine cases from the Paris Exhibition. This would go so far towards the reduction of the expenditure required for this purpose. It is however not advisable to make a general rule on this head, as this is a matter regarding which the individual Colonies should be left to judge for themselves. But in case the work were to be entrusted to the central management, 20 per cent. might be taken as being near the mark.

Steps to be now taken.—As it would be useless to take any steps for securing the site until the different Colonies shall have given proof of their readiness to take their share of the cost of establishing the proposed Museum, it is necessary that they should now undertake to vote the sums required for defraying the cost of their sections in the proposed building, conditionally upon the Imperial Government providing the money for the site.

The period within which a reply must be made to the offer before referred to of the Committee of the National Opera Company terminates on the 30th of June next. This statement and accompanying plans cannot now reach the Australian Colonies before the end of May or the beginning of June. In order therefore that the singularly favourable opportunity which now presents itself for the satisfactory settlement of this question may not be lost, it is necessary that the decision of the Governments of those Colonies, as also of New Zealand and Tasmania, be communicated by telegraph to their representatives in this country. An additional reason for such a course is to be found in the fact that, in the event of the receipt of favourable replies from these Colonies, as also from those nearer home, it would enable the necessary steps to be taken on this side for the purchase of the site and the constitution of the proposed body of Trustees, before the termination of the present session of Parliament.

London, 10th April, 1879.

TABLE showing the floor space and cost of the sections available for each Colony in the proposed Museum.

Cost per square foot of floor space—£3 3s. 6d.

Name of Colony.	Cost.	Floor space in Museum.	Remarks.
	£	Square ft.	
THE DOMINION OF CANADA—			
Ontario 18,068			
Quebec 13,140			
Nova Scotia 4,371			
New Brunswick 3,229	41,066	13,500	The cost shared roughly between the different Provinces in proportion to population.
Prince Edward Island 1,058			
British Columbia 800			
Manitoba 400			
NEWFOUNDLAND	1,656		
BERMUDAS	138		
AUSTRALASIA—			
New South Wales	20,320	6,400	
Victoria	20,320	6,400	
New Zealand	20,320	6,400	
South Australia	15,716	4,950	
Queensland	13,970	4,400	
Western Australia	5,239	1,650	
Tasmania	5,239	1,650	
Fiji	2,063	650	
SOUTH AFRICA—			
The Cape 11,536			
Transvaal 2,646	18,416	5,800	The cost shared roughly in proportion to white population.
Natal 2,646			
Griqualand, West 1,588			
WEST AFRICA—			
Gold Coast 837			
Lagos 540			
Sierra Leone 539	2,096	700	The cost shared roughly in proportion to revenue.
Gambia 180			
ST. HELENA	127		

Name of Colony.		Cost.	Floor space in Museum.	Remarks.
	£	£	Square ft.	
Mauritius		5,080	1,600	
West Indies—				
Jamaica	3,500			
British Guiana	3,000			
Trinidad	1,895			
British Honduras	245			
The Bahamas	223			
Turks and Caicos Islands	32			
Leeward Islands. Antigua	209			
Leeward Islands. Montserrat	37			
Leeward Islands. St. Christopher	147	10,795	3,400	The cost shared roughly in proportion to revenue.
Leeward Islands. Nevis	77			
Leeward Islands. Virgin Islands	12			
Leeward Islands. Dominica	117			
Windward Islands. Barbadoes	740			
Windward Islands. St. Vincent	170			
Windward Islands. Grenada	178			
Windward Islands. St. Lucia	142			
Windward Islands. Tobago	71			
Ceylon		12,700	4,000	Ceylon has already voted £15,000 towards its section in a Colonial Museum in London.
Straits Settlements—				
Singapore	900			
Penang and Wellesley	600	1,905	600	
Malacca	300			
Labuan	105			
Hong Kong		1,905	600	
Malta	912			
Gibraltar	265	1,270	400	The cost shared roughly in proportion to revenue.
Heligoland	53			
Falkland Islands	40			
Total	£	200,841	63,100	

No. 3.

Dr. T. Forbes Watson to The Colonial Secretary.

Sir, London, 10 April, 1879.

I have the honor herewith to forward, per book post, a statement with plans and estimates, referring to the establishment of a Colonial Museum on the site of the National Opera House, which it was proposed to erect on the Victoria Embankment, near to the Houses of Parliament. The site, with the partially erected buildings upon it, is now available under the conditions referred to in the accompanying papers, as also in the communication from the Agent General to your Government enclosing a letter which I have this day addressed to him, and which I am given to understand will be forwarded to you by this mail.

As stated in the letter in question, as also in the last paragraph of the accompanying statement, it is necessary that the decision of your Government with regard to this matter should be telegraphed as early as possible after the receipt of the communications now forwarded, as the period within which a reply must be made to the offer therein referred to expires on the 30th of June next, and as it is essential moreover that there should be sufficient time to permit of the matter being dealt with during the present Session of Parliament.

The evidence of the interest taken here by men of all parties, both in and out of Parliament, in the proposal to establish such a Museum is very strong; but it is obvious that before any binding engagements can be entered into on this side, satisfactory proof must be forthcoming of the readiness of the Colonies to support the undertaking. In most instances time will hardly allow of a vote being actually passed by the Colonial Legislatures, even if sitting. The matter however being one which can scarcely fail to commend itself alike to men of all parties, it can hardly be doubted that if taken up by the Colonial Governments, it will meet with the approval of the Legislatures. Under these circumstances it may be reasonably expected that an intimation from the Colonial Governments that they are prepared to ask their Legislatures to vote the sums required for defraying the cost of their respective sections in the Museum, would be sufficient for the purpose, and would warrant the necessary steps being taken on this side, for the acquirement of the site, and the constitution of the suggested representative body of trustees.

It may be added that any engagement which your Government may now enter into with regard to this matter would only become binding in the event of the Imperial Government undertaking to provide the money for the purchase of the site, and of the other Colonies joining in sufficient numbers to make the whole a practicable undertaking. As you will observe from the table [*see* p. 7], the actual sum which would have to be voted by your Colony in order to obtain the space therein shown amounts to £20,320, the payment of which might probably be spread over a period of two years.

I have, &c.,
T. FORBES WATSON.

P.S.—In order to facilitate the consideration of this matter I have taken the opportunity of forwarding a packet containing seven copies of the statement and plans, in addition to the one herein referred to.—T.F.W.

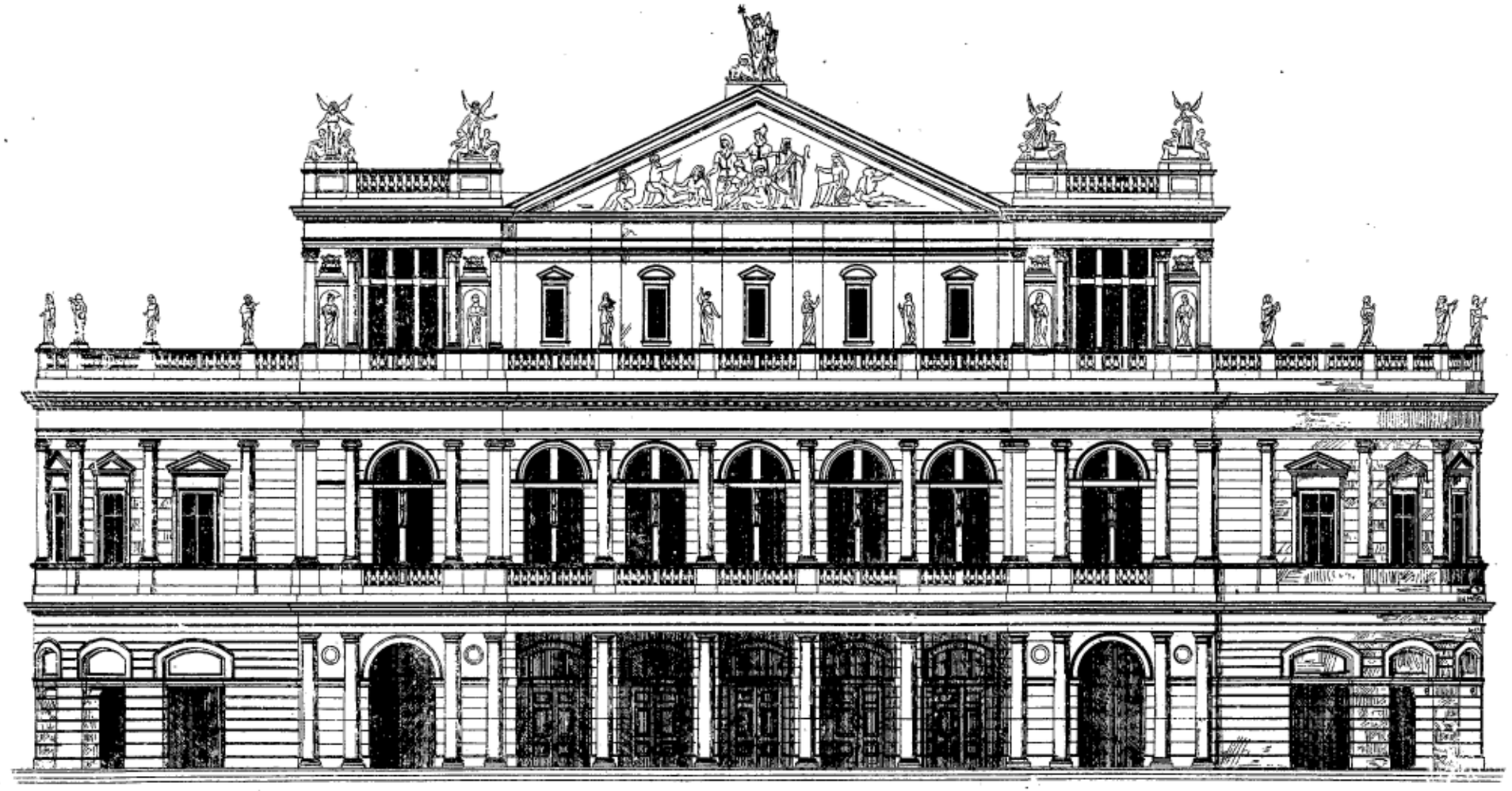
[Seven diagrams.]

Sydney: Thomas Richards, Government Printer. –1879.

[2*s*. 3*d*.]

PROPOSED COLONIAL MUSEUM

VICTORIA EMBANKMENT



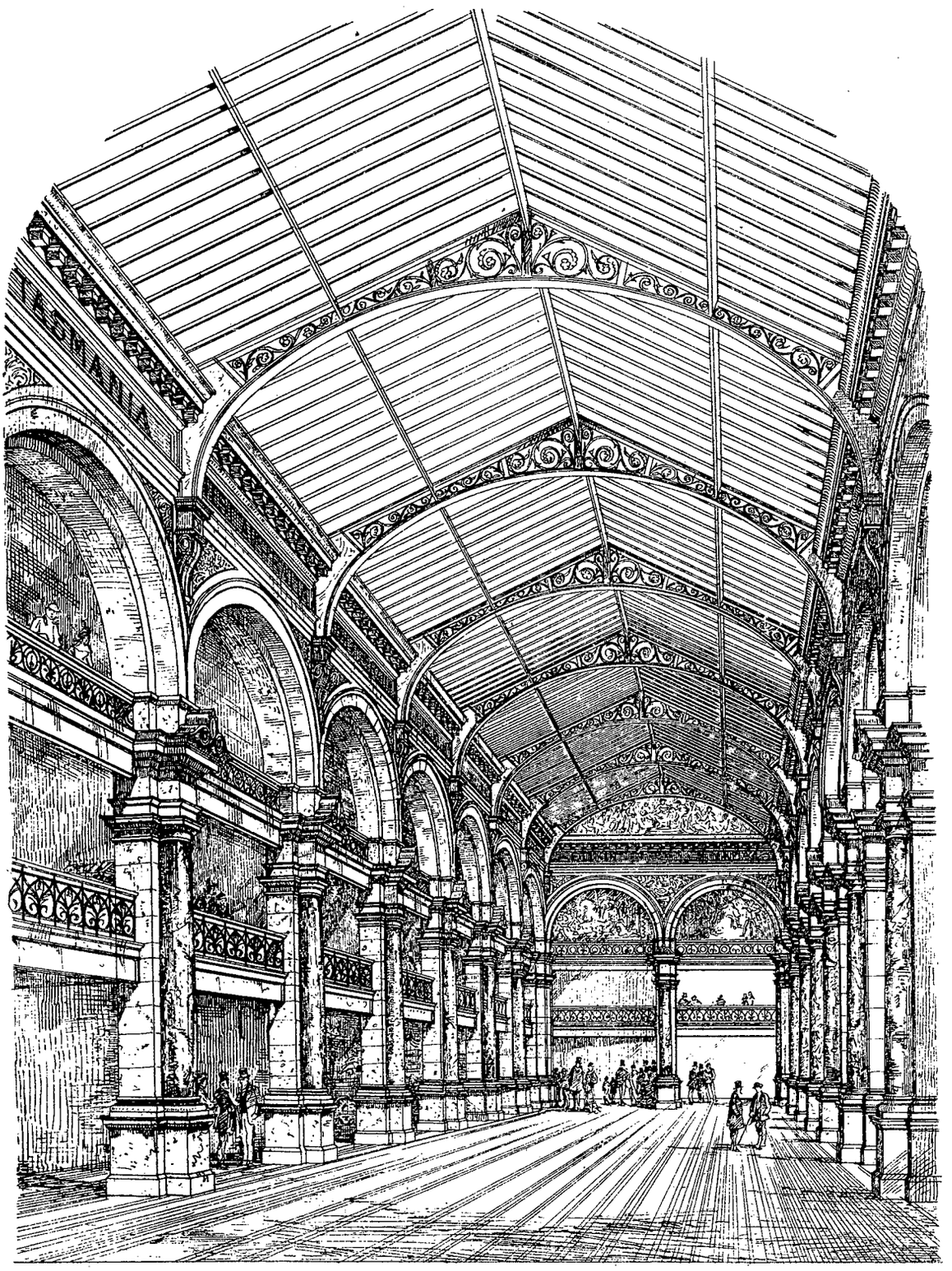
ELEVATION — TO — VICTORIA — EMBANKMENT

Scale of 10 5 0 10 20 30 40 50 60 70 80 90 100 Feet

741—

James H. Wilson F.R.I.B.A.
Archt.

PROPOSED COLONIAL MUSEUM
VICTORIA EMBANKMENT

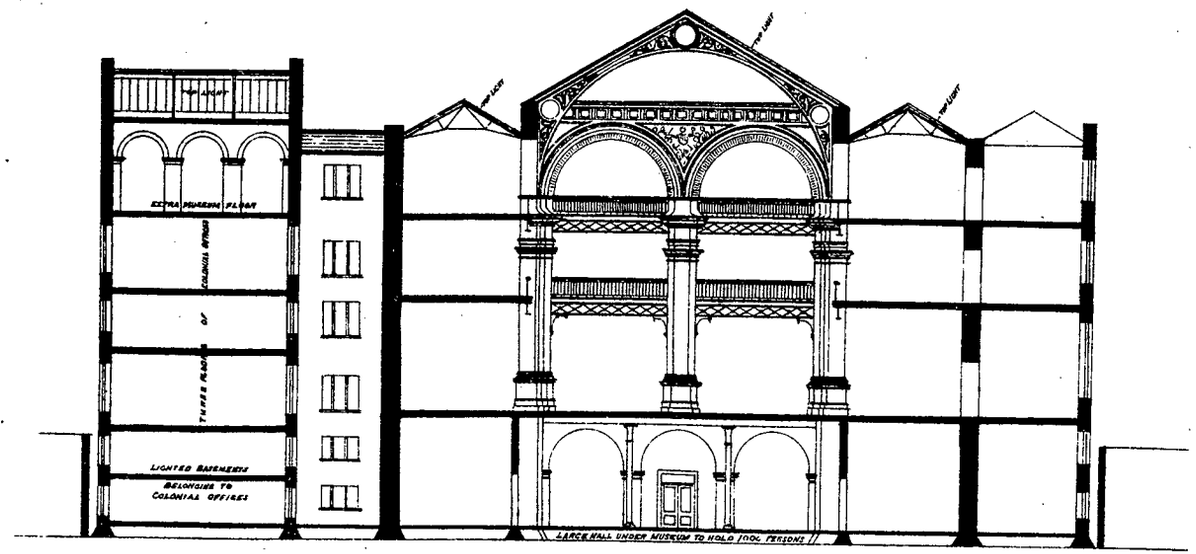


VIEW - OF - INTERIOR

741—

James H. Bowles F.R.I.B.A.
Archt.

PROPOSED COLONIAL MUSEUM
VICTORIA EMBANKMENT



SECTION · ACROSS · BUILDING

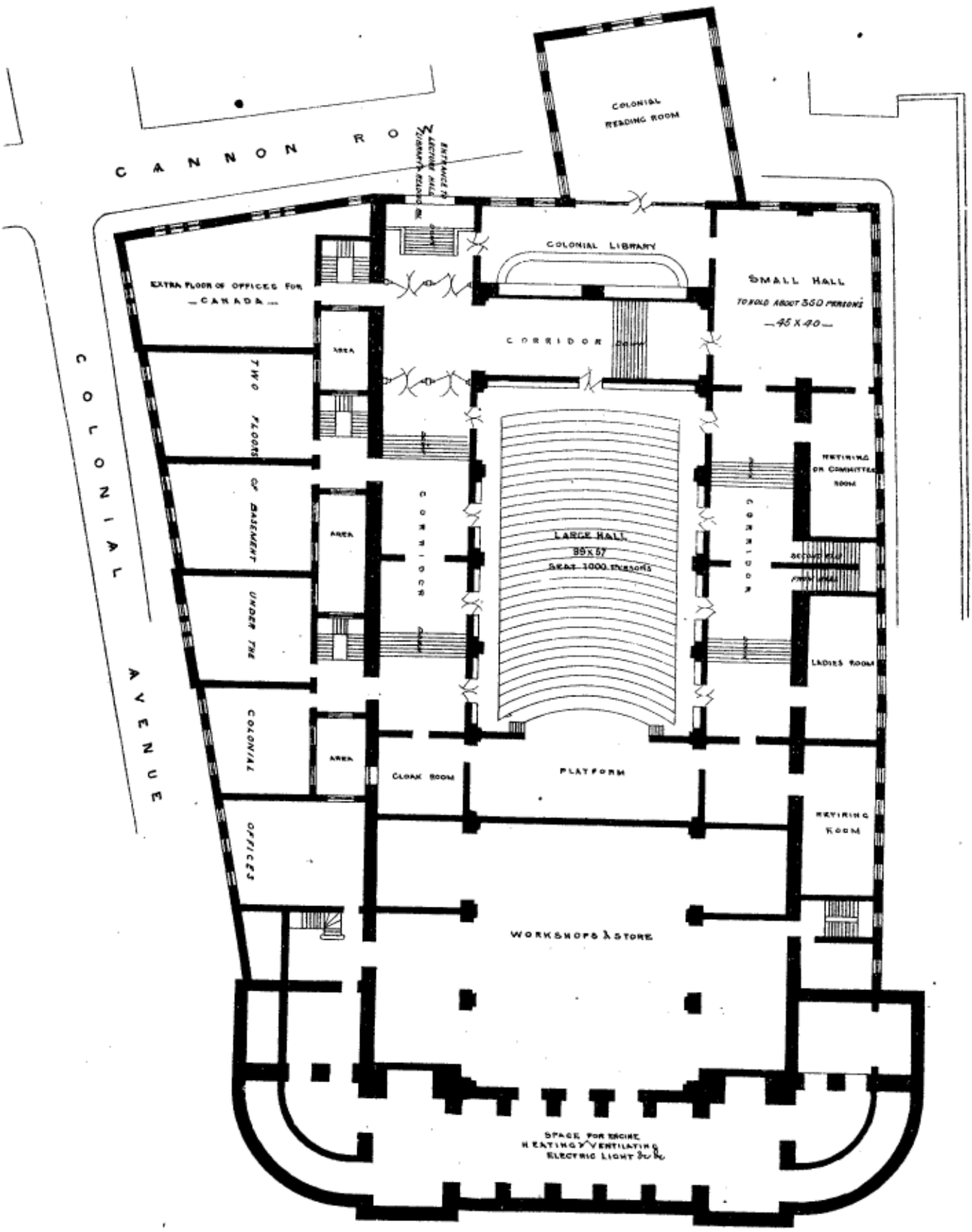
741—

Scale of 10 20 30 40 50 60 70 80 90 100 feet

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

Francis H. Fowler F.I.B.A.
Architect
9 Sargent's Inn.
London

PROPOSED COLONIAL MUSEUM
VICTORIA EMBANKMENT



PLAN OF BASEMENT

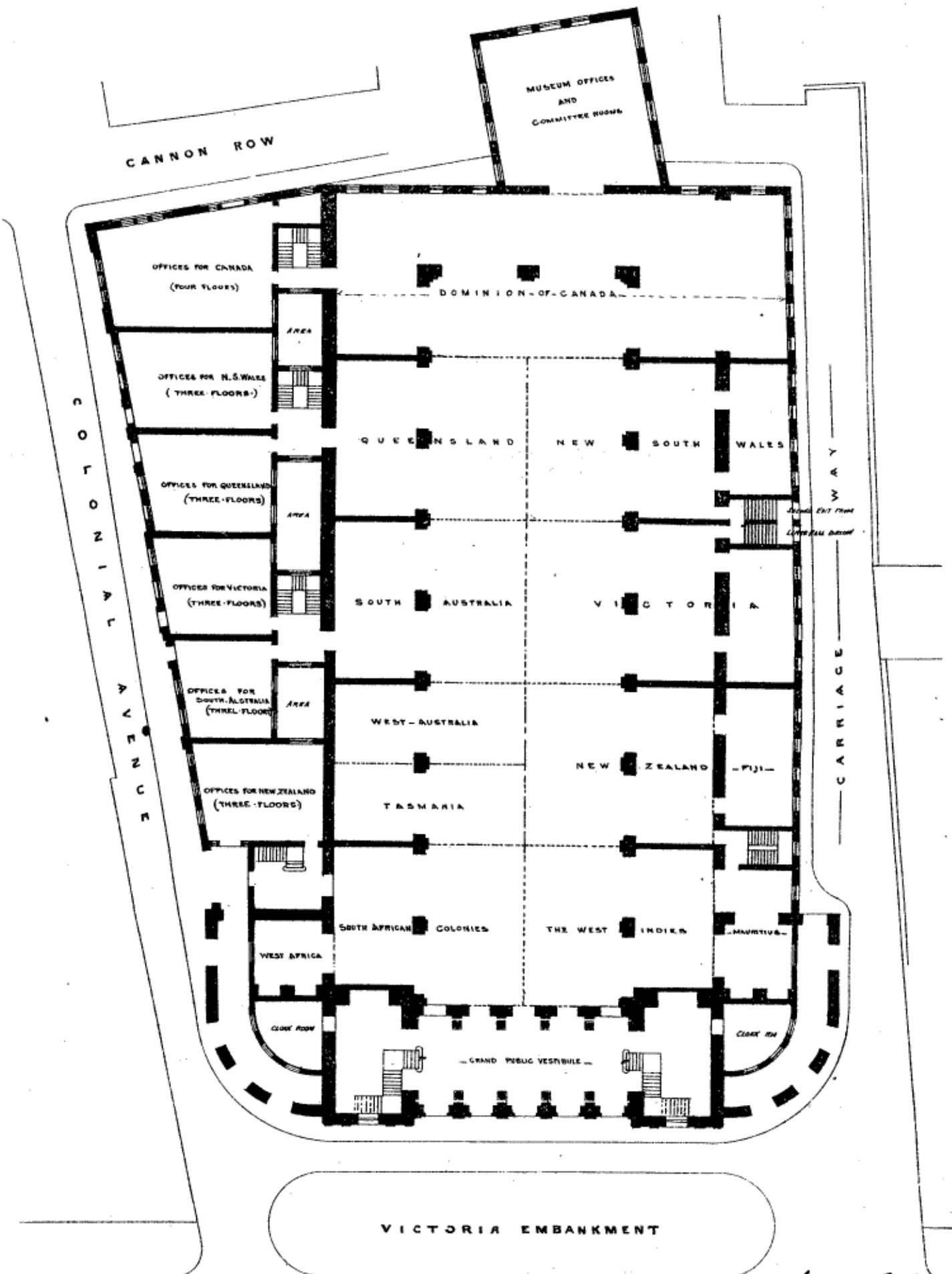
Scale of 0 10 20 30 40 50 60 70 80 90 100 feet

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

741

Francis H. Fowler F.I.B.A.
Architect
9 Lagrange Tree
London

PROPOSED COLONIAL MUSEUM
VICTORIA EMBANKMENT



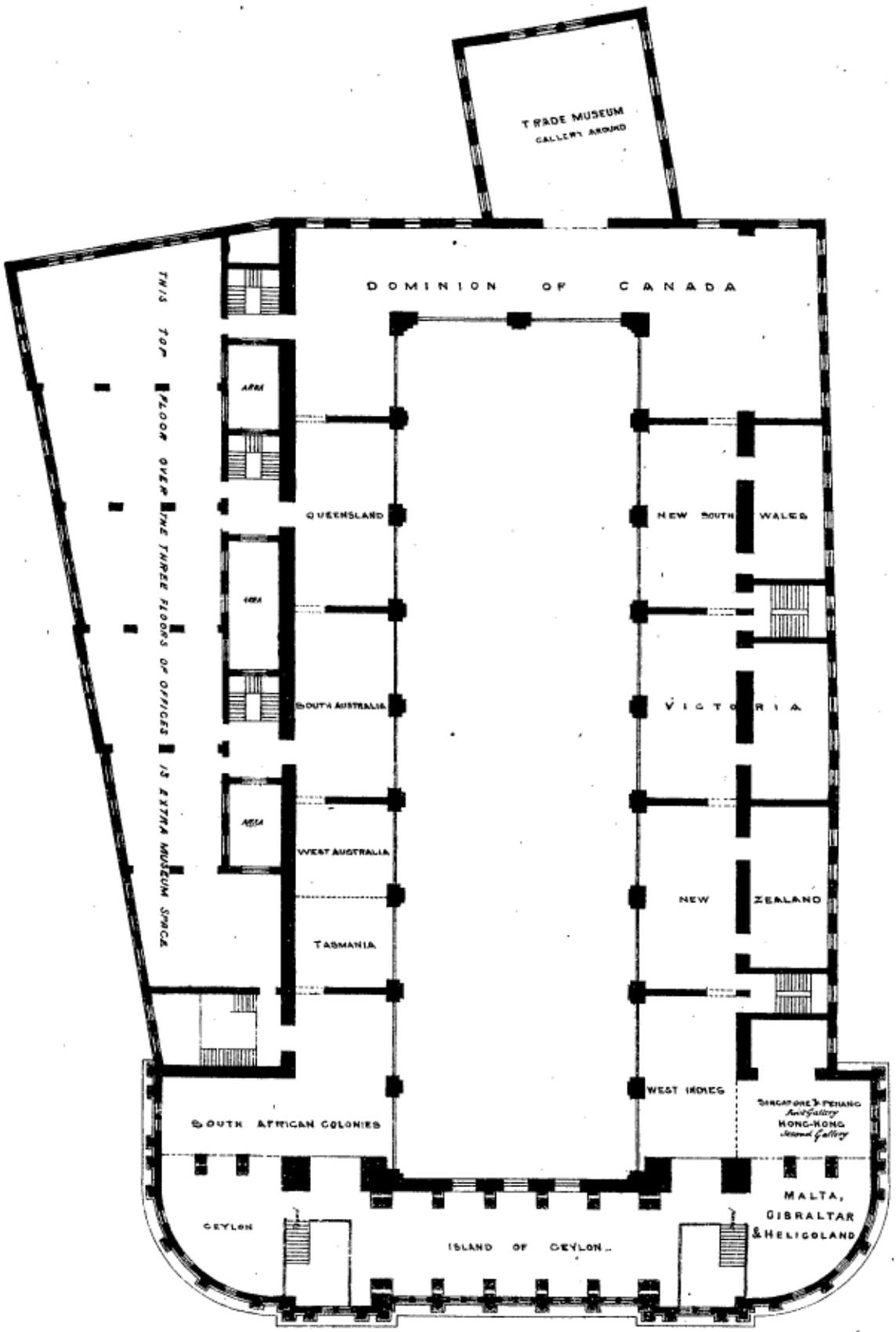
GROUND PLAN

741

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

James A. Smith F.R.I.B.A.
Architect
9 Lincoln's Inn Fields
London

PROPOSED COLONIAL MUSEUM
VICTORIA EMBANKMENT

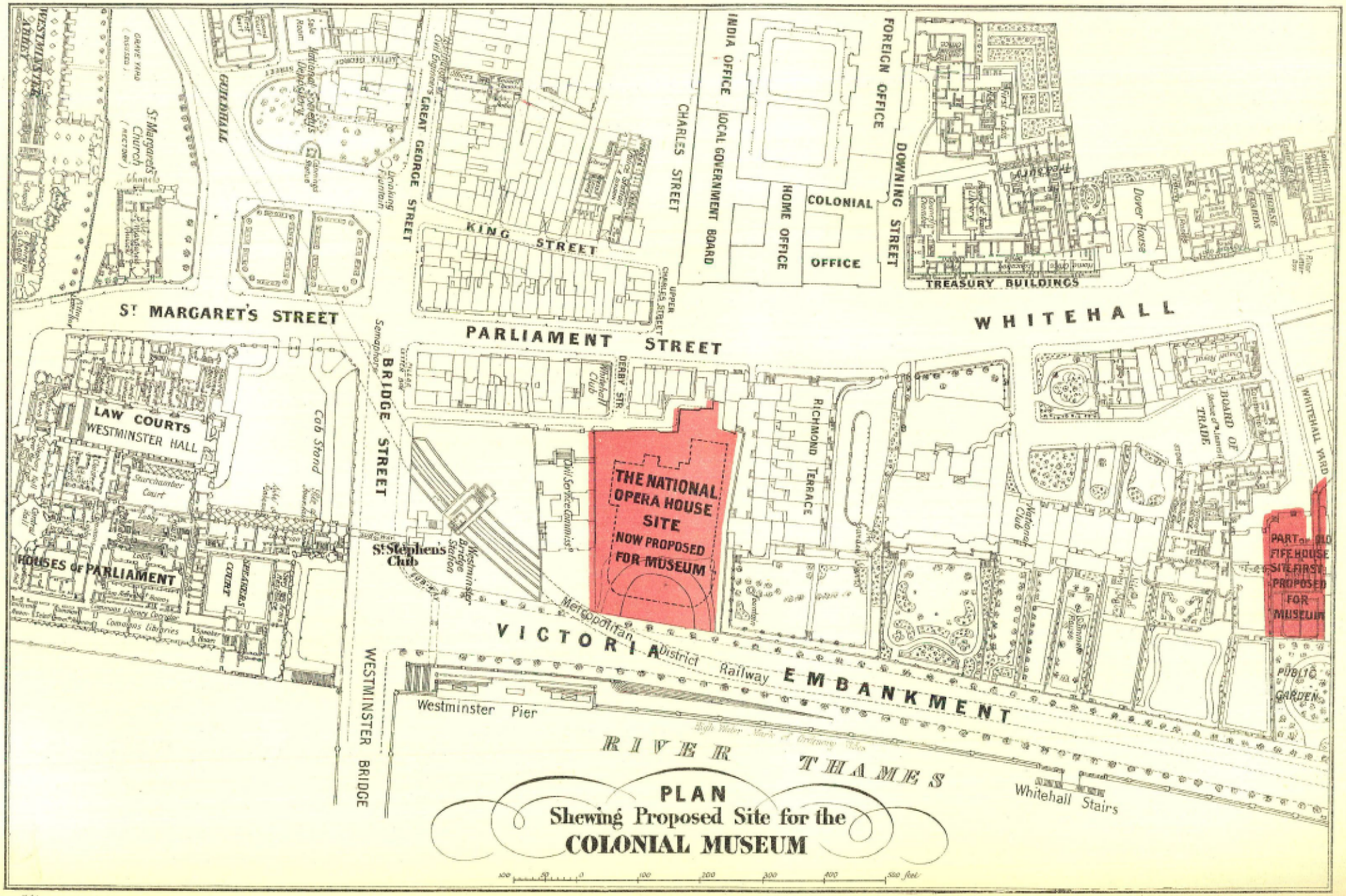


PLAN OF FIRST & SECOND GALLERIES

Francis H. Fowler F.S.B.A.
Architect
Glasgowants Inn
Hatton London

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

741—


THE NATIONAL OPERA HOUSE SITE NOW PROPOSED FOR MUSEUM
PART OF OLD FIFE HOUSE SITE FIRST PROPOSED FOR MUSEUM
ST MARGARET'S STREET
PARLIAMENT STREET
WHITEHALL
KING STREET
CHARLES STREET
GREAT GEORGE STREET
BRIDGE STREET
WESTMINSTER BRIDGE
VICTORIA EMBANKMENT
RIVER THAMES
LAW COURTS
WESTMINSTER HALL
HOUSES OF PARLIAMENT
INDIA OFFICE
LOCAL GOVERNMENT BOARD
HOME OFFICE
COLONIAL OFFICE
FOREIGN OFFICE
DOWNING STREET
TREASURY BUILDINGS
BOARD OF TRADE
RICHMOND TERRACE
WHITEHALL YARD
St Stephen's Club
Westminster Pier
Whitehall Stairs
Cab Stand
Dover House
PUBLIC GARDEN
PLAN
Shewing Proposed Site for the
COLONIAL MUSEUM

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTORAL ROLLS.

(NUMBER OF ELECTORS ON, FOR 1878-9.)

Ordered by the Legislative Assembly to be printed, 1 *October*, 1878.

RETURN showing the Number of Electors on the Roll of each Electoral District of New South Wales, for 1878-9.

	Electoral District.	Number of Electors.		Electoral District.	Number of Electors.
1	Argyle	2,549	30	Monaro	2,570
2	Balranald	4,747	31	Morpeth...	764
3	Bathurst	1,685	32	Mudgee	4,106
4	The Bogan	7,869	33	The Murray	3,503
5	Braidwood	1,669	34	The Murrumbidgee	5,093
6	Camden	2,471	35	Narellan...	612
7	Canterbury	7,353	36	The Nepean	1,245
8	The Clarence	5,181	37	Newcastle	1,940
9	Carcoar	2,665	38	New England	2,969
10	Central Cumberland	2,175	39	Newtown	3,677
11	Eden	2,365	40	Northumberland	4,773
12	The Glebe	3,418	41	Orange	2,975
13	Goulburn	1,075	42	Paddington	4,990
14	The Gwydir	3,538	43	Parramatta	1,223
15	Hartley	2,129	44	The Paterson	542
16	The Hastings	3,284	45	Patrick's Plains...	1,480
17	The Hawkesbury	1,425	46	Queanbeyan	1,509
18	The Hume	3,734	47	Shoalhaven	1,693
19	The Hunter	1,405	48	St. Leonards	2,812
20	The Lower Hunter	744	49	East Sydney	13,665
21	The Upper Hunter	3,178	50	West Sydney	10,505
22	Illawarra	1,458	51	Tenterfield	4,351
23	Kiama	1,208	52	The Tumut	2,293
24	The Lachlan	5,218	53	The University of Sydney ...	161
25	Liverpool Plains	5,416	54	Wellington	2,794
26	East Macquarie...	2,200	55	The Williams	1,608
27	West Macquarie	1,139	56	Windsor...	626
28	East Maitland	802	57	Wollombi	1,048
29	West Maitland...	1,130	58	Yass Plains	1,660

Colonial Secretary's Office,
Sydney, 27 September, 1878.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GOLD FIELDS ELECTORAL ROLLS.

(NUMBER OF ELECTORS ON, FOR 1878-9.)

Ordered by the Legislative Assembly to be printed, 1 *October*, 1878.

RETURN showing the estimated number of Electors entitled to vote in the several Gold Fields Electoral Districts for 1878-9.

Electoral District.	Estimated number of Electors.
1. Gold Fields South	1,200
2. Gold Fields West...	6,000
3. Gold Fields North	900

Colonial Secretary's Office,
Sydney, 27th September, 1878.

[3*d*.] 115—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. EDWARD COMBES.

(LETTER RESPECTING HIS SEAT HAVING BEEN DECLARED VACANT.)

Ordered by the Legislative Assembly to be printed, 30 *April*, 1879.

Mr. Edward Combes to The Colonial Secretary.

Sir,

Bedford, 14 March, 1879.

I have received from the Agent General of New South Wales a telegram, as follows:—"Combes' seat declared vacant; inform"—sent by you on the 19th February last. This being an unconstitutional act, I cannot but think that there must be some mistake. Will you send me the source from whence you received such information, as a report of this nature, if allowed to pass uncontradicted, would reflect in no creditable manner on the procedure of the House of Assembly, and might be productive of some injury to myself.

I have, &c.,

EDWARD COMBES,
Executive Commissioner, Paris Exhibition.

654—

[3*d*.]

1878.

NEW SOUTH WALES.

INSPECTOR OF THE INSANE.

(REPORT FOR 1877.)

Presented to Parliament by Command.

The Inspector of the Insane to The Colonial Secretary.

Lunacy Department, Office of the Inspector of the Insane,
Gladesville, 1 August, 1878.

Sir,

Foreseeing that the completion of my report on the Institutions for the Insane in this Colony would, owing to the various causes, be postponed to a later period of the year than usual, I addressed to you, on January 28th, a letter or progress report, showing the increase in the number of patients during the year 1877, and setting forth the urgent need for further accommodation. I now do myself the honor to forward the usual annual Report for the year 1877.

The number of insane persons under official cognizance on December 31st, 1876, was 1,740, and of these 1,605 were maintained in public asylums, and 135 in the licensed house for lunatics at Cook's River. On December 31st, 1877, the number of registered patients was 1,829, an increase of 89 during the year.

Statistics.

The following return shows the number and distribution of the patients:—

		Male.	Female.	Total.
In the Hospital for the Insane, Gladesville		310	277	587
„ Branch Asylum, Callan Park		44	.....	44
„ Lunatic Asylum, Parramatta...	Free	542	194	736
	Convict	21	6	27*
	Criminal.....	38	4	42†
„ Asylum for Imbeciles, &c., Newcastle		129	67	196
„ Temporary Lunatic Asylum, Cooma		63	0	63
„ Licensed House for Lunatics, Cook's River ...		4	130	134‡
		1,151	678	1,829

The increase in the number for the year has been partly provided for by the establishment of a Temporary Lunatic Asylum at Cooma, which contained 63 patients at the close of the year; 15 additional patients were placed in the already overcrowded wards at Gladesville, and 14 in the Asylum for Imbeciles, &c., at Newcastle. There was a decrease of 2 in the number of convict patients, and of 3 in that of the free patients at the Parramatta Asylum, whilst the criminal patients were increased by 3, leaving a decrease altogether of 2 patients in the Parramatta Institution. There was 1 patient less at Cook's River at the close of the year.

The following return shows the annual increase in the number of the insane from the year 1864:—

Year.	Increase.	Year.	Increase.
1864	53	1871	98
1865	53	1872	53
1866	77	1873	86
1867	41	1874	62
1868	75	1875	109
1869	Decease 4	1876	43
1870	63	1877	89
Total	362	Total	540

It will be seen that the increase for the whole period was 902, and for the decennial period, terminating December, 1877, 699.

The

* British convicts still at the charge of the Imperial Treasury. † Confined under Criminal Lunacy Act, 24 Vict. No. 19, N.S.W. ‡ 125 of these are Government patients maintained at the public expense.

The following return in continuation of one given in my Report for 1876, shows the number of insane in this Colony and the proportion to population in each year since 1863, and further the proportion in England and the neighbouring Colony of Victoria to the date of the latest available returns :—

Year.	Population of New South Wales.	Total Number of Insane in New South Wales on 31 Dec.	Proportion of Insane to Population in New South Wales.	Proportion of Insane to Population in Victoria.	Proportion of Insane to Population in England.
			Per M.	Per M.	Per M.
1863	378,934	931	1 in 407 or 2·45	1 in 670 or 1·49	1 in 464 or 2·15
1864	392,589	984	1 in 399 or 2·50	1 in 604 or 1·65	1 in 457 or 2·19
1865	411,388	1,037	1 in 396 or 2·52	1 in 595 or 1·68	1 in 445 or 2·24
1866	431,412	1,114	1 in 387 or 2·58	1 in 541 or 1·84	1 in 436 or 2·29
1867	447,620	1,155	1 in 387 or 2·58	1 in 515 or 1·94	1 in 424 or 2·35
1868	466,765	1,230	1 in 379 or 2·63	1 in 439 or 2·27	1 in 411 or 2·43
1869	485,356	1,226	1 in 395 or 2·53	1 in 416 or 2·40	1 in 403 or 2·48
1870	502,861	1,289	1 in 389 or 2·57	1 in 392 or 2·55	1 in 400 or 2·50
1871	519,182	1,387	1 in 374 or 2·67	1 in 369 or 2·71	1 in 394 or 2·53
1872	539,190	1,440	1 in 374 or 2·67	1 in 340 or 2·94	1 in 387 or 2·58
1873	560,275	1,526	1 in 367 or 2·72	1 in 337 or 2·96	1 in 381 or 2·62
1874	584,278	1,588	1 in 367 or 2·72	1 in 329 or 3·04	1 in 375 or 2·66
1875	606,652	1,697	1 in 357 or 2·80	1 in 322 or 3·10	1 in 373 or 2·68
1876	629,776	1,740	1 in 361 or 2·77	1 in 318 or 3·14	1 in 368 or 2·71
1877	662,212	1,829	1 in 362 or 2·76	1 in 313 or 3·19	

The proportion of insane to population in Scotland on December 31st, 1876, was 1 in 411; in Ireland 1 in 283; and in the United Kingdom 1 in 355, at the same date.

By the courtesy of the heads of the Lunacy Departments in the various Australian Colonies, I am enabled to furnish the following return showing the proportion of insane persons to population on December 31st, 1877 :—

Colony.	Population.	Number of Insane.	Proportion to Population.
New South Wales.....	662,212	1,829	1 in 362
Tasmania	107,104	337	1 in 317
Victoria	860,804	2,747	1 in 313
South Australia.....	235,000	478	1 in 491
Queensland	203,095	417	1 in 487
Western Australia.....	28,517	68	1 in 419

From these statistics it is apparent—

1st. That the number of insane in New South Wales has, during the last three years, not increased out of proportion to the increase of the population of the Colony.

2nd. That the proportion of insane to population in this Colony is below that in the United Kingdom of Great Britain and Ireland, a fact which I am the more anxious to point out, because it is contrary to an opinion widely prevalent in the Colony on this subject, and

3rd. That the older of the Australian Colonies have, in the case of Victoria and Tasmania, exceeded the British proportion, and in that of New South Wales very closely approached thereto. The proportion in Queensland is rapidly, and that in South Australia slowly increasing by the accumulation of chronic cases; and it appears probable that after some years the proportion in these Colonies will be as large as that in the older and neighbouring communities.

Admissions.

The number of admissions and re-admissions to the Public Institutions for the Insane during the year was 448—324 males and 124 females; and 147—133 males and 14 females—were transferred from one Institution to another, making a total of 595 admitted for the year.

By the addition of 9 patients admitted to the Licensed House for Lunatics during the year, the number of admissions, excluding the cases transferred, was 457—a number exceeding by 97 that for the year 1876, and being upwards of 100 in excess of the admissions during any previous year.

The following return shows the ratio of admissions to the population of the Colony from 1863 to 1877 inclusive.

TABLE showing the ratio of admissions to the population of the Colony from 1863 to 1876.

Year.	Admission.	Population.	Proportion to Population.
1863	187	378,934	1 in 2,026
1864	199	392,589	1 in 1,973
1865	182	411,388	1 in 2,260
1866	196	431,412	1 in 2,201
1867	181	447,620	1 in 2,473
1868	223	466,765	1 in 2,093
1869	265	485,356	1 in 1,831
1870	253	502,861	1 in 1,987
1871	340	519,182	1 in 1,527
1872	303	539,190	1 in 1,779
1873	342	560,275	1 in 1,638
1874	330	584,278	1 in 1,770
1875	356	606,652	1 in 1,704
1876	360	629,776	1 in 1,749
1877	457	662,212	1 in 1,449

The

The sudden leap which the figures for the year 1877 exhibit, raising the proportion from 1 in 1,749 to 1 in 1,449, is exceptional, and will not, I believe, be maintained. The proportion in Victoria for the year 1877 was 1 in 1,260, and in England for the year 1876, 1 in 1,706 of the population.

The total number of patients under care was 2,200.

The number discharged was 236, and of these 201 had recovered, and 35 were relieved.

Recoveries.

The recoveries give a per centage of 44·86, and the cases relieved a per centage of 7·81 on the admissions, so that a total of 52·67 per cent. have been so far benefited by Asylum care and treatment as to be able again to take their places in the world, or to live under the care of friends.

On examination of the report of the English Commissioners in Lunacy for the year 1876 it appears that the per centage of recoveries for that year was 35·49, and the average for the last eighteen years 34·11.

Deaths.

The deaths have numbered 117, a proportion equal to 7·05 per cent. of the daily average number of patients resident. The proportion is somewhat in excess of that for the year 1876, but is considerably below the English proportion, which was 10·08 for the year 1876, and an average of 10·27 for the last eighteen years. The causes of death are shown in table 3. It will be seen that cerebral disease was the cause in no less than sixty-one cases; that fatal disease, *general paralysis of the insane*, heading the list with a total of eighteen cases.

Cost of Maintenance.

The cost of maintenance in the Public Institutions for the Insane—Temporary Lunatic Asylum, Cooma, excepted—during the year, after deducting the amount of collections, has been at the rate of 12s. 9½d. per week; the average daily number resident being 1,699. The Cooma Asylum not having been in existence for the whole year the cost cannot be accurately stated, but it has been largely in excess of that for the other institutions. There has been some difference in the cost of the patients in the different institutions, as here shown:—

Gladesville (including Callan Park).		Parramatta Asylums.		Newcastle Asylum.	
Average number of patients.	Weekly cost.	Average number of patients.	Weekly cost.	Average number of patients.	Weekly cost.
606	£ s. d. 0 12 5	806	£ s. d. 0 11 8¾	187	£ s. d. 0 14 1

This difference in cost is accounted for—

1st. By the special character of the institutions.

2nd. By the number of inmates, and

3rd. By the difference in contract rates for provisions.

In the Hospital at Gladesville, which is an institution mainly for acute cases, the maintenance rate is necessarily larger than in the Lunatic Asylums, Parramatta, where the majority of the cases are chronic, and where the admissions do not at present amount to more than a dozen annually.

The larger cost at Newcastle is due partly to the comparatively small number of inmates, and partly to their feeble and helpless character, which renders a large proportion of attendants necessary. The difference in the contract rates for provisions, as influencing the maintenance rate, is well shown by the following return, which gives the comparative cost at contract prices for the contract year 1877-8 of one ration, according to the authorized diet scale (exclusive of medical comforts and extras) for one year at each of the public institutions for the insane.

Comparison of cost of one Ration for year 1877-8.

Article.		Gladesville (including branch at Callan Park.)		Parramatta.		Newcastle.		Cooma.	
		Price.	Amount.	Price.	Amount.	Price.	Amount.	Price.	Amount.
lbs.			£ s. d.		£ s. d.		£ s. d.		£ s. d.
5 1/10	Tea	1/1½	0 6 4½	1/3	0 7 1½	1/4	0 7 7	2/0	0 11 4½
365	Bread	0/1¾	2 13 2¾	0/1¾	2 9 5	0/1¾	2 13 2¾	0/2½	3 16 0½
13	Butter	1/6	0 19 6¾	1/6	0 19 6¾	1/0	0 13 0	2/0	1 6 0¾
13	Treacle	0/3	0 3 3	0/2½	0 2 8½	0/2½	0 2 8½	0/4	0 4 4½
91 1/10	Mutton	0/2	0 15 3½	0/1¾	0 13 4¾	0/2¾	1 1 0½	0/4½	1 12 6½
227½	Beef	0/2¼	2 2 7¾	0/2	1 17 11	0/2⅝	2 14 6	0/4⅜	4 0 6¾
273¾	Vegetables	0/0½	0 19 11½	0/1	1 2 9¾	0/1	1 2 9¾	0/1½	1 14 2½
13	Flour	0/1¾	0 1 10¾	0/1	0 1 1	0/1½	0 1 7½	0/2½	0 2 8½
6½	Cheese	0/6	0 3 3	0/3	0 2 8½	0/8	0 4 4	0/9	0 4 10½
34 2/10	Sugar	0/3	0 8 6¾	0/3	0 8 6¼	0/2¾	0 7 9¾	0/4⅜	0 13 5¾
Pints.									
45¼	Milk	0/3	0 11 3½	0/3	0 11 3¾	0/5	0 18 10¼	0/6	1 2 7½
			9 5 4		8 16 6		10 7 6		15 8 10

The following return shows the weekly cost of maintenance of patients in various British, Colonial, and American Asylums in comparison with the cost in New South Wales.

Year.	Institution.	Average number resident.	Weekly maintenance rate.
1877	Gladesville, Parramatta, and Newcastle, New South Wales	1,699	0 12 9½
* 1877	Kew, Yarra Bend, Beechworth, Ararat, Victoria	2,541	0 13 6½
† 1876	Adelaide and Parkside, South Australia	416	0 11 6
‡ 1877	Woogaroo, Queensland	417	0 16 2
§ 1877	New Norfolk, Tasmania	261	0 8 11
‖ 1876	Country Asylums Borough do Lunatic Hospitals } England	.....	0 9 10¾ 0 11 10 1 6 6
** 1874	Robben Island, Cape of Good Hope	340	0 15 8
†† 1876	Nova Scotia, Canada	331	0 11 11
‡‡ 1876	Ontario (3 Asylums), Canada	1,650	0 10 6
§§ 1875	State Asylums, United States, America (42 asylums)		0 19 6

* Report of Inspector of Lunatic Asylums, Victoria, 1877.
† Report on Adelaide and Parkside Asylums—Dr. Paterson, 1876.
‡ Report on Woogaroo Asylum—Dr. Patrick Smith, 1877.
§ Report on New Norfolk—Dr. Huston, 1877.
‖ 31st Report of Commissioners in Lunacy, England.
** Report of Medical Superintendent, 1874.
†† Report of Dr. De Wolf, 1876.
‡‡ Report of Medical Superintendents, 1876.
§§ Collected by Dr. Shurtcliffe, and published in Report of State Asylums, California, 1875.

Collections.

The amount collected for the maintenance of patients in the various Asylums, and paid to the credit of the general revenue during the year, was—

	£ s. d.
Hospital for the Insane, Gladesville	1,019 18 4
Lunatic Asylums, Parramatta	340 9 6
Asylum for Imbeciles, &c., Newcastle	95 10 0
Temporary Lunatic Asylum, Cooma	.....
Licensed House for Lunatics, Cook's River	.....
	£1,455 17 10

The amount is less by £306 8s. 8d. than was collected in 1876, but is above the average for any previous period. It is, however, much smaller than the amount collected in neighbouring Colonies, or which could be collected in this if the Lunacy Statutes conferred legal power on the Government to compel contributions towards maintenance by relatives. At present no such legal power exists, and I have received official notice during the year that the cost of maintenance cannot be enforced in the case of any patient admitted as a dangerous lunatic under 7 Vict. No. 14, sec. 1, and 31 Vict. No. 19, sec. 3. The only patients paid for are, a few whose friends respect the moral obligation, and make voluntary contributions; a certain proportion of those admitted by petition under 7 Vict. No. 14, sec. 11, whose relatives sign a bond for maintenance before the patient is admitted; and the relatives of Civil Servants, over whom the Government can exercise some pressure.

The following return shows the amount collected for maintenance in New South Wales and in the neighbouring Colonies, and points to a great need for some alteration in the law in this Colony so as to compel relatives to contribute, according to their means, to the support of the insane:—

Year.	Colony.	Average No. of patients resident.	Amounts paid for maintenance.	Contribution per patient on average number in Asylum.
			£ s. d.	£ s. d.
1877	New South Wales	1874*	1,455 17 10	0 16 4
1877	Victoria	2541	4,418 5 3	1 14 9¼
1877	Tasmania	328	1,672 4 9	5 1 11½
1876	South Australia	416	1,427 10 7	3 8 7½
1877	Queensland	402	173 14 3	0 8 7¾
1875	New Zealand	763	3,156 4 5	4 2 8¾

* Including 125 Government patients in the Licensed House for Lunatics at Cook's River.

Table 1.

Showing the Admissions, Re-admissions, Discharges, and Deaths in the Public Institutions for the Insane during the year 1877.

	Male.	Female.	Total.
In the Asylums on the 31st December, 1876	1,072	533	1,605
	Male.	Female.	Total.			
Admitted for the first time during the year	262	100	362			
Re-admitted during the year	62	24	86			
Transferred do.	133	14	147			
Escaped and re-taken do.	.....	.....	.....	457	138	595
Total under care during the year				1,529	671	2,200
Discharged or removed—						
Recovered	137	64	201			
Relieved	17	18	35			
Transferred	130	21	151			
Escaped	1	.....	1			
Died	97	20	117			
Total discharged and died during the year				382	123	505
Remaining in Asylums 31st December, 1877				1,147	548	1,695
Average number resident during the year				1,130	529	1,659

Table 2.

Showing the Admissions, Discharges, and Deaths, with the mean Annual Mortality, and the proportion of recoveries, &c., per cent. in the Public Institutions for the Insane for the year 1876 and 1877.

Year.	Admitted.									Discharged.									Died.			Remaining in Asylums on 31st December in each year.			Average number resident.			Percentage of recoveries on admissions.			Percentage of patients relieved.			Percentage of deaths on the average numbers resident.		
	Admitted for the first time.			Re-admitted.			Transferred.			Recovered			Relieved			Transferred.																					
	M.	F.	Total.	M	F.	Total.	M.	F.	Total.	M.	F.	Total.	M	F.	Total.	M.	F.	Total.	M	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1876	182	111	293	33	27	60	101	12	113	88	70	158	17	19	36	100	45	145	78	29	107	1,072	533	1,605	1,052	536	1,588	40·90	50·72	44·75	7·90	13·76	10·19	7·41	5·41	6·73
187	262	100	362	62	24	86	133	14	147	137	64	201	17	18	35	130	21	151	97	20	117	1,147	548	1,695	1,130	529	1,659	42·28	51·61	44·86	4·97	14·51	7·81	8·58	3·78	7·05

Table 3.

Showing the Causes of Death in the Public Institutions for the Insane during the year 1877.

	Male.	Female.	Total.
Cerebral Disease—			
Apoplexy and Paralysis	10	1	11
Epilepsy and Convulsions	7	0	7
General Paralysis	16	2	18
Maniacal and Melancholic Exhaustion or Decay	11	4	15
Inflammation and other Diseases of the Brain, Softening, Tumour, &c.	9	1	10
Thoracic Disease—			
Inflammation of Lungs, Pleuræ, and Bronchi	5	0	5
Pulmonary Consumption	6	3	9
Disease of Heart and Blood-vessels	1	0	1
Abdominal Disease—			
Inflammation and Ulceration of Stomach, Intestines, Peritoneum	1	1	2
Dysentery and Diarrhœa	11	0	11
Albuminuria	.....	.....	.....
Disease of Bladder and Prostrate	1	0	1
Disease of Liver	2	1	3
Erysipelas	2	0	2
Lumbar Abscess	1	0	1
Typhoid Fever	0	2	2
General Debility and Old Age	12	5	17
Accident	1	0	1
Suicide	1	0	1
Total	97	20	117

TABLE 4.

SHOWING the length of residence in those discharged, recovered, and in those who have died in the Public Institutions for the Insane, during the year 1877.

	Recovered.			Died.		
	Male.	Female.	Total.	Male.	Female.	Total.
Under 1 month	45	6	51	9	2	11
From 1 to 3 months	35	13	48	8	0	8
„ 3 „ 6 „	21	24	45	11	1	12
„ 6 „ 9 „	10	9	19	5	1	6
„ 9 „ 12 „	6	4	10	11	1	12
„ 1 „ 2 years	11	3	14	13	1	14
„ 2 „ 3 „	4	3	7	7	1	8
„ 3 „ 5 „	2	2	4	4	6	10
„ 5 „ 7 „	2	0	2	12	3	15
„ 7 „ 10 „	1	0	1	6	2	8
„ 10 „ 12 „	.....	.....	.....	2	0	2
„ 12 „ 15 „	.....	.....	.....	2	1	3
Over 15 years	.....	.....	.....	7	1	8
	137	64	201	97	20	117

TABLE 5.

SHOWING the Ages of the admissions, discharges, and deaths, during the year 1877, in the Public Institutions for the Insane.

Age.	Admitted.			Recovered.			Removed, Relieved, &c.			Died.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
1 to 5 years	...	...	...	...	...	...	...	...	...	...	...	...
5 „ 10 „	6	2	8	...	...	...	4	...	4	...	...	...
10 „ 15 „	15	6	21	...	2	2	7	2	9	1	...	1
15 „ 20 „	13	11	24	4	8	12	6	3	9	2	1	3
20 „ 30 „	108	31	139	36	19	55	37	6	43	8	2	10
30 „ 40 „	149	33	182	46	14	60	47	12	59	25	4	29
40 „ 50 „	97	29	126	29	13	42	33	9	42	19	6	25
50 „ 60 „	39	18	57	14	6	20	3	6	9	15	1	16
60 „ 70 „	24	3	27	7	1	8	6	1	7	16	2	18
70 „ 80 „	4	5	9	1	1	2	1	...	1	11	4	15
80 „ 90 „	...	...	...	...	...	...	...	...	...	...	...	...
90 and upwards	...	...	...	...	...	...	...	...	...	...	...	...
	455	138	593	137	64	201	144	39	183	97	20	117

TABLE 6.

Table 6.

Showing the Ages of the Patients under care in the Institutions for the Insane during the year 1877.

	1 to 5 years.			5 to 10 years.			10 to 15 years.			15 to 20 years.			20 to 30 years.			30 to 40 years.			40 to 50 years.			50 to 60 years.			60 to 70 years.			70 to 80 years.			80 years and upwards.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Tota
Hospital for the Insane, Gladesville,... (including Branch Establishment, Callan Park.)	2	...	2	1	...	1	6	3	9	15	15	30	139	75	214	199	107	306	150	99	249	87	61	148	49	18	67	12	11	23	...	...	...
Lunatic Asylum, Parramatta..... Free	...	...	...	...	...	...	...	...	...	1	...	1	40	6	46	164	38	202	203	61	264	88	64	152	76	25	101	24	5	29	4	1	5
Convict	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	5	4	9	14	2	16	3	...	3	...	...	...
Criminal	...	...	...	...	...	...	...	...	...	...	...	...	5	1	6	9	4	13	18	...	18	8	...	8	5	...	5	...	...	...	...	...	...
Asylum for Imbeciles, &c., Newcastle...	2	1	3	12	4	16	25	14	39	26	19	45	23	17	40	13	9	22	13	2	15	9	1	10	11	1	12	4	2	6	...	...	...
Temporary Lunatic Asylum, Cooma ...	...	...	...	...	...	...	...	...	...	1	...	1	15	...	15	27	...	27	16	...	16	5	...	5	...	...	...	...	...	...	...	...	...
Licensed House for Lunatics, Cook's River.	...	...	...	...	...	...	...	...	...	...	...	...	3	20	23	5	65	70	1	24	25	1	26	27	...	7	7	...	3	3	...	...	...
Total	4	1	5	13	4	17	31	17	48	43	34	77	225	119	344	417	223	640	401	187	588	203	156	359	155	53	208	43	21	64	4	1	5

Table 7.

Showing the Native Countries of the Patients under care in the Institutions for the Insane during the year 1877.

	British Colonies.						Great Britain.									France.			Germany.			China.			Other Countries.		
	New South Wales.			Other Colonies.			England.			Scotland.			Ireland.														
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total
Hospital for the Insane, Gladesville (including the Branch Establishment at Callan Park.)	151	94	245	13	5	18	212	91	303	47	25	72	148	162	310	11	...	11	21	4	25	16	...	16	41	8	49
Lunatic Asylums, Parramatta Free	79	19	98	3	2	5	174	49	223	44	12	56	203	113	316	6	1	7	28	2	30	33	...	33	30	2	32
Convict	...	...	...	...	...	...	12	5	17	1	...	1	9	2	11	...	...	...	...	...	...	...	...	...	...	...	...
Criminal	4	1	5	1	...	1	13	...	13	2	...	2	16	4	20	...	...	...	...	...	...	6	...	6	3	...	3
Asylum for Imbeciles, &c., Newcastle	82	55	139	5	...	5	29	5	34	1	1	2	12	9	21	1	...	1	3	...	3	1	...	1	2	...	2
Temporary Lunatic Asylum, Cooma	6	...	6	3	...	3	18	...	18	4	...	4	18	...	18	1	...	1	1	...	1	4	...	4	9	...	9
Licensed House for Lunatics, Cook's River	6	32	38	1	4	5	2	39	41	1	8	9	...	57	57	...	1	1	..	4	4	...	...	...	...	...	...
	330	201	531	26	11	37	460	189	649	100	46	146	406	347	753	19	2	21	53	10	63	60	...	60	85	10	95

Lunatic Reception House, Sydney.

Table 8.

Showing the Admissions, Re-admissions, Discharges, and Deaths in the Lunatic Reception House, Darlinghurst, during the year 1877.

	Male.	Female.	Total.	Male.	Female.	Total.
In the Reception House on the 31st December, 1876				6	3	9
Admitted for the first time during the year	220	92	312			
Re-admitted during the year	21	7	28			
Transferred during the year	.....	.....	.....	241	99	340
Total under care during the year				247	102	349
Discharged or removed—						
Recovered	.....	.....	.....			
Relieved	15	4	19			
Transferred	226	94	320			
Escaped	.....	.....	.....			
Died	2	1	3			
Total discharged and died during the year				243	99	342
Remaining in the Reception House 31st December, 1877				4	3	7
Average numbers resident during the year				4	2	6

Table 9.

Showing the number of Patients received at the Lunatic Reception House, from the year 1868 to 1877, inclusive, and their disposal, &c.

Year.	Received.			Sent to Gladesville Hospital			Sent to Parramatta Asylum.			Discharged of sound mind.			Discharged to care of friends.			Died.			Remaining on 31 Dec.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1868 ...	29	19	48	28	19	47	...	...	.....	...	...	.....	1	...	1	...	...	.....	1	...	1
1869 ...	78	48	126	76	45	121	...	...	.....	...	...	.....	2	...	2	...	...	.....	...	3	3
1870 ...	74	51	125	67	48	115	1	...	1	4	3	7	...	2	2	...	...	.....	2	1	3
1871 ...	126	64	190	122	52	174	1	2	3	3	3	6	1	...	1	...	...	.....	2	4	6
1872 ...	131	63	194	116	57	173	...	1	1	11	1	12	2	1	3	...	...	.....	2	3	5
1873 ...	140	74	214	128	62	190	...	...	.....	5	3	8	6	5	11	...	...	.....	1	4	5
1874 ...	151	89	240	126	79	205	...	...	.....	7	5	12	11	5	16	1	...	1	6	...	6
1875 ...	189	106	295	148	87	235	...	...	.....	21	6	27	13	7	20	3	...	3	4	6	10
1876 ...	204	108	312	147	93	240	...	...	.....	28	7	35	21	4	25	2	1	3	6	3	9
1877 ...	241	99	340	226	94	320	...	...	.....	...	...	.....	15	4	19	2	1	3	4	3	7

Table 10.

Showing the number of Patients received at the Lunatic Reception House during the year 1877, the place whence received, and their disposal.

Whence received.	Received.			Sent to Gladesville Hospital.			Sent to Parramatta Asylum.			Discharged of sound mind by His Excellency the Governor.			Discharged to care of friends.			Died.			Remaining on 31 Dec., 1877		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
Sydney	167	78	245	155	73	228	..	..	....	..	..	....	12	4	16	2	1	3	2	3	5
Goulburn	8	5	13	8	5	13	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Maitland	10	3	13	10	3	13	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Newcastle	12	4	16	12	4	16	..	..	....	..	..	....	..	..	....	..	..	....	1	..	1
Mudgee	4	2	6	4	2	6	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Parramatta	8	2	10	7	2	9	..	..	....	..	..	....	1	..	1	..	..	....	..	..	....
Armidale	4	3	7	4	3	7	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Kiama	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Braidwood	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Ryde	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Bathurst	1	1	2	1	1	2	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Windsor	3	..	3	3	..	3	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Gulgong	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	1	..	1
Wagga Wagga	5	..	5	5	..	5	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Singleton	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Grafton	4	1	5	3	1	4	..	..	....	..	..	....	1	..	1	..	..	....	..	..	....
Narrandera	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Queanbeyan	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Muswellbrook	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Clarence Town	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Moruya	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Tenterfield	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Yass	2	..	2	2	..	2	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Cooma	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Wollongong	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Deniliquin	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Albury	1	..	1	1	..	1	..	..	....	..	..	....	..	..	....	..	..	....	..	..	....
Penrith	4	..	4	3	..	3	..	..	....	..	..	....	1	..	1	..	..	....	..	..	....
	241	99	340	226	94	320	..	..	....	..	..	....	15	4	19	2	1	3	4	3	7

The above tables give the main statistics of this Institution for the year.

As will be seen nearly three-fourths of the total number admitted into the Institutions for the Insane during the year passed through the Reception House. Patients sent in charge of the police from the Western Districts are forwarded direct to Hospital, as are also a considerable number who come direct from home and are accompanied by friends, and a few from Benevolent Asylums and other public institutions.

The increased number of patients passing through the Institution during the year has rendered the need for further accommodation, which I mentioned in my last annual report, even more apparent. The sum of £2,800 was appropriated by Parliament during the year 1877 for the purpose of additional accommodation, and it is hoped that contracts may soon be taken for the work.

I have paid twelve official visits of inspection during the year, and on these have invariably found the Institution in excellent order, and the patients judiciously treated and well cared for.

HOSPITAL FOR THE INSANE, GLADESVILLE (INCLUDING THE BRANCH ESTABLISHMENT OF CALLAN PARK.)

The establishment at Callan Park, which during the year has contained an average number of 44 male patients, has been managed as a branch or ward of the Gladesville Hospital, and the patients have been moved from one establishment to the other as their mental or physical condition has rendered necessary.

A lengthened report on the whole establishment for the year 1877 was presented early in the current year.

The visitors to Lunatic Asylums have inspected the Institution at least once in every month, and have attended twice in each month for the discharge of patients.

TABLE 11.

SHOWING the Admissions, Re-admissions, Discharges, and Deaths in the Hospital for the Insane, Gladesville, during the year 1877.

	Males.	Females.	Total.	Males.	Females.	Total.
In the Hospital on the 31st December, 1876				349	267	616
Admitted for the first time during the year	247	97	344			
Re-admitted during the year	60	24	84			
Transferred during the year	4	1	5			
				311	122	433
Total under care during the year	.....	.....	.....	660	389	1,049
Discharged or removed—						
Recovered	129	64	193			
Relieved	13	17	30			
Transferred	125	21	146			
Escaped	1	0	1			
Died	38	10	48			
Total discharged and died during the year	.....	.....	.....	306	112	418
Remaining in Hospital, 31st December, 1877	.....	.....	.....	354	277	631
Average numbers resident during the year	.....	.....	.....	343	263	606

TABLE 12.

SHOWING the Admissions, Discharges, and Deaths, with the Mean Annual Mortality, and the proportion of recoveries, &c., per cent., in the Hospital for the Insane at Gladesville from the year 1869 to 1877 inclusive.

Year.	Admitted.									Discharged.									Died.			Remaining in Hospital on 31 December in each year.			Average number resident.			Percentage of recoveries on admissions.			Percentage of Patients relieved.			Percentage of Deaths on average numbers resident.		
	Admitted for the first time.			Re-admitted.			Transferred.			Recovered.			Relieved.			Transferred.																					
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1869							143	75	218	56	32	88	20	9	29	13	40	53	53	7	60	429	223	652	495	215	650	39·16	42·66	40·36	13·98	12·00	13·30	12·18	3·25	9·23
1870							131	66	197	41	35	76	7	3	10	233	1	234	25	4	29	254	246	500	262	231	493	31·29	53·03	38·57	5·34	4·54	5·07	9·54	1·73	5·88
1871							172	105	277	53	40	93	6	7	13	111	40	151	27	8	35	229	256	485	265	248	513	30·80	38·01	33·57	3·49	6·06	4·69	10·18	3·22	6·82
1872	Totals admitted						164	104	268	70	49	119	11	4	15	68	39	107	29	9	38	215	259	474	231	256	487	42·68	47·11	44·44	6·70	3·84	5·56	12·55	3·51	7·80
1873							189	107	296	64	36	100	12	10	22	41	16	57	20	10	30	267	294	561	246	279	525	33·86	33·64	33·78	6·35	9·34	9·43	8·13	3·59	5·71
1874							186	126	312	51	41	92	9	13	22	49	104	153	40	15	55	304	247	551	280	301	581	27·44	32·53	29·48	4·84	10·32	7·05	14·28	4·98	9·46
1875							203	134	337	44	53	97	7	5	12	56	34	90	37	10	47	363	279	642	327	264	591	21·67	39·55	28·78	3·44	3·73	3·56	11·31	3·78	7·95
1876	169	108	277	33	27	60	1	2	3	81	69	150	14	18	32	97	43	140	26	17	43	349	267	616	342	268	610	40·09	51·11	44·51	6·93	13·33	9·49	7·60	6·34	7·05
1877	247	97	344	60	24	84	4	1	5	129	64	193	13	17	30	125	21	146	38	10	48	354	277	631	343	263	606	42·01	52·89	45·00	4·23	14·04	7·00	11·07	3·80	7·92

LUNATIC ASYLUMS, PARRAMATTA.

The main statistics for the year are given in the following tables.

The inspection of these Establishments has been made by the Visitors to Lunatic Asylums, who make a quarterly report for your information.

TABLE 13.

SHOWING Admissions, Re-admissions, Discharges, and Deaths in the Free Lunatic Asylum, Parramatta, during the year 1877.

	Male.	Female.	Total.	Male.	Female.	Total.
In the Asylum on the 31st December, 1876				545	194	739
Admitted for the first time during the year	.....	.....	.....			
Re-admitted during the year	.....	.....	.....			
Transferred „	55	6	61	55	6	61
Total under care during the year				600	200	800
Discharged or removed—						
Recovered	5	.....	5			
Relieved	4	.....	4			
Transferred	1	.....	1			
Escaped	.....	.....	.....			
Died	48	6	54			
Total discharged and died during the year				58	6	64
Remaining in Asylum 31st December, 1877				542	194	736
Average numbers resident during the year				540	196	736

TABLE 14.

SHOWING the Admissions, Re-admissions, Discharges, and Deaths, in the Convict Lunatic Asylum, Parramatta, during the year 1877.

	Male.	Female.	Total.	Male.	Female.	Total.
In the Asylum on the 31st December, 1876				22	7	29
Admitted for the first time during the year	.....	.....	.....			
Re-admitted during the year	.....	.....	.....			
Transferred „	.....	.....	.....			
Total under care during the year				22	7	29
Discharged or removed—						
Recovered	.....	.....	.....			
Relieved	.....	.....	.....			
Transferred	.....	.....	.....			
Escaped	.....	.....	.....			
Died	1	1	2			
Total discharged and died during the year				1	1	2
Remaining in Asylum 31st December, 1877				21	6	27
Average numbers resident during the year				21	6	27

TABLE

TABLE 15.

SHOWING the Admissions, Re-admissions, Discharges, and Deaths, in the Criminal Lunatic Asylum, Parramatta, during the year 1877.

	Male.	Female.	Total.
In the Asylum on the 31st December, 1876	34	5	39
Admitted for the first time during the year	10	.....	10
Re-admitted during the year	1	.....	1
Transferred "	.....	.....	.....
	11	.....	11
Total under care during the year	45	5	50
Discharged or removed :—			
Recovered	3	.....	3
Relieved	.....	1	1
Transferred	2	.....	2
Escaped	.....	.....	.....
Died	2	.....	2
Total discharged and died during the year	7	1	8
Remaining in Asylum, 31st December, 1877	38	4	42
Average numbers resident during the year	37	4	41

TABLE 16.

SHOWING the Admissions, Discharges, and Deaths, with the Mean Annual Mortality, and the proportion of Recoveries, &c., per cent. in the Lunatic Asylums at Parramatta, for the years 1876 and 1877.

Year and Asylum.	Admitted.									Discharged.									Died.			Remaining in Asylum on 31st December in each year.			Average number resident.			Percentage of recoveries on admissions.			Per-centage of Patients relieved on admission.			Percentage of deaths on average numbers resident.		
	Admitted for the first time.			Re-admitted.			Transferred.			Recovered.			Relieved.			Transferred.																				
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1876.																																					
Free	..	..	..	..	..	..	88	..	88	2	1	3	1	1	2	..	..	..	34	10	44	545	194	739	532	201	733	..	..	..	..	..	..	6·39	4·97	6·00
Convict	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1	22	7	29	23	7	30	..	..	..	..	..	..	4·33	..	3·33
Criminal	6	2	8	..	..	..	1	..	1	4	..	4	..	..	..	3	..	3	3	..	3	34	5	39	36	4	40	66·66	..	50·00	..	..	..	8·53	..	7·50
1877.																																					
Free	..	..	..	..	..	..	55	6	61	5	..	5	4	..	4	1	..	1	48	6	54	542	194	736	540	196	736	..	..	..	..	..	..	8·88	3·06	7·33
Convict	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	2	21	6	27	21	6	27	..	..	..	..	..	..	4·76	16·66	7·44
Criminal	10	..	10	1	..	1	..	..	..	3	..	3	..	1	1	2	..	2	2	..	2	38	4	42	37	4	41	27·27	..	27·27	..	..	..	5·40	..	4·87

ASYLUM FOR IMBECILES, &C., NEWCASTLE.

At the close of the year 1876 there were 182 patients under care—122 males, and 60 females. 1 male and 3 females were admitted for the first time; 1 male was re-admitted, and 14 males and 7 females were transferred from Gladesville; making a total of 208 patients under care. The whole of the patients received, with one exception, an aged and demented woman, were suffering from congenital mental deficiency, or from mental weakness arising from epilepsy or other disease occurring in early life, and were not of a class in which recovery could be expected. Two male patients being found unfit for the Institution, by reason of violence and erratic conduct, were removed to Gladesville, and 7 males and 3 females died during the year. The death rate, considering the feeble general health of a large majority of the patients, was small, being 5·34 per cent. on the average numbers resident, a proportion less than that for the Asylums generally. The causes of death were apoplexy and paralysis in 2 cases, inflammation of the lungs in 1, inflammation of the intestines, &c., in 2, dysentery and diarrhœa in 3, and typhoid fever in 2 cases. The cases of fever were the only two which occurred during the year, and there were, so far as I could discover, no defective sanitary arrangements to account for them.

On the 31st December, 1877, there were 129 male and 67 female patients—a total of 196 in the Institution, and these were classified as follows: Demented and aged patients, 38 males and 5 females; adult imbeciles and idiots, 40 males and 28 females; and imbeciles and idiots below 20 years of age, 51 males and 34 females. Of the total number 27 males and 22 females were epileptic.

The patients classified as imbeciles and idiots display every shade of mental deficiency, and in all the malady is either congenital or the mental functions have suffered from arrest in development from disease in very early life.

I visited the Institution on the 22nd and 23rd February, the 5th and 6th of June, the 25th and 26th of September, and the 19th and 20th December, and after each visit, forwarded to you a report on its general condition and management, which were on all occasions, except in some minor details, highly satisfactory.

satisfactory. Great improvements have been made at the Institution during the year by the erection of a new and commodious laundry, new bath-room, lavatories, and pantries in both the male and female divisions, and a shed and closets for the smaller boys. The general management of the Institution was much facilitated by these additions, and the comfort and cleanliness of the patients increased.

The water supply has been throughout the year a subject of anxiety, and on two occasions has absolutely failed, so that it was necessary for short periods to cart a supply from a distance. Steps were taken late in the year for deepening one of the wells, and it is hoped that this, with a reserve in the large underground tank made in 1876, will prove sufficient for the use of the Asylum in any ordinary season.

The most urgent wants of the Asylum at present are a new kitchen and offices, an additional bath-room and lavatory in the male division, and new closets to replace the present old and temporary arrangements. As appropriations have been made for these and other alterations, it is hoped that another year may see the completion of these much needed improvements.

The new dietary scale sanctioned at the beginning of the year has been found satisfactory, but the defective kitchen arrangements have prevented its complete adoption. The cost is less than under the old scale, the quantity is sufficient without permitting waste, and the variety of articles has tended greatly to maintain the patients in health, and to make them contented.

The Government has recognized the importance of separating idiot children from the other classes of the insane, and by the establishment of a special Asylum has done much to promote the comfort and happiness of this afflicted class. The further step of systematic teaching remains. Up to the present time, owing to the want of space and of class room and appliances, this has not been attempted, and the efforts of the staff have been directed to the physical wants of the inmates, to the correction of faulty habits, to careful feeding, clothing, and amusement, and to the employment of the inmates in such outdoor and other occupations as their strength would permit of.

The land on which the Asylum stands is not more than 7 or 8 acres in extent, the buildings are already too much crowded together, and the land is insufficient in extent for farming and gardening purposes, and for the exercise and recreation of the inmates who, like other children, require open air exercise, and owing to their peculiarities cannot as a rule obtain this, except within the grounds of Institution in which they are placed. At the same time it is impossible to carry out the necessary extensions to meet the constant accession to the number of inmates.

Under these circumstances I beg to recommend the erection, on a new site in some suitable position, of a new asylum for idiots and children of feeble mind, to contain accommodation for not less than 300 inmates. It should be placed within ample grounds for recreation and for the employment of the inmates in farming and gardening, and should be supplied with class-rooms and all the other accessories for the systematic training of the inmates, now to be found in the institutions for persons of feeble mind, which exist in large numbers in Europe and in the United States and one of which has recently been established in Canada. In these institutions it is found that a certain proportion of the inmates improve so far as to be self-supporting, that a number are fitted to return to their families without being too burdensome on the time or care of their friends, and that even the worst cases so far improve as to be more cleanly, more helpful, and therefore less costly to maintain in the institutions.

The present building at Newcastle being in good repair and possessing most of the adjuncts required in a large public institution, would form a complete and satisfactory asylum for 200 epileptic, aged, and chronic patients—a class which does not need large airing grounds and cannot be so usefully employed in out-door occupations. The erection of a new asylum would therefore carry with it the double advantage of providing satisfactorily for the idiotic and feeble-minded, and increasing the accommodation for the chronic insane by 200 beds—an increase, which in the present condition of the asylums in the Colony, and with a rapidly increasing number of patients, is very much needed.

The care and treatment of idiots, imbeciles, and harmless lunatics has recently been under the special consideration of the "Charity Organization Society" in England, and a committee of gentlemen occupying positions of legal, medical, and social distinction, after a thoughtful and exhaustive consideration of the subject, agreed to the following principles of treatment:—

1. That idiots and imbeciles should be treated distinctively from other classes.
2. That they ought not to be associated with lunatics in asylums.
3. That they ought not, unless in exceptional cases, to be associated with paupers in Union (Alms) Houses.
4. That the distinctive treatment suited to idiots and imbeciles ought to be applied collectively, especially in the earlier stages of education.
5. That idiots and imbeciles cannot with advantage be placed in ordinary schools with other children.
6. That the improvement of idiots and imbeciles would not be promoted by boarding them out, but in certain cases boarding out, under proper supervision, is not unsuitable to harmless lunatics.
7. That the education of idiots and imbeciles should be based on physical considerations.
8. That the education of idiots and imbeciles should commence at the earliest age at which they can dispense with a mother's care, and the subsequent stages should depend upon the capacity developed by them.
9. That idiots and imbeciles should have a thorough industrial training, so as to enable them, as far as practicable, to support themselves, or at least to contribute towards their support when circumstances render it necessary; and
10. That idiots and imbeciles of all classes should, as far as may be prudently done, be also encouraged to cultivate any literary, scientific, artistic, or mechanical faculty that they may happen to possess, or be otherwise furnished with employment, so as to promote their self respect, and to make them feel that they are of some use in the world, or, at any rate, to occupy them pleasantly.

These principles commend themselves to all who have given special attention to this subject, and it is satisfactory to think that in the establishment of the asylum at Newcastle, as a distinct Institution for the idiotic and imbecile, several important steps in the direction indicated have already been taken, although much yet remains to be done.

TABLE

Table 17.

Showing the Admissions, Discharges, and Deaths, with the mean annual mortality, and the proportion of Recoveries, &c., per cent. in the Asylum for Imbeciles, &c., Newcastle, for the years 1871 to 1877 inclusive.

Year.	Admitted.									Discharged.									Died.			Remaining in Asylum on 31 December in each year.			Average Number resident.			Percentage of recoveries on admissions.			Percentage of patients relieved.			Percentage of deaths on average numbers resident.		
	Admitted for the first time.			Re-admitted.			Transferred.			Recovered			Relieved.			Transferred.																				
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1871							88	25	113	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1872							32	11	43	..	..	..	..	..	..	1	..	1	18	3	21	101	33	134	91	27	118	..	..	..	..	..	..	19·78	11·11	17·79
1873	Totals admitted						11	1	12	..	..	..	..	..	..	..	..	..	12	2	14	100	32	132	100	32	132	..	..	..	..	..	..	12·00	6·25	10·66
1874							26	18	44	2	..	2	..	..	..	..	..	..	9	1	10	115	49	164	108	34	142	..	..	..	..	..	..	8·33	2·94	7·04
1875							25	9	34	..	..	..	2	..	2	1	1	2	16	4	20	121	53	174	116	48	164	..	..	..	..	..	..	13·79	8·33	12·19
1876	7	1	8	..	..	..	11	10	21	1	..	1	2	..	2	..	2	2	14	2	16	122	60	182	119	56	175	14·28	..	12·50	28·57	..	25·00	11·76	3·57	9·14
1877	1	3	4	1	..	1	14	7	21	..	..	..	..	..	..	2	..	2	7	3	10	129	67	196	127	60	187	..	..	..	..	..	..	5·52	5·00	5·34

Table 18.

Showing the Admissions, Re-admissions, Discharges, and Deaths in the Asylum for Imbeciles and Institution for Idiots at Newcastle during the year 1877.

	Males.	Females.	Total.
In the Asylum on the 31st December, 1876 ...	122	60	182
	Males.	Females.	Total.			
Admitted for the first time during the year	1	3	4			
Re-admitted during the year	1	0	1			
Transferred during the year	14	7	21	16	10	26
Total under care during the year				138	70	208
Discharged or removed—						
Recovered						
Relieved						
Transferred	2		2			
Escaped						
Died	7	3	10			
Total discharged and died during the year				9	3	12
Remaining in Asylum, 31st December, 1877				129	67	196
Average numbers resident during the year				127	60	187

Temporary Lunatic Asylum, Cooma.

In the terribly overcrowded condition of the Asylums at the commencement of the year, and in the complete absence of other available accommodation, the prison buildings at Cooma were temporarily set apart for the reception of insane patients, and after various alterations and additions, made with a view of rendering the buildings more suitable, the establishment was proclaimed a Temporary Lunatic Asylum, and sixty patients were transferred thither from Gladesville during the month of May. The patients selected were, as a rule, young, in fair physical health, and subject to the more demonstrative phases of chronic insanity, and among them were all those whose relatives lived in the Monaro District. The transfer was made without accident of any kind, and the officers and attendants were selected from the Gladesville staff.

I visited the Asylum on the 15th and 16th June, and on the 10th and 11th November, and on each occasion found it in a creditable and satisfactory condition. A detailed report was furnished to you after each visit.

The patients have been extremely healthy since their transfer; a large number have gained in weight, and a certain proportion have shown considerable mental improvement.

The only death which occurred was due to epilepsy and brain disease.

The water supply has proved to be totally insufficient, and additional tanks, as well as deepening the present well, will be necessary. During the last three months of the year water was drawn by means of a water cart from a neighbouring creek, but the supply was far from pure, and a man and horse were kept constantly employed in securing a supply which barely sufficed for the wants of the establishment.

The Institution now receives the new cases of insanity occurring in the Monaro District, and four of these were admitted during the year.

The

The following tables give the statistics for the period the Institution was in operation :—

TABLE 19.

SHOWING the Admissions, Re-admissions, Discharges, and Deaths in the Temporary Lunatic Asylum, Cooma, during the year 1877.

	Male.	Female.	Total.
In the Asylum on the 31st December, 1876	.....	.....	.....
Admitted for the first time during the year	4	.....	4
Re-admitted during the year	.....	.....	.....
Transferred ,,	60	.....	60
Total under care during the year	64	.....	64
Discharged or removed—			
Recovered	.....	.....	.....
Relieved	.....	.....	.....
Transferred	.....	.....	.....
Escaped	.....	.....	.....
Died	1	.....	1
Total discharged and died during the year	1	.....	1
Remaining in Asylum 31st December, 1877	63	.....	63
Average numbers resident during the year	62	.....	62

TABLE 20.

SHOWING the Admissions, Discharges, and Deaths, with the mean annual mortality and the proportion of Recoveries, &c., per cent., in the Temporary Lunatic Asylum, Cooma, for the year 1877.

Year.	Admitted.									Discharged.									Died.			Remaining in Asylum on 31 Dec., 1877.			Average number resident.			Per centage of recoveries on admissions.			Per centage of patients relieved.			Per centage of deaths on average number resident.		
	Admitted for the first time.			Re-admitted.			Transferred			Recovered.			Relieved.			Transferred																					
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1877	4	..	4	..	..	....	60	..	60	..	..	....	..	..	....	..	..	....	..	..	....	1	..	1	63	..	63	62	..	62	..	..	....	..	..	....	1·61	..	1·61

LICENSED HOUSE FOR LUNATICS, COOK'S RIVER.

DURING the year there have always been 125 public patients in this Institution, vacancies caused by recovery or death being immediately filled up by the transfer of other patients from Gladesville.

These patients are paid for under a contract with the proprietor at the rate of £1 2s. 6d. per week.

Visits of inspection have been paid monthly by the medical members of the Board of Visitors.

The following tables show the main statistics of this Institution for the year.

TABLE 21.

Showing Admissions, Re-admissions, Discharges, and Deaths in the Licensed House for Lunatics at Cook's River, during the year 1877.

	Male.	Female.	Total.
In the Institution on 31st December, 1876	5	130	135
Admitted for the first time during the year	5	3	8
Re-admitted during the year	...	1	1
Transferred	...	11	11
Total under care during the year	10	145	155
Discharged or removed :—			
Recovered	2	6	8
Relieved	...	1	1
Transferred	2	1	3
Escaped	...	...	...
Died	2	7	9
Total discharged and died during the year	6	15	21
Remaining in Institution 31st December, 1877	4	130	134
Average numbers resident during the year	5	129	134

Table 22.

Showing the Admissions, Discharges, and Deaths, with the mean Annual Mortality, and the proportion of Recoveries, &c., per cent. in the Licensed House for Lunatics at Cook's River, for the years 1876 and 1877.

Year.	Admitted.									Discharged.									Died.			Remaining in Institution on 31st December in each year.			Average number resident.			Percentage of recoveries on admission.			Percentage of patients relieved.			Percentage of deaths on the average numbers resident.		
	Admitted for the first time.			Re-admitted.			Transferred.			Recovered.			Relieved.			Transferred.																				
	M	F	Total.	M	F	Total.	M	F	Total.	M	F	Total.	M	F	Total.	M	F	Total.	M	F	Total.	M	F.	Total.	M	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
1876	2	1	3	..	..	..	..	33	33	..	..	..	1	..	1	1	..	1	2	8	10	5	130	135	6	113	119	..	..	..	50·00	..	33·33	31·25	7·06	8·88
1877	5	3	8	..	1	1	..	11	11	2	6	8	..	1	1	2	1	3	2	7	9	4	130	134	5	129	134	40·00	150·0	88·88	..	25·00	11·11	40·00	5·42	6·66

Table 23.

Showing the causes of Deaths at the Licensed House for Lunatics at Cook's River, during the year 1877.

	Male.	Female.	Total.
Cerebral Diseases—			
Apoplexy and Paralysis	.....	2	2
Epilepsy and Convulsions	.....	.....	.....
General Paralysis	2	1	3
Maniacal and Melancholic Exhaustion or Decay	.....	1	1
Inflammation and other Diseases of the Brain, Softening, Tumours, &c.	.....	.....	.....
Thoracic Diseases—			
Inflammation of the Lungs, Pleuræ, and Bronchi	.....	.....	.....
Pulmonary Consumption	.....	2	2
Disease of the Heart and Blood-vessels	.....	.....	.....
Abdominal Disease—			
Inflammation and Ulceration of the Stomach, Intestines, or Peritoneum	.....	.....	.....
Dysentery and Diarrhœa	.....	.....	.....
Albuminuria	.....	.....	.....
Disease of Liver	.....	1	1
Erysipelas	.....	.....	.....
Carbuncle	.....	.....	.....
Typhoid Fever	.....	.....	.....
General Debility and Old Age	.....	.....	.....
Accident	.....	.....	.....
Suicide	.....	.....	.....
Total	2	7	9

Table 24.

Showing the length of residence in those discharged recovered, and in those who have died, at the Licensed House for Lunatics at Cook's River, during the year 1877.

Length of Residence.	Recovered.			Died.		
	Male.	Female.	Total.	Male.	Female.	Total.
Under 1 month	1	.....	1	1	.....	1
From 1 to 3 months	1	.....	1	.....	.....	.....
„ 3 „ 6 „	.....	3	3	1	.....	1
„ 6 „ 9 „	.....	.....	.....	.....	.....	.....
„ 9 „ 12 „	.....	.....	.....	.....	.....	.....
„ 1 „ 2 years	.....	2	2	.....	3	3
„ 2 „ 3 „	.....	.....	.....	.....	4	4
„ 3 „ 5 „	.....	1	1	.....	.....	.....
„ 5 „ 7 „	.....	.....	.....	.....	.....	.....
„ 7 „ 10 „	.....	.....	.....	.....	.....	.....
„ 10 „ 12 „	.....	.....	.....	.....	.....	.....
„ 12 „ 15 „	.....	.....	.....	.....	.....	.....
Totals	2	6	8	2	7	9

TABLE 25.

SHOWING the ages of the Admissions, Discharges, and Deaths, at the Licensed House for Lunatics at Cook's River, during the year 1877.

Ages.	Admissions.			Discharges.						Deaths.		
				Recovered.			Recovered, relieved, or otherwise.					
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
From 5 to 10 years	...	...	.....	...	...	.....	...	...	.....	...	...	.....
„ 10 „ 15 „	...	...	.....	...	...	.....	...	...	.....	...	...	.....
„ 15 „ 20 „	...	1	1	...	...	.....	...	1	1	...	...	.....
„ 20 „ 30 „	1	4	5	...	3	3	2	...	2	...	...	.....
„ 30 „ 40 „	2	4	6	2	1	3	...	1	1	...	3	3
„ 40 „ 50 „	2	3	5	...	1	1	...	...	.....	2	3	5
„ 50 „ 60 „	...	3	3	...	1	1	...	...	.....	...	...	.....
„ 60 „ 70 „	...	...	.....	...	...	.....	...	...	.....	...	...	.....
„ 70 „ 80 „	...	...	.....	...	...	.....	...	...	.....	...	1	1
„ 80 and upwards	...	...	.....	...	...	.....	...	...	.....	...	...	.....
	5	15	20	2	6	8	2	2	4	2	7	9

PLANS FOR NEW HOSPITAL FOR THE INSANE, CALLAN PARK.

When directions were given for the preparation of plans for a new asylum on the Callan Park Estate it became my duty to decide on the number of patients who should be provided for, before consulting with the Colonial Architect as to the general form and details of the building.

In my general report on Asylums, published in 1868, I entered at length into the question of the size of asylums, and after an examination of the published opinions on the subject expressed my view, which was founded on a study of these opinions and the arguments in support of them, and on a personal inspection of many of the best asylums, both in Europe and America, that "from 400 to 500 is the preferable size for a lunatic asylum, and that 600 should never be exceeded." Since writing thus I have for nearly 10 years had the medical supervision of an asylum which has seldom contained less than 600 patients, whilst I have numerous other duties connected with the Lunacy Department, and in addition to this practical experience of asylum management I have had an opportunity of again visiting both Europe and America and collating my experience with that of others working in the same field.

I have seen abundant reason to alter the opinion I before expressed, and to believe that asylums work best, both for the patients and for the public interests, when the number of inmates exceeds 600.

During the last few years there has been a gradually gathering weight of opinion in favour of asylums of a medium size.

The Association of Medical Superintendents of American Institutions for the Insane, which at one time agreed "that the highest number that can with propriety be treated in one building is 250," some time since rescinded this resolution, and fixed on 600 as a proper number, whilst even this is now considered too few, and the managers and trustees of some of the most recent and approved asylums in America, especially in New Jersey and New York States, have given practical expression to growing opinion by providing for 800 patients in their institutions.

The English Lunacy Commissioners, who formerly held that the number of 500 patients should not be exceeded, have approved of the plans for Chartham in Kent, Wadsley in South Yorkshire, and Whittingham in Lancashire, three of the most modern of English asylums, each to contain upwards of 800 patients, whilst they have consented to the enlargement of Brookwood in Surrey, and Hayward's Heath in Sussex, to the full extent of that number.

I could cite various and trustworthy authorities in support of the view I have above expressed, but will content myself with two, one widely known as a profound psychologist and most skilful Asylum administrator, and the other an experienced physician, who has studied the subject from an exoteric point of view, and contributed to the literature of the day two elaborate volumes on "The Care and Cure of the Insane."

Dr. J. Crighton Browne, who is now one of the Lord Chancellor's visitors in lunacy, and who for nine years filled with great distinction the position of Medical Director of the West Riding Asylum, which contained 1,200 patients, and was one of the most admirably managed institutions it has been my privilege to visit, in evidence given before a Select Committee of the House of Commons in 1877, says—"I think pauper lunatic Asylums may very properly be raised to 1,000, and that they will then work more efficiently and economically, provided there is a sufficient medical staff. I have held offices in Asylums of all sizes, from 100 up to 1,500 beds, and I think 1,000 the most economical number."

"The Commissioners in Lunacy would, I think, not place the proper number for one Asylum below 600 now. The appliances are of course very much ampler and more complete in the large Asylums, and greatest of all in the large public Asylums, which are day by day becoming more like hospitals."†

Dr. Mortimer Granville, who filled the appointment of Reporter to the "Lancet" Commission on Lunatic asylums, and whose elaborate report was re-published in 1877, after expressing disapproval of some of the more gigantic Asylums, recommends curative establishments, with "the manageable proportion of 600 beds, with an ample medical staff and a large proportion of attendants, "as likely" to keep down the burden of insanity by curing the highest proportion of curable cases;" and goes on to remark, that "in these *small* curative establishments it would be possible to make the treatment of such patients an object of especial care."‡

With

* Report on Lunatic Asylums, p. 172.
† Report on Lunacy Law, pp. 65 and 81.
‡ The Care and Cure of the Insane, by J. Mortimer Granville, M.D., 1877, vol. 2, p. 136.

With the experience I now possess on the subject, I should myself prefer to be the medical head of an asylum containing from 600 to 700 beds, and with a full staff of medical and other officers and attendants, rather than a smaller one.

I believe that with this number of patients an institution will work more smoothly and well, with greater benefit to the patients, with greater ease to the officers, and with greater economy to the public funds than with a smaller number; and holding these views, I advised that provision should be made for not less that 600 patients at Callan Park. Now that the plans are worked out it is found that there will be room for 666, with a possibility of increasing this number by erecting additional cottages. The plans were completed by the Colonial Architect early in the year, and I append a brief description of the new Asylum, which I would recommend should be accompanied by a lithograph, showing the ground plans both of the main building and the cottages.

The main design of the building is adopted from that for the new Asylum for the county of Kent, at Chartham, of which Messrs. Giles and Gough are the architects.

Considerable alterations have, however, been made in the internal arrangements, and a large verandah space has been added to meet the requirements of the climate of New South Wales.

The accommodation for patients is in two divisions, one for males and one for females, separated by the central and administrative offices. An equal number of each sex are provided for, and the arrangements for each are similar in all essential points. Each division consists of three distinct parts:—

1st. A large block placed near the Administrative Offices and the Medical Officer's quarters, and consisting of two wards, one for the sick and the other for the recent and acute cases, both of which classes require special attention and supervision.

2nd. Three pavilions or wards (connected with the rest of the hospital by verandahs or corridors) for the violent and noisy, the convalescent and working patients, and patients of an intermediate class.

3rd. Three detached cottages, each to contain 16 patients, for the quiet and convalescent, and for patients who have been in a better position in life. In addition it is proposed to place spare rooms in the gate lodges and in the cottages, for gardeners, &c., by which means six convalescent male patients will be comfortably lodged.

The total accommodation may be set down as under, viz., in main block and three pavilions divided as follows:—

In ward for sick	52	2 of each.	
„ acute cases	55		
Intermediate ward	65		
Ward for excited and noisy	35		
„ quiet and convalescent	75		
	282	=	564
In special cottages	96		
„ Gate Lodges, &c.	6	=	102
Total			666

The buildings are two-storied throughout, except at the end of the pavilions, where they rise to three stories.

The accommodation consists of day rooms and dormitories, and the whole of the day or living rooms are on the ground floor.

The first floor and the small second floor at the end of the pavilions are devoted entirely to dormitory accommodation.

The number of single rooms is 162; of these 140 are ordinary single rooms, and twelve are panelled and eight padded for acute cases and others requiring special treatment.

There are in addition two single rooms for the temporary isolation of special and infectious diseases.

The proportion of single rooms bears therefore a proportion of about one-fourth to the total accommodation. This is somewhat larger than has been fixed as necessary in some modern Asylums, but special circumstances have determined the adoption of this proportion. The hospital will be a metropolitan one, and the proportion of admissions to the whole resident population, and the number of acute cases requiring separate sleeping rooms, is therefore likely to be large. In the directions to architects, issued by the English Commissioners in lunacy, it is stated "that the proportion of single rooms need not exceed one fourth," and the Commissioners have raised objections in some cases where the proportion provided has not been more than one-fifth.

The associated dormitories, including the rooms at the gate lodges, will accommodate 504 patients. They vary considerably in size. Twelve are arranged for three patients each, and the largest dormitories will not hold more than an average of 15 patients, with the exception of one in the convalescent wards of both male and female divisions, which will accommodate 28.

The space allowed in the associated dormitories is for the sick and bedridden cases, 1,000 cubic feet or a full 80 superficial feet, and for ordinary cases 600 cubic feet or 50 superficial feet. This is the amount of space set forth by the English Commissioners in Lunacy as essential. The day rooms will afford on an average 26 superficial feet to each patient. This is much less than the proportion considered necessary in England, and insisted on in all plans submitted to them by the English Lunacy Commissioners, who consider that 48 feet should be the minimum; but it is deemed sufficient in this climate where the patients pass a large proportion of every day in the open air, and as a rule use the day rooms only in boisterous weather, especially as it is supplemented by a very large amount of verandah accommodation, which as a rule is more pleasant and more wholesome than indoor rooms.

The corridors on the upper floor are also available as day space in an emergency, but are not likely to be often required.

Each ward or pavilion contains lavatories on both floors, which are to be fitted with one bath in each; a ward kitchen or scullery on the ground floor; store rooms; and room for attendants, which are so placed as to command full views of the dormitories and day rooms.

A general dining-room for each sex has been provided near the kitchen, which will seat about three-fourths of the total number of patients, quite as many as can be ordinarily permitted to take their meals together. The remainder, consisting of the sick, epileptic, and excited will dine in the wards.

Between the dining rooms is a large hall for religious service, for amusements, and for the general gatherings, which will be held periodically.

The arrangement of the dining and amusement rooms has been taken from the new Asylum at Whittingham, in Lancashire, which was mainly designed by Mr. Holland, the Medical Superintendent.

A large general bath-room for the ordinary weekly or bi-weekly ablutions of the patients is provided in both the male and female divisions, so placed as to be readily accessible from all the wards. In connection with this is a Turkish bath, a service of shower baths, and the necessary medicated baths.

The accessory buildings comprise kitchen and all necessary offices, bake-house, flour-store, dining-rooms for attendants and nurses, store-rooms for clothing, provisions, &c., laundry, carpenters', painters', tailors', and shoemakers' shops, shed for bricklayers, sewing-rooms, stables, cart-sheds, and mortuaries, together with the residences for all officers whose duties require them to be more or less constantly on the premises.

In the central block provision is made for medical consulting room, library, and pathological museum, and there are also rooms for the accommodation of students in Psychological medicine, which will form part of the professional course of instruction on the establishment of a medical school in connection with the University of Sydney.

Attached to each ward or pavilion is an airing yard, which is surrounded on three sides by verandahs or covered ways, whilst on the fourth side the wall is sunk in a "ha ha," and so allows a full and uninterrupted view of the country around.

The buildings have been so arranged that the whole of the wards in the female division, and three out of five in the male division, command beautiful views of the harbour, and a distant view extending to the Blue Mountains.

The general recreation grounds in both divisions which are in front of and somewhat below the airing yards, and can be reached from them, command an extensive and varied view, and along the boundaries of these and opening on to them the cottages for convalescent patients will be placed.

Although, as previously stated, the plans were completed early in the year, no steps had been taken up to its close for proceeding with the building, and when the condition of the existing Institutions is considered, together with the rapidly increasing number of insane in the Colony, and the long time the projected buildings will require for their completion, this delay becomes a matter of the most serious importance, and if long continued will lead to additional expenditure for temporary buildings, and a continuance of the present extravagant system of having recourse to small and temporary establishments to meet the contingent increase in the number of patients.

I have the honor to be,
Sir,
Your most obedient Servant,
F. NORTON MANNING,
Inspector of the Insane.

Sydney: Thomas Richards, Government Printer.—1878.

[1s.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PARRAMATTA LUNATIC ASYLUM.

(REPORT FROM THE INSPECTOR OF THE INSANE.)

Ordered by the Legislative Assembly to be printed, 21 January, 1879.

Lunacy Department, Office of the Inspector of the Insane,
Gladesville, 29 November, 1878.

Sir,

Having undertaken the inspection of the Lunatic Asylum, Parramatta, in accordance with instructions bearing date the 20th September last, and having visited that Institution on the 7th, 11th, 15th, and 28th ult., and the 23rd instant, I think it my duty, in justice to the officers of the Institution, to myself, and also to the Government, to forward to you a detailed report thereon.

It is necessary that I should premise that my report is based on information obtained at the above-mentioned visits, or communicated to me by the Medical Superintendent and other officers. It is ten years since I previously had an opportunity of fully examining the Institution, and I have not for a very long period visited the Institution, except to make special inquiries, or in a casual manner. In fact, with the exception of being occasionally consulted by the Colonial Secretary on matters arising at the Parramatta Asylum, I have at no time had official connection with the Institution.

Ten years ago the Lunatic Asylum, Parramatta, contained 536 patients, and I then reported that after special and close examination of the buildings, both before and after an inspection of the Asylums of Europe and America, I had arrived at the conclusion that they were utterly and completely unfit for the purpose for which they were employed, and went on to say, "In this condemnation are included the convict factory now occupied by the women, the various buildings occupied by the insane, non-criminal men, &c., and the small prison which has been somewhat recently erected to serve as an Asylum for criminal lunatics. In such buildings the care and treatment of the insane are simply impossible. It needs no special knowledge on this subject to see how completely unfit the old factory, with its gloomy ill-ventilated cells and their iron-barred doors is as a residence for those mentally afflicted. Let anyone who has any doubt on the subject allow himself to be shut up in one of these dens for an hour only. The new building for criminals seems to have been constructed solely with a view to the safe keeping of its inmates, and differs in almost every particular from the buildings used as hospitals for the criminal insane at Broadmoor, Perth, and Auburn U.S. The remainder of the buildings are wanting in almost every essential of the modern hospital for the insane. No amount of money or skill can avail to render Parramatta Asylum a fit residence for the insane, or equal to the lunacy wards in many of the poor-houses in England, and its early abandonment is unhesitatingly advised. No outlay should be made, except such as is absolutely necessary to keep up repairs whilst other provision for its inmates is being made." Former report

Such other provision has, unhappily, not been made, and during the past ten years a very large sum has been expended in additions and alterations at the Parramatta Asylum, on a site which is thoroughly unsatisfactory and unsuitable, and which has, in fact, no single recommendation.

The additions and alterations have, moreover, for the most part, been made on no fixed plan and under no single direction. They have originated sometimes with the Board of Visitors, sometimes with the Colonial Architect, and sometimes with the Medical Superintendent, and have been carried out without a full consideration of the Institution as a whole. Though undoubtedly the accommodation has in the male division of the Asylum been improved as well as extended, the Institution has not been rendered in any degree more manageable, and the laundry, kitchen, baths and lavatories, and all such important accessory arrangements, are almost as defective as they were ten years ago. It is impossible after the large expenditure which has been, and is still being incurred, to do other than continue to use the Institution for Asylum purposes; but to so remodel it as to render it easily workable and fit for the residence of insane persons, is a problem which admits of no easy solution. Recent additions and alterations.

Theoretically, the establishment consists of three separate institutions for free, convict, and criminal patients respectively; but the convict or Imperial patients have for some years past been few in number, are, with the exception of two patients (one of whom is serving a Colonial sentence, and the other, who is a Colonial Queen's pleasure patient), aged, quiet, and inoffensive, and instead of being kept in a separate division are scattered through the wards among the free patients, from whom, in fact, they are only known, Three separate Institutions.

by

by those in charge of the records of the establishment. The Criminal Asylum is only a separate institution so far as the day and dormitory accommodation for male patients are concerned. The criminal women are very few in number, and are kept in the general wards of the female division. The general offices, stores, kitchens, &c., are used for the criminal division. The Medical Superintendent and other officers are charged with its administration, and the attendants form part of the general staff, and are supplied and replaced as occasion requires. I shall revert to the arrangements of this part of the Institution in a subsequent part of this report. The numbers of inmates in the Asylum at the time of my visit, on the 5th ultimo, were as follows :—

	Male.	Female.	Total.
Free	547	196	743
Convict	20	6	26
Criminal	46	5	51
	613	207	820

Female division.

The female division which, as before mentioned, contains patients of all three classes, consists of one large yard surrounded by high prison-like walls. This is partly grassed, but neither planted nor ornamented with flower borders, and is divided by paling fences, so as to form two divisions, one for the more aged, feeble, and sick patients, and the other for the remainder of the inmates. The feeble and sick live and sleep in three old, low, and badly ventilated rooms, which, by means of scrupulous cleanliness, and some small attempt at ornamentation, are the most homely and pleasing part of the whole Institution. The other inmates live and take their meals in an open shed in the centre of the yard, and sleep in the old factory, a gloomy, three-storied building, whose cells afford a wretched allowance of less than 300 cubic feet per inmate, the majority of the patients being placed three together in cells, of which the cubic contents are only 864 feet. The corridors of this structure are so dark that on the brightest day it is never more than twilight in them. It is necessary to keep braziers and fires constantly burning to obtain any ventilation; the old woodwork is alive with vermin, and the whole structure is unwholesome and repulsive. In a corner of the main yard are six small separate yards for seclusion; they are surrounded by high open paling fences, and in each there is a shed, which gives some amount of shade. They are very unpleasantly suggestive of arrangements at the Zoological Gardens, but with the absence of means of classifying the inmates are necessary for the temporary seclusion of some and the safety of other inmates, and are decidedly more wholesome than the cells, which, in their absence, would of necessity be used for this purpose. Eleven out of a total number of fourteen epileptic patients sleep in one room, and the night nurse has special directions to look particularly to them in the intervals between going the rounds of the general dormitories.

Old factory building.

The kitchen and laundry are as old, as defective, and as generally bad as the remainder of the buildings. The former has no oven, so that all the meat is boiled in an unvarying routine. The latter has not a single labour-saving appliance, and it is so small that it is impossible to do the necessary work in it. The only sewing-room is a small apartment in which the workmistress sleeps.

Bath and lavatory arrangements are especially defective; seven fixed basins and four baths are all the provision for 207 patients. Some of the more sensible patients keep basins under their beds, and wash in the open yard, and with this help it is more or less a mystery, even to anyone acquainted with Asylum management, how the necessary personal ablutions of the patients are performed. There is a painful want of accommodation for the nurses, most of whom sleep in the dormitories with the patients, and have no proper dining-rooms, no furniture, and no place of refuge within the institution in which to spend a few hours of necessary rest when their dreary round of duty is over. There is a complete absence of store-rooms, pantries, closets, and all the accessories without which. order, arrangement, and tidiness are impossible.

The patients were, as a rule, at the time of my visits in fair bodily health; a few of the more aged were in hospital, but only one was confined to bed. There was no patient in restraint, and on inquiry I found that this was very infrequently resorted to. I found four patients in the little seclusion yards above mentioned, and ascertained that these were frequently used and for periods which seemed to me unnecessarily long. It must be remembered, however, that there is no other mode of separating these violent patients from others, and that these little yards are not so depressing as confinement in a room, since the patients are able to see what passes around them. The staff attached to the female division consists of the matron, fifteen nurses (one of whom is always employed on night duty), and one cook, whose place is taken by one of the nurses when absent from duty. There are in addition two needlewomen, three laundresses, two of whom are allowed to sleep out of the Institution, and one office servant. These, though under the orders of the matron, are not exclusively employed in duties appertaining to the female division. There are therefore, including the cook, one nurse to every thirteen patients, which, considering that the patients are mainly of a chronic class and the admissions extremely few, and have not averaged ten a year during the past three or four years, must be considered ample if not large, and is in fact equal to that at Gladesville, where the admissions are frequent and the cases acute in character. It is no doubt owing to this ample staff, and by means of her own long experience, tact, and power of management, that the matron has been able to surmount so many of the difficulties of her surroundings, and to keep the patients in the creditable condition in which they are. I have entered less at length into a description of the female division than I should otherwise have done, as arrangements have happily been made for removing the patients from it. The new building will, however, take nearly two years more to complete, and during this time the female division of the Institution must necessarily remain in all essentials in its present condition. I would however strongly recommend that the open shed now used for dining and day room should be boarded up, and that a stove should be placed in it, so as to afford comfort and warmth to the patients during the two winters they must yet spend in their present quarters.

New buildings for women.

I have examined the plans for new buildings for women, which are to be mainly of weatherboard. These are of ample extent, and in the main suitable, but will require various modification in detail, and the new stores and kitchen, which are intended to serve for the weatherboard buildings now occupied by male patients, as well as the new ones for the women, will require a complete reconsideration to render them workable.

workable. The site which has been chosen is flat and far from suitable, and its only advantage is its propinquity to the rest of the establishment, which will render the female division more easy to manage than if placed at a distance from the other buildings. It is to be hoped that the whole of the buildings in the present female division of the asylum will, on being vacated by the female patients, be levelled with the ground. There is no part of them which is not thoroughly and irredeemably bad, and to fill them again with patients, either male or female, when once vacated, would be to perpetuate a scandal.

Male division.

The male division of the establishment for free patients consists of two parts, one completely detached, built mainly of weatherboard, and of comparatively recent construction, and the other of stone buildings of various dates, which constitute the larger part of the main central structure.

Weatherboard building.

The weatherboard building which was erected in 1869-70, consists of large associated dormitories and day-rooms, with kitchen, stores, bath-rooms, and lavatories, and a cottage for the chief attendant. It is situated only a short distance from the main asylum, and has in front of it a large recreation ground, which has been planted, and is kept in tolerable order. The building was intended for the more quiet and harmless class of patients, and though in several respects faulty and defective in arrangement, is in construction the most satisfactory part of the Institution. The dormitories are ten in number, and are in five blocks; each has an attendant's room at one end which overlooks the dormitory, and the whole contained at the time of my visit an aggregate of 260 patients, for whom there was a cubic capacity of about 750 feet each. The rooms are ventilated by double hung sashes at each side, and by a centre opening in the roof, over which are louvres; the latter, however, are so badly constructed, both in the dormitories and day-rooms, that they let in the rain and flood the rooms on the occasion of every shower. It is imperatively necessary that they should be replaced by some other contrivance, as they are a standing source of discomfort and trouble.

In the whole of the weatherboard division there are no separate or single rooms for patients, and this is a want greatly felt. On the occasion of sudden outbursts of noise and excitement the patients must be dressed and removed to the main asylum in the night; and in case of severe and fatal sickness must also be removed or else left to die in the main dormitories. This latter arrangement is, as can be readily understood, open to abundant objections in an institution of this character, and it is to be hoped that two or three single rooms will be attached to each dormitory for use in case of emergency. The dining and day rooms are of ample extent, and by removal of partitions a large room has been made from them, which serves for associated amusements, concerts, &c., and also for Divine service. The firescreens are unsightly, the furniture scanty, there is an especial want of invalid chairs and other seats, and no attempt at making the rooms more cheerful by pictures or other ornament. There is no separate dining-room for the attendants, no ward store-rooms, and no pantries, so necessary to ensure order and tidiness. The attendants' sleeping-rooms are lumbered with the spare clothing of the patients, and here, as well as in every other part of the Asylum, are devoid of furniture or anything to make them comfortable. The bath and lavatory accommodation, though sufficient in amount, is badly arranged and fitted. The kitchen and general stores are small. The former is grimy from smoke arising from defective flues, and untidy owing to insufficient and badly-made fittings. New kitchen and stores have been provided in the plans for the new building for females, and those above-mentioned will be disused as soon as the new ones are ready for occupation, and can then be put to other uses, such as attendants' dining-room, tailoring and mattrass-making rooms, which are much wanted. The whole building has been recently painted, and is kept in a creditable state of cleanliness, but has a dreary, unhomely look, which a comparatively small expenditure would obviate.

The patients seemed in fair general health, but there was an air of untidiness about their clothing and appearance, and a depressed sameness of expression which is not satisfactory, and which indicates, in my opinion, defective arrangements. One of the most prominent of these is, that the whole 260 patients are together all day long under the personal charge of one senior attendant, who cannot possibly know each patient individually and thoroughly, and are allowed to roam at will about the large recreation ground, where, being too much out of the observation of the attendants occupied in other duties, they expose themselves to the sun, take off their clothes, and contract faulty habits. A great improvement would be effected by dividing the weatherboard building into two distinct wards, and appointing a senior-attendant in charge of each; forming the wards or yards within the recreation ground, by means of low open fencing, and arranging for the patients to pass their time within these, and in the verandah of the building, under proper observation, at all such times as the attendants could not properly supervise them in the large recreation ground. A further improvement would result from the employment of one special attendant as tailor, under whom a number of these quiet and feeble patients might, with advantage to themselves and the Institution, be employed in sewing on buttons, mending clothes, picking hair, mattrassing beds, and such light occupations.

The present staff attached to the weatherboard building is:—1 senior-attendant, 10 junior ditto, 1 night ditto, and 1 cook; a total of 13; and a proportion of 1 to every 20 patients. The addition of a tailor to this number, and the substitution of a senior for one of the junior attendants, would involve no large expense, and still leave the staff comparatively small in number.

Main division of the Asylum for free patients.

The other division of the Asylum for free patients is within the walls, and, as before stated, constitutes the larger part of the main building of the establishment. The 307 patients who, with the 260 in the weatherboard building, make up the total number of free and convict patients, are classified in four yards, according to their mental and bodily health and their power of self control. One yard is devoted to the more quiet and orderly; one to the sick, epileptic, and aged; one to the noisy and violent; and the fourth to an intermediate class; each yard containing from 60 to 70 patients. The yard set apart for the quieter class is some distance from the rest, and on the female side of the Institution. It is, however, separated from this by a high wall, and being surrounded by a similar structure on all sides is somewhat prison-like in character. It is relieved, however, by a fountain, an aviary, trees, and flower borders, which have been planted for some years, and are assiduously cared for by one of the patients, whose pride and pleasure they are. The patients who spend their time in it sleep in other parts of the Institution, and for the most part in a central building to be presently mentioned. Day accommodation there is none. The patients dine in an old shed in the centre of the yard, which is poor protection from the weather, and which, when this is more than usually boisterous, has to be deserted for a verandah in one of the other yards. There is neither pantry, bath-room, nor lavatory, but a ward store-room has in this and in the other yards been recently erected by the carpenter attached to the Institution. The two upper floors of the central building, exactly opposite the main gates, are used as dormitories for the patients

patients in this yard and others of the more quiet class who occupy the large associated rooms into which they are divided. It is a substantial building but terribly out of repair, the floors are rotten, the window sashes have long since disappeared, and have been replaced by heavy iron bars and canvas curtains, and the plaster on the walls is so broken that it is almost impossible to keep the rooms in a semblance of cleanliness. This building, which is now a grievous eyesore to any one visiting the Asylum, of which it is a conspicuous feature, has in it yet a capacity for usefulness, and it is advisable that it should, as soon as the patients can be temporarily accommodated elsewhere, be completely renovated, refloored, and re-plastered, and that the windows should be replaced, and the heavy prison like bars removed.

The hospital yard has in its centre another ancient building of two stories, belonging to prison days, heavily barred, and completely unsuited for insane patients. Fifty-six patients now use it as a dormitory, and owing to their uncleanly habits and its state of disrepair it is an almost herculean and heart-breaking task to keep it clean and sweet. The ultimate disposal of this building is a matter for consideration. It is doubtful if it can be renovated so as to be a credit to the Institution, except at a cost larger than would suffice to erect a new building of the same size. In this yard is the hospital proper, a curiosity of architecture which must ere long be demolished. It is of two stories, on the lower of which sleep the more afflicted among the epileptics, 21 in number, whilst the upper is used for the sick, who appear to be thoroughly well cared for. The room is kept scrupulously clean and is made homely by a few pictures, but it is devoid of all hospital accessories; there are no proper cupboards for medicines and appliances, &c., and is sadly unfit for the purpose to which it is put. The remaining buildings in this yard are a disgrace to the Colony. An old dormitory for 20 patients; a day-room, in which about 60 afflicted patients are huddled in wet and cold weather; and some small rooms, used as dormitories for patients and attendants, are wretched hovels, which should be swept away as soon as possible. Both patients and attendants obliged to occupy such quarters are to be profoundly pitied; the mere inspection of them is saddening.

The yards for the noisy and violent, and the intermediate patients are spacious, and are attached to a long range of new buildings. Like all the other yards, however, they are unfortunately surrounded by high walls, which prevent all view, and render them extremely prison-like. They are unplanted and without grass, so that there is nothing to attract or please the eye, or to relieve the weary monotony of stone and gravel. In these yards the patients pass almost all their time, there being no general recreation grounds as at Gladesville. Steps are, I am glad to state, in progress to lay out and plant these and other yards, and the Director of the Botanic Gardens has been consulted on the subject. The buildings are substantial, and in many respects good, but are not conveniently arranged. There is dormitory accommodation in an associated room for 60 patients—allowing a cubic space of 600 feet each—and 34 single rooms, with a cubical area of about 900 feet. There are also two large corridors to serve as day-rooms, a fine dining-hall, in which the patients might with comfort and advantage take their meals, instead of under a shed in the yard as at present, and ample verandah space. There is a bath-room and lavatory in only one of the yards, and there are no pantries. Ward stores were unprovided on the plan, but have recently been erected by the asylum carpenter.

The whole of the fire-places in the rooms of these buildings, as also those in the resident medical officer's quarters, erected about the same time, smoke so intolerably that it is almost impossible to light fires in them. This is a matter which should be speedily remedied. The general attendant's dining-room is in this range of buildings. In it 35 persons have to take their meals, and it is wretchedly small and unfurnished. The interior of the other buildings have been recently coloured with a gray wash, which has the effect of rendering them very sombre, and they are completely unrelieved by picture or ornaments of any kind. When colored washes are used in Asylums they should be of light and cheerful tints, but as a rule they are much better avoided altogether, except, perhaps, for the upper part of the walls of day-rooms. Paint, for the day or dining rooms, either throughout or over the lower half, relieved by stencilled patterns, which are easily applied by the attendants or patients, is much preferable to colored washes, and either paint throughout or plain white-wash alone should be used in Asylum dormitories in this climate. With Asylum patients the rooms are and must be frequently dirtied. Paint is easily cleaned, and white-wash is always sweet, clean, and easily renewed, whereas the colour on walls can never be correctly matched, and when once soiled is always patchy, and looks dirty if it really is not so.

Painter required.

It is desirable that a painter should be attached to the staff of the Institution. The amount of painting constantly required in such a large establishment, especially with such a large number of wooden buildings, is very great, and by the help of patients, to whom the occupation would be both suitable and beneficial, the whole of the painting, glazing, &c., required could be done at a cheaper rate, and with much less disturbance to the inmates than under the present system by contract. The number of attendants in this division of the Asylum, including the two constantly employed on night duty, is 25, a proportion of 1 to every 12 patients.

Single rooms.

It should be especially noted that there are in the male free division of the Asylum only 34 single or separate rooms for a total of 567 patients, or 1 for every 16; a number quite insufficient. The proportion considered necessary in England, in Asylums for the more chronic class, is 1 single room to not less than 7 patients, and it may readily be imagined how the want of this important form of accommodation at Parramatta interferes with the proper management of the Institution.

The Criminal Asylum.

The Criminal Asylum, as before stated, consists only of a separate building to afford day and dormitory accommodation for this class of the inmates. It stands within the main asylum in a bare, ungrassed, and unplanted yard, which is surrounded by a high wall; and it consists of a thoroughly prison-like building of three stories, in which single rooms or cells, having heavy iron-barred doors, are placed on either side of central corridors, which serve as day-rooms. Outside is a wide verandah, in which the patients dine and sit in fine weather. The single rooms, which are fifty-six in number, each contain a cubic capacity of 568 feet. Attached to the building are sleeping and dining rooms for the attendants (all bare and devoid of the necessary furniture), bath-room and lavatory, two small airing courts for the temporary seclusion of violent patients, and a large yard, unplanted and bare, with a central shed, which affords the means to some extent of classifying the inmates. Taken altogether, the buildings, considered as an asylum for criminal patients who are of unsound mind, are as unsatisfactory as they can well be, and are unlike the institutions for a similar class at Broadmoor in England, Perth in Scotland, Dundrum in Ireland, and Auburn in the United States, in every particular. They are simply a prison, and a bad prison into the bargain. There is nothing to see or do to relieve the monotony of existence,

existence, and the patients have no settled occupation, except cleaning the rooms and corridors. The following is a classification of the patients of a criminal class :—

	Male.	Female.	Total.
Awaiting trial	7	...	7
Found insane on arraignment	1	...	1
Acquitted on the ground of insanity (Queen's pleasure patients or criminal lunatics)	26	4	30
Serving sentence or (lunatic criminals)	12	1	13
	46	5	51

and the annexed return gives their initials, their legal position, the nature of the warrant under which detained (that is, whether directed to the Criminal Asylum or not), and their present actual position in the Asylum :—

MALES.

Initials.	Year of admission.	Crime.	Class.	Nature of Warrant.	Whether in criminal division or not.
R.B.	1866	Attempted suicide	Awaiting trial	Lunatic Asylum	No.
J.K.	1866	Wounding	,,	,,	,,
M.K.	1868	Stealing	,,	,,	,,
M.R.	1872	Wounding	,,	,,	,,
G.B.	1873	Attempt to do grievous bodily harm.	,,	,,	Yes.
T.F.	1873	Attempt to stab	,,	,,	No.
H.K.Y.	1873	Threatening to murder	,,	,,	Yes.
R.H.A.B	1872	Sheepstealing	Found insane on arraignment.	,,	Yes.
H.R.	1852	Murder	Queen's pleasure	,,	No.
T.T.	1852	,,	,,	,,	,,
F.H.	1854	,,	,,	,,	Yes.
W. O'N.	1858	Attempt to murder	,,	,,	No.
L. O'B.	1859	Murder	,,	,,	,,
A.D.	1860	Incest	,,	,,	,,
S.L.	1863	Murder	,,	,,	Yes.
H.H.	1864	,,	,,	,,	,,
P. McG.	1865	,,	,,	,,	,,
J.K.	1865	,,	,,	Criminal Lunatic Asylum	No.
K. McC.	1866	,,	,,	,,	Yes.
J.C.	1866	,,	,,	,,	,,
W.H.	1868	,,	,,	,,	Sleeps in Criminal division, but not in by day.
C.F.	1869	Shooting	,,	Lunatic Asylum	No.
J.B.	1871	Cutting and wounding	,,	,,	,,
J.P.	1873	Unnatural offence	,,	Criminal Lunatic Asylum	,,
J.B.	1873	Shooting	,,	Lunatic Asylum	,,
J.C.	1873	Attempted suicide	,,	,,	,,
S.N.	1873	,, murder	,,	,,	Sleeps in Criminal division, but not there by day.
D.H.	1873	Murder	,,	,,	Yes.
J. McG.	1875	Manslaughter	,,	,,	,,
J.G.	1875	Murder	,,	,,	,,
T.J.	1875	Stealing	,,	,,	No.
Y.A.W.	1877	Wounding	,,	,,	Yes.
W.L.	1877	Murder	,,	,,	No.
A.G.	1878	Horse-stealing	,,	,,	Yes.
T.N.	1871	Murder	Serving sentence	Criminal Lunatic Asylum	Yes.
W.A.S.	1872	Shooting	,,	,,	,,
A.H.	1873	Manslaughter	,,	,,	,,
P.L.	1874	Shooting	,,	,,	,,
T.L.	1874	,,	,,	,,	,,
E.V.	1877	,,	,,	,,	,,
W.N.	1877	Assault	,,	,,	,,
M.B.	1877	Attempt to commit unnatural offence.	,,	,,	,,
J.C.	1877	Murder	,,	,,	,,
A.T.	1877	Attempt to commit unnatural offence, and cutting and wounding.	,,	,,	,,
D.D.	1878	Murder	,,	,,	,,
C.D.	1878	,,	,,	,,	No.

FEMALES.

Initials.	Year of admission.	Crime.	Class.	Nature of Warrant.	Whether in Criminal Division or not.
B.D.	1871	Cutting and wounding	Queen's pleasure	Lunatic Asylum	No.
C.M.	1875	Attempted suicide	,,	,,	,,
S.McG	1876	Wounding	,,	,,	,,
M.S.	1878	Arson	,,	,,	,,
C.T.	1878	Stealing	Serving sentence	Criminal Lunatic Asylum	,,

The

The Act 24 Vict. No. 19 was passed to make better provision "for the care and custody of Criminal Lunatics," and under its provisions "a building adjoining the Lunatic Asylum, Parramatta," was erected and proclaimed in the Government Gazette, dated February 3rd, 1865, as "an Asylum for Criminal Lunatics." This Act did not provide for placing within the Asylum all patients of the criminal class previously under care, and no fresh warrants have been issued in the case of these patients. From the date of proclamation of the Criminal Asylum up to the year 1871 all the persons mentioned in section 2 of the Act above mentioned, whether serving sentence, or liable to detention during the Governor's pleasure (technically known as Queen's pleasure patients), were sent by special warrant to the Criminal Asylum; but in the latter year, owing to an opinion given by Sir James Martin, then Attorney General, to the effect that persons to be detained during the Governor's pleasure were not necessarily to be sent to the Criminal Asylum, it has been the practice since that time not to send these persons to this special Institution. One exception was however made in 1873, and not apparently on any good grounds, since neither the offence nor the form of insanity presented any indication for special treatment. In the case of persons serving sentence the warrant has, in all cases since the establishment of the Asylum, been addressed to the Criminal Asylum, whilst those found insane on arraignment, or awaiting trial, have all been sent to the ordinary Asylum. The confusion they engendered has been increased by the action of the Asylum authorities. Of the five Queen's pleasure patients who are directed to be kept in the Criminal Asylum, two are allowed to pass all their time in the ordinary Asylum, and one other is in the ordinary Asylum by day and not by night. One patient serving sentence is in the ordinary Asylum altogether. Of the Queen's pleasure patients who are not directed to be kept in the Criminal Asylum, nine are so kept altogether, and one other sleeps there; and three of the patients found insane on arraignment or awaiting trial, who, as above stated, have been sent to the ordinary Asylum, are also constantly in the Criminal Asylum. Thus, it will be seen that three of the Queen's pleasure patients and one serving sentence and supposed to be in the Criminal Asylum, are not there, and twelve others who are not supposed to be there are there. In addition to this a number of the free patients are kept altogether or in part in the Criminal Asylum.

The fifty-six patients sleeping and living in the Criminal Asylum are thus made up as follows:—

Patients serving sentence (under proper authority)	11
Queen's pleasure patients (under proper authority)	3
" " " (not properly authorized)	9
Patients found insane on arraignment or awaiting trial (not properly authorized)	3
Convict patients (not properly authorized)	2
Free patients (not properly authorized)	28
	56

The classification, so far as it has been made by the Asylum authorities, and except in relation to those serving sentence who are all with one exception confined to the Criminal Asylum, is a purely psychological arrangement; the dangerous cases among the criminal class, whatever may be the nature of the warrant authorising the detention, being placed in the Criminal Asylum, whilst the free patients who have been sent there are all drawn from the more demonstrative, violent, and noisy class. This arrangement appears to have been slowly arrived at, and has been adopted partly owing to the unsuitable character of the building in the Criminal Asylum for the more quiet and sensible patients, and partly owing to the great need of single rooms in the ordinary division of the Asylum for the more violent and noisy free patients, which has led the Medical Superintendent to use the unoccupied rooms in the criminal division for this class. It is a condition of things that was clearly not contemplated by the Legislature in establishing a separate Criminal Asylum, and which I think should be fully known to the Colonial Secretary, but at the same time I am not prepared to recommend an immediate alteration. Such indeed could not at this moment be carried out without great danger, owing to the want of single rooms in the free division of the Asylum for the turbulent and dangerous patients both of the free and criminal class, who are now improperly, as it would appear, accommodated in the Criminal Asylum; whilst it would be inhumane to return to the wretched monotony of the Criminal Asylum the two or three Queen's pleasure patients who should be in it, but are usefully employed outside, and who for long periods have exhibited no dangerous tendencies. Any alteration in the arrangement must be gradual, and be preceded by some structural alterations, and a remodelling of both the Criminal and general Asylum. It appears to me, however, that some immediate steps can be taken to remedy in part the present condition of matters, and to prevent any increase of the confusion which now exists, and with this view I would recommend,—

1st. That the Medical Superintendent be called upon for a report on all the male Queen's pleasure patients, and a recommendation in each case as to their detention in the Criminal or the ordinary Asylum. And as there appears to be no doubt that any order made as regards the custody of this class can be renewed or varied from time to time that fresh warrants, in accordance with the Medical Superintendent's recommendations, should be issued in each case.

2nd. That all warrants hereafter issued in the cases of male criminal patients, whether Queen's pleasure patients or not, should be addressed to the Criminal Asylum in the first instance; and that any removal from that Asylum should be specially authorized.

3rd. That for the future no criminal should be removed to or from the Criminal Asylum without special authority, issued on the recommendation of the Medical Superintendent, and approved by the Inspector of the Insane.

4th. That as no special accommodation for female criminal patients exists, the warrants should not specify the Criminal Asylum.

The whole of the male, like the female division of the Asylum, is wanting in order and tidiness; the back of the weatherboard division is lumbered with old tins, bedsteads, and other things, and is especially bad in this respect. Though this condition of things arises partly perhaps from the fact that the officers in charge do not thoroughly appreciate the importance which attaches to inculcating and enforcing order and tidiness in an Institution for persons of disordered intellect, I believe it is largely if not mainly due to the want of necessary conveniences, closets, store-rooms, &c. "Everything in its place" presupposes "a place for everything."

The dietary scale for the majority of the patients, both in the Free and Criminal Asylums, is as follows:— Dietary.

1½ lb. bread.	½ lb. vegetables.
½ „ beef or mutton.	1 oz. rice.
¼ oz. tea.	¼ „ salt.
1½ „ sugar.	1 gill milk daily.

This is supplemented by supplies of vegetables from the Asylum garden, and under authority of very old date the following articles are drawn, in addition to the above, for 121 patients who are supposed to be those actively employed:—

½ lb. beef or mutton and ½ lb. vegetables.

This arrangement is essentially a bad one, and the whole dietary is thoroughly unscientific. The amount of bread is unnecessarily large, and that of meat, the authorised weight of which is uncooked and including bone, is too small; whilst there is no variety, and nothing for breakfast and tea but a pint of poor tea, and a lump of dry bread.

The dietary has not even the merit of cheapness, since, as is the case with all bad dietaries, it is found necessary to supplement it by a liberal allowance of extra articles. The following figures scarcely require comment.

Cost of authorised dietary per month per patient:—

	1878. September.	October.
Gladesville	18s. 1d.	18s. 4d.
Parramatta	13s. 2d.	14s. 1d.
Cost of extras per month per patient—		
Gladesville	4s. 7d.	4s. 4d.
Parramatta	7s. 2d.	6s. 8d.
Total cost for provisions and extras per month per patient—		
Gladesville	£1 2s. 8d.	£1 2s. 8d.
Parramatta	£1 0s. 3d.	£1 0s. 9d.

In addition to this it must be remembered that the contract cost at Gladesville is higher than at Parramatta, and is equivalent to nearly 2s. per month per patient, and that the cost at Gladesville should necessarily be greater than at Parramatta, since the patients are for the most part in the acuter stages of their malady. The extras at Parramatta are given to a comparatively few. Butter, treacle, or cheese at tea and breakfast are unknown luxuries, whilst at Gladesville these as well as a satisfactory and varied dinner are given to all. When patients are transferred from Gladesville to Parramatta the altered dietary is a fruitful subject of discontent, and the prison-like diet of dry bread, causes, not unnaturally, especial dissatisfaction.

There are three kitchens, one in the weatherboard building, one in the female, and one in the main male division; but none of them are properly arranged and fitted with such apparatus as will admit of a proper variation in cooking the food. The one in the women's division has no oven, and baked meat is an impossibility; and that in the men's division has a range which is quite inadequate in size. There is necessarily a paid cook in each. This arrangement is wasteful both in wages and fuel. In one good kitchen with proper fittings, or in two at the most, the whole cooking of the establishment might be performed at a much less cost than at present. When the women are transferred to the building in course of erection for them, it will be possible to abolish one kitchen, and it is desirable that the new kitchen about to be erected should be fitted with every convenience for cooking for at least 700 persons. The way in which the meals are served to the patients admits of considerable improvement, and contrasts very unfavourably with that at all the other establishments for the insane in the Colony. The whole of the dinner trays and gear require renewal, and the patients should be supplied with knives and forks as they are in the other Institutions. At present they have only spoons, and a large number supplement these with their fingers. This may seem a small matter in itself, but no effort should be spared in an Institution of this character to induce habits of order and cleanliness. Relax these efforts and the patients will degenerate. No persons are so responsive to, so liable to find the level of their surroundings, and to improve or deteriorate with them, as the insane. There can be less reason for forbidding knives and forks to the patients at Parramatta, since fully one-half of those now in the Institution have been accustomed to them at the other Institutions before being transferred, and have been used to take their dinners like rational beings. Kitchens.

The general store-rooms are small, but those for clothing, ironmongery, &c., are well fitted and in excellent order. There is no meat store, and the bread store is inconveniently placed, being away from the other buildings, and from the immediate supervision of the store attendant. Proper carpenter's and painter's shops, and also straw store and mattrassing rooms are required and could be arranged without great expense. The system of issuing stores is in several respects faulty, and there does not appear to be sufficient check on the attendants in the use of them. To this, to the absence until recently in all the wards, and even still in the weatherboard division, of proper ward store-rooms, to the want of canvass and other strong clothing for destructive patients, to the miserable laundry arrangements which serve to destroy a number of articles, and to the absence of a paid tailor to supervise the repairing of the clothing, is to be attributed the great and I may say unnecessary cost for stores at this Institution. From 1873 to 1877 inclusive, the yearly cost per head for clothing and stores at the Gladesville and Parramatta Asylum was as follows:— Store-rooms.

Year.	Gladesville.	Parramatta.
	£ s. d.	£ s. d.
1873	7 5 7	10 5 1¾
1874	6 13 10	10 10 5¼
1875	7 4 9	10 0 0
1876	7 8 9	7 19 10
1877	5 11 9¾	8 2 8¼

The

The cost at Parramatta, considering the character of patients, should be less than that at Gladesville, instead of greater.

Laundry. Many and great as are the wants of this Institution, the greatest and most pressing of all is a proper laundry. I have already mentioned the miserable apology for a laundry in the female division, but this serves only imperfectly for the female patients. For the men—upwards of 600 in number—there is literally no laundry at all. Under temporary sheds at the main building, at the back of the weatherboard and elsewhere, the men, in small parties, and under the charge of attendants who ought to be otherwise employed, wash and scrub the clothes in the most primitive manner for themselves. There is not a single labour-saving appliance in use, and the water has for the most part to be carried in buckets. With such a want of system and appliances, it is evident to anyone at all conversant with asylum work, that the patients cannot be supplied with a sufficient quantity of clean clothes, and that such as are washed can be but imperfectly cleansed. For three or four years past there has been a quantity of good steam-washing machinery purchased specially by the Government lying in sheds at the Asylum, and only within the past few weeks have steps been taken to erect a temporary laundry in which to use this. This temporary laundry is now nearly complete and will be an immense boon in every respect. It is proposed to erect a new laundry in connection with the new buildings for women, and to remove the machinery to this. In this, if properly arranged, there should be no difficulty in washing for the whole establishment.

Night attendance. The system of night-watching and attendance is in the main satisfactory, but four attendants are constantly engaged on night duty—one in the weatherboard building, one in the criminal asylum, one in the hospital, where the sick, suicidal, and epileptic patients sleep, and one in the main Asylum. With buildings properly arranged, two, or at the most three, could satisfactorily undertake the duty, for which it is now absolutely necessary to employ four.

Reports. The night reports made by these attendants are not sufficiently detailed, and these, as well as the day reports from the wards, the ward dietary sheets, and other reports, admit of considerable improvements.

Records. The records of the Institutions and the accounts appear to be accurately kept but in a cumbrous form, involving unnecessary labour. No separate registers and case books exist for the criminal division, and I advise that these should be commenced with the new year, and the records of the criminal Asylum kept, as far as possible, distinct from those for the main establishment. This appears to have been contemplated by the Act, 24 Vict. No. 19, and is necessary for several reasons. It is also desirable that the whole of the records and reports should be kept in the forms which have been adopted in all the other Institutions for the insane in the Colony. This will not only save labour but render inspection and comparison much more easy.

Water supply The small stream, on the banks of which the Asylum stands, is capable of affording an ample supply of water, and a vertical engine has, within the last few weeks, been erected to pump the water which was formerly raised to the supply tank by means of a horse. The supply tank will however hold only 6,500 gallons, so that there is no reserve supply, and if the engine is out of order, or stops pumping for an hour or two in the morning when most water is used, the tank is exhausted, and the supply runs short. It is necessary therefore to pump every day—Sunday included; and even with this arrangement the fullest supply available in case of fire or special emergency is 6,500 gallons, a quantity much too small to be of service. It is desirable that a large tank, or a series of tanks, to hold in the aggregate not less than 30,000 gallons should be erected, and with this reserve it would be only necessary to pump on three or four days a week, and the engineer might employ the remainder of his time superintending the minor blacksmiths and tinsmith's work so necessary in an Institution of this character. The quality of the water is, as a rule, far from good, and after rain is decidedly muddy. As it is used for all purposes—the water in the absence of underground tanks all running to waste—it needs filtration, and a large filter should be arranged near the supply tanks. There is no engine or other apparatus for extinguishing fire, and considering that a large division of the Asylum is built of weatherboard it is most important that steps should be taken to supply what is required as soon as possible.

State and farm. The Asylum stands on an estate of 65 acres, and of this a large part is occupied by the buildings and yards. About 20 acres are under cultivation as garden and orchard, and the remainder is in grass. The soil is good, and with abundance of manure from the pig yards, earth-closets, stables, &c., large crops are grown. The cultivation is under the immediate charge of the grounds attendant, who is assisted by two paid labourers, and an average of about seventeen patients. Owing to the land having only low fences, being thickly planted in parts, and lying on both sides of the river, it is not possible, for fear of escape or accident, to employ a number of the patients who might otherwise be usefully occupied in out-door avocations.

The garden shows evidences of recent improvement, and supplies the Asylum with large quantities of vegetables and fruit, but there is still room for improvement both in the condition of the garden and its appurtenances. The fences are small and dilapidated, the tool houses and sheds are in a tumbledown condition and cannot be made secure at night, and various improvements are necessary both at the piggeries and stables. As there was a balance on the farm account (which is kept at the Treasury, and arises mainly from the sale of pigs), of £447 14s. 10d. at the close of October, a part of this might be usefully expended in effecting the necessary improvements. The piggeries do not appear to be managed to the best advantage, the pigs being too few for the amount of refuse food (which is something very considerable) and consequently too fat. The pigs are all sold, and none are killed and consumed in the Asylum, as it is desirable that a certain proportion should be. The pork would furnish an agreeable change of diet to the inmates, and the ordinary supplies of beef and mutton need not be received.

Five cows are kept for the Asylum, and the Medical Superintendent runs one, and the chief attendant and the dispenser conjointly, another, in the Asylum pasture. By devoting some part of the ground under cultivation to growing green food, and by buying hay and such other food as might be required it would be possible to keep a larger number of cows for the Asylum, and to supply a great part, if not all the milk required for the patients, instead of obtaining the major part by contract as at present. With this arrangement, however, it would be necessary to erect a proper forage store, sheds, and cow bails in place of the dilapidated ones at present in use.

Mortuary. The mortuary is situated within the walls and in a situation which is not only inconvenient but where there is constant traffic. It is badly arranged and inadequately lighted. The fittings are defective

defective and there is no water supply. It is advisable that a new mortuary should be erected in a much more retired and convenient position, and the present one might be put to other uses.

The general bath-room in the male division contains eight baths, but has no dressing-room and is inconveniently placed. General bath-room.

There is a fair library in the Institution but the supply of newspapers, and especially of those having illustrations, is inadequate. Considerable trouble is taken to provide entertainments of various kinds in the evenings, and the offers of amateurs to give either musical or dramatic entertainments are frequently accepted. Cards, draughts, dominoes, &c., are also provided in the wards, and there are one or two bagatelle-tables, but both the quantity and quality of these are open to improvement. The great want in this direction is of conveniences for out-door games; there is neither cricket ground, bowling-green, skittle-alley, or ball-court. The three former of these might be provided without great expense or trouble and would be a great boon to both patients and attendants. There is also a great necessity for reading-rooms in the evening for the more quiet and orderly patients, in which they could be allowed to sit up somewhat later than at present. Under existing arrangements, except on the occasion of concerts, &c., the whole of the patients (with the exception of eight or ten, specially privileged to stay up) go to bed by daylight both in summer and winter, and so spend on an average about eleven hours out of the twenty-four in their dormitories. This arrangement is decidedly bad, but is rendered necessary to a great extent by the inconvenient position and arrangement of the dormitories, by the overcrowding, and by the want of proper day-rooms throughout the larger part of the Institution. Library.

There are two salaried chaplains, one belonging to the Anglican and the other to the Roman Catholic Church. The Church of England service has hitherto been held on Friday morning, but has been attended only by an average of 20 or 30 patients out of the large Asylum population. This has been partly due to its being held on a week day, when the patients are careless about attending, and are occupied in the work of the Institution, and partly to the informal manner in which it has been conducted. The Roman Catholic chaplain has held service in the criminal division every Friday morning, and some of the free patients have attended once a week, also on week day, at the nearest Roman Catholic Church; these however are few in number. Meantime Sunday has been allowed to pass without any service whatever, or anything to mark the day. The Medical Superintendent has for some time past meditated some alterations, and I was glad to find the Reverend Mr. Blomfield, the Church of England chaplain, ready to meet Dr. Taylor's views, and to arrange for a Sunday service instead of that heretofore held on a week day. It is to be hoped that the Venerable Archdeacon Rigney, the Roman Catholic chaplain, may also be able to arrange to hold a Sunday service. If the room is properly arranged, a harmonium provided, and the services conducted with due order and formality, there will no doubt be a large, attentive, and appreciative congregation of patients and their attendants. It has invariably been found in asylums that the religious services have been productive of great benefit to the patients, and the Asylum chapel is a striking and pleasant feature in all English and Continental Institutions. Church services.

The attendants and nurses appear to have been well selected, and form an efficient staff. In a well-appointed Institution their number would be ample, if not large; but under existing circumstances they are occupied by numerous duties which should not fall to them, and are called on to atone for the many defects of the Institution, and to occupy themselves in other ways when their attention should be directed to the conduct and welfare of the patients.

It is a sincere pleasure to me to report that I believe the patients are treated with every kindness and consideration by the officers, attendants, nurses, and other members of the staff. I have heard no complaints of harsh or unkind treatment at any of my visits, and it is noteworthy that during the Parliamentary enquiry held last year, and in the course of a long newspaper controversy which subsequently took place, no instance of unkind treatment was ever brought forward. I have already pointed out some details in which I think the general management of the Institution might be improved, and I would now instance other particulars which seem to me to call for attention. I am of opinion that without carrying either to an undue extent, both slight mechanical restraint and also seclusion might, in individual instances, be resorted to in cases where they are not now employed, both with advantage to the individual patients themselves, to the comfort of the remainder of the inmates, and to the general order and discipline of the establishment. I allude especially to noisy and destructive patients, who set a bad example, and are often a terrible nuisance to their fellows. At the same time, any instance in which restraint or seclusion is used, should be duly registered in the Medical Journal, and in this way there would be no danger of abuse.

Some repression of individual fancies and failings is, I think, also necessary, and I would particularly instance one case in which a man has been allowed to cover the whole of the walls of one yard with hideous coloured pictures of ships and animals, which outrage every principle of taste. The constant contemplation of these monstrosities, born of a disordered imagination, is a positive injury to other patients.

A certain number of patients are allowed to cook their own food and wash their own clothes, and a log fire is kept for this purpose in the middle of the yard for the quieter patients. This arrangement, which has grown no doubt out of the defective kitchen and laundry arrangements does not tend to order and discipline and should be altered.

The Parramatta Asylum has been placed at a great disadvantage in having been isolated from the other Institutions for the insane for some years past; and with the character of the building, the absence of nearly every essential convenience and appliance, and a great want of public interest in its welfare, the Medical Superintendent and officers have been hampered in all their efforts at improvement, have held the most thankless of offices, and been weighted with a responsibility of the heaviest kind.

It is quite evident there can be no sudden and wholesale reorganisation in this large and in many respects unsatisfactory Institution. All improvements must be slowly initiated and carried out so as to interfere as little as possible with the daily routine of the establishment, and with the daily necessities of the inmates, but a liberal expenditure in matters of detail, as well as in some larger undertaking which will involve considerable outlay, will be absolutely necessary, and a steady painstaking perseverance on the part of the officers in charge will be required before the Institution can be placed in a satisfactory position or take its place alongside or in harmony with the other Instititions for the insane in the Australian Colonies.

I have, &c.,

F. NORTON MANNING,

Inspector of the Insane.

Sydney: Thomas Richards, Government Printer.—1879.

[5d.] 372—B

1878–9.

NEW SOUTH WALES.

LUNATIC ASYLUM, PARRAMATTA.

(REPORT FOR 1878.)

Presented to Parliament by Command.

The Medical Superintendent, Lunatic Asylum, Parramatta, to The Colonial Secretary.

(Separate Report.)

Sir, Lunatic Asylum, Parramatta, 4 February, 1879.

I have the honor to submit for your information my Report upon the condition of this Asylum for the year 1878, with the usual statistical tables.

The number of patients in this Asylum on December 31st, 1877, was 805, who were thus classified :—

Free Colonial male lunatics	542
„ female „	194
Criminal male „	38
„ female „	4
Imperial male convict „	21
„ female „	6
	805

The number of patients admitted was 95, thus classified—

Free Colonial male lunatics	61
„ female „	23
Criminal male lunatics	8
„ female „	3
	95

The number of patients discharged was 10—

To their liberty on recovery	3
To their friends unber a bond	3
To gaol on recovery	4
	10

The number of deaths was 61, thus enumerated—

Free Colonial male lunatics	42
„ female „	16
Criminal male „	2
„ female „	...
Imperial male convict „	1
„ female „ „	...
	61

The number of patients remaining in the Asylum, December 31st, 1878, was 826, thus classified—

Free Colonial male lunatics	555
„ female „	201
Criminal male „	40
„ female „	4
Imperial male convict „	20
„ female „ „	6
	826

The total number of patients under care was 898.

The admissions of all classes were 93.

The number of patients of all classes discharged as recovered or relieved was 10, or at the rate of 10·70 per cent. upon admissions.

The death rate was 6·12 per cent. upon all under care, or 7·09 per cent. upon the average daily numbers resident.

Fifteen (15) old residents died, having been inmates of the Government Lunatic Asylums for the following protracted periods:—

1	for	32 years.
1	„	29 „
1	„	28 „
1	„	27 „
1	„	26 „
2	„	25 „
1	„	24 „
1	„	23 „
1	„	22 „
2	„	21 „
3	„	20 „

Of these old residents 10 were male and 5 female lunatics.

One Imperial male convict had been for twenty-eight years under care as a lunatic.

The youngest of the long resident patients was 45 and the oldest 71 years of age. Their average age was 61.

Of the remaining 46 patients who died, their average age was 51, and the average duration of their residence was 6 years and 9 months.

One male patient had attained to the venerable age of 91. He had been for about 3 years labouring under the dementia incident to advanced life.

Considering the long residence, advanced age, and enfeebled health of many of the patients, the death rate for the year may be regarded as very low, viz., 6·12 per cent. upon the number under care, or 7·09 per cent. upon the daily number resident.

In my report upon the condition of this Asylum for the month of April, 1878, I said,—"Owing to the large number of aged and enfeebled patients, some of whom have been resident for many years, I anticipate that the death rate for the coming winter will be somewhat higher than has usually prevailed."

Of the 61 patients who died, 24 succumbed to diseases intimately associated with and involving the cerebral and nervous systems; 16 died of diseases arising from the lungs, heart, and blood vessels; and the remainder of various organic diseases.

Three deaths were brought under investigation by the Coroner for the district. Two were of sudden occurrence, the one from heart disease and the other from epilepsy, whilst in the third case the death was caused by suicide.

These deaths and the attending circumstances, having been fully reported upon at the time of their occurence, require no extended remarks at this time.

One female patient escaped, and has not been retaken. She belonged to the class known as "Queen's pleasure patients," and had frequently been reported upon as being of sound mind. Indeed, at no period of her detention in this Asylum had she exhibited symptoms of insanity, and it is difficult to understand upon what sufficient grounds the plea of insanity had been so successfully employed at her trial.

The method of dealing with this peculiar class of lunatic patient is surrounded with difficulty and anxiety.

On restoration to sanity it is felt upon the one hand that a lunatic asylum is no longer their fitting abode, and on the other that it is not desirable to remit to a gaol and the society of prisoners patients whose crimes or offences originated in mental incapacity and irresponsibility, and who have been acquitted by a Jury on these grounds from the penal consequences attached to them.

During the year large contracts have been entered into for the construction of a new building for the accommodation of the female patients. This building which will probably be completed at the end of the present year, is constructed to receive about 300 patients, and will afford a vastly superior style of accommodation to that now prevailing at this Asylum. In a previous Report upon the condition of this Asylum I wrote "The means for the proper care and classification of the female patients are notoriously bad." The same may be written to-day, though the building to which I have alluded as in course of construction will, I hope, in the coming year, afford all the comfort and convenience that can be desired for our female patients.

Many of the evils and inconveniences attached to this Institution, and which for several years have been made by me the subjects of the most earnest representation and appeal, remain as represented in my Report for 1877.

No steps have been taken to correct the impure condition of the water supply. I have frequently advised the adoption of a system of filtration but without avail.

No means or appliances for the extinction of fire have been supplied, and the words of my last Report will serve to-day to describe our position in the event of fire—"Neither engine, hose, nor fire buckets are upon the premises, and the work of destruction would proceed uninterrupted."

The condition of the laundry for present and practical purposes remains as described in my last Report. A contract was entered into more than six months ago for erecting a shed and placing the steam-machinery in position.

Owing to vexatious delays upon the part of the contractor, the work remains to this day unfinished, whereby great loss arises in the destruction of clothing, and the patients are deprived of a sufficiency of clean linen, &c.

So deeply impressed have I been for years with the necessity for proper laundry convenience, that when the contract was entered upon, I addressed the following remarks to the Colonial Secretary, in my Report upon this Asylum for June, 1878: "This very necessary work should be urged forward with all requisite haste, and not allowed to drag a weary length of months for the convenience of contractors, as it is the most important and absolutely necessary requirement of this large Asylum."

Representations were made concerning the insecurity of a portion of the fencing in the female division; and also of the absence of any room or place of accommodation for the female attendants after their daily duties had ceased. A galvanized iron fence, and a weatherboard room of suitable dimensions were recommended as urgently needed to meet these conditions, but up to the present time they have received no attention.

The

The whole of the weatherboard building has been painted thoroughly inside and outside, to the great benefit of its appearance and condition, as this division of the institution had not been painted since its completion—about seven years ago.

A good vertical steam-engine of 5-horse power has been fixed over the well in the pumping room, whereby the old and unsatisfactory system of pumping by horse labour has been abolished. Water is now plentifully distributed throughout the entire institution but without having undergone any process of filtration. Water is now reserved for use by night in the event of fire, although the tanks or reservoirs are not nearly of sufficient capacity, and no means are at hand for distributing the water should the calamity of fire ever overtake the institution.

The Inspector of the Insane having been instructed to undertake the official inspection of this Asylum, has visited it upon several occasions, and furnished his report.

The report fully endorses much that I have represented year by year as faulty and worthless in this institution, and reproduces many of its leading wants and imperfections.

The condemnation by Dr. Manning, in 1868, of the whole of the buildings then existing, still recommends itself to every professional observer, as opposed to the wisdom and expediency of a policy that continues to heap up buildings of a temporary but costly character upon a site avowedly bad and notoriously ill adapted for the curative treatment of the insane.

I feel especially indebted to Dr. Manning for the unqualified manner in which he has placed before the Government the general efficiency and good selection of my staff of attendants and nurses, and his belief in the kindness and consideration bestowed upon the patients by all interested in their care and control.

Whilst for six years I have devoted my entire time and energies to the cares and duties of my office, both the institution and myself have been subjected to the most unjust and dishonest misrepresentations by hired scribes at the instigation of persons dismissed from the service of the Asylum.

Knowing most fully the difficulties and anxieties by which for several years my official position was surrounded, I am deeply gratified by the testimony now offered to the Government by Dr. Manning:—"The Medical Superintendent and Officers have been hampered in all their efforts at improvement, have held the most thankless of offices, and been weighted with a responsibilty of the heaviest kind." The attendance of the Chaplains of the Anglican and Roman Catholic Churches has been regular throughout the year, and their ministration to the needs of the sick and the dying on all occasions prompt and unremitting.

For some time I had contemplated altering the services from the week day to Sunday. On submitting to the Chaplains the contemplated change they readily fell in with my wishes, and undertook for the future to conduct the services of their respective churches at this Asylum on the Sabbath day.

The Rev. Mr. Bloomfield has for several weeks past conducted the Church of England service on Sunday. A very excellent harmonium has been purchased for use during divine service, and a goodly number of patients are in constant attendance, manifesting considerable interest in the church services and assisting in the formation of a choir.

The Venerable Archdeacon Rigney intends almost immediately to commence the services of his Church on Sunday.

During the year I was fortunate enough to be enabled to provide a large number of amusements and entertainments for the benefit of the patients. Concerts and dramatic entertainments have upon several occasions furnished material for a pleasant evening's recreation, and afforded much pleasure and happiness to a large number of patients.

In the month of October, I organized and successfully carried out, with the vigilant attention of the officers and attendants, an excursion by train to the Weatherboard Station at Mount Victoria.

A day of thorough change and recreation was enjoyed by all the large party of patients, attendants, and visitors; and I can recall no more pleasant day in my association with this Asylum, than the remembrance of this, dedicated to the happiness of a class the most grievously and sorrowfully afflicted of all mankind.

I am deeply indebted to the members of several amateur dramatic companies for their generous assistance in contributing so cheerfully and willingly to the amusement of the patients, and I sincerely hope that in the year upon which we have entered, I shall find the various dramatic societies equally thoughtful of our wants and requirements.

I feel assured that those capable of affording amusement to the patients would cheerfuly assist in this good work, if it were known more generally that we possess a very pretty and convenient little theatre, fitted with scenery and appliances, and with excellent accommodation for an audience. Concerts and dramatic performances are always acceptable and by means of visitors from the town who attend by invitation, and the number of patients anxious to be present, we have at all times a large and appreciative audience.

The sum collected this year for the maintenance of patients is less than usual, being only £215 2s. As the old resident pay-patients die out, so the annual sum decreases, and I have but to repeat what I have previously asserted, that the friends of the insane avoid by every pretext claims made upon them for the maintenance of their afflicted relatives. Indeed, until these claims are legally enforced, they will command but little respect or attention.

By reference to Table C, it will be seen that the farm, gardens, and orchards have been largely productive and fairly remunerative.

The grounds are well and carefully cultivated, and an abundance of fruit and vegetables is supplied to the Institution.

Many of the male patients are employed daily in the care and cultivation of the land, a mode of occupation peculiarly congenial and restorative to those labouring under mental disorder.

Other of the male patients are usefully employed in the wards and dormitories, and in assisting in the various domestic duties of the Asylum.

The female patients employed in the needleroom are necessarily limited in number owing to the absence of proper workroom accommodation.

Frequent representations have, however, failed to obtain anything more suitable and commodious.

The average number of patients employed daily was 175 males and 53 females, in all 228.

The official staff has been subjected to no change but by the addition of an Assistant Medical Officer. By the appointment of this officer I have been greatly assisted in carrying on the responsible duty of superintending the affairs of this large Institution, with its numerous patients and staff of officers, attendants, and nurses.

In reviewing the labours of the year, I most cordially acknowledge the steady support, and intelligent co-operation of all under my direction, in maintaining discipline, and in assisting to carry out the aim and object of the service in which we are employed.

It affords me sincere pleasure to offer this testimony to the zeal and attention displayed by officers and subordinates, as I have every reason to believe that in each division of the Asylum, both male and female, the duties allotted have been faithfully performed. In an Asylum such as this, largely occupied by cases of hopeless and chronic insanity, curative results of an encouraging character, gratifying alike to the physician and the State, are neither to be obtained nor expected. Under these circumstances it is satisfactory to feel the consciousness that those who enter receive during their sojourn within its walls such care and kindly offices, directed by the best teachings of science and humanity, as are calculated to mitigate the anguish of their malady, and to soothe their painful progress to the grave.

I have, &c.,
CHAS. TAYLOR, M.D.,
Medical Superintendent.

TABLE A.

SHOWING the Annual Number of Patients.

Date.	Free.		Convict.		
	Male.	Female.	Male.	Female.	Total.
December 31st, 1867	282	195	86	8	571
„ 1868	297	206	55	8	566
„ 1869	299	211	53	8	571
„ 1870	503	216	49	8	776
„ 1871	524	204	37	8	773
„ 1872	541	208	33	7	789
„ 1873	538	208	32	7	785
„ 1874	525	200	27	7	759
„ 1875	531	209	23	7	770
„ 1876	579	199	22	7	807
„ 1877	580	198	21	6	805
„ 1878	555	201	60	10	826

TABLE B.

SHOWING the causes of Death for the year 1878.

Cause of Death.	Free Lunatics.			Criminal Lunatics.			Convict Lunatics.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
Cerebral disease—									
Apoplexy and paralysis	1	2	3	...	...	...	...	...	...
Epilepsy and convulsions	5	2	7	...	...	...	...	...	...
General paralysis	5	0	5	...	...	...	...	...	...
Maniacal and melancholic exhaustion or decay	3	4	7	...	...	...	...	...	...
Inflammation and other diseases of the brain, softening, tumours, &c.	1	0	1	1	...	1	...	...	...
Thoracic disease—									
Inflammation of the lungs, pleuræ, and bronchi	7	2	9	1	...	1	...	...	...
Pulmonary consumption	4	0	4	...	...	...	...	...	...
Disease of the heart and blood-vessels	2	0	2	...	...	...	...	...	...
Abdominal diseases—									
Inflammation and ulceration of stomach, intestines, peritoneum	...	...	...	...	...	...	...	...	...
Dysentery and diarrhœa	2	2	4	...	...	...	...	...	...
Albuminuria, disease of bladder, and prostrate	3	...	3	...	...	...	...	...	...
Disease of liver	1	1	2	...	...	...	...	...	...
Erysipelas	...	...	...	...	...	...	...	...	...
Lupus Exedens	1	...	1	...	...	...	...	...	...
Carbuncle	...	...	...	...	...	...	...	...	...
Typhoid fever	...	...	...	...	...	...	...	...	...
General debility and old age	6	3	9	...	...	...	1	...	1
Accident	...	...	...	...	...	...	...	...	...
Suicide	1	...	1	...	...	...	...	...	...
Total	42	16	58	2	0	2	1	...	1

SHOWING

TABLE C.

SHOWING Return of Produce from the Garden and Farm of the Lunatic Asylum, Parramatta, during the year 1878.

Description of Produce.	Total Quantity.	Description of Produce.	Total Quantity.
Potatoes	4,773 lbs.	Peaches	6 cases
Carrots	1,966 „	Melons	34
Turnips	8,040 „	Grapes	870 lbs.
Pumpkins	7,840 „	Apples	2 cases
Cabbage	20,485 „	Pears	48 „
Herbs (assorted for soup)	17,600 „	Oranges	1,506 doz.
Milk	5,604 qts.	Lemons	100 „

Estimated value of Fruit and Vegetables	£351
„ Milk	70
Profit on feeding and sale of Pigs	85
	£506

Sydney: Thomas Richards, Government Printer.—1879.

[6*d*.]

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PARRAMATTA LUNATIC ASYLUM.

(MEMORIAL OF ATTENDANTS REGARDING EVIDENCE ON INQUIRY AS TO QUALITY OF FOOD SUPPLIED.

Ordered by the Legislative Assembly to be printed, 4 June, 1879.

Sir,

We, the attendants of the Lunatic Asylum, Parramatta, having noticed in the *Herald* of the 14th instant, a statement made by the Honorable Member for the Upper Hunter, to the adjournment moved by the Honorable Member for the Northern Gold Fields, in which we are represented as being afraid to give an honest evidence in the late Commission held in the Lunatic Asylum, lest the said attendants should be expelled: now we, the undermentioned attendants, most emphatically assert that no such fear has, then or at any other time, deterred us from giving an impartial and truthful evidence when called upon.

Sir, we beg to draw your attention to the following, viz., that the majority of the attendants that gave evidence on the late inquiry were men of inexperience and dissatisfied disposition. Evidence could be given by men from ten years to twenty-five years who were not called to refute the statements made by the above-mentioned parties. We, the undersigned attendants, are extremely sorry when the Commission was sitting that every attendant and servant was not called to give evidence on the above subject.

Maurice M'Carron.	William Devine.	George Boon.	Alexander M'Kelvey.
Richard Edwards.	Thomas Mather.	Wm. Harrison.	W. J. Tuckwell.
George Whiteman.	John W. Veitch.	J. Murphy.	Thos. Acres.
John Heillier.	George Collins.	Fridrick Vieth.	Chas. Jackson.
William Lee.	J. Kinealy.	James Groves.	A. Dunlop.
Thomas Johnson.	J. Teddiman.	J. Latham.	George Bellany.
Edward Mealey.	William Groves.	James Drannil.	William Algie.
Peter Lawler.	Robert Henderson.	Joseph Roulston.	Thomas Creed.
Isaac Booth.	Robert Pogue.	William Sleator.	William Austin.
John Ralph.	Stephen Jarrett.	John Tuckwell.	James Kelly.
John Donellan.			

The Honorable the Colonial Secretary.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INSANE PERSONS IN COUNTRY LOCK-UPS AND GAOLS.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 10 *October*, 1878.

SCHEDULE.

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INSANE PERSONS IN COUNTRY LOCK-UPS AND GAOLS.

No. 1.

Minute of The Colonial Secretary.

ASCERTAIN from the Comptroller General what is the extent of special accommodation (if any) in each of the gaols of the Colony, and ask Mr. Maclean to favour me with his views as to the expediency of detaining lunatics in the country gaols for limited periods instead of sending them at once to Sydney.

It was stated (I think by Mr. Driver) in debate that Mr. Fosbery had given evidence on this point before a Select Committee of the House. Ask him for his opinion also. M.F., 18/3/78.

No. 2.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 18 March, 1878.

I am directed to request that you will be good enough to report for the information of the Colonial Secretary the extent of special accommodation (if any) in each of the gaols in the Colony.

2. I am also desired to request that you will favour Mr. Fitzpatrick with your views as to the expediency of detaining lunatics in the country gaols for limited periods instead of sending them at once to Sydney.

I have, &c.,
M. R. ALLAN.

No. 3.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Sir, Colonial Secretary's Office, Sydney, 18 March, 1878.

I am directed to request that you will be good enough to favour the Colonial Secretary with your opinion as to the expediency of detaining lunatics in the country gaols for limited periods instead of sending them at once to Sydney, it having been stated by Mr. Driver in debate that you had given evidence on this point before a Committee of the Legislative Assembly.

I have, &c.,
M. R. ALLAN.

No. 4.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 29 April, 1878.

I am directed by the Colonial Secretary to request the favour of a reply to my letter of the 18th ultimo, respecting the extent of special accommodation (if any) in each of the gaols of the Colony, and requesting to be furnished with your views as to the expediency of detaining lunatics in the country gaols for limited periods, instead of sending them at once to Sydney.

I have, &c.,
M. R. ALLAN.

No. 5.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Sir, Police Department, Inspector General's Office, Sydney, 21 March, 1878.

With reference to your letter dated the 18th instant (C.S. No. 89), I beg to state that the evidence which I gave regarding lunatics in country districts was before the Public Charities Commission, on the 9th July, 1873, and will be found in their second report, page 68.

Copy herewith.

At the same time I would call attention to the report of my predecessor on the subject to the Colonial Secretary, dated the 10th June, 1870, No. 70-299.

There is no doubt but that some measure should be taken for the temporary care and treatment of insane persons taken into custody in the country districts, either at the local hospitals or gaols, to obviate the necessity of forwarding such patients on a long and expensive journey which might aggravate their disorder, when perhaps prompt treatment on the spot might be efficacious.

I draw attention, however, to the fact, that the extension of the railways in this Colony will materially modify the opinions expressed some years ago as to the localities at which provision should be made in the case of insane persons; eventually, indeed, it will no doubt be found that with the increased facilities for travelling the central asylums will be the most suitable places for immediate treatment.

I would suggest a reference to the Inspector of Insane for his views on the subject.

I have, &c.,
EDMUND FOSBERY,
Inspector General of Police.

[*Enclosure*

[*Enclosure in No. 5.*]

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Sir, Police Department, Inspector General's Office, 10 June, 1870.

I deem it my duty to report the following case for the information of the Honorable the Colonial Secretary :—

A lunatic named Ann Jones was recently confined in Deniliquin Gaol, the Governor's warrant having been obtained for her transmission to Gladesville, and her husband not having the means to pay for her conveyance thither, a requisition was made upon the police to furnish a constable to take charge of her in addition to the female warder escorting.

I have now called for an account of the charges incurred for coach fares, wages, and travelling expenses in bringing this lunatic to Sydney, and find that they amount to no less a sum than £56.

As this is not a solitary instance of heavy expenditure for like purposes, and as moreover I am informed by Dr. Manning that the effect of such a journey upon an insane person is to considerably aggravate the complaint, even to the extent in some instances of rendering a cure almost hopeless, perhaps my report may not be deemed out of place.

The only suggestion I have to offer on the subject is, that as some at least of the cases of insanity (perhaps caused by intemperance) might yield to prompt treatment if a suitable place of reception could be provided, that until the Government is in a position to establish asylums in central positions in the interior (say at Armidale, Dubbo, and Deniliquin, or Wagga Wagga, for the Northern, Western, and Southern Districts), some temporary arrangements might be made for adding accommodation, either to the local hospitals or gaols at certain places, to allow of the detention and treatment of lunatics without entailing the enormous cost of their transmission to a central asylum, besides the injury to the unfortunate patients themselves.

The expenditure falls, I consider most improperly, upon this department, and if excuse be necessary for this report upon a subject not strictly within my province, that may perhaps be accepted as my reason for this representation.

It might possibly also be a fit subject for intercolonial arrangement and Legislative authority, to sanction the transmission not only of lunatics but all persons in legal custody, by the more convenient sea route, *via* Melbourne from Deniliquin and surrounding district to Sydney, instead of the long, less safe, and very expensive route overland.

I have, &c.,
JOHN McLERIE,
Inspector General of Police.

No. 6.

The Comptroller General of Prisons to the Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 30 April, 1878.

In reply to your letter of the 18th ultimo, I have the honor to inform you that there is no special accommodation for insane prisoners or prisoners whose sanity is doubted, beyond two padded cells respectively for males and females in Darlinghurst Gaol.

I have been and am of opinion that such accommodation should be provided at all the established gaols, and at some of the police gaols on the principal routes.

I am certain that I have made application for such accommodation generally, as well as in particular cases, but I cannot trace it. So numerous have been the applications for various extensions and improvements in accommodation made by me, without effect, that I was under the impression that this was one of them.

I would suggest, as the matter is now taken up, that the Colonial Architect be requested to place himself in communication with the Inspector of the Insane, with a view to determination of the best description of accommodation to provide in prisons. I understand that Dr. Manning is not very favourable to padded cells.

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

No. 7.

Minute of The Colonial Secretary.

There are two issues raised in these papers :—

(1.) The great cost of the conveyance of the insane from remote parts of the country to a central asylum.

(2.) The advantage to the insane of local treatment before being sent to the central Asylum.

As to the first question I may say that Capt. McLerie's letter of the 10th June, 1870, shows an extreme case which is not likely to occur again ; and it must be borne in mind that the cost of conveyance and the risk of mental injury to the patient are both lessened as the railway advances into the interior. Fully to meet the complaint it would be necessary to have a *Sub*-Lunatic Asylum attached to every gaol and lock-up in the Colony. In the more economic point of view this would not be tolerated.

2. On the second point, it occurs to me that the detention of the insane or the suspected insane in a local gaol would not be an unmixed good unless they were, as the result of such detention, to be treated by persons professionally competent, which again involves the question of inordinate expense. If this were not done it were better that the insane should be forwarded with all reasonable dispatch to the central Asylum, where they would be sure to receive skilled treatment.

Before, however, arriving at any decision I should like to be favoured with Dr. Manning's matured views on this question.

M.F., 31/5.

No. 8.

The Under Secretary, Colonial Secretary's Department, to The Inspector of the Insane.

The Inspector of the Insane, B.C., 1/6/78.—M.R.A.

No. 9.

No. 9.

The Inspector of the Insane to The Under Secretary, Colonial Secretary's Department.

Sir, Lunacy Department, Hospital for the Insane, Gladesville, 10 June, 1878.

Referring to your minute of the 31st ultimo, covering letters from the Inspector General of Police and the Comptroller General of Prisons, on the subject of the conveyance of insane persons to asylums, and the accommodation for them in gaols and lock-ups, I do myself the honor to report,—

1st. That in the large majority of, if not in all, instances of pronounced insanity, it is desirable that the patients should be forwarded to the general asylum as soon as possible, and that in the majority of these cases the difficulties and excitement of country travel are less likely to be harmful than a prolonged residence in a prison where even though there is the best professional assistance, the means of classification and the various accessories which are necessary for the successful treatment of insanity must be more or less wanting.

2nd. It is evident, from information I have received from up-country gaols, that quite one-third of the number of cases of insanity which are received into the gaols and lock-ups are of a temporary character, due to intemperance or other transient cause, and that these for the most part recover in a short period under ordinary medical treatment, and their transmission to the general asylum is therefore unnecessary.

3rd. That as the patients suffering from this transient form of the malady are frequently extremely violent and require special and great care, and as the accession of insanity in the more prolonged cases is frequently marked with such extreme physical violence and mental inquietude as to render it impossible to start them on their journey to the central asylum until some days have elapsed, it is extremely necessary that some special provision should be made for the temporary care and maintenance of both these class of cases in the gaols. Besides this, special accommodation is required on the main lines of road for patients actually in transit, who should not (even if their condition allows of it) be mixed with prisoners if this can be avoided.

4th. I am opposed altogether to the creation of small or sub-asylums for the continued treatment of the insane, though I consider and have frequently reported that complete asylums, to contain three or four hundred patients each, might with great advantage be erected in central positions in the southern, western, and northern districts.

My knowledge of the country districts is not sufficiently accurate to allow me to point out exactly the most suitable situations in which to provide panelled rooms and the other accommodation necessary for insane patients, but I am ready at all times to confer with the Inspector General of Police and the Comptroller General of Prisons on the subject, and to afford the Colonial Architect information as to details of the buildings and fittings required.

In conclusion I would beg to point out that in Victoria special accommodation for the temporary treatment of the insane is provided at a number of the up-country hospitals, these wards being under special Government inspection, and the local authorities or hospital committees being recouped all expenses which they have incurred by the central government. These wards in fact fulfil the purpose in up-country towns which the Reception House now does in Sydney.

The Lunacy Bill, which is now in the hands of the Colonial Secretary, allows of the establishment of these adjuncts to the hospitals in this Colony, and provides for their regulation and government.

I have, &c.,
F. NORTON MANNING,
Inspector of the Insane.

No. 10.

Minute of The Colonial Secretary.

I DO not feel as if this matter were much further advanced. Dr. Manning thinks that in cases of pronounced insanity the patients had better be sent to the Central Asylum at once. But who is to *pronounce* them insane? And again, he thinks that patients suffering from transient forms of insanity should receive special and great care. Who is to bestow this special care? To bring the question to a point: Suppose the case of a man committed to gaol as being insane. He is placed in a lock-up in the far interior, on his way to a lunatic asylum. Who is to say whether this man, of whom perhaps next to nothing is known, is to be regarded as a pronounced lunatic, or is only suffering from *delirium tremens?* It is clear the police cannot do so; and if we suppose the man detained on the road at some of the larger gaols where there is a medical officer he would have to be kept for some time to afford the medical officer an opportunity of judging of his mental state. And eventually it would depend on the *result* whether it was wiser to detain him, or hasten his passage to the asylum. I find myself in this difficulty, and I would feel grateful to Dr. Manning if he can help me out of it. If it be not sound practice that the police should in every case of supposed insanity at once forward the patient to the asylum, who is to judge which patients are to be so forwarded and which detained? In other words, who is to pronounce there and then whether each case is confirmed insanity or temporary derangement.

M.F., 12/6.

No. 11.

The Under Secretary, Colonial Secretary's Department, to The Inspector of the Insane.

DR. Manning.—B.C., 12/6/78.

No. 12.

The Inspector of the Insane, to The Under Secretary, Colonial Secretary's Department.

THE main point raised in the letters of the Inspector General of Police and the Comptroller General of Prisons appeared to me to be as to the necessity for special accommodation for the temporary treatment of insane persons in up-country prisons. Of this necessity there can, I think, be no doubt. The present accommodation in most, if not all, of the country prisons is very inadequate, and from this inadequacy

inadequacy, which renders it impossible for the patient to be placed by himself and to procure sleep, when sleep is most necessary, results in many cases in prolonged and sometimes incurable insanity.

It would not I conceive be sound practice for the police to forward without discrimination every case of insanity or supposed insanity coming under their care to a central asylum, as great additional expense for travelling would accrue without any compensating benefit to the patient, and in a number of cases with absolute injury. Discrimination as to the character and probable durations of the mental aberration should in all cases rest with a medical officer, and in the majority of cases this is not a difficult task. The symptoms of insanity from drink or from an obvious and easily removable physical cause are peculiar, and, as a rule, medical practitioners, even without special experience, are able to decide on the character of the affliction. I have frequently seen experienced police officers recognize the distinction, and magistrates who sit with regularity in the Metropolitan Police Courts become in time so practised that they frequently form a correct judgment as to the probable cause and duration of the malady, and apart from medical advice remand cases for a short period of medical treatment, feeling certain that this is all that is necessary for the patient's restoration, instead of taking procedure under the Lunacy Statutes. The system of dealing with insane persons as at present carried out also shows that practically the distinction between pronounced, and long continued, and transient insanity is not difficult. The gaoler at Bathurst, in a report to the Comptroller General of Prisons, dated January, 1876, states:—"Since June, 1867, I have received 282 persons of unsound mind, 169 of whom have been forwarded to lunatic asylums, and the remainder discharged after a short time as cured." The weak points of the present method of dealing with insane persons in country districts appear to me—

1st. That there is too great delay in sending to the central asylums the pronounced and marked cases of insanity which are evidently likely to be of long duration; and

2nd. That the means of treating the transient and temporary cases are defective.

The delay in sending patients to Asylums is due in part to the present Lunacy Statutes which insist on various formalities and render the Governor's warrant necessary in every case before the patient can be dealt with, and in part to the difficulties on the part of the police authorities to furnish the necessary escort and means of travel.

The defective means for the treatment of transient cases, subject the officers of gaols to much anxiety and inconvenience, and as I have above stated are prejudicial to the patient. The process which it seems to me advisable to follow in the case of persons falling into the hands of the police when astray in mind is, that in far off country districts where a "lock-up" is the only refuge, the *medical officer of the district* should be at once consulted as to treatment in the lock-up or immediate transfer to the nearest gaol—that the medical officers of the gaol should advice as to treatment of all cases thus sent to them, or brought to them in the first instance in the gaol, or as to their immediate transfer to an asylum. To prevent difficulties and delays an instruction might be issued that in all doubtful cases the patients should be sent to the asylum, and it should be enacted that "no insane person should be kept for longer than 14 days in any gaol, reception-house, or public hospital ward unless the medical officer certifies in writing that such person is not in a fit state to be removed therefrom or would be benefited by remaining therein." This is provided for in the 51st section of the Lunacy Bill, now in the hands of the Colonial Secretary.

F.N.M.,
15/6/78.

No. 13.

The Under Secretary, Colonial Secretary's Department, to The Inspector of the Insane.

Sir, Colonial Secretary's Office, Sydney, 26 June, 1878.

With reference to your report of the 15th instant and previous correspondence concerning the conveyance of insane persons to asylums and their accommodation in gaols and lock-ups, I am now directed to inform you that the process explained below (which you have indicated as that which it is advisable to follow in cases of persons falling into the hands of the police when astray in mind) has been approved by the Colonial Secretary, and is to be carried out so far as the present state of the law will permit—

1st. In remote country districts where a lock-up is the only refuge, the medical officer of the district should be at once consulted by the police as to the patient's treatment in the lock-up or his immediate transfer to the nearest gaol.

2nd. The medical officers of gaols should advise as to the treatment of all cases thus sent to them, or brought to them in the first instance in the gaol, or as to their immediate transfer to an asylum.

3rd. To prevent difficulties and delays, the patient should in all doubtful cases be sent to an asylum, and no insane person should be kept for a longer period than 14 days in any gaol unless the medical officer certifies in writing that he is not in a fit state to be removed therefrom, or would be benefited by remaining therein.

2. I am to add that the Inspector General of Police has been desired to give the necessary instructions to the police for guidance in such cases, and that the Comptroller General of Prisons has been asked to have the gaolers duly instructed in the matter.

I have, &c.,
M. R. ALLAN.

No. 14.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 26 June, 1878.

With reference to your report of the 30th April last, concerning the conveyance of insane persons to asylums, and their accommodation in gaols and lock-ups, I am directed to inform you that the Colonial Secretary has approved of the process explained below (which the Inspector of the Insane has indicated

indicated as that which it is advisable to follow in cases of persons falling into the hands of the police when astray in mind) being carried out so far as the present state of the law will permit:—

1st. In remote country districts, where a lock-up is the only refuge, the medical officer of the district should be at once consulted by the police as to the patient's treatment in the lock-up, or his immediate transfer to the nearest gaol.

2nd. The medical officers of gaols should advise as to the treatment of all cases thus sent to them, or brought to them in the first instance in the gaol, or as to their immediate transfer to an asylum.

3rd. To prevent difficulties and delays the patients should, in all doubtful cases, be sent to an asylum, and no insane person should be kept for a longer period than fourteen days in any gaol unless the medical officer certifies in writing that he is not in a fit state to be removed therefrom, or would be benefited by remaining therein.

2. The Inspector General of Police has been desired to give the necessary instructions to the police for their guidance in such cases, and I am to request that the gaolers may be duly instructed in the matter by you.

I have, &c.,
M. R. ALLAN.

No. 15.

The Under Secretary, Colonial Secretary's Department, to The Inspector General of Police.

Sir, Colonial Secretary's Office, Sydney, 26 June, 1878.

With reference to your report of the 21st March last, concerning the conveyance of insane persons to asylums, and their accommodation in gaols and lock-ups, I am directed to inform you that the Colonial Secretary has approved of the process explained below (which the Inspector of the Insane has indicated as that which it is advisable to follow in cases of persons falling into the hands of the police when astray in mind) being carried out so far as the present state of the law will permit:—

1st. In remote country districts, where a lock-up is the only refuge, the medical officer of the district should be at once consulted by the police as to the patient's treatment in the lock-up, or his immediate transfer to the nearest gaol.

2nd. The medical officers of gaols should advise as to the treatment of all cases thus sent to them, or brought to them in the first instance in the gaol, or as to their immediate transfer to an asylum.

3rd. To prevent difficulties and delays the patients should in all doubtful cases be sent to an asylum, and no insane person should be kept for a longer period than fourteen days in any gaol, unless the medical officer certifies in writing that he is not in a fit state to be removed therefrom, or would be benefited by remaining therein.

2. I am to request that you will give the necessary instructions to the police for their guidance in such cases.

I have, &c.,
M. R. ALLAN.

Sydney: Thomas Richards, Government Printer.—1878.

[6d.]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GEORGE ALFRED TUCKER.

(PETITION OF, RESPECTING LUNACY BILL.)

Ordered by the Legislative Assembly to be printed, 27 September, 1878.

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

The humble Petition of George Alfred Tucker, of Bay View House, Cook's River, near Sydney,—

RESPECTFULLY SHOWETH:—

1. That your Petitioner is at present Superintendent and Proprietor of the Cook's River Lunatic Asylum, which position he has held for the past fourteen years.

2. That your Petitioner occupied a similar position in Victoria many years.

3. That your Petitioner was requested to establish this Asylum by the late Sir Charles Cowper, the then Colonial Secretary, who promised him Government assistance, there being no private Asylum in existence at that time; but before he had an opportunity of fulfilling his promise, his (Sir Charles Cowper's) Ministry left office, and the Ministry of which Sir Henry Parkes was Colonial Secretary then, in the year 1869, moved in the matter by issuing circulars to all persons who were supposed to be capable of paying for their maintenance to remove their friends from the Government Asylums to your Petitioner's private Asylum. At this time Sir John Robertson came into office and authorized the transfer of Government patients to the number of 32 to your Petitioner's Asylum.

4. In or about the year 1874, when Sir Henry Parkes again held the position of Colonial Secretary, a contract was entered into for 68 additional female patients, making in all 100 patients, causing your Petitioner to increase the accommodation of the Asylum at a cost of about £8,000.

5. In the month of July, 1876, 25 additional were transferred from the Government Asylums, at a further cost to your Petitioner, and the Colonial Secretary then approved of the extension of your Petitioner's contract for one year terminating with six months' notice at the expiration of that time. The original contract, together with the one year's extension and the six months' notice, will terminate in July, 1880.

6. That in establishing this Asylum your Petitioner has been put to a cost of about £25,000.

7. That under clause 35 of the proposed Lunacy Act, read in conjunction with the interpretation clause, it would appear that your Petitioner would be ousted from the superintendence of the Asylum and still liable to all the responsibilities under the said Act, in consequence of your Petitioner not being a Medical Practitioner registered in this Colony, although a specialist of twenty years standing in the treatment of insanity, such treatment not being a portion of a medical education.

8. By clause 24 of the proposed Act it is provided that a license to keep a private Asylum would only exist for twelve months revocable at any time without cause shown or appeal, and that any person at present licensed under the Act 31 Victoria No. 19 should be subject to the provisions of the proposed Act. Your Petitioner therefore, although his present contract does not expire until the year 1880, would be in such a position that he could only obtain a license for twelve months, which license could be revoked at any time, and the expense that he has been put to would be completely lost and his contract would thereupon be cancelled.

9. That it is your Petitioner's wish to faithfully carry out the terms of his contract entered into with the Government under the now existing law, or your Petitioner is prepared to either sell at a reasonable marketable price or lease his Asylum to the Government, who could then appoint their own officer.

Your Petitioner therefore humbly prays that your Honorable House, having regard to these premises, will be pleased to allow your Petitioner to fulfil the remainder of his contract entered into with the Government under the now existing law, notwithstanding clauses 24 and 35 of the proposed Lunacy Act, and your Petitioner will ever pray, &c.

GEORGE ALFRED TUCKER.

Dated this 26th day of September, 1878.

[3d.] 105—

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

SYDNEY INFIRMARY AND DISPENSARY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
29 *October*, 1878.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1878.

[6*d*.] 257—A

1878.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 20. FRIDAY, 18 OCTOBER, 1878.

3. SYDNEY INFIRMARY AND DISPENSARY BILL (*Formal Motion*):—Mr. Driver moved, pursuant to Notice,—
(1.) That the Sydney Infirmary and Dispensary Bill be referred to a Select Committee for consideration and report, with power to send for persons and papers.
(2.) That such Committee consist of Mr. Fitzpatrick, Mr. Cameron, Mr. J. Davies, Mr. Day, Mr. Greenwood, Mr. Harris, Mr. Macintosh, Sir Henry Parkes, Mr. Roseby, and the Mover.
Question put and passed.

VOTES No. 25. TUESDAY, 29 OCTOBER, 1878.

11. SYDNEY INFIRMARY AND DISPENSARY BILL:—Mr. Driver, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 18th October, 1878; together with a copy of the Bill as amended and agreed to by the Committee.
Ordered to be printed.

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1878.

SYDNEY INFIRMARY AND DISPENSARY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred, on the 18th October, 1878,—"*the Sydney Infirmary and Dispensary Bill*,"—beg to report to your Honorable House :—

That they have examined the witnesses named in the List* (whose evidence will be found appended hereto) ; and that the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the several Clauses of the Bill, in which it was deemed necessary to make certain Amendments.

* See List, page 4.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

RD. DRIVER,
Chairman.

No. 3 *Committee Room*,
Sydney, 25*th October*, 1878.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 25 *OCTOBER*, 1878.

MEMBERS PRESENT:—

Mr. Driver, Mr. Harris, Mr. Day.

Mr. Driver called to the Chair.

Entry from Votes and Proceedings, appointing the Committee, *read* by the Clerk.

Printed copies of the Bill referred, together with original Petition to introduce the same, before the Committee.

Present:—Frederick Chapman, Esq. (*Solicitor for the Bill*).

Mr. Henry Russell (*Secretary to the Sydney Infirmary*), called in and examined.

Witness *produced* the First Report of the Board of Directors of the Sydney Infirmary.

Witness withdrew.

Arthur Renwick, Esq., M.D., called in and examined.

Witness withdrew.

Mr. Frederick M'Kern called in and examined.

Room cleared.

Preamble considered.

Question,—"That this Preamble stand part of the Bill,"—put and passed.

Solicitor called in and informed.

Clauses 1 and 2 read and agreed to.

Clause 3 read, amended,* and agreed to.

Clauses 4 to 12 read and agreed to.

Clause 13 read, amended,* and agreed to.

Clauses 14 to 16 read and agreed to.

Clause 17 read, amended,* and agreed to.

Clauses 18 and 19 read and agreed to.

Chairman to report the Bill, with Amendments, to the House.

*See List of Amendments.

SCHEDULE OF AMENDMENTS.

Page 2, clause 3, line 47, *Omit* "one shilling"

„ 4, clause 13, line 43, *Insert* "as well as in bank or deposit receipts for fixed periods or otherwise" after "there".

„ 5, clause 17, lines 14 and 15, *Omit* "at any time and from time to time to change or alter".

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1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SYDNEY INFIRMARY AND DISPENSARY BILL.

FRIDAY, 25 *OCTOBER*, 1878.

Present:—

MR. DAY, | MR. DRIVER,
MR. HARRIS.

RICHARD DRIVER, ESQ., IN THE CHAIR.

Frederick Chapman, Esq., appeared as Solicitor on behalf of the Promoters of the Bill.

Mr. Henry Russell examined:—

Mr. H. Russell. 25 Oct., 1878.

1. *Chairman.*] What are you? Secretary to the Sydney Infirmary.
2. How long have you been connected with the Infirmary? Twenty-three years.
3. Are you aware that in the year 1826 a society or institution was established known as the Sydney Dispensary? Yes.
4. *Mr. Chapman.*] I believe you have a report here which shows that the date of the establishment of that institution was 1826? Yes. (*The witness produced the same.*) This is "The Third Report of the Committee of the Sydney Dispensary, established in the month of August, 1826."
5. *Chairman.*] What was the object of the Sydney Dispensary? To afford medicines and medical advice to persons who had homes but who had no means of paying for medicines and medical advice.
6. *Mr. Chapman.*] Will you turn to the First Report of the Board of Directors of the Sydney Infirmary and Dispensary? (*The witness referred.*) In this report is stated that the Infirmary was established in the month of July, 1845. This is the first report issued to the subscribers to the Infirmary, and it contains the following paragraph:—"The Dispensary was established in 1826, and during the time of its existence, from 1835 to March, 1845, afforded relief to 14,279 persons."
7. Are you aware that, by an Act of Council, 7th Victoria, No. 23, the members of the said Sydney Dispensary were enabled to sue and be sued in the name of their treasurer for the time being, and in the same name to acquire and hold land by purchase or lease, and that provision was also made in case the Society should establish a general hospital that the said Act should be applicable to such hospital as well as to the said dispensary? Yes, I have seen the Act.
8. *Chairman.*] Was the hospital contemplated by that Act established in 1846? Yes.
9. Did the Society thereupon become and has it since been designated and known as the Sydney Infirmary and Dispensary? Yes.
10. *Mr. Chapman.*] Under such designation has it continued to occupy the lands, buildings, and premises in Macquarie-street originally occupied by the Sydney Dispensary? It has.
11. Has any grant to your knowledge ever been issued to the Society? It has not.
12. Was it on the 22nd day of April, 1870, reported by a Select Committee of the Legislative Assembly, appointed for the purpose of considering whether such grant should be issued, that a grant should be issued to trustees for the benefit of the said Sydney Infirmary and Dispensary? It was, as will be seen by reference to the Votes and Proceedings for that year.
13. Was such report confirmed by resolution of the Legislative Assembly on the 20th September, 1870? It was.
14. *Chairman.*] Are you aware of your own knowledge whether a deed of grant from the Crown has been or is intended to be issued in accordance with that report and resolution? I have heard that a deed will shortly be issued.

Mr. H. Russell. 25 Oct., 1878.

15. You do not know it of your own knowledge? No.
16. Do you know of your own knowledge whether the subscribers to this institution have confirmed the initiation of this Bill by the directors.? I do. I have here a record of the meeting at which it was determined.
17. Is it expedient for the purpose of more effectually carrying out the purposes for which the moneys are held that the subscribers should be incorporated? It is.
18. What reason have you for saying so? At present the directors cannot sue or be sued. I think they should be incorporated.
19. Cannot they sue and be sued under this Act mentioned in the Bill? No; that is the Act of the Sydney Dispensary.
20. The members think it desirable and are anxious to be incorporated? Yes.
21. And the land to be comprised in the grant you have already referred to should be vested and held in the manner provided for in this Bill? Yes.
22. Do you know anything as to the attendance of medical students referred to by the last paragraph of the preamble? Yes, I know they have attended.

Arthur Renwick, Esq., M.D., examined:—

A. Renwick, Esq., M.D. 25 Oct., 1878.

23. *Chairman.*] You are a duly qualified medical practitioner? I am.
24. And have been for some years connected with the management of the Sydney Infirmary? Yes.
25. *Mr. Chapman.*] You are Vice-President? Yes.
26. Large sums of money have I believe from time to time been given, bequeathed, or subscribed by persons of various religious denominations, and are now held in trust for the Sydney Infirmary and Dispensary? Yes.
27. And is it therefore deemed expedient that the institution shall be entirely unsectarian in its character? That is the opinion of the directors.
28. Is it your own opinion? It is my own opinion, decidedly.
29. You heard the evidence given by the last witness as to the advisability of obtaining an Act of Incorporation for the Society? Yes.
30. Are you of the same opinion as the last witness? Decidedly.
31. Can you state as to whether or not certificates of attendance by medical students at the Sydney Infirmary are recognized in Great Britain? I know as a fact they are recognized by the leading examining bodies, by the University of London, the Royal College of Surgeons, and other medical examining bodies. In fact arrangements have been made whereby attendance at the Sydney Infirmary is recognized by some of the medical bodies in England as a valid portion of the medical curriculum of any student.
32. This then is strictly true,—that "attendance by medical students in the Sydney Infirmary and Dispensary is recognized by the British Medical Schools as a valid attendance for the purpose of obtaining a degree or diploma in medicine or surgery in Great Britain"? Quite true.
33. Will you look at the proviso to the 10th clause of the Bill—I think you have already stated that you have been connected with the Infirmary for many years past? Yes.
34. Do you know of your own knowledge whether the gentlemen mentioned in the 10th clause have rendered the institution valuable past services? Yes, I know of my own knowledge that they have.
35. And on that account you think the 10th clause should pass in its present form? Yes, with the proviso added.
36. I believe this Bill, including the 10th clause, was considered by the general body of subscribers at a general meeting held for the purpose? Yes.
37. And was approved by them? It was approved by a majority.
38. *Chairman.*] How long have you been connected with the Infirmary? I think about eighteen years.
39. And have paid considerable attention to its mangement? Yes, I have been connected as honorary physician in the first place, then as honorary physician and director, and lastly as Vice-President.
40. Would the passing of this Bill be an advantage to the institution? Undoubtedly it would.
41. And the general objects of the Bill have been approved of by a majority of the subscribers? By a large majority of the subscribers and by the Board unanimously, that is all who were present at the meeting.

Mr. Frederick M'Kern examined:—

Mr. F. M'Kern. 25 Oct., 1878.

42. *Chairman.*] What are you? Clerk in the Deeds Branch of the Lands Department.
43. *Mr. Chapman.*] Do you know whether any deed of grant has been prepared or is about to be prepared? Yes; there is one prepared, which is now at Government House for the signature of His Excellency.
44. Do you know the nature of the grant? Yes; it is the usual form of grant for a public hospital.
45. Would it be a grant in favour of the trustees of the Sydney Infirmary and Dispensary? Yes.
46. Has the grant been prepared in accordance with the resolution of the Legislative Assembly? Yes.
47. And in accordance with the report referred to in the preamble of the Bill? Yes.
48. Are there any special conditions, qualifications, or provisions in the deed of grant? It is the usual form of grant issued for public hospitals.
49. You know that the grant has been prepared in accordance with the report already referred to, and is now before His Excellency for signature? Yes, and will be ready for delivery in a few days.

Sydney: Thomas Richards, Government Printer.—1878.

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY INFIRMARY.

(LETTER FROM DR. RENWICK, RESPECTING DISPOSAL OF THE MATERIALS OF OLD BUILDING.)

Ordered by the Legislative Assembly to be printed, 29 *January*, 1879.

Sir, Sydney Infirmary and Dispensary, 24 January, 1879.

With reference to your letter of 24th instant, stating that questions had been put to the Colonial Secretary in the Legislative Assembly as to the disposal of the materials of the old building of the Sydney Infirmary, with regard to which it is stated that, though the stone was sold on the condition of its being destroyed, much of the same stone is used in the erection of dwelling-houses within the City of Sydney, and requesting information as to the facts of the case, I beg to inform you that the building referred to was sold by public auction by Messrs. Richardson and Wrench on the 23rd ultimo, and was purchased by Mr. Kidman, who immediately after the purchase signed a contract, containing amongst other matter a clause to the effect that "I will not use any portion of the material for building purposes, which in the opinion of the Resident Medical Officers is unfit," and the Committee instructed the senior Resident Medical Officers to condemn all such parts of the building as might appear to them unfit for building purposes and to prevent their sale.

I have had an interview with Mr. Kidman, who informs me that no portion of the material has been used for building purposes, and that it is his intention to burn the wood, and to use the stone where suitable, and after due preparation, for the erection of stores only.

I have, &c.,
ARTHUR RENWICK,
Vice-President.

[2*d*.] 425—

1878–9.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY INFIRMARY.

(CORRESPONDENCE RESPECTING REFUSAL TO ADMIT CHRISTINA OGILVIE.)

Ordered by the Legislative Assembly to be printed, 6 June, 1879.

No. 1.

The Under Secretary, Colonial Secretary's Department, to The Directors of the Sydney Infirmary.

Gentlemen, Colonial Secretary's Office, Sydney, 28 May, 1879.

In transmitting to you the enclosed extract from the *Sydney Morning Herald* of the 26th instant, concerning the case of a child named in the margin, to whom as it is alleged the medical officers of the Infirmary refused admission, she being dangerously ill with scarlet fever, and her mother (Caroline Ogilvie) having no home or place of shelter, I am directed by the Colonial Secretary to request that you will be good enough to report to him the precise facts of the case so far as the Infirmary authorities are concerned, and to furnish him with a copy of any rule or regulation bearing upon the admission of patients.

Christina Ogilvie.

I have, &c.,

CRITCHETT WALKER.

[*Enclosure.*]

ON Saturday night an incident occurred at the Central Police Station of a kind that should move all hearts with pity. In a room lighted dimly by a candle which stood on a table, and near by a phial of medicine, and one or two little comforts provided, according to the direction of the police surgeon, sat a poor woman nursing her child, a girl of about seven years of age, who was delirious and dangerously ill with scarlet fever. Both the mother and her child, because the little one was ill with an infectious disease, had been literally turned into the streets, and but for the shelter afforded at the police station, would have been houseless. The mother's name is Caroline Ogilvie, and with her child Christina, was in service at Petersham. On Thursday last the child was taken ill, and on Friday a doctor pronounced the sickness to be scarlet fever. On Saturday morning the mistress of the house sent the mother and the child in a cab to the Sydney Infirmary, but the doctors there, notwithstanding that the woman had nowhere to go, and that the poor child was extremely ill, would not admit it into the institution, nor provide accommodation for it in any out-building. It seems that fever patients are not admitted there, and apparently there is nowhere but a police station they can go to, notwithstanding the many thousands of pounds annually expended or squandered, both of public and private money, in establishing and maintaining almost every form of almshouse that can be devised. So the doctors, or the Infirmary authorities, gave the homeless mother and child a few shillings and sent them away in a cab to the Central Police Office, and there the kind-hearted sub-inspector and his men made the little patient and her mother as comfortable as circumstances would allow. It can easily be understood that, after so much moving about through the streets and from one place to another, the child was in a burning fever, and the mother almost borne down with grief, when they reached the police station. It is not surprising therefore that, when the police surgeon, Dr. Egan, who was quickly sent for, came to see the child, he should pronounce the case a very serious one. Plenty of blankets, and afterwards a mattress, were procured, and a bed made for the child on the stone floor, and the mother, very grateful for what had been done, sat by and tended the sufferer. Dr. Egan describes the child's ailment as the most malignant type of scarlet fever he has seen for many years. The delirium of the fever produced a restlessness on the part of the sufferer that was at times quite distressing to witness; and all Saturday night the little patient was delirious, and at times her shrieks and cries are said to have been heartrending. It was really sad to see the two in the station. The room, notwithstanding the kind attention and services of the police officers, was certainly not home-like, and looked very bare; and after all it was but a room at a police station, not many feet away from the cells where thieves and drunkards were confined, and who were of course as liable to contract the disease as would have been the inmates of the Infirmary had the patient been admitted there. From the time the mother and child were brought to the station Sub-inspector Anderson had his men searching over the city trying to find some philanthropic person to take in the houseless unfortunates, but up to Sunday morning in vain. On Sunday morning Mr. Anderson sent several men to make a house-to-house inquiry to see if they could find some place for the child, and at 11 o'clock one of them found a good Samaritan and a suitable place at the house of Mrs. Morgan, John-street, Pyrmont, where the child and the mother were taken, with the bedding that had been provided for them. The life however that might probably have been spared had public benevolence and charity run in the proper channel to meet such distressing cases, had ceased. The child had been but a few hours under long-sought-for shelter, when "death came with friendly care," and put an end to her sufferings. But the death by no means wipes away the reproach that must attach to a community whose free-handed liberality is so managed, or mismanaged, that a police station is the only refuge open to the dying and destitute. The child died about 6 o'clock last evening. When a constable was sent over by Inspector Anderson with medicine for the child, he found her a corpse, and the mother in a state of distraction, and in a fair way to contract the disease her child had died of, or succumb to the trial she has endured.

No. 2.

The Inspector General of Police to The Under Secretary, Colonial Secretary's Department.

Police Department, Inspector General's Office, Sydney, 26 May, 1879.

THE attached report is submitted to the Hon. the Colonial Secretary.

There appears to be some reason to apprehend that there will be other similar cases of a virulent form of fever, and it will not only be improper but highly dangerous that it should be left to the police to take charge of the patients. I therefore recommend that the matter be referred to the Government Medical Officer for his advice, in order that I may be instructed what course should be pursued should other cases unfortunately occur.

EDM. FOSBERY, I.G.P.

[*Enclosure.*]

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

Sir, No. 1 Police Station, Sydney, 25 May, 1879.

I have the honor to report that about 12 o'clock noon on the 24th instant, a woman named Caroline Ogilvie, and her child, Christina, aged seven years, and who was suffering from scarlet fever, were brought to the station in a cab from the Sydney Infirmary. The woman stated that she had been with her child in the service of a Mr. Evans, at Petersham, and on the evening of Thursday last her child was taken ill with scarlet fever. On Saturday morning at 10 o'clock Mrs. Evans sent the woman and her child in a cab to the Infirmary, but the authorities there would not receive the child because she was suffering from an infectious complaint.

The woman and her child were placed in the small court adjoining the station, and were supplied with a mattress and blankets, and everything was done for them that could be done. I instructed Sergeant Bell and other members of the Force to try and find some place for them, but they could find no person to take them until 11 o'clock this morning, when Senior-constable Roden found a suitable place at the house of Mrs. Morgan, John-street, Pyrmont. Dr. Egan saw and prescribed for the child yesterday, and again this morning, and under his directions the mother and child, with the mattress and blankets, were removed in a close cab to Mrs. Morgan's house, where the child died at 6 o'clock p.m.

The child was delirious nearly all the time she was here, and I offered to get a woman to assist the mother, but she declined any assistance, and said she would attend to her child as long as she was able.

The woman was supplied with everything that she wished for herself and child, and when going away she expressed her gratitude for the attention which she had received while here. A report of the matter has been sent to the Coroner, who does not consider an inquest necessary.

I have, &c.,

ROBERT ANDERSON, Sub-Inspector.

Forwarded to the Inspector-General.—G. READ, Superintendent, 26/5/79.

No. 3.

The Secretary, Sydney Infirmary, to The Under Secretary, Colonial Secretary's Department.

Sir, Sydney Infirmary, 29 May, 1879.

I have to acknowledge receipt of your letter of 28th inst., asking for the information of the Colonial Secretary to be furnished with the precise facts of the case of the refusal to receive Christina Ogilvie suffering from scarlet fever, into the Infirmary, and also requiring a copy of any rule or regulation bearing on the admission of patients.

I have respectfully to state that your letter will be brought under the consideration of the Board of Directors at their next meeting (3rd June), and their reply will be immediately communicated.

I have &c.,

H. D. RUSSELL,
Secretary.

No. 4.

The Vice-President of the Sydney Infirmary to The Colonial Secretary.

Sir, Sydney Infirmary and Dispensary, 3 June, 1879.

Referring to your communication, dated 28th May, 1879, in which you enclose an extract from the *S. M. Herald* of the 26th, concerning the case of a child named Christina Ogilvie, to whom, as it is alleged, the medical officers of the Infirmary refused admission, she being dangerously ill with scarlet fever and her mother having no home or place of shelter, and requesting that the Directors of the Infirmary will report the precise facts of the case so far as the authorities of the Institution are concerned, and likewise furnish a copy of any rule or regulation bearing on the admission of patients,—I have been requested to inform you that the above subjects were fully considered by the Board of Directors at their meeting held this day.

The particulars of the case, as related to the Board by the Secretary, are as follows :—

On Saturday (24th), Mrs. Ogilvie brought a child to the Infirmary for admission. On examination, the honorary medical officer pronounced the case to be scarlet fever, and inadmissible under the rules. I explained this to Mrs. Ogilvie, who informed me she was without friends or shelter in Sydney ; that she, with her child, had been living in domestic service at Petersham, but had been sent away that morning on account of the infectious nature of the disease. I then informed her that although her child could not be received as an indoor patient, the Infirmary would provide pecuniary assistance towards expense of board and lodging, and furnish medicine and medical attendance, and gave her a letter to the Inspector General of Police, explaining the circumstances, and asking his assistance towards finding the requisite shelter. She was then, with her child, put into a cab, and provided with a sufficient sum for immediate requirements.

While

While the Board of Directors have been deeply affected by the very painful circumstances connected with this case, they are bound to acknowledge that their officials only performed their duty in carrying out the rules of the Hospital. It unquestionably does appear a very harsh and extraordinary measure to refuse to admit any case of sickness to what is generally considered the proper receptacle for disease of any kind. But not to mention the great difficulties under which this Institution at present labours for want of accommodation, and from the very temporary and imperfect nature of the accommodation provided at present, such cases of illness as the present could only be admitted by the violation of a rule which has been carried into effect for many years in order to protect the sick in the Institution, and the public generally, from the great risk of contagion, of which this Hospital would otherwise become the focus.

Herewith is forwarded a copy of the Rules of the Institution, in which the rule which affects cases like the present will be found in page 16,—Rule 94, clause 5, which directs the Honorary Medical Officers not to admit as patients "those whose admission might endanger the other patients, as persons labouring under small-pox, itch, and other contagious diseases."

As this is not the first occasion on which the Institution has been taken to task for refusing to admit cases of scarlet fever and other contagious diseases, the Directors would now, as they have on other former occasions, direct attention to the fact that such cases can never be accommodated in the Sydney Infirmary. The premises of the Institution are too limited to allow with safety of the adoption of the plan employed in other Hospitals, of having a separate contagious ward or hospital; and in the present circumstances of the Institution, it would amount to a crime to admit such cases among the other patients.

The occurrence of such a case as the present shows the necessity for the provision of a fever and contagious disease hospital; a matter that has already been urged on the public on former occasions, when, under somewhat similar circumstances, cases of scarlet fever &c. have been refused admission into this and the other hospitals of the city.

I have, &c.,
ARTHUR RENWICK,
Vice-President.

[*Enclosure.*]

EXTRACT from Rules and Regulations of the Sydney Infirmary and Dispensary.

Patients that are inadmissible.

"94. The Honorary Medical Officers shall not admit as patients—

1. Those who, labouring under consumption, asthma, cancer, or other diseases, are, upon due examination, deemed incurable.
2. Those whose complaints are deemed likely to be so tedious of cure as to preclude for a long time the admission of more urgent cases of disease, as inveterate ulcers of the legs.
3. Those who have disorders for the cure of which other establishments are appropriated, as maniacs, &c.
4. Those who, wanting food and not medicine, are more proper objects of parochial relief.
5. Those whose admission might endanger the other patients, as persons labouring under small-pox, itch, and other infectious distempers."

Sydney: Thomas Richards, Government Printer.—1879.

[3*d*.]

1878-9.

NEW SOUTH WALES.

PUBLIC CHARITIES.

(REPORT OF INSPECTOR OF.)

Presented to Parliament, pursuant to Act 30 Vic. No. 19, sec. 4.

The Inspector of Public Charities to The Colonial Secretary.

Office, Inspector of Public Charities,
Sydney, 31 March, 1879.

Sir,

I have the honor to submit to you, for the purpose of being laid before the Government and Executive Council, my Annual Report on the Charitable Institutions of the Colony which come within this department.

The exigencies of Government having afforded no leisure last year for considering the question of a better administration of our Public Charities, I respectfully solicit that my Report for 1877 be taken with that now submitted.

It was not intended or foreseen that one of the direct consequences of liberal support from the public revenue to our various Charitable Institutions would be to bring an ever-increasing number of our poor into direct and permanent dependence upon Government; yet each succeeding year makes this fact more painfully apparent. Not only do our Public Charities increase far beyond reasonable bounds, seeing how easy in this community it is to find employment by all really desirous of obtaining it; but the feeling has grown up among a considerable number that self-restraint or provident habits are unnecessary—that to Government they have a right to look for a provision in sickness or old age—and that on it they may cast the responsibility of maintaining parents, children, or any other helpless members of their family whenever it becomes convenient, and without reference to their own ability to bear such burden.

Again, from the absence of necessary restrictions, and the too liberal and lax hand with which our Public Charity is dealt out, many persons not resident in this Colony are attracted hither, who come with the openly-avowed intention of becoming the inmates of our Asylums and Hospitals at the public cost, or of casting their children on our care.

Unless this laxity of system is remedied, and greater discrimination used in future in dispensing our liberality, it will become ere long a recognized public evil, and the Government will have itself been a principal means of undermining that spirit of manly independence it should so carefully foster.

In my last Annual Report I endeavoured to draw attention to several defects connected with the working of our Charities, and the utter want of any settled principle in their relations to the Government. I regret that no notice has been taken of these suggestions, or no endeavours made to substitute improvements for them having a like object in view.

Another year's observation and experience confirms the opinions then expressed, and convinces me that the administration of our Public Charities must continue to be both expensive and unsatisfactory until decided measures are taken to place them on a more strict and enlightened footing.

Legislative enactment should declare and enforce the obligations of relatives--assuming they are able to support wholly or in part. This alone would be attended with marked results, either in lessening the numbers of recipients of charity, or increasing the free revenue by the contributions of those able to assist in their maintenance. It should raise restrictions against the influx from beyond the Colony of persons in destitute circumstances, who are palpably unable to support themselves, and who therefore become public burdens almost from the hour of their landing. Many such persons are deliberately got rid of by having their passages paid to Sydney.

Government might insist on exercising a more direct control over the Charities (private) it subsidizes than has heretofore been the case; this, too, not by merely nominating two or three persons to the Boards of such Charities—a system which would be productive, I believe, of evil rather than of good, as saddling it with a direct responsibility, and yet not in reality increasing its power—but by giving effect to the recommendations of the Royal Commission in its Report of 1874, by giving the Inspector, under the Colonial Secretary, certain administrative functions and powers similar to those possessed by the Controller of the Public Charities in Victoria, Tasmania, and South Australia. He would thus be brought into direct communication and contact with his duties; his office would become a centre for information and reference; knowledge gained in one direction would be utilized in the public interests in another; valuable statistics would be accumulated; and greater economy in working secured.

As matters now stand, a widespread system of imposition is the rule. The Colonial Secretary's office has neither the machinery nor the time to search into the cases constantly coming before it, and the practical result is an almost uniform concession to all demands, these being in a majority of cases buttressed by political influence, and decided without any reference to the Inspector.

The

The Government interests and that of our private Societies (charitable) are often in direct opposition, and require a responsible officer to protect the former. In support of these opinions, I would refer to the treasurer's balance sheets of the Benevolent and Randwick Societies, by which it will be seen that larger demands than are necessary have been made on the public revenue, while the Societies themselves scarcely fulfil their engagements to the Government.

Both societies are in effect Government supported Institutions managed by independent Boards; the yearly subscriptions from the public to the former institution are insignificant, and to the latter only equal in amount to cover the charge of repairs and improvements; yet the first has year by year been adding large sums to its reserve fund—this year, £2,085 17s. 9d.—and the Randwick Society, which last year had to make special application to Parliament for a considerable sum to pay off its bank overdraft, has this year begun to form a reserve fund.

I am anxious to call attention to the possibility of Government taking some step with a view to giving aid in removing that spirit of improvidence among many of our industrial classes before alluded to. This I believe could be done both directly and indirectly. The success of our Government Savings Banks has been so encouraging that I would like to see the example of New Zealand followed, and life assurance and the granting of small annuities added to the business of that Institution. The Government might go a step further, and insist on all its employés becoming annuitants, and *caeteris paribus;* give always a preference to any applicant for employment who was insured; the custom would soon become universal, and prove a powerful moral engine leading to habits of thrift and self-respect.

The time has arrived when our Hospitals, especially those in the country districts, require to be brought more closely under the notice and observation of Government. Our Asylums for the young, and the best modes of treatment of the State children demand further consideration. I have treated the subject under separate headings in both this and my Report of last year, to which I again beg to refer.

I have the honor to be,
Sir,
Your obedient servant,
HUGH ROBISON,
Inspector of Charities.

Class I.

GOVERNMENT ASYLUMS FOR INFIRM AND DESTITUTE.

These Institutions continue to maintain the high character they have earned for good management and economical administration. In appearance and accommodation, as well as in convenience of arrangement, they vary so greatly from one another that any comparisons would be invidious and unjust. At the same time, I think the Liverpool Asylum might safely be taken as the standard of what the Government should aim at securing in its several Institutions.

I have found the food supplied to the inmates to be uniformly sufficient, good in quality, and well served, the contracts appear to be fairly carried out, and whenever the slightest irregularity takes place the circumstance is immediately brought to the notice of the Manager of Asylums, who at once takes the necessary action.

Very strict attention is paid to cleanliness both of the wards and bedding, the sick and the infirm are well treated and cared for, and the officers are diligent and painstaking in the discharge of their very onerous duties.

As heretofore, the daily routine work of these Institutions is carried on by the inmates themselves, on a system of small gratuities paid weekly for such services as they render. Many who would not be able to maintain themselves outside, thus find a useful sphere of labour without sacrificing self-respect, and at the same time the work is very cheaply done. The status of the inmates also being level, there is the less ground for jealousy one of another.

It has been stated that in the Hospitals of these Institutions only trained nurses should be found. In the "Erysipelas Hospital and Macquarie-street Asylum" they are already provided, as the treatment in that Institution is of an active character; but a like necessity does not exist at the other Asylums, where the forms of disease are generally chronic, or the ailments proceed from senile decay. Many of the inmates are themselves men of education and experience, and amid the large numbers present there are ample opportunities for selecting efficient and capable wardsmen, dispensers, &c.

Further observation has caused me to modify to some extent my opinion that light trades (beyond those already carried on in tailoring and shoemaking) might be advantageously introduced into the Government Asylums. Applicants undergo a pretty rigid examination before they are admitted, and the able-bodied are discharged or leave as soon as they have regained strength to maintain themselves by work. Setting aside then the feeble and helpless, all those who are required in the Asylum for carrying out its daily routine, and the tailors and shoemakers already employed, I do not think the remainder are of sufficient importance to justify the labour of supervision, or that the experiment would prove a success. Attached is a list of the number of clothes and boots made in the Asylums.

In 1877 it was found that the Liverpool and Parramatta Asylums were very full, and that larger demands would press on them as the winter season came on; Government therefore resolved on preparing portions of the old, long disused workshops and stores of the old Factory at Parramatta (in the same enclosure as the Convict Hospital, which they had made into an Erysipelas Hospital), and so forming a fourth Asylum for Infirm and Destitute. The work has been done chiefly under the direct superintendence of the Manager of Asylums, in a very creditable manner and at a very small cost. The extra accommodation is capable of receiving about 250 inmates. The Institution contains within it the Erysipelas Hospital, and is under one management with that Institution.

Before individualizing the working of the Asylums, I would draw attention to the need of increasing the water supply at Liverpool and Parramatta.

A sum of £300 has last year been paid for water alone supplied to these two establishments. The same money, if expended by Mr. King and supplemented by the Asylum labour, would go far to make a couple of large tanks, which, in case of fire, might prove invaluable. There has already been far too long delay in this matter.

HYDE

HYDE PARK ASYLUM.

I BEG to repeat my observations of last year: This Asylum, the only one for infirm and destitute females, is shamefully overcrowded, and under Providence it is due only to the vigilant care and strict attention of those in charge that the natural consequences of such over-crowding have been for the time avoided. The evil is aggravated by the want of space for exercise and the confined nature of the yards, also by the presence in the same buildings of the offices and barrack of the Immigration Department. There is not sufficient accommodation for the double purpose to which the building is devoted; no proper classification of inmates is possible; and, to increase the troubles of the management, cases have often to be sent here whose proper destination should be the Newcastle Institution for Imbeciles. I respectfully desire to urge this matter on the consideration of the Government.

LIVERPOOL ASYLUM FOR INFIRM AND DESTITUTE MALES.

THIS grand Institution reflects great credit both on the Government and on those who are responsible for carrying on its administration. Many of our other Charities might find here hints worthy of being remembered. During the year 1878 sundry additions have been made; the main kitchen has been enlarged, and a new Hospital kitchen added, also a flour store, and a dead-house and place for a hearse. One great defect I wish to allude to: there are no underground tanks by which the water from the roofs can be stored. Not only does the water supply form a heavy item in the yearly cost (£240), but in case of a fire arising very serious consequences might ensue.

PARRAMATTA ASYLUM.

THE character of the buildings, the want of proper out-offices, the crowded yard (where arrangement and neatness is almost impossible), and the general circumstances under which this Institution is carried on, render it very inferior to the preceding. For want of proper recreation grounds, and to enable such as desire it to avail themselves of salt-water bathing, permission is given to a large number of the inmates daily to leave the Institution; and in consequence discipline is often relaxed, and instances of intemperance not infrequent. The water supply for this Institution last year cost £75. The roof requires larger guttering, and some means for stopping the large numbers of pigeons who nestle in the eaves from frequenting the building. There is an underground tank, but it receives little water in consequence of the gutters being often choked with dirt. A second tank, I think, would be necessary were improved guttering erected, and the evil above complained of removed.

ERYSIPELAS HOSPITAL AND MACQUARIE-STREET ASYLUM.

THE Erysipelas Hospital has become quite secondary in importance to the Asylum, both being carried on under the same management. The Hospital of the Institution is in charge of a trained nurse, with an assistant whom she has taught and who is now very competent. Erysipelas has been very successfully treated here. Connected with the Institution is a General Hospital, but so managed that no danger from erysipelas need be apprehended. In addition to ordinary inmates to this Asylum are chiefly sent cases of cancer, ulcerated legs, &c., which are treated in buildings detached from the Erysipelas Hospital.

RETURNS, Government Asylums for Infirm and Destitute—1878.

Asylum.	Average No. of Inmates.	Salaries.	Rations.	Clothing.	Contingencies.	Total Average.	Yearly cost per head.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Hyde Park	268	645 19 0	1,943 0 4	749 3 8	400 4 5	3,738 7 5	13 18 11¼
Liverpool	732	1,517 5 5	6,145 16 2	1,591 2 8	1,444 11 7	10,698 15 10	14 12 3½
Parramatta	256	626 8 4	2,318 19 9	853 2 10	623 18 3	4,422 9 2	17 5 6
	1,256	2,789 12 9	10,407 16 3	3,193 9 2	2,468 14 3	18,859 12 5	15 0 3¾
Erysipelas Hospital and Macquarie-street Asylum, Parramatta	126	542 18 6	1,243 14 9	675 5 4	560 19 11	3,022 18 6	23 19 9¾*

* N.B.—Average cost, 1876, £93 per head; 1877, £46 per head; 1878, £23 19s. 9¾d. per head.

The average per head in this Institution has greatly fallen, as the numbers in the Asylum have increased. Still, the nursing staff, Medical Officer's salary, and treatment, will always cause it to be more expensive than the three older Asylums. For this reason it is shown apart.

	Hyde Park Asylum.	Liverpool Asylum.	Parramatta Asylum.	Erysipelas Hospital and Macquarie-st. Asylum.	Total.
1878.					
Admitted	278	727	444	518 men 20 women	1,985
Discharged	226	615	390	395 men 20 women	1,646
Died	51	166	50	42	309
In house, Jan., 1877	260	713	233	70	1,276
Do., Dec. 31, 1877	261	729	237	151	1,378
Do., Mar. 22, 1879	264	747	248	223	1,482

Total applicants, 2,234; total admittances, 1,985.

CAUSES

CAUSES of Deaths in Government Asylums.

	Hyde Park Asylum.	Liverpool Asylum.	Parramatta Asylum.	Erysipelas Hospital and Macquarie-street Asylum.
Senile decay	12	78	14	.....
Phthisis	6	34	1	.....
Paralysis	1	13	4	.....
Cancer	7	10	2	.....
Diarrhœa	10	2	3	.....
Heart disease	2	5	7	.....
Various	13	24	19	.....
	51	166	50	.....
Average ages	64 years	64 years	60 years	.....

As far as possible all consumptive applicants are sent to Liverpool, which lowers the average ages of deaths in that Asylum. Cancer, ulcers, and those requiring active hospital treatment are sent to the Macquarie-street Asylum.

During 1878 ... ... Erysipelas cases, 66. Deaths, 2. Cured, 64.
To 22 March, 1879 ... „ 23. „ 0. „ 23.
1878 ... ... Cancer cases 11. „ 6.
To 22 March, 1879 ... „ 2. „ 0.
Leprosy—One case removed for isolation from Parramatta Asylum.

Class II.

ASYLUMS FOR THE YOUNG.

THERE is no branch of the Public Charities which demands a closer scrutiny or more tender handling than that connected with the provision made for the children of the State.

The objects to be striven for should be ascertained beyond doubt, and then kept steadily in view.

On the Government side they may be stated to be,—

1. Carefully to guard against assuming parental responsibilities unnecessarily; and
2. To make every endeavour to merge again the recipients of the Government care within the industrious self-supporting classes of the community.

On behalf of the children,—

1. To improve their health and strength, so as to best fit them for an after life of work.
2. To re-create for them family instincts and ties.
3. To remove from them as far as possible all pauper associations, and to set before them examples of individual effort, industry, and self-denial, by placing them where such virtues are likely to be cultivated.

Asylum life I fear does not present many, I might say almost any, of the above conditions. They seldom are economically managed, and they have a very decided tendency to perpetuate pauperism by building up a distinct and dependent class. The children reared in them are generally stunted in growth and feeble in character, unobservant, and apathetic. They seem also especially liable to contract diseases of a contagious and infectious character, from their limited and unvaried diet.

These evils have all been acknowledged by philanthropists in Europe, and remedies sought for them by introducing what are known as the family and boarding-out systems. In the former, the children of an Asylum are broken up into sections called families, each representing as nearly as possible a natural home circle. In the latter, the child is placed within a real family selected for the purpose. Both systems have met with a large measure of success, and are a great improvement on the old barrack system, which alone we possess.

In Victoria, Tasmania, and South Australia, large numbers of the State children have been "boarded out" with much advantage, the cases of failures being few. Close and frequent inspection is an integral part of the scheme. Ladies resident in the neighbourhood keep a supervision over the foster parents and children, and in very many instances permanent interests grow up between the child and its guardian. Within the last few months Mr. Tarlton, Controller of Government Charities in Tasmania, gave me personal assurance of his own experiences, and warmly advocated a trial of the system here. I can imagine no valid reason why a like success should not attend it. The Royal Commission have suggested its adoption; but, as in other directions, its recommendations have received no attention from the Government. Were supplementary evidence wanting, the experiences of last year and to the present moment, at our Benevolent and Randwick Asylums, protest loudly to all who will hear, against the advisability of working contrary to natural laws. For fourteen months purulent ophthalmia has been present in one or both these Institutions; that, too, notwithstanding the most active medical treatment.

On the other side, I may here state as an instance of the benefits of a home life on the health of children, that towards the end of 1877 three girls, all suffering from chronic and constitutional forms of disease, were placed in my care, and sent to the Blue Mountains. They were from Randwick, and it was supposed they would never be fit to be apprentices. Already so marked an improvement has taken place in their health and strength, that they have all been sent out into respectable situations where they are earning their own living, and four other invalids have taken their places in the cottage home. The experiment might with safety be tried on a larger scale.

CLASS II.

COMPARISON of Expenditure at various Juvenile Institutions, year ending 31 December, 1878.

	No. of Children.	Salaries.		Maintenance.		Clothing.		Sundries.		Total.	
		£ s. d.	£ s. d. Per head.	£ s. d.	£ s. d. Per head.	£ s. d.	£ s. d. Per head.	£ s. d.	£ s. d. Per head.	£ s. d.	£ s. d. Per head.
Protestant Orphan ..	250	1,192 7 5	*4 15 5	1,496 18 7	5 19 9	769 12 7	3 1 7	857 19 5	*3 8 3	4,310 18 0	17 5 0†
Roman Catholic Orphan.	340	1,183 11 8	3 9 7	2,126 12 4	6 5 1	622 7 4	1 16 7	582 3 6	1 14 2	4,514 14 9	13 5 6
Female Industrial, Biloela.	87	685 13 4	7 17 7½	1,061 4 1	12 13 11½	381 13 6	4 7 8½	115 14 7	1 6 7½	2,244 5 6	25 15 11½
Nautical School, ship "Vernon."	106	1,676 0 7	‡15 16 2	935 3 7	8 16 5	310 4 1	2 18 6	199 15 2	1 17 10	3,121 3 6	29 8 11
Randwick Asylum ..	585	2,177 10 10	3 14 5	3,547 18 1	6 1 3	2,198 14 5	3 15 2	2,376 6 7	4 1 3	10,302 9 11	§17 12 2

* The small numbers in the Protestant Orphan School cause this item to appear heavy in comparison with rate for the Roman Catholic Orphan School and Randwick.

† As anticipated in my last Report, there is a large increase in the item of clothing, stock being replenished.

‡ This very heavy item will be materially increased next year by the wages paid for teaching trades to the children.

§ This rate is apparent rather than real. Government has to supplement a sum of £935 5s. towards repairs and improvements; also the Society, in addition to above rate of £17 12s. 2d. on the 346½ Government children, has received a grant of £4,000, in consideration of a net amount of £1,600 raised from private sources. The difference of £2,400 would add nearly £7 per head to the cost of the 346½ Government children, making in all £27 4s. 10d.—a needlessly high expenditure.

ORPHAN SCHOOLS.

THERE has been little noteworthy in the history of these Institutions during the past twelve months, excepting that their management continues satisfactory, and that the general health of the children has been remarkably good.

At the Protestant Orphanage some admittances from the Benevolent Asylum had relapses of Ophthalmia, but were vigorously treated and soon recovered. The Trustees applied a year ago to have the school placed under the direct control of the Council of Education, but although the application was approved no action has yet resulted. The children are making good progress; the report averages "fair," and in some sections "nearly very fair." A new building for the "master" erected during the year is now occupied.

Extra accommodation for children is much needed, there being always children detained at the Benevolent Asylum awaiting room, and so incurring danger of infection. If found practicable, I would suggest that extra dormitories on the family system be tried, capable of containing thirty beds each.

The Roman Catholic Orphan School is very overcrowded; but, notwitstanding, the children are maintained in excellent health.

Certain improvements long asked for and urgently needed remain to be done. It scarcely reflects credit on the Government, this matter has been so neglected.

Council of Education Inspector's Examination Report describes condition of school as "good" and rising to "nearly fair."

PROTESTANT ORPHAN SCHOOL.

AVERAGE cost in detail for the year 1878.

Year.	Average number of children in School.	Salaries. Total cost.	Salaries. Rate per head.	Maintenance. Total cost.	Maintenance. Rate per head.	Clothing. Total cost.	Clothing. Rate per head.	Furniture. Total cost.	Furniture. Rate per head.	Crockery, Hardware, &c. Total cost.	Crockery, Hardware, &c. Rate per head.	Fuel. Total cost.	Fuel. Rate per head.	Light. Total cost.	Light. Rate per head.	Forage. Total cost.	Forage. Rate per head.	Incidental Expenses. Total cost.	Incidental Expenses. Rate per head.	Allowance to Officers in lieu of Quarters and Rations.* Total cost.	Allowance to Officers in lieu of Quarters and Rations.* Rate per head.	School Books. Total cost.	School Books. Rate per head.	Medicines. Total cost.	Medicines. Rate per head.	Total Average cost per head, exclusive of repairs to buildings, &c.
		£ s. s.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	£ s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.	s. d.	£ s. d.
1878	250	1,192 7 5	4 15 4¾	1,496 18 7	5 19 9	769 12 7	3 1 7	....	....	146 7 3	11 8½	105 15 11	8 5½	84 2 11	6 8¾	24 7 10	1 11½	265 2 1	1 1 2½	153 2 0	12 3	55 5 6	4 5	18 15 11	1 6	17 4 11½

* Master allowed £36 in lieu of quarters (discontinued henceforth, quarters having been provided at the Institution). Schoolmaster allowed £35 per annum in lieu of quarters, and £45 per annum in lieu of rations. First teacher allowed £35 per annum in lieu of rations and quarters. Baker allowed £10 per annum in lieu of quarters.

CHANGES during 1878.

	Boys.	Girls.
Number of children in Institution, 31st December, 1877	176	84
Admitted, 1878	28	18
Total	204	102
	Boys.	Girls.
Apprenticed, 1878.....	16	11
Discharged	16	11
Died	1	1
	33	23
Remaining in Institution 31st December, 1878.....	171	79

REVENUE during 1878.

	£ s. d.
From parents for maintenance of children	30 2 6
Sale of pigs.....	5 7 0
,, bones	0 15 0
	£36 4 6

662 articles of clothing, &c., made during 1878.
11,270 ,, repaired ,,

CATHOLIC ORPHANAGE, PARRAMATTA.

STATEMENT showing average cost per head in detail for the year 1878, not including expenses incurred through Colonial Architect's Department for buildings and repairs.

Salaries.	Per head.	Maintenance.	Per head.	Clothing.	Per head.	Household Utensils and Furniture.	Per head.	Crockery.	Per head.	Fuel.	Per head.	Light.	Per head.	Forage.	Per head.	Incidental Expenses.	Per head.	Allowances in lieu of Quarters.	Per head.	School Books.	Per head.	Medicines.	Per head.	Total Average cost per head.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1,183 0 0	3 9 7½	2,126 12 3½	6 5 1	622 7 4	1 16 7	106 18 0	0 6 3¼	10 18 2	0 0 7½	105 7 10½	0 6 2½	50 10 9½	0 3 6	23 8 10½	0 1 8	98 13 2	0 5 9½	26 0 0	0 1 6½	80 0 0	0 4 8½	66 6 7	0 3 11	14 15 5¼

The Attendants' salaries were increased last year, which accounts for the increase of cost per head.

M. M. G. BYRNE,
Matron.

CHANGES during Year 1878.

	Boys.	Girls.
Number of children, 31st December, 1877.....	184	149
Number of children, 31st December, 1878.....	187	161
	Boys.	Girls.
Admitted during year	50	60
Apprenticed.....	15	14
Returned to friends	32	33
Died	0	1*
Average number daily	340.	
Average cost per head	£13 5 6	

* Child ailing from birth, age 4 years.

REVENUE during 1878.

	£ s. d.
From parents for maintenance of children	28 14 0
Sale of pigs	8 0 0

1,940 articles of clothing, &c., made during 1878.
23,418 articles of clothing, &c., repaired during 1878.

INDUSTRIAL SCHOOLS.

Nautical School-Ship "Vernon."

The subjoined tables show whence are derived the boys in this Institution, its general working, and the measure of success it has attained in the past year.

I am happy in being able to state I observe a marked improvement in its *morale*, and that the original intention of Government when it founded a Nautical School seems more likely to bear good fruit than has heretofore been the case.

Could it be arranged that some of the boys might serve on board the men-of-war on the Australian station, I feel sure volunteers would be found among them. During 1878 thirteen boys have been apprenticed on board of Colonial owned vessels. The Superintendent informs me the number might have been increased had the wishes of the boys been alone consulted; but many employers and ship-masters object to receive apprentices below the age of fourteen years, while, by a rule of the Institution, such boys as have entered at an early age must leave the ship so soon as they are twelve to twelve and a half years, and in consequence many lads who would prefer a sea life are sent inland. This is a great error, as it debars them from using the knowledge they have gained.

The rule might I think be made sufficiently elastic to enable the Superintendent to retain lads inclined for the sea till he saw a fitting opportunity to place them in suitable ships. I would here allude again to a high authority in such matters in England, who gives it as his opinion that lads do little good at ship schools till after they have attained the age of twelve years.

It will be observed the sum of £143 15s. 6d. has last year been received from parents as contributions towards the expense of maintenance. The greatest stringency is required in this direction; for although owing to the personal exertions of Captain Neitenstein, this amount has been so largely increased yet every effort is made at evasion, and he has experienced much trouble and annoyance in securing it for the Government.

The former Superintendent of the "Vernon," the late Captain Mein, informed me his attempts in the same direction were often rendered nugatory in consequence of petitions carried to the Minister by influential persons, who could have had little or no knowledge of the merits of the case on whose behalf they came, and that such action was felt to be very discouraging to any public servant anxious to do his duty.

The educational progress of the boys in school proceeds satisfactorily. Last year the trades-teaching having been abolished, the school was carried on on the half-time principle—the attention of the lads being equally divided between lessons and nautical training.

I have quite recently learnt it is the intention of Government to revert to the old system abandoned last year, and again endeavour to teach trades to the boys on board. I exceedingly regret this determination and hope it may be reconsidered. In this view I beg to insert here a copy of a letter from the Superintendent on the subject which contains useful information:—

"Sir, "N.S.S. 'Vernon,' 22 March, 1879.

"In reply to your queries in reference to the teaching of trades in this Institution, I beg to state as follows:—

"During the past six years only three boys have been apprenticed as tailors and ten as shoemakers, and of these one tailor and five shoemakers only are still with their employers. The rest were returned to the ship, and their indentures cancelled. Tradesmen as a rule do not care to take our boys as indoor apprentices, nor to have the responsibility of looking after them after working hours. Moreover the small amount of training we can impart to them is not valued. I have taken some trouble to inquire into this point, and addressed several letters on the subject to master tradesmen. One firm wrote in reply, 'We cannot think of entertaining your proposal,'—that is to take our boys as apprentices. Another enters very fully into the question. * * * 'After many years experience of teaching the tailoring trade to boys, I have no hesitation in stating that I consider it impossible to make them efficient so as to earn a living by the trade on leaving the vessel. The hand-work they are taught on board is now done by the sewing machine, nor does the material on which they learn fit them for taking up a higher class of work, in fact the half knowledge given is rather worse than none at all'.

"I give the literal sense but not the exact wording.

"I may also refer back to the late Captain Mein's experiences. He says, 'the boys, with few exceptions, have not made much progress at trades. Various causes tend to this result. The principal one is, they do not give their minds to the work, but fritter away their time in idleness and inattention as much as is possible'.

Captain Neitenstein says, the trades teaching distracts and divides attention, and greatly increases the annual cost per head of the Institution.

The average cost last year was materially reduced, and the Superintendent is anxious to carry out still further reductions.

	£	s.	d.	
Cost in 1874 was...	35	19	0	per head, including painting and ordinary repairs to ship.
„ 1875 was...	41	0	0	„ „ „
„ 1876 was...	35	0	0	„ „ „
„ 1877 was...	36	15	0	„ „ „
„ 1878 was...	29	8	0	„ „ „

I have been shown several very pleasant letters received from lads sent to sea, relating their experiences, and referring in affectionate terms to their late officers and companions on board the "Vernon."

It would be well could better provision be made for protecting the interests of the apprentices, especially of those sent to service inland, by maintaining a connection between them and their former guardians.

Both ends might be promoted by the establishment of an apprentice wages fund account, the same to be opened in the Savings Bank. By making wages due to the apprentice be paid into this fund monthly by the master, and giving the Superintendent the charge of seeing the payments are regularly remitted, the boys would soon learn to look to him as to a protector, and regulate themselves so as to merit his approval, while at the same time he could retain a supervision over their career.

The health of the boys on board has been exceptionally good. Notwithstanding there was one case of typhoid fever, little sickness occurred during the last twelve months, and many of the children who came to the Institution wasted by previous privations, or in delicate health, have become strong and robust.

Table

TABLE showing the Admissions and Discharges for the year ended 31st December, 1878.

Particulars.	Numbers.	Particulars.	Numbers.
Admissions—		Discharges—	
Committals	70	To relatives or otherwise	7
Re-committals	2	Apprenticed	47
Returned—Indentures cancelled	9	Discharged to Industrial School (Girls)	4
Infirmary	1	Infirmary	1
Re-admission from Industrial School (Girls)	1	To Benevolent Asylum	2
Total	83	Total	61

Remaining on board on the 31st December, 1878—113.

TABLE showing the Ages of boys admitted during the year ended 31st December, 1878.

Admitted during the year.	2 to 3.	3 to 4.	4 to 5.	5 to 6.	6 to 7.	7 to 8.	8 to 9.	9 to 10.	10 to 11.	11 to 12.	12 to 13.	13 to 14.	14 to 15.	15 to 16.	Total.
.....	...	1	3	2	0	2	7	2	8	9	11	4	14	7	70

TABLE showing the Religion of boys admitted during the year ended 31st December, 1878.

Protestants.	Roman Catholics.	Total.
42	28	70

TABLE showing the Religion of boys remaining on the 31st December, 1878.

Protestant.	Roman Catholic.	Hebrew.	Total.
60	52	1	113

TABLE showing particulars relative to Parentage of boys admitted into the "Vernon" during the year ending 31st December, 1878.

No. of Boys admitted.	One parent living.	Both parents living.	Neither parent living.	Unknown.	Total.
70	30	22	7	11	70

TABLE showing the Number and Trades of the boys on board the "Vernon" on the 31st December, 1878.

Sailors.	Tailors.	Too young.	Carpenters.	Sailmakers.	Blacksmiths.	Total.
81	28	0	2	Sailors as required.	2	113

TABLE showing the Number of boys Apprenticed from the "Vernon" during the year ended 31st December, 1878.

Mariner.	Baker.	Farmer.	General Work.	Blacksmith.	Vigneron.	Bootmaker.	Timber-yard Work.	Total.
13	2	6	22	1	1	1	1	47

TABLE showing the Number and Ages of the boys Remaining on the "Vernon" on the 31st December, 1878.

No. of Boys on Board.	6 to 7.	7 to 8.	8 to 9.	9 to 10	10 to 11.	11 to 12.	12 to 13.	13 to 14.	14 to 15.	15 to 16.	16 to 17.	Total.
113	0	1	13	12	16	21	13	11	13	9	4	113

TABLE

TABLE showing the Visits of Clergymen and Religious Instructors to the "Vernon" during the year ended 31st December, 1878.

Church of England.	Roman Catholic.	Presbyterian.	Total.
15	32	46	93

TABLE showing Educational State of boys on the "Vernon" for the year ended 31st December, 1878.

	Reading.				Writing.				Cyphering.			
	Well.	Indifferently.	Not.	Total	Well.	Indifferently.	Not.	Total.	Well.	Indifferently.	Not.	Total.
Remaining, 31st December, 1878.....	28	25	39	92	28	25	39	92	28	25	39	92
Admitted to 31st December, 1878 ...	12	20	51	83	12	20	51	83	12	20	51	83
Total.....	40	45	90	175	40	45	90	175	40	45	90	175
Discharged to 31st December, 1878...	20	41	0	61	20	41	0	61	20	41	0	61
Remaining on 31st December, 1878...	31	28	54	113	31	28	54	113	31	28	54	113

TABLE showing Revenue collected from the undermentioned sources during the year ended 31st December, 1878.

	£	s.	d.
Contributions from parents of boys	143	15	6
Sale of boots	12	12	0
Repairs to yacht.....	6	0	0
Sale of clothes—one suit	1	0	0
Total.....	163	7	6

TABLE showing the Cost per Head of the Boys on the "Vernon" during the year ended 31st December, 1878.

Daily average strength, 108.	Amount expended from Vote.			Cost per head.		
	£	s.	d.	£	s.	d.
Provisions	935	3	7¼	8	16	5¼
Clothing	310	4	1¼	2	18	5
Fuel and light	61	10	2	0	11	6
Stores, including school and stationery	207	5	4	1	19	0
Salaries of crew...	1,676	0	7	15	16	2¾
Sundries, including medicines	94	7	2	0	17	9
Gross cost	3,284	10	11¾	30	19	4
Deduct collections and sales.....	163	7	6	1	10	5¼
Net cost	3,121	3	5¾	29	8	10¾

TABLE showing Health of the boys on the "Vernon," and Cost of Medicine and Attendance for year ended the 31st December, 1878.

			£	s.	d.
Sickness	14	Salary of Surgeon	50	0	0
Wounds	5	Cost of Medicines	6	15	1
Total	19	Total	56	15	1

FEMALE INDUSTRIAL SCHOOL, BILOELA.

THE healthy aspect of the children, the utter loneliness of their surroundings, and the prison-like character of their home, seem so anomalous and so unsuitable that very opposite feelings are simultaneously produced in the mind when writing of this Institution.

This Institution possesses, doubtless, sanatory advantages in position, although it has not altogether escaped a visitation from typhoid fever; also, in the cases of a few of the girls committed at an advanced age, its fortress-like situation makes escape more difficult and restraint easy, should they be inclined to resist authority. Yet, to the greater number, who are merely young children, guiltless in themselves, the victims of society or of their own parents, the above-mentioned advantage is rather occasion of loss, however much the evil may be mitigated by a kindly supervision.

I may repeat, the greater number of the girls at Biloela enter the Institution at a very early age, and grow up there profoundly ignorant of the outer world. Their moral instruction, beyond what is contained in their school books, forms no part of the State care or provision, and therefore, need it be added, they enter the world to contend at disadvantage with its snares and difficulties.

That Government holds somewhat a difficult position I admit, yet I cannot but hope the day is not far distant when the present site of the school will be again converted to uses more in consonance with the building, and these friendless girls find a more congenial home.

Before leaving the subject for statistics, I would observe that owing to the inaccessibility of the situation, and expenses incurred in going thither, it seems scarcely fair to leave the religious teaching of the girls to voluntary effort.

Expenditure, 1878.	£	s.	d.	£	s.	d.
Items—Salaries	646	13	4			
Extra allowances	39	0	0			
				685	13	4
Contingencies—						
Maintenance	1,061	4	1			
Clothing, &c.	381	13	6			
Crockery	1	14	0			
Ironmongery, brushware, &c.	17	0	2			
Books and stationery	7	6	0			
Medicines and medical comforts	24	4	5			
Incidental expenses, as cows, harmoniums, &c. ...	65	10	0			
				1,558	12	2
				£2,244	5	6

Matron's house has been added to—shed and fencing for children's (younger) playground erected.
Admittances, 25 girls, 6 boys, under 7 years; re-admitted, 3 = 34.
Apprenticed, 30; otherwise discharged, 7.
Average numbers throughout year, 87.
Average cost per head of maintenance, &c., £25 15s. 4½d., exclusive of cost for improvements, &c.
Ages of girls in school on 31 December, 1878:—

From 1 to 7 years	30
„ 7 to 12 „	35
„ 12 to 15 „	14
„ 15 to 18 „	16
	95

Work done during year (clothing)—1,411 pieces made; repairs.

Class III.

DESTITUTE CHILDREN'S ASYLUM, RANDWICK.

Although disapproving of its relations with the Government, and opposed to the massing of such large numbers of children together, I am anxious—so long as the Government see fit to employ its services by entrusting to its care so many of the State children—to render this Institution full justice, to give its management credit for the advances made in carrying out their work, and to see it brought into yet closer sympathy with the public.

Within the past two years and a half, a very marked improvement is apparent in all matters connected with the cleanliness, good order, discipline, and internal economy of the Asylum. The officers and attendants show interest in their duties, the appliances for the comfort of the children are greatly superior to what they formerly were, and the health and happiness of the children generally are well cared for.

Since the schools have been placed under the direct control of the Council of Education, and the attendance become regular, a marked improvement in intelligence is observable, and satisfactory progress has been made in primary education. The daily average in school during the year 1878 was 453.

The statistics attached exhibit the number of children and the working of the Institution, also the amount of Government aid given it, with a summary of the Treasurer's report. It will be seen the average cost per head has risen to £20 6s. 2d., as against £19 8s. 9d. in 1877.

Income for 1878.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
General—												
Subscriptions				2,086	18	1						
Less—Expense of collecting				429	12	0						
							1,657	6	1			
Legacies				...	...		250	0	0			
Interest on funds				...	...		285	0	0			
Contribution by parents				...	...		376	3	2			
Apprenticing fees	103	19	0									
Apprentices' earnings	326	11	8									
				430	10	8						
Less—Gratuities to apprentices				136	0	0						
							294	10	8			
Petty articles sold				...	...		35	5	2			
										2,898	5	1
Government—												
£2 for £1 subscriptions				...	...		4,000	0	0			
On account maintenance, 1877				3,109	14	8						
Do. do. 1878				3,574	0	9						
							6,683	15	5			
										10,683	15	5
										£13,582	0	6

Expenditure.

Expenditure.	£ s. d.	£ s. d.	£ s. d.
Salaries and wages		2,257 10 10	
Cost of education		477 17 10	
Maintenance		6,467 1 11	
Printing, stationery, and stamps...		287 10 7	
Furniture, fire insurance, and sundries		227 17 6	
		9,717 18 8	
Paid off Bank overdraft on outstanding accounts	1,959 7 5		
Less—Accounts due	857 12 11		
		1,101 14 6	
Buildings and improvements		1,580 1 2	
Investment in Government Debentures and Bank deposits		800 0 0	
		13,199 14 4	
Balance in Bank		382 6 2	
			13,582 0 6

Numerical Strength.

The numerical return is as follows:—

The daily average number of children maintained, clothed, and educated has been ...585.

On the 31st December, 1877, there were 348 boys, 230 girls. Total ... ...578.

Admitted during the year:—

From parents and guardians	17 boys.	3 girls.	
By order of Government	69 „	49 „	
	86 „	52 „	138
			716
Discharged	40 „	22 „	
Apprenticed to Subscribers	55 „	36 „	
Deaths	4 „	0 „	
	99 „	58 „	157

Remaining in the Institution on the 31st December, 1878—335 boys, 224 girls: 559 total.

Classified in accordance with the following tabulated statement:—

Children.	Under 7 years.		From 7 to 9.		From 9 to 11.		From 11 to 13.		Totals.	
	P.	R.C.	P.	R.C.	P.	R.C.	P.	R.C.	Boys.	Girls.
Boys	50	26	59	31	64	39	44	22	335	.....
Girls	41	20	27	25	40	24	28	19	.....	234
		279				280				559

Apprentices.

The demand for Apprentices continues far in excess of the supply, and applications already approved cannot be supplied for a very lengthened period, there being now on the books no less than 211 applications to be satisfied. During the year the number of children apprenticed has been 55 boys, 36 girls, total 91—making the large number of 1,248 apprenticed under indentures for six years, since the establishment of the Society in 1852.

On the 31st December, 1877, the balance to the credit of the Apprentice Fund in the Savings Bank amounted to			£2,458 4 2
Wages received during the year...	£1,485 17 4		
Interest paid by Savings Bank	156 10 9		
		1,642 8 1	
		£4,100 12 3	
Deduct—			
Wages paid in 1878 to 22 boys and 23 girls who have completed their apprenticeship	£880 17 9		
Amount transferred to General Account in A. J. S. Bank, to provide gratuities and meet other incidental expenses chargeable to this fund	325 16 8		
		1,206 14 5	
Leaving a balance to credit on the 31st December, 1878... ...			£2,893 17 10

In addition to the payment of the accumulated wages, the sum of £136 has been paid in gratuities to such apprentices as have produced satisfactory testimonials of character.

AVERAGE cost per head in detail, for the year ending 31st December, 1878.

Year.	Average Number of children.	Salaries.		Maintenance.		Clothing.		Fuel and light.		Forage.		Incidental.	
		Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1878	585	2,177 10 10	3 14 5½	3,547 18 1	6 1 3½	2,198 14 5	3 15 2	260 4 6	0 8 10½	46 2 6	0 1 6½	933 2 7	1 11 10½

Year.	Education.		Medicine.		Ironmongery and Furniture.		Miscellaneous.		Buildings and improvements.	
	Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.	Total.	Rate per head.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1878.....	477 17 10	0 16 4	173 16 4	0 5 11½	322 6 10	0 11 0½	162 16 0	0 5 6¾	1,580 1 2	2 14 0

Total average cost per head, exclusive of buildings, repairs, or improvements... ... £17 12 2
Gross cost 20 6 2

It will also be observed that the sum of £1,580 1s. 2d. has been expended on buildings and improvements, an amount not far short of the net subscriptions for the year; in fact, with exception of about £1,000, the Government have borne the entire cost of the institution. A more rigid economy might be exercised without impairing in any way the character or efficiency of the work done.

The Medical Report states that the health of the children has been generally good, but that within the last six months much trouble and anxiety has been given by the presence of purulent ophthalmia in the Asylum—originally imported from the Benevolent Society's Asylum. The average numbers suffering from this disease alone during the last three months have varied from fifty to seventy cases. Four deaths are reported during the year 1878.

The Society has incurred much adverse criticism from the evident want of harmony which has long been a characteristic of its Board and Committee meetings. This evil is a very serious one, inasmuch as its effects are apparent throughout the entire administration. Unless a change takes place, it seems to me it will be the duty of the Government to withdraw its countenance from the Society.

INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

	Males.	Females.	
Number of Inmates on 31st December, 1877	31	26	
Admitted during year	6	2	
	37	28	
Discharged	5	1	
Died	1	...	
	31	27	Total, 58.

ABSTRACT of Balance Sheet, to 30th September, 1878 (Society's Financial Year.)

INCOME.

	£ s. d.	£ s. d.
Cash balance	... ...	107 5 4
Government annual subsidy for 1877	450 0 0	
Do. do. 1878	450 0 0	
		900 0 0
Subscriptions and donations	... ...	956 13 2
Collections, New South Wales	626 14 6	
Do. Queensland	320 16 0	
		947 10 6
Received for school fees	... ...	420 5 0
Repayment by parents for clothing	... ...	62 8 10
Legacies, estate of W. Dale...	100 0 0	
Do. do. Jean Malcolm	6 1 8	
		106 1 8
Interest received, Wood's legacy	... ...	47 1 7
		£3,547 6 1

EXPENDITURE.

Salaries and labour	833 8 11
Maintenance	810 16 3
Collector's commission, travelling expenses, and stamps, &c.	446 1 3
Repairs, additions, fencing, furniture	284 18 3
Clothing	174 1 0
Books for the blind, and school requisites	43 0 5
Transfer to building fund account for railing	100 0 0
Detached hospital	850 0 0
Half apprentice fees, boy Saunders...	5 0 0
	£3,547 6 1

BUILDING

Dr. BUILDING FUND ACCOUNT. Cr.

Income.	£	s.	d.	Expenditure.	£	s.	d.
To Balance of last year's account	19	18	5	By payments to contractor for iron railing and gates and dwarf wall	201	11	6
Legacy received from the late B. Barnett's executors	40	0	0	Architect's commission on same and previous contract	47	12	0
Legacy received from the late William Quinn's executors	25	0	0				
Donation in trust for Ladies' Committee	50	0	0				
Transfer from General Fund Account	100	0	0				
Balance, overdraft	14	5	1				
£	249	3	6	£	249	3	6

Sydney, 30th September, 1878.

PERPETUAL SUBSCRIBERS' FUND ACCOUNT.

Income.	£	s.	d.	Expenditure.	£	s.	d.	£	s.	d.
To Amount, legacy received from the estate of the late John W. Wood, of Glebe Point	1,000	0	0	By Purchase of New South Wales 5 per cent. Debentures—						
				One of	500	0	0			
				Four, each of £100	400	0	0			
								900	0	0
				Premium paid on same, 6½ per cent.				58	10	0
				Balance deposited in Savings Bank to credit of the Institution, as per pass book				41	10	0
£	1,000	0	0	£				1,000	0	0

This well-managed institution has passed most successfully through the operations of another year. That it was able to do so is the more commendable, inasmuch as the times, pecuniarily considered, have not been good, and that for several months it was without the valuable services of Mr. Watson the principal instructor.

For purposes of rest, and in order that he might obtain the most recent information of improvements now being adopted in institutions of a kindred character in larger communities, Mr. Watson proceeded to Great Britain and America, and has now returned, bringing back with him new experiences and valuable additions to the library and school material of the institution, either the gifts of sympathisers with his mission, or purchased by the spirited action of the Managing Committee.

The health of the children has throughout the year been very good, but in order to meet promptly in the future possible cases of epidemic or infectious disease, the efforts of the Society have been directed to the erection, at a cost of £850, of a detached hospital, an outlay it is pleasant to add which will be met without application for Government aid.

BENEVOLENT SOCIETY.

INCOME.	£	s.	d.	£	s.	d.
Balance in hand from previous year	274	16	2			
Less—Balance in hand at end of year	15	6	9			
				259	9	5
Received from Government—						
For maintenance of women and children	5,222	6	3			
For outdoor relief	500	0	0			
For fines from Police Benches	544	17	0			
				6,267	3	3
Received from—						
Subscriptions	574	12	3			
Donations	13	0	0			
Admissions £ 43 16 6						
Interest, rent, and sundries 222 13 3						
	266	9	9			
				854	2	0
Legacy from Hon. G. Allen	100	0	0			
Interest on invested capital	985	17	9			
				1,085	17	9
				£8,466	12	5
EXPENDITURE.						
Paid for building and repairs (of which Government is to recoup £500, cost of new wooden building)	991	6	5			
Paid for outdoor relief	827	0	8			
Paid for salaries and maintenance	4,562	7	7			
	£6,380	14	8			

Added

	£	s.	d.	£	s.	d.	£	s.	d.
Added to Reserve Fund—									
From annual income...	1,000	0	0						
From Hon. G. Allen's legacy	100	0	0						
From interest on invested capital	985	17	9						
				2,085	17	9			
							8,466	12	5

INVESTMENTS.

Land at Bankstown (worth probably £1,000)	480	0	0		
Government debentures	3,000	0	0		
Wood's legacy	500	0	0		
Bank deposits	22,830	5	6		
				26,810	5	6

NATURE OF DEPOSITS AND WHENCE DERIVED.

31 December, 1878—				
1st.—Legacies, chiefly derived during the last 15 years... ...	£5,179	16	3	
2nd.—Land granted by Government for purposes of Society—sold	10,359	4	5	
3rd.—Interest of Legacy money, and on money received for land sold from Government Grants	10,791	4	10	
4th.—Farm at Bankstown (undervalued)	480	0	0	
				26,810 5 6

The accompanying statistics pretty clearly exhibit the operations of this Society, and disclose its pecuniary position for the year. They possess a peculiar interest, from the fact that while the receipts from public subscriptions remain insignificant, and the amount of donations is small, the Society has carried a credit balance of £2,085 17s. 9d. to swell its capital fund.

Admissions—	Men.	Women.	Children.	Total.
In Asylum, 31 December, 1877	2	50	191	243
During year 1878	—	219	262 }	641
By births	—	—	160 }	
Discharges—				
Left with permission	—	178	229	
Transferred to Randwick	—	—	109	
Transferred to Protestant Orphan School...	—	—	21	
Expelled and absconded	—	11	11	
Discharged to Infirmary	—	6	—	
Discharged to Police	—	1	—	
Discharged to Gladesville	—	4	8	
Shipped to England...	—	1	3	
Died...	—	6	68	
	—	207	=449	656
Received Asylum, 31 December, 1878	2	62	164	228
As against 31 December, 1877	2	50	191	241

STATISTICS, Lying-in Hospital.

Married.	Single.	Total.
38	122	160

Affiliations very few, and the efforts of the Society in this direction languid. Greater energy is promised. Connected with the Hospital were a number of serious cases, both of women and infants; hence, in part, may be traced the heavy death rate.

The attention of the Committee has been directed to improvements in the drainage, and to certain better connections with the City sewers. Very beneficial results are expected both to the comfort and general health of the inmates of the Institution in consequence.

Last year the Society endeavoured to interest the Government and obtain its aid in the erection of a new Lying-in Hospital. Owing, however, to the requirements for land for Railway extension purposes not having been decided upon, the subject could not be entertained.

Apart from this consideration the site appears to me to be objectionable.

During almost the entire year this Institution suffered from a most serious outbreak of Purulent Ophthalmia. The disease spread throughout the childrens' wards, and in a few instances extended to the Lying-in Hospital. I called the attention of Government to this condition of things, urging that better means for providing separation were urgently necessary, and pointing out that in consequence of the Asylum being a Receiving House, the danger of spreading the disease among the new admissions was increased. These representations were promptly conveyed to the Committee, but precious time was lost in giving them practical effect. At length a wooden pavilion was erected, Government promising to reimburse the Society for the expense. Before it was ready, the skill and untiring energy of the Medical Officer, ably seconded by the care of the Matron and her nursing staff, had succeeded in greatly subduing the disease. The cases in all amounted to nearly 180. Of these 6 resulted in total loss of sight, 16 in loss of one eye, and numerous cases of relapse have occurred after removal of children to Randwick and the Protestant Orphan School.

The lesson to be gathered is, I think, simple:—

1. No large number of children should be retained at any Receiving Depôt.
2. *Transfers to other Asylums should be frequent, and attended with less formality.

* Letter received from Society since above was written to like effect.

3. Emergencies such as I have described should be met by exceptionally energetic action on the part of Managing Committees, especially as in this instance they possess large command of funds. A less cumbrous and more direct communication than that now possible is advisable between the Inspector and the Institutions. At present the Inspector can only report or suggest to the Government, and the effect practically is to leave matters pretty nearly in *statu quo*.

The general relations of this Society with the Government require to be remodelled. The cost of the Lying-in Hospital, and the charges for deserted women, are I think too high; and, so far as I can understand the arrangement, the Society should make refund to Government for all unexpended money not required for out-door relief on the pound to pound principle. I altogether disapprove of a Benevolent Society dependent on Government for its working expenses carrying yearly large balances to its credit.

Apart from the above objections, I have much pleasure in testifying to the uniform good care and attention bestowed upon the inmates, whether adults (women) or children, by the Society through its officers and servants. The children are well cared for and kindly treated. The death-rate of infants born in or brought to the Institution must always be exceptionally heavy, in consequence of the circumstances antecedent to or attendant on their birth. I feel sure, however, that all the aid that medical skill and the appliances of the Institution can render them is willingly afforded, but many of the survivors would, I think, be benefitted were the Society to seek out means for assisting the mothers after they leave the Institution.

It has always seemed to me, the Benevolent Society as the parent society might constitute itself the guardian and helper of smaller charitable societies, as the Infants' Home Society, the Charity Organization Society, &c., &c., or at least strike out a more active course for itself than it has done for very many years past.

INSTITUTION FOR INDUSTRIOUS BLIND.

Some years ago, when measures were being taken for founding the existing Asylum for Deaf and Dumb and Blind Children, it was felt by many charitably disposed persons that a corresponding effort was due on behalf of the many blind adults of our community, who in consequence of their affliction were reduced to dependence on friends (some of whom could ill afford to render them aid) or endeavoured to turn their misfortune to account by mendicancy. At first the idea was to start an Industrial Blind Institution for adults adjoining and in connection with the Asylum already provided for the children, but further consideration and reference to those in charge of that Institution showed such connection would be unadvisable, as calculated to relax discipline and import an element of disorder. The situation also would not be suitable, as it is necessary the blind workers' institution should be very accessible, central, and so placed that the products of their industry would attract attention and be readily disposed of.

For some considerable time a want of funds precluded the possibility of taking action, and the scheme remained in abeyance, yet not forgotten.

Two years ago the noble bequest of the late Mr. John William Wood placed the sum of £5,000 in the hands of Trustees on certain conditions in aid of this charity. A committee was formed, and a grant in aid of £1,000 and an eligible site obtained from Government. In order to secure the legacy, five gentlemen have guaranteed a sum of £1,500, and with these two amounts the work has at length been fairly entered upon.

A very sightly and commodious building of freestone, containing administrative department, workrooms, dining and class rooms, and a large front shop, have already been completed. The position is especially happy, being central, and one also where the interests of the workers will be kept prominently before the public.

Much discernment and discrimination will be necessary in carrying into effect the objects of the Institution. In many instances idle and disorderly habits will have to be overcome, and in all cases the lesson inculcated that the intention is to teach the recipients of the society's bounty how best they may learn to assist themselves. The means as set forth in the society's programme being the providing efficient instruction, materials, and suitable rooms for working in, together with the best possible facilities for disposing of their work—their moral and physical welfare will at the same time be attended to—oral instructions, as well as by reading in raised character, will be given—and, in short, no means omitted whereby the condition of these afflicted persons can be ameliorated. Although the society is formed mainly for day-work by individuals living in their own homes, a limited number of blind persons of known good character may, at discretion of the committee, and on terms to be determined, be received into residence within the Institution buildings.

I am unable to add any precise statement of accounts, owing to the absence of the Treasurer, Mr. Shepherd Smith, from the Colony, but I am led to understand an appeal to the public will require to be made before the Institution can further enter upon its duties.

HOSPITALS.

It has hitherto been a misfortune for our Hospitals, not in Sydney only but throughout the country districts, that they have been too closely associated in the public mind with Destitute Asylums.

The ideas brought with us from the old country and the exigencies of a new one may be held in a great degree responsible for this connection; but, thanks now to the altered character of society and the improved prospects of our actively employed population, there is no need to continue in a course calculated to circumscribe the usefulness and impair the value of these noble institutions.

To them the word charitable should apply in its highest signification, as offering the advantages of the best accommodation, with medical skill and attendance, to all who suffer, without reference to the pecuniary condition of the applicant, yet at the same time exacting strictly a fair and moderate return whenever the circumstances of the patient warrant the demand.

The reasonableness of this view will be recognized, as we remember that very many persons among us are in receipt of good and regular wages, but are without settled homes. The circumscribed dwellings and large families of others, their prejudices or their fears, their ignorance or the interjected advice of injudicious friends, preclude, it may be, to a great extent the efficient carrying out in private houses of those remedial and sanatory measures on which important issues depend—and so many valuable lives are sacrificed. Many of the persons above described are far removed from the pauper class, and are fully

conscious

conscious both of the expensiveness and the defects of the home treatment; they would gladly avail themselves of the hospital could they obtain its advantages at moderate cost, and yet feel there was no pauper association connected with it. They are the most numerous and the most valuable members of our community, and their interests demand paramount attention. On the other hand, there are many well able to pay, but who now excuse themselves under the plea that others evade such duty, and so they may do the like—such cases are of daily occurrence and require to be guarded against.

A gentleman of long experience, and who occupies a high position in the medical profession, has assured me, that without in any way injuriously affecting the interests of those who are unable to contribute towards the cost of treatment in the hospital, the bulk of the patients in the general wards could be maintained at a charge of 20s. weekly per head, or even less were it necessary—that were such a system carried out our hospitals would become in a large part self-supporting—that a fair proportion of the payments might go towards a medical fund—and that by attracting cases into the hospitals sickness would be better treated, and the general health of the community improved.

The same authority stated his opinion, that it is a mistake to collect subscriptions under promise to receive patients (who have to be maintained on their recommendation at the public expense). The really charitable do not need such incentives, while those who subscribe from selfish motives make far too good a bargain, in which Government is the loser.

It was also suggested to me that the circumstances of the city require the opening of a branch institution under the Infirmary, to serve as a Female Lock Hospital. To explain this necessity, I may state that not only is the accommodation on the female side of the above institution quite inadequate for the requirements of surgical cases, but that the unavoidably close association and contact of respectable women in the wards and waiting room at the gate with persons of loose character is regarded by the former as a grievance.

Certain changes in the conduct of the out-door medical relief and dispensary are advisable. It should be carried out as a separate branch, detached from the hospitals themselves. About four dispensaries situate in different parts of the town might be opened, whither, during one-half the day, sick persons could go for advice, and medicine be supplied to them at the cost of a shilling to each. There should also be a special doctor to call on all cases who apply as paupers and desire to be visited. At present, for want of this second doctor, much hardship is complained of.

The Government "recommendations" to the Infirmary are given far too laxly—they are always looked upon as orders relieving the Infirmary authorities of all responsibility for inquiry, and a large number of the applicants who obtain them are well able to contribute as paying patients.

Appended to this part of my report is a table setting forth a few statistics in connection with our Country Hospitals. That it is so meagre is owing to there having been hitherto no recognized principle on which these detached institutions have been carried on, and no general system of accounts. Both these errors should be rectified in the future. Not only thus might valuable information on medical and sanatory conditions be collated, but their common experiences should be employed for the general good. The returns and accounts should be sent to the Inspector's Office; at present the latter are generally unsatisfactory, and in some cases scarcely honest, inasmuch as they exaggerate the subscriptions and saddle the expenditure with payments having no proper reference to the hospital. Notwithstanding these drawbacks, it affords me pleasure to testify to the excellence of very many of these institutions. The reports of the Hospitals at Newcastle and at Scone, though describing very different institutions, are especially graphic, and may be adopted as models in their several ways.

Returns, Country Hospitals, 1878.

Towns.	Income. Subscriptions.	Donations.	Contributions by patients.	Government Aid.	Poundages.	Police Fines.	Interest.	Total.	Expenditure, &c. Maintenance.	Out-door Relief.	Travellers.	Medical.	Funerals.	Permanent Improvements, Repairs, &c.	Total.	Patients.	Cost, average per head.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.			
Albury	622 18 1	.....	.....	498 14 6	77 17 5	16 5 7	.....	1,215 15 7	.....	.....	.....	.....	.....	.....	1,251 0 9	239	£4 8s. 3 aun.	98 out-door patients relieved.
Armidale	.....	.....	41 12 0	367 15 7	161 1 9	16 19 10	.....	587 9 2	577 6 10	.....	.....	50 0 0	.....	78 0 0	730 4 4	92		
Bathurst	505 15 5	308 8 6	12 7 0	1,080 6 7	140 1 3	.....	.....	2,046 12 9	.....	.....	.....	.....	.....	.....	1,190 19 7	227		
Braidwood	75 4 11	69 15 6	1 17 6	200 0 0	.....	9 11 0	20 0 0	376 8 11	222 16 2	.....	.....	75 0 0	2 7 6	.....	299 17 8	21		
Bourke	545 17 3	.....	.....	413 0 0	178 8 7	16 0 0	.....	1,147 5 10	731 12 3	.....	20 0 0	250 0 0	33 0 0	.....	1,034 12 3	117	.....	£350 temporarily lent Building Fund.
Carcoar	215 10 9	.....	.....	290 0 9	95 9 11	.....	.....	512 0 8	503 19 8	.....	.....	.....	.....	115 5 0	619 4 8	.....	.....	Allotment behind hospital purchased.
Cooma	22 11 0	31 17 5	9 1 0	176 9 9	26 9 6	13 0 0	.....	279 8 8	313 14 7	.....	10 5 6	.....	3 12 6	.....	337 12 7	18		
Forbes	386 7 11	.....	139 11 6	300 0 0	142 2 4	4 8 6	4 0 0	976 10 3	541 0 11	.....	.....	150 0 0	14 0 0	.....	705 0 11	147		
Glen Innes	266 17 1	.....	17 10 0	.....	105 12 3	.....	.....	389 9 4	471 13 3	.....	.....	45 0 0	33 18 0	.....	550 11 3	.....		
Grafton	401 18 7	.....	.....	482 13 1	.....	24 5 1	12 0 0	929 16 9	550 16 4	.....	7 10 0	100 0 0	6 2 0	321 14 6	986 2 10	116		
Goulburn	106 19 10	158 18 0 37 16 0	43 0 0	300 0 0	111 19 9	16 16 6	.....	775 10 1	418 19 0	.....	.....	50 0 0	21 0 0	.....	489 19 0	75	.....	£158 10s. is for erection of separate ward, £300 deposited in Savings Bank.
Gulgong	41 3 0	138 2 10	42 10 0	73 9 5	129 13 2	20 7 11	10 10 0	465 16 4	364 19 2	.....	.....	70 0 0	21 0 0	.....	455 19 2	60		
Hill End	96 16 11	40 8 4	0 10 0	238 9 5	.....	6 10 0	38 9 0	421 3 8	383 1 11	.....	.....	.....	3 10 0	.....	386 11 11	26		
Inverell	566 17 6	.....	112 3 2	167 7 3	140 16 7	12 16 0	.....	1,000 0 6	836 9 6	.....	.....	100 0 0	.....	.....	936 9 6	73		
Murrurundi	277 7 6	.....	.....	313 1 11	.....	15 2 0	.....	605 11 5	699 4 6	.....	3 13 6	54 15 6	24 0 0	.....	281 13 6	86		
Maitland (West)	748 0 7	.....	.....	625 0 0	.....	.....	.....	1,373 0 7	.....	.....	.....	.....	.....	.....	983 4 3	185	.....	£500 placed in deposit; returns incomplete.
Mudgee	215 15 10	55 12 0	40 2 10	300 0 0	101 3 8	17 15 4	.....	730 9 8	619 8 3	.....	.....	50 0 0	26 18 6	.....	696 6 9	.....	.....	Overdraft from 1877 of £56 paid off.
*Narrabri	236 8 2	.....	.....	474 5 2	96 2 10	.....	.....	806 16 2	.....	.....	.....	.....	.....	.....	756 1 2	109	.....	£165 12s. placed in deposit; returns incomplete.
Newcastle	524 18 4	.....	132 4 0	1,350 0 0	.....	74 12 8	7 10 0	1,989 5 0	1,060 2 11	.....	.....	.....	34 2 6	202 10 10	1,296 16 3	232		
Parkes	148 19 5	55 7 0	7 7 0	556 6 10	.....	1 15 0	.....	769 15 3	379 14 3	.....	.....	152 17 6	3 10 0	72 10 7	609 12 4	48		
Singleton	296 8 5	1,000 0 0	.....	250 0 0	15 18 11	7 3 6	50 0 0	1,619 0 10	613 11 4	37 17 8	9 3 7	.....	9 4 0	.....	709 16 7	72	.....	A donation, £1,000 given by Mr. Munro for erection of new wing to hospital.
Scone	91 2 0	49 4 7	72 10 0	291 2 0	63 4 0	1 5 0	24 15 6	593 3 1	279 9 10	83 3 0	2 9 3	73 10 0	45 0 0	.....	483 12 1	66	.....	A portion (£150) of the Government aid was granted for purposes of additions required.
*Muswellbrook	99 14 8	.....	.....	162 8 0	.....	4 1 0	16 10 2	282 13 10	241 3 10	27 0 0	15 7 2	40 0 0	2 5 0	.....	325 16 0	26		
Tamworth	.....	.....	.....	.....	.....	.....	25 0 0	.....	429 9 7	10 18 6	22 10 9	50 0 0	5 16 0	.....	512 14 10			
Tenterfield	126 4 3	.....	.....	87 16 11	38 7 4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21	.....	Returns very incomplete.
Wollongong	336 10 8	.....	.....	165 5 9	.....	11 1 0	5 11 0	508 8 5	377 15 3	11 18 0	.....	60 0 0	13 10 0	142 7 0	605 10 3	56		
Wellington	128 5 0	.....	33 7 0	166 11 0	99 11 10	6 1 2	.....	433 16 0	210 18 7	.....	.....	116 13 6	26 5 0	.....	418 17 1	66		
Wilcannia	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	This hospital is in course of construction; expenditure not sent.
Yass	40 15 0	18 1 6	56 13 0	100 0 0	91 5 3	10 14 2	32 0 0	349 8 11	285 17 4	.....	.....	104 0 0	17 12 6	.....	407 9 10	42		
Wagga Wagga	401 19 7	.....	.....	681 5 2	23 19 6	6 0 0	35 17 10	1,149 2 1	700 9 4	18 2 0	.....	100 0 0	44 2 0	.....	862 13 4	176		
Young	124 15 8	.....	121 3 10	463 19 4	196 4 8	10 12 6	32 7 6	956 3 6	487 4 3	.....	.....	100 0 0	30 11 6	.....	617 15 9	87		
Orange	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	162	.....	The annual meeting was held with the Treasurer's balance sheet not countersigned by auditors.
Dubbo	256 9 0	.....	.....	222 19 10	96 19 0	.....	.....	576 7 10	.....	.....	.....	.....	.....	58 16 4	702 16 6	100	.....	Four out-door patients.
	7,917 2 4	1,963 11 8	883 9 10	10,598 7 6	2,142 19 6	317 3 9	321 11 0	24,144 5 7	12,321 12 10	188 19 2	90 19 9	1,691 16 6	421 17 0	991 4 3	20,745 2 11	2,746		
	£10,764 3 10			£13,058 10 9														

*Several country hospitals are not mentioned in the list, no information having been supplied in time.

STATEMENT of Receipts and Expenditure of the Orange Hospital, 1878.

Receipts.	£	s.	d.	Expenditure.	£	s.	d.
Balance in hand	32	4	9	Maintenance	676	0	7
Subscriptions and donations, 1878	443	5	6	Medical officers and medicines	169	15	10
Amount received from paying patients	69	14	9	Out-door relief	.....		
Government subsidy	500	0	0	Traveller's assistance	.....		
Unclaimed poundages	133	15	0	Funerals	51	4	0
Police fines	28	12	0	Permanent improvement	260	19	1
Total	1,207	12	0		1,157	19	6

Number of patients treated..... 180. Average cost..... £5 10s. 9d.

SYDNEY INFIRMARY.

THE following statistics represent the working of this Society during the past year:—

Admissions.—1st January to 31st December, 1878, 2,416. Of these 1,285 were medical cases, 1,131 surgical cases.

The largest number of admissions were in December, 219; smallest, August, 170.

Besides the above cases there were 1,658 accident and emergency cases, which were treated by the Resident Medical Staff but not admitted into the wards.

The deaths have numbered 301; of these 95 were moribund, or cases which died within forty-eight hours of being admitted.

The number of patients remaining on 31st December was 190. Average number of beds occupied, 189.

The number of cases treated by the District Surgeons in connection with the Dispensary was 6,993; of these 853 were visited at their homes.

Nursing Staff.—Continues under the superintendence of Miss Osburn. Six probationers during the year reached the higher grade of nurse, and seven new probationers have been received.

A Bill of Incorporation of the Sydney Infirmary, defining anew its status and objects, has been before the Legislature.

Considerable diversity of opinion exists as to whether the Institution in its amended form should maintain its present character as a General Hospital, and be enriched with all modern appliances; or whether it should be restricted in its action and capacity—serving merely as a Receiving House with emergency and accident wards attached; the whole to contain about 120 beds, and the Institution to become subsidiary to the new Prince Alfred Hospital.

Within the last few months the Directors succeeded, after long and repeated efforts, in obtaining from Government a grant of the land on which the Institution stands, with permission to remove the disused buildings. Their purpose is to erect, at a cost of £45,000, new wards, which in connection with the "Southern Wing" (a modern structure holding 86 beds) will furnish accommodation for a complete hospital capable of carrying 240 or 250 beds, the present "Nightingale Wing" remaining for a full nursing staff. To carry out this idea, the Trustees will have to obtain Government sanction and aid to extent of £25,000, having themselves an available sum of £22,000.

So far as I am able to arrive at an opinion, the alienation of the land to the Infirmary removes the chief objection to the scheme of the Directors.

Without feeling in any way specially interested in this Institution, in my report of last year I drew attention to the great convenience and advantages of the site, and showed,—

1. That no position in Sydney was, all things considered, so favourable; and that the rapidly extending suburbs on the northern shores of the harbour would year by year make this fact more conspicuous.
2. That judging by past actual results at the Infirmary, the annual cost of a Hospital containing 176 beds (the accommodation in the wooden pavilion) was £8 per head more than in one of 220 beds (the accommodation in the wards of the old building lately pulled down), and that thus a hospital of only 120 beds would cost annually £20 more per head than a hospital of 250 beds, as broadly stated—£60 as against £40 per bed per annum; even allowing in the case of the larger institution that the beds be occupied only 300 days in the year. To account for this great difference, it is necessary to remind the reader that there would be only a small dimunition in the cost of supervision, nursing, &c., and that this item forms one-third of the entire expense.
3. That with the feeling gaining ground of making hospitals attractive to the provident industrious classes, much of the sickness now struggled through under adverse circumstances and sanitary conditions in private houses would find its way to our hospitals; and that while those institutions would become in part self-supporting, such a system would tend to the material improvement of the health of the general public.

In the past year, through the liberality of the Government, who placed £1,000 on the Estimates, in special aid, the Directors of the Infirmary have been able to open two additional temporary words—an "Ophthalmic" and a "Children's Ward."

Of the advantage of separating eye cases, especially purulent ophthalmia, from the other general patients, there can be no difference of opinion; but seeing that private effort (with every likelihood of success) was being made to establish a Children's Hospital, and taking also into consideration the crowded and transition state of the Infirmary at the time, I cannot but believe this second step was an unwise one, the more so as it necessitated curtailment in the accommodation for female surgical cases, and so actually created a hardship which has had since to be removed by a fresh arrangement.

INFIRMARY, 1878.

Income.

			£ s. d.
Balance from last year			887 13 7
Received from Government—			
Annual subsidy	£2,929 13 8		
Maintenance of paupers	6,000 17 9		
Account of pavilion (total £5,000)	531 13 4		
		9,462 4 9	
Received from—			
Subscriptions and donations	2,908 4 0		
Paying patients...	475 8 0		
Pupil fees	22 1 0		
Interest on debentures...	880 2 2		
		4,285 15 2	
Balance—Overdraft		1,198 12 6	
		£15,835 6 0	

(Against £1,000 promised by Government, and £475 due for nursing staff)

Expenditure.

				£ s. d.
Salaries and wages	£3,523 16 1			
District Surgeons	425 0 0			
		3,948 16 1		
Provisions, &c.	3,151 7 11			
Wine and spirits	85 1 0			
		3,236 8 11		
Building and repairs	946 17 8			
Less—Proceeds of old building ...	241 0 0			
	705 17 8			
Temporary pavilion	1,251 18 6			
		1,957 16 2		
Medicine, clothing, washing, &c.		3,592 4 10		
Transferred to investment account		3,100 0 0		
			15,835 6 0	

Capital Account.

			£ s. d.
Available—			
Government debentures	3,100 0 0		
Fixed deposits in Banks, shares, &c.	15,023 5 4		
		18,123 5 4	
Non-available—			
Benefactions, Permanent Trust Fund, Government debentures ...		3,200 0 0	
		£21,323 5 4	

PRINCE ALFRED HOSPITAL.

THIS Institution is sufficiently advanced to entitle it to a place in this Report, and to cause us to hope that ere another year it may have entered upon its work. But two of the four large pavilions comprising the entire plan are at present in course of construction, but the others will be erected as opportunity offers.

SITE.—The shape of the ground is a trapezium, having its western boundary to the Missenden Road, St. John's College to the north, St. Andrew's College to the south, and a gully on the east separates it from the ground belonging to the University. The area equals 11 acres.

There are to be four chief pavilions (on two floors) each to contain sixty beds, two small pavilions, an ophthalmic and operation block, and a group of detached huts for infectious diseases.

In addition to above, the administrative accommodation will comprise a main central building, a kitchen, a laundry, a mortuary, and two lodges.

CAPACITY—Accommodation for following Patients:—

Large Pavilions—									
Male, medical wards,	2,	each	30	beds	...	...	...	60	beds.
„ „	2	„	1	„	...	...	...	2	„
Female, „	2	„	30	„	...	...	...	60	„
„ „	2	„	1	„	...	...	...	2	„
Male, surgical wards,	2	„	30	„	...	...	...	60	„
„ „	2	„	1	„	...	...	...	2	„
Female, „	2	„	30	„	...	...	...	60	„
„ „	2	„	1	„	...	...	...	2	„
Total in general wards ...							...	248	beds.
Small Pavilions—									
Children,	2	wards,	each	13	beds	...	...	26	beds.
Men,	2	„		13	„	...	...	26	„
6 Female wards,				1	„	...	...	6	„
								58	beds.

Ophthalmic

Ophthalmic and Operation Block :—

Ophthalmic Department—		
Male ophthalmic ward,	1, 12 beds	12 beds.
Female and children,	1, 12 „	12 „
Ophthalmic operation ward,	1, 4 „	4 „
Operation Department—		
Capital operators ward,	4, each 1 bed...	4 „
Men, infectious disease huts,	3, each 1 bed	3 „
Women, „	3 „ 1 „	3 „
Men, reception ward,	1 „ 6 beds	6 „
Women and children, do.	1 „ 6 „	6 „
		50 beds.
Total number of beds		356 beds.

Cost.

Cost of Ward accommodation—	
Each large pavilion, about	£13,000
„ small „ „	8,343
Ophthalmic and operation block	6,280
Infectious diseases block	1,230
	£28,853
Cost of Administrative Department—	
Central kitchen	£16,700
Bath and kitchen offices	3,774
Two lodges at gates	500
Laundry	1,650
Mortuary	1,500
Special fittings, probably about	1,000
Engine, boiler, &c., „	1,000
	£26,124
Probable cost of each bed in—	
Large pavilions	£209
Small „	287
Administrative department	91
Total cost of Hospital when completed for 354 beds—	
4 large pavilions	£52,000
2 „ „	16,686
Ophthalmic pavilions	6,280
Infectious „	1,230
Administrative department	26,124
Total...	£102,320

Present Balance Sheet.

Receipts—From Public Subscription	£32,276 13 3
„ Government Vote	30,000 0 0
	£62,276 13 3
Expenditure—31st December, /78—	
On hospital buildings...	£41,515 10 10
Cash in hand	20,761 2 5
	£62,276 13 3

Much patient thought, scientific knowledge, and gathered experience has been exercised in determining the form, arrangement, and details of the new institution. The workmanship and materials used in the construction are noteworthy for their excellence; and indeed nothing conducing on the one hand to the well-being, comfort, and safety of the future patients, or on the other to the convenience in management of the nursing staff or general service, has been forgotton or left unprovided for.

Very special care has been given to the ventilation of the wards; also, that the walling should be smooth, as nearly impenetrable as possible, white enamelled bricks being used in the bath-rooms, lavatories, kitchens, store-rooms, &c.

Drainage.—The Directors have made this subject one of special inquiry. In addition to the advice of their architects they requested Mr. Clark, C.E., to examine the site and neighbouring locality, and favour them with his views. They also obtained from Messrs. Liernur and de Brugh Kops a full specification and plan for the application of Captain Liernur's pneumatic system to all the buildings of the Hospital. Through Professor Viersch and the Council of Leipsic they also obtained an elaborate, and minutely described, complete system of hospital hygiene and sewerage, specially adapted to the Prince Alfred Hospital, by the engineer of the admirable system used in the new Pavilion Hospital at Leipsic, one of the most advanced institutions in Europe.

Acting upon the advice of Mr. Clark, Mr. E. O. Moriarty, and their architects, the Directors have considered it their first duty to endeavour to create a sewer, to empty by the most direct route into the projected main intercepting sewer leading to Bondi; and until the latter is made to connect it temporarily with the nearest existing sewer. A final decision upon this point cannot be obtained until the Bill for the improvement of Sydney now before the House is passed. The

The Government have acquiesced in the adoption of this scheme, and the University have also afforded their permission to the construction of the sewer. As soon as the Bill is made law, the City Council will be asked to allow the temporary junction to be made, and directly this is given the sewer will be proceeded with.

MECHANICS' INSTITUTES AND SCHOOLS OF ART.

As far back as the year 1874, Parliamentary returns show there were then in the Colony sixty-eight institutions bearing the above designation, and that they had 6,887 members, chiefly composed of the actively industrious class. The buildings were on sites granted by the Government, and of a substantial character, either of brick or stone, possessing generally a large Assembly Hall, a Reading Room, a Library, and in many instances accommodation for a resident Librarian or Caretaker. Government supplemented private subscriptions to the extent of £1 for every £2 collected. Altogether the value of the property represented was estimated as equal to £100,000.

Since the above date very many additions have been made to their numbers, in frequent instances their accommodation has been greatly improved, and considerable additions have been made to their Libraries. That they are already very important instruments for good no one will deny—their Reading Rooms keep their frequenters posted up in the news of the day; their Libraries cultivate a taste for reading, which although too often wasted on frivolous subjects yet may generate here and there the desire for useful information or studious habits; and their halls afford frequent opportunities for social gatherings or entertainments of a harmless character. Still withal, it cannot be said they have to any appreciable degree fulfilled the intentions of the founders of such institutions—hitherto to provide amusement rather than instruction has been their aim. Following them into this lower level, I still maintain they have done and are doing good service to the State, and well repaying its support. In these Colonies the time has yet scarcely arrived when the mechanic or artisan has felt the necessity for increased skill. Competition, so keen elsewhere, has not affected him to any appreciable extent; and as there have been as a rule generally two employers waiting for the service of his single pair of hands, he has not felt the necessity of seeking for any higher education. A marked change, however, is looming before the rising generation, and the pity is that satisfied in the present the artisan does not read the times, and prepare his sons for what is likely to befall them.

In the larger towns persistent or recurrent efforts have been made to carry on classes; those for drawing and music have been most popular, but generally the results have been marked by failure. To some extent the class-rooms have been a cause of the want of success; they are often uncomfortable, small, meanly furnished, and wanting in necessary appliances. In fact, too much outlay and importance has been bestowed on the halls as a means of revenue, and all the other portions of the institution have suffered in consequence.

I think it would be of considerable advantage were it required that all these institutions place themselves in direct communication with the Inspector, and make regular returns to him; a more vigorous action would I am sure take place, and he would be able to lay before the Government what is doing. At present I can obtain returns so irregularly and so indistinct in character that they scarcely serve any useful purpose; but in many of the larger towns, and most especially in Sydney, the Mechanics' Institutes and Schools of Art are awakening to a sense of the importance of their mission, and the day is near when we may expect to see these institutions thoroughly reorganized and doing most valuable service.

Sydney School of Arts.

As is fitting, the parent and central institution has taken the initiative, and during the past year afforded evidence of its intention to enter a new and extended sphere of usefulness, such in fact as will bring it into harmony with its original objects and title.

It is one of the number of Schools of Art where classes have always been maintained—it would be unfair to say no success has attended them, but the effort was felt to be an up-hill task, the accommodation bad, the appliances for imparting instruction inadequate. It thus became the object of the Committee of Management to remove these disabilities; but, in considering the subject, they found it grew in importance till not only was improvement necessary in particular directions, but that their entire institution required remodelling.

They felt that to keep pace with thought and action elsewhere—to give the Australian, whether workman or student, a chance of maintaining equal footing with those who will come to us from other lands—it would be necessary to offer him instruction on a much larger and wider basis than has been hitherto possible.

To do this they determined to found a Technical School or College for Applied Science—a place where the artificer could learn the direct principles which underlie his peculiar calling, and the student make himself versed in those natural laws of physics that will enable him to draw forth the results he may require. Convenient class rooms, lecture theatres, and a chemical laboratory are already built, and will be opened so soon as a definite form has been given to the curriculum to be pursued—in which prominent places will of course be assigned to drawing, mathematics, and chemistry, as forming the substructure of design, civil engineering, and manufactures generally. To carry out this work, a cost of £8,000 has been incurred by the Society—Government assisting them to extent of £2,000.

The Committee further ask that a scheme promised under the Mining Act be carried into effect, and that a sum of £1,000 per annum be devoted to paying competent lecturers, approved by Government, who shall instruct not only in Sydney, but travel to the larger centres of population inland. To obtain the sympathy and co-operation of those for whose benefit these works have principally been undertaken, a Sub-committee of the Sydney Mechanics Institute held several conferences with the Trades and Labour Council of New South Wales, the Engineering Association, &c., &c., who have appointed delegates to assist in inaugurating the College.

I am ignorant of any or what relations will endeavour to be established between the College and the University, but I shall be disappointed if advantage be not taken of the promise of the Chancellor of the University last year, when indicating an intention of incorporating science with the other subjects treated in the University, so that students from the College can if desirous complete a scientific education at the University, carrying thither with them the credentials of their standing.

Schools of Art, Public Libraries, &c.

Return of the number of Schools of Art, Public Libraries, &c., in the Colony of New South Wales, showing the date when first opened, whether freehold or leasehold, cost of erection, the amount received from Government and from private contributions, the number of volumes of books, and the number of visits paid during the year ending 31st December, 1878.

Name of Institution.	Date when first opened.	Whether Freehold or Leasehold.	If Freehold, cost of erection.	Receipts during the year 1878.				Total number of Volumes in the Institution.	Hours during which it is open.	Total number of Visits paid during the Year.
				From Government.	Private Contributions.	Total.	Books (Private Contributions).			
			£	£ s. d.	£ s. d.	£ s. d.	No. of Vols.			
Albury Mechanics' Institute	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Armidale Literary Institute	— April, 1867	Freehold	800	14 14 3	38 19 6	53 13 9	.....	2,150	10 a.m. to 1 p.m., 2·30 to 5·30 p.m., 7 to 9·30 p.m.	9,551
Anvil Creek School of Arts	28 Aug., 1877	Freehold	132	65 15 9	23 10 3	89 6 0	.....	.....	7 to 10 p.m. daily	313
Ballina School of Arts	11 April, 1874	Leasehold	.....	.....	.....	.....	.....	360	4 to 6 p.m. on Saturday	.....
Balmain School of Arts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Balmain Working Men's Institute	1 June, 1865	Leasehold	.....	38 0 0	70 16 6	108 16 6	.....	582	7 p.m. to 10 p.m. daily; Saturday 3 p.m. to 11 p.m.	4,600
Bathurst Mechanics' School of Arts	——— 1859	Freehold	9,000	102 17 6	205 15 0	308 12 6	3	5,740	10 a.m. to 10 p.m.	.....
Bega School of Arts	31 Aug., 1869	Freehold	800 and additions 1,000	52 0 6	158 14 10	210 15 4	.....	1,000	9 a.m. to 10 p.m. daily	.....
Bellambi and Bulli School of Arts	1 Jan., 1862	Freehold	321	.....	1 4 0	1 4 0	.....	280	Only occasionally	.....
Bombala School of Arts and Mechanics' Institute	28 Nov., 1872	Freehold	2,118	520 12 3	60 7 0	580 19 3	8	953	10 a.m. to 10 p.m.	.....
Botany Mechanics' Institute	7 Aug., 1867	Freehold	500	73 18 3	149 18 0	223 16 3	.....	413	7·30 to 9·30 p.m. (four evenings weekly).	927
Bourke Mechanics' Institute and School of Arts	3 July, 1871	Temporary buildings	.....	52 18 6	42 0 0	94 18 6	.....	520	8 to 10 p.m. (three times a week).	2,000
Braidwood Literary Institute	——— 1858	Freehold	2,051	75 0 0	161 18 0	236 18 0	.....	2,700	.....	.....
Branxton Mechanics' Institute	— Jan., 1866	Freehold	210	39 0 0	.....	39 0 0	.....	386	7 to 10 p.m.	570
Cambewarra School of Arts	.....	.....	.....	58 17 3	117 14 6	176 11 9	.....	.....	.....	.....
Camden School of Arts	26 Oct., 1866	Freehold	1,250	14 2 0	56 6 0	70 8 0	11	754	9 a.m. to 10 p.m.	1,200
Clarence Town School of Arts*	.....	Freehold	.....	41 17 0	91 14 0	133 11 0	.....	.....	.....	.....
Casino School of Arts	18 Sept., 1875	.....	.....	76 16 6	168 12 5	245 8 11	82	510	9 a.m. to 9 p.m.	.....
Charlestown Literary Institute	15 Sept., 1877	Freehold	89	22 15 9	80 13 7	103 9 4	38	84	8 a.m. to 10 p.m	.....
Cooma Mechanics' School of Arts	——— 1866	Leasehold	.....	238 0 0	129 0 0	367 0 0	.....	528	7·30 to 9·30 p.m. on week days; 2 to 6 p.m. on Sundays.	700
Coonabarabran Mechanics' Institute	1 Oct., 1875	Freehold	277	101 6 4	101 6 8	202 13 0	4	405	9 a.m. to 6 p.m., 8 to 10 p.m., Monday and Thursday.	.....
Corowa Mechanics' Institute	21 April, 1873	Freehold	850	31 11 3	63 2 6	94 13 9	.....	500	7 to 10 p.m.	.....
Deniliquin Mechanics' Institute and School of Arts	5 July, 1875	Freehold	200	44 15 2	64 3 0	108 18 2	10	210	10 to 12 a.m., 2 to 5 p.m., 7 to 10 p.m.	3,000
Denman School of Arts	5 Mar., 1872	Freehold	457	39 12 6	79 5 0	118 17 6	5	700	Wednesday in each week	.....
Dubbo Mechanics' Institute	——— 1868	Freehold	1,200	61 17 6	123 15 0	185 12 6	23	1,700	9 a.m. to 10 p.m.	.....
Dungog School of Arts	1 July, 1872	Freehold	260	28 19 5	57 18 11	86 18 4	.....	437	8 a.m. to 9·30 p.m.	.....
East Maitland Mechanics' Institute	——— 1859	Freehold	2,000	36 14 3	73 8 6	110 2 9	.....	1,975	8 a.m. to 10 p.m.	.....
Forbes School of Arts	4 Feb., 1867	Freehold	.....	.....	89 0 0	89 0 0	.....	560	8 to 10 p.m. summer months; 7·30 to 10 p.m. winter months; reading-room 9 a.m. to 10 p.m.	1,560
Frederickton School of Arts	11 Oct., 1871	Freehold	275	10 18 0	21 16 0	32 14 0	2	321	9 a.m. to 10 p.m.	.....
Gladstone School of Arts	——— 1873	Room in Council Chambers	...	145 7 9	68 7 0	213 14 9	.....	1,510	9 a.m. to 10 p.m.	.....
Goulburn Mechanics' Institute	——— 1860	Freehold	3,500	75 0 0	582 10 7	657 10 7	.....	2,504	9 a.m. to 10 p.m.	.....
Grafton School of Arts	3 July, 1858	Freehold	about 2,000	59 4 9	111 12 6	170 17 3	.....	1,643	8 a.m. to 10 p.m.	.....
Grenfell School of Arts. (Closed.)†										
Greta Mechanics' and Miners' Institute	21 Aug., 1876	Freehold	330	61 11 7	7 7 0	68 18 7	.....	110	9 a.m. to 9·30 p.m.	.....
Gundagai Literary Institute‡	17 June, 1873	.....	.....	.....	.....	.....	.....	.....	.....	.....
Guntawang School of Arts	16 Feb., 1872	Held in Public School	.....	4 16 0	9 12 0	14 8 0	1	441	10 a.m. to 8 p.m.	.....
Hamilton Mechanics' Institute	11 June, 1872	Freehold	150	44 11 1	37 6 9	81 17 10	.....	600	10 a.m. to 9 p.m.	.....
Hinton School of Arts	— Sept., 1869	Freehold	929	19 8 2	38 17 6	58 6 3	.....	412	9 a.m. to 10 p.m.	.....

* In course of erection. † Closed during 1878. ‡ Formed, 22nd January, 1878; building in course of erection.

Name of Institution.	Date when first opened.	Whether Leasehold or Freehold.	If Freehold, cost of erection.	Receipts during the year 1878.				Total number of Volumes in the Institution.	Hours during which it is opened.	Total number of visits paid during the year.
				From commencement.	Private contributions.	Total.	Books (Private Contributions).			
			£	£ s. d.	£ s. d.	£ s. d.	No. of Vols.			
Inverell Public Library and Reading Room	2 Aug., 1875	Freehold	Unknown	.....	34 6 6	34 6 6	.....	750	10 a.m. to 9 p.m.	(abt) 4,680
Kiama Free Public Library	22 Sept., 1872	Leasehold	.....	.....	.....	.....	.....	1,272	12 to 2 p.m. daily	334
Lambton Mechanics' Miners' Institute	24 Dec., 1867	Freehold	300 and 200 for additions	38 0 0	259 15 6	297 15 6	62	1,451	8 a.m. to 10 p.m.	.....
Largs School of Arts	6 May, 1875	Freehold	494	64 16 3	129 12 6	194 8 9	11	116	7·30 to 10 p.m. Thur. and Sat.	.....
Merriwa School of Arts	14 June, 1869	Freehold	550	8 6 0	60 17 2	69 3 2	.....	325	8 a.m. to 9 p.m.	10,800
Milton School of Arts	16 Aug., 1872	Freehold	732	10 18 9	21 17 6	32 16 3	.....	510	Two hours daily	.....
Molong School of Arts	1 July, 1878	Freehold	775	300 0 0	607 15 9	907 15 9	14	153	7 to 10 p.m.	1,377
Morpeth School of Arts	24 Sept., 1863	Freehold	2,050	.....	39 0 0	39 0 0	.....	601	9 a.m. to 10 p.m.	.....
Mudgee School of Arts	12 May, 1857	Freehold	3,580	56 6 0	117 5 6	173 11 6	.....	2,500	10 a.m. to 10 p.m.	.....
Murrurundi School of Arts and Mechanics' Institute.	4 Sept., 1873	Freehold	1,000	16 13 9	84 11 0	101 4 9	.....	1,100	7 to 10 p.m., 3 to 5 p.m. Saturdays	(abt) 1,800
Muswellbrook School of Arts	——— 1867	Freehold	1,500	17 18 3	35 16 6	53 14 9	.....	1,128	7·30 am. to 10 p.m.	.....
Narrabri Mechanics' Institute	1 Jan., 1871	Leasehold	.....	50 0 0	21 17 6	71 17 6	.....	404	8 to 10 p.m.	.....
Newcastle School of Arts	29 July, 1875	Freehold	2,500	146 19 0	343 15 4	490 14 4	.....	2,050	10 a.m. to 10 p.m.	12,520
Orange School of Arts and Mechanics' Institute	——— 1858	Freehold	3,000	83 5 5	291 3 7	374 9 0	.....	2,303	3 to 5 p.m., 7 to 10 p.m.	20,280
Parramatta School of Arts	— May, 1850	Freehold	1,000	43 18 3	97 16 6	141 14 9	.....	1,020	Books are lent out Tues. and Fri.	.....
Paterson School of Arts	23 Sept., 1868	Leasehold	.....	.....	5 4 4	5 4 4	.....	630	7·30 p.m. to 10 p.m.	.....
Petersham Working Men's Institute	1 Jan., 1871	Leasehold	.....	25 6 3	63 4 6	88 10 9	6	406	8 a.m. to 10 p.m.	.....
Queanbeyan Literary Institute	——— 1868	Leasehold	.....	18 15 0	37 10 0	56 5 0	36	340	9 a.m. to 10 p.m.	.....
Raymond Terrace Mechanics' School of Arts	24 Oct., 1871	Leasehold	.....	7 16 6	13 11 0	21 7 6	.....	534	8 to 10 p.m. Tuesdays	740
Redfern Free Library	*1 Nov., 1871	Freehold	Apartment in Town Hall.	....	24 17 6	24 17 6	.....	1,630	7·30 to 9 p.m. Mon., Tues., Wed., and Sat, ; 10 to 12 a.m. Tues., Thurs., and Fri.	8,000
Richmond School of Arts	27 Aug., 1866	Freehold	818	4 10 0	43 15 6	48 5 6	.....	750	7 to 8 p.m.	.....
St. Leonards School of Arts	17 Oct., 1859	Freehold	2,000	17 3 6	51 11 8	68 15 2	.....	1,850	Mon. and Thurs. 7 to 9 p.m., Wed. and Sat. 3 to 5 p.m.	.....
Scone School of Arts	——— 1868	Freehold	800	21 1 0	52 15 0	73 16 0	.....	800	8 to 10 p.m.	.....
Singleton Mechanics' Institute	——— 1866	Freehold	2,000	.....	205 4 0	205 4 0	.....	2,180	10 a.m. to 9 pm.	.....
South Grafton	1 Oct., 1877	Leasehold	.....	30 0 0	152 15 0	182 15 0	52	134	7·30 to 9·30 p.m.	.....
Stroud School School of Arts	1 April, 1859	Freehold	400	10 18 9	21 17 6	32 16 3	4	1,387	9 a.m. to 5 p.m., 7 to 9 p.m.	863
Sydney Mechanics' School of Arts	22 Mar., 1833	Freehold	.....	†2,200 0 0	1,279 19 6	3,479 19 6	19	1,900	10 hours daily	.....
Tamworth Mechanics' Institute	——— 1866	Freehold	829	37 3 3	74 6 6	111 9 9	.....	639	10 a.m. to 10 p.m.	.....
Tenterfield School of Arts	15 April, 1871	Freehold	750	.....	85 16 2	85 16 2	.....	512	10 a.m. to 10 p.m. week day, 2 p.m. to 9 p.m. on Sundays.	.....
Uralla Literary Institute										
Wagga Wagga Mechanics' Institute	——— 1863	Freehold	1,800	.....	150 0 0	150 0 0	.....	1,010	9 a.m. to 10 p.m.	(abt) 7,800
Walcha School of Arts	21 Sept., 1875	Freehold	About 225 and 200 for subsequent additions.	25 0 0	58 10 6	83 10 6	3	584	8 to 10 p.m. Mon., Thurs., and Sat	.....
Wallsend School of Arts	— Sept., 1870	Freehold	454	75 0 0	150 0 0	225 0 0	.....	800	10 a.m. to 10 p.m.	.....
West Maitland School of Arts	——— 1855	Freehold	2,600	105 14 6	211 9 0	317 3 6	8	4,580	9 a.m. to 1 p.m., 4 to 6 p.m., and 7 to 10 p.m.	(abt)12,500
Windsor School of Arts	——— 1861	Freehold	750	8 8 9	86 17 6	95 6 3	.....	800	7 to 10 p.m. daily, also Wed. 3 to 5 p.m., and Sat. 2 to 3 p.m.	.....
Wingham School of Arts	23 Nov., 1875	Freehold	200	20 0 6	40 7 0	60 7 6	.....	148	3 times a week from 7 to 9 p.m.	.....
Wollongong School of Arts	9 Jan., 1860	Freehold	1,328	8 10 0	19 5 0	27 15 0	3	1,305	2 to 10 p.m. daily	793
Woodville School of Arts	— April, 1877	Freehold	200	.....	10 10 0	10 10 0	.....	300	8 to 10 p.m. on Tuesdays	.....
Wyrallah School of Arts	22 May, 1873	Leasehold	.....	9 5 0	18 10 0	27 15 0	.....	400	Daily	.....
Yass Mechanics' Institute	1857, re-organised in 1859.	Freehold	2,600	28 15 0	174 16 0	203 11 0	5	2,400	Reading Room 9 a.m. to 10 p.m., Library three times a week from 2 to 4 p.m. and 7 to 10 p.m.	.....
Young Mechanics' Institute	1 June, 1877	Freehold	5,015	....	70 14 6	70 14 6	.....	950	9 a.m. to 10 p.m.	3,756

* Formally opened on 1st November, 1876, with a small collection of books, but not opened to the public till above date. † Includes £2,000 towards new buildings.

CITY NIGHT REFUGE AND SOUP KITCHEN.

THIS Institution having complied with the conditions by raising an equal amount from private contributions, is now entitled to receive the £1,000 voted last year by Parliament. It has however no intention of becoming a regularly subsidized Government charity, preferring to rely on public sympathy for support. The recent application was made solely in the view of obtaining funds wherewith to purchase a central site on which to continue its operations.

I have visited the premises on several occasions, and always found them clean and orderly. The appliances are very humble, and the business of providing a daily dinner to about seventy persons is done at a very trifling cost. About eighteen persons, who reside in the place but receive no wages, carry on the work of cleaning, collecting provisions, cooking, &c. Food much of which would otherwise be wasted is made available.

Many cases of distress are daily relieved, not only of the improvident and the dissolute, but the Society assists a number of those who are really deserving. Many of these are persons capable only of doing very light work, or who are looking for employment, as shopmen, clerks, or schoolmasters—strangers perhaps in the Colony, and without references or friends.

Others of the Society's clients are what are termed "old stagers"—men it is impossible to raise again, or who are nearly worn out, and who but for the aid they receive at the Soup Kitchen would have to enter the Government Asylums.

The begging impostor, or professional beggar, rarely apply at the Soup Kitchen; the fare and the accommodation are not good enough to attract them.

Although the Society's work and aims scarcely bring it within the field of criticism, I may fairly express a general approval, and I believe there is an evident desire to still further improve the administration of this charity in the future.

Sydney: Thomas Richards, Government Printer.—1879.

[1*s.* 2*d.*]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GOVERNMENT ASYLUMS FOR THE INFIRM AND DESTITUTE.

(REPORT FROM MANAGER OF, RELATIVE TO EXPENDITURE FOR 1877.)

Ordered by the Legislative Assembly to be printed, 10 *September*, 1878.

The Manager of the Government Asylums for the Infirm and Destitute to The Under Secretary, Colonial Secretary's Department.

SIR, Sydney, 8 August, 1878.

I have the honor to transmit, for the information of the Colonial Secretary, returns of the expenditure of the Government Asylums for the Infirm and Destitute for the year 1877, with a comparative return of the expenditure for the past fifteen years, 1863 to 1877 inclusive, and to request that as has been customary they may, with this Report, be laid before Parliament.

The admissions and discharges to and from the Asylums have been as frequent as in former years.

284 women were admitted to the Hyde Park and 1,307 men to the Parramatta and Liverpool Asylums. These admissions comprise many old and helpless paupers, who, having wandered from the Asylums, felt sure that their claim, from infirmity and destitution, for re-admission would be recognized.

The old people have hitherto been allowed to leave the comforts of the Asylums at their pleasure, but in very many cases it has been to their own detriment, and it appears to me that, in the interest of the inmates, many of whom are imbecile and otherwise helpless, and unable to take proper care of themselves, some plan should be adopted by the Government whereby paupers, who are evidently unfit to be at large, either from mental incapacity or physical infirmity, could be restrained from leaving the shelter of the Asylums, and thus be prevented from inflicting on themselves hardship and positive injury.

The number of inmates for the year shows an increase on that of the former year of 67 persons, but during the year 1877 the erysipelas hospital at Parramatta was enlarged, and to relieve the Asylums at Parramatta and Liverpool, accommodation was provided for about 50 paupers who would otherwise have been sheltered in the Government Asylums, so that, in reality, the increase of paupers has amounted to 117 persons.

This increase may, in a large degree, be accounted for by the additional facilities for centralizing the pauper population; when it is considered that the various Benches of Magistrates and Committees of Country Hospitals are permitted to send, at the public expense, all paupers who would otherwise have been maintained in their own districts to the central institutions, it cannot be wondered at that the numbers increase and that the Government Asylums are so constantly overcrowded.

In the year 1862 when the asylums were established, or rather were taken over by the Government to relieve the Benevolent Society of its unwieldy charge, the number of inmates was 580; since then the additional accommodation provided by the Government at the Hyde Park Asylum and at Parramatta, and the erection of wings to the Liverpool Asylum, enabled the late Board of Management to give shelter to large numbers of paupers who were accustomed to roam through the streets of Sydney, obtaining a scanty subsistence by begging and stealing; and it has been found that from various causes the numbers have increased till, in the year 1877, the daily average number of paupers in the Asylums was 1,233, or 653 more than in the year 1862. An inspection of the comparative return will show how gradual the increase of numbers has been, though in the years 1868-9 the numbers were so nearly equal that the Board were induced to hope that the maximum of pauperism had been reached, but since that time the facilities for the transmission of paupers from the country as before stated and other causes have, notwithstanding the large decrease by deaths, just doubled the numbers.

The erection of an hospital wing at the Liverpool Asylum has assisted to swell the numbers, as the Institution has become to a large extent a convalescent hospital, receiving patients from the Sydney Infirmary and all country institutions. The comfortable lodging, the wholesome diet, and the general good treatment given to the inmates, tend to lengthen the lives of the old people in an astonishing degree, and this is borne out by the percentage of deaths and the average age of deceased inmates, as shown in the accompanying return.

The total expenditure for the maintenance of the above 1,233 paupers for the past year has amounted to £18,001 8s. 4d., showing an average expense per head of £14 11s. 11¼d., or £1 2s. 9d. less per head than for the previous year. The high average expense per head in the year 1876 was accounted for by the exceptionally high price of meat, as explained in my Report for that year; but in the year 1877 the

the prices of articles of food were reasonable, and thus the expense was reduced, and although it was higher by the sum of £1 3s. 6d. in the year 1877 than the average for the fifteen years it may be deemed to be a fair annual expense per head, comprising as it does every item of expenditure, such as salaries, food, clothing, medical comforts, medicines, and other contingencies, and it will be found to compare very favourably with the expenditure of other similar institutions.

I may remark that it has not been the practice in preparing these returns, to include the amounts paid for repairs or additions to buildings, which works properly belong to the Public Works Department.

There is little to report as to the general management of the Asylums; the same rules and manner of carrying on the Institutions which were so successful under the late Board of Management have been adhered to, and the inmates have been as comfortable and as well cared for as could be wished for, and this is evidenced by the absence of complaints on the part of the inmates, and by the written testimony of visitors to the Asylums, which are open to the inspection of the public at all reasonable hours.

I have, &c.,
FREDERIC KING,
Manager.

RETURN of Ages of deceased Inmates.

Above the Age of	Years.							
	20	30	40	50	60	70	80	Total.
The Hyde Park Asylum	4	3	8	11	20	16	12	74
,, Parramatta do.	1	3	4	3	14	18	11	54
,, Liverpool do.	7	15	15	21	42	53	30	183
Total	12	21	27	35	76	87	53	311

RETURN of average Age of deceased Inmates, and per centage of Deaths.

	Deaths.	Per cent.	Average Age.
The Hyde Park Asylum	74	27·13	63
,, Parramatta do.	54	21·87	68
,, Liverpool do.	183	25·52	64
	311	24·84	65

RETURN of Expenditure of the Goverment Asylums for the Infirm and Destitute for the year 1877.

Aylum.	No. of Inmates	Salaries.		Rations.		Clothing.		Contingencies.		Total.	
		Total.	Average per head.	Total.	Average per head.	Total.	Average per head.	Total.	Average per head.	Total.	Average per head.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Sydney	269	574 11 2	2 2 8½	2,071 16 1	7 14 0½	583 6 10	2 3 4½	602 11 6	2 4 9⅜	3,832 5 7	14 4 11
Parramatta	253	553 15 1	2 3 9⅜	2,260 3 6	8 18 8	720 2 7	2 16 11	601 13 10	2 7 6¾	4,135 15 0	16 6 11
Liverpool	711	1,586 18 6	2 4 7¾	5,441 0 6	7 13 0⅜	1,328 11 2	1 17 4⅝	1,676 17 7	2 7 2	10,033 7 9	14 2 2½
Total	1,233	2,715 4 9	2 4 0⅜	9,773 0 1	7 18 6½	2,632 0 7	2 2 8½	2,881 2 11	2 6 8¾	18,001 8 4	14 11 11¾

DETAILED Statement for 1877.

Articles.	Sydney.		Parramatta.		Liverpool.		Total.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Salaries	.....	574 11 2	.....	553 15 1	.....	1,586 18 6	2,715 4 9
Food	1,713 10 4		1,587 17 8		4,192 5 7		
Medical comforts	94 18 5		228 11 9		646 1 7		
Vegetables	167 13 4		55 14 9		209 11 2		
Gratuities	62 7 4		191 10 0		210 2 5		
Milk	33 6 8		196 9 4		182 19 9		
		2,071 16 1		2,260 3 6		5,441 0 6	9,773 0 1
Clothing	.....	583 6 10	.....	720 2 7	.....	1,328 11 2	2,632 0 7
Contingencies	.....		.....		.....		
Travelling expenses	4 18 0		43 7 10		113 2 3		
Advertisements	.....		.....		.....		
Fuel	89 1 5		95 8 3		235 0 1		
Medicine	22 5 2		106 17 7		213 12 1		
Water	.....		42 10 6		264 17 6		
Burials	113 4 0		80 5 0		201 4 0		
Medical certificates	.....		12 12 0		5 15 6		
Light, &c.	52 15 6		26 17 3		24 16 6		
Soap, &c.	28 8 5		22 19 11		49 18 9		
Straw	13 18 8		24 12 6		43 1 3		
Rent	.....		55 0 0		68 10 0		
Ironmongery	166 5 0		65 8 5		366 6 9		
Sundries	111 15 4		25 14 7		90 12 11		
		602 11 6		601 13 10		1,676 17 7	2,881 2 11
		3,832 5 7		4,135 15 0		10,033 7 9	18,001 8 4

COMPARATIVE RETURN of the Expenditure of the Government Asylums at Sydney, Parramatta, and Liverpool, for the years 1863 to 1877 inclusive.

Year.	Average No. of Inmates	Salaries.		Rations.		Clothing.		Contingencies.		Total.	
		Total.	Average per head.	Total.	Average per head.	Total.	Average per head.	Total.	Average per head.		Average per head.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1863	624	1,958 0 9	3 2 9	4,463 5 10	7 6 0½	989 16 8	1 11 8½	1,584 15 0	2 1 9½	8,995 18 3	14 8 3½
1864	673	2,013 15 10	2 19 10	4,944 17 0	7 6 11½	1,047 3 9	1 11 1½	1,211 14 6	1 16 0	9,217 11 1	13 13 10½
1865	721	2,125 [illegible] 2	2 18 11½	4,905 0 7	6 16 0½	2,107 10 10	2 18 8½	1,483 7 1	2 1 2	10,621 0 8	14 14 7
1866	856	2,299 15 5	2 13 8½	5,982 14 2	6 19 9½	1,746 7 11	2 0 9½	1,870 12 0	2 3 8½	11,899 9 6	13 18 0½
1867	931	2,742 10 10	2 18 10½	5,961 19 8	6 8 0½	2,467 8 7	2 13 0	2,098 10 8	2 5 0½	13,270 9 9	14 5 0½
1868	969	2,668 16 0	2 15 1	6,638 18 4	6 17 0½	1,914 11 7	1 19 6	1,727 19 3	1 15 7½	12,950 5 2	13 7 3½
1869	970	2,571 6 4	2 13 0	6,324 7 7	6 10 4	1,943 12 10	2 0 0½	1,602 4 1	1 13 0½	12,441 10 10	12 16 6½
1870	997	1,781 10 8	1 15 8	6,085 19 1	6 2 1	2,033 18 11	2 0 9½	1,343 16 10	1 6 11	11,245 5 6	11 5 9
1871	1,065	1,819 0 5	1 14 2	6,380 16 5	5 19 10	2,148 10 0	2 0 4	1,612 2 2	1 10 3½	11,960 9 0	11 4 7½
1872	1,105	1,976 13 0	1 15 9½	6,467 15 2	5 17 0½	2,414 12 9	2 3 8½	1,828 0 6	1 13 0½	12,687 1 5	11 9 7½
1873	1,096	2,027 16 4	1 17 0	7,422 19 0	6 15 5½	2,304 11 7	2 2 0½	2,018 9 6	1 16 10	13,773 16 5	12 11 4
1874	1,140	2,236 13 1	1 19 2½	8,333 11 8	7 6 2½	2,777 8 11	2 8 8½	2,058 4 4	1 16 1½	15,405 18 0	13 10 3½
1875	1,138	2,512 11 3	2 4 11½	8,892 14 4	7 15 9½	2,543 14 0	2 7 7½	2,339 2 2	2 1 1½	16,288 1 9	14 6 3
1876	1,166	2,622 19 10	2 4 11½	9,940 16 2	8 10 6	3,062 13 1	2 12 6½	2,721 10 0	2 6 8	18,347 19 1	15 14 8½
1877	1,233	2,715 4 9	2 4 0½	9,773 0 1	7 18 6½	2,632 0 7	2 2 8½	2,881 2 11	2 6 8½	18,001 8 4	14 11 11½
	979	2,271 9 1	2 6 5	6,834 11 8	6 19 7½	2,142 5 5	2 3 9	1,892 2 1	1 18 7½	13,140 8 3	13 8 5½

RETURN of the Deaths in the Government Asylums for the Infirm and Destitute, for the year 1877.

Disease.	Hyde Park.	Parramatta.	Liverpool.
Senile decay	13	17	68
Phthisis	15	6	32
Paralysis	12	7	27
Cancer	4	5	25
Chronic rheumatism	1	.....	.....
Chronic gastritis	1	.....	.....
Dysentery	1	1	4
Diarrhœa	6	3	1
Bronchitis	6	8	1
Apoplexy	3	.....	3
Phagedena	1	.....	.....
Jaundice	.....	.....	3
Ulceration	1	.....	.....
Disease of kidneys	.....	.....	2
Pleurisy	2	.....	.....
Cardiac disease	.....	.....	7
Contusion after fall	1	.....	.....
Enteritis	1	.....	.....
Vesical disease	.....	.....	1
Insanity	.....	.....	1
Cerebral abscess	.....	.....	1
Gangrene	1	.....	2
Scrofula	.....	.....	1
Congestion of brain	.....	.....	1
Dropsy	.....	.....	1
Hepatitis	1	.....	1
Fracture of skull	.....	1	.....
Heart disease	4	3	1
Bladder disease	.....	1	.....
Asthma	.....	1	.....
Gout and debility	.....	1	.....
Total	74	54	183

Sydney: Thomas Richards, Government Printer.—1878.

[3*d.*]

1878.

NEW SOUTH WALES.

COLONIAL HOSPITALS.

(STATISTICAL INFORMATION RESPECTING.)

Presented to Parliament by Command.

Alfred Roberts, Esquire, to The Colonial Secretary.

Sir,

Lady Young Terrace, 3 June, 1878.

I have the honor to enclose the statistical information upon Hospitals, for the collection of which I am indebted to the Colonial Secretary's Department of this and the other Australasian Colonies.

I have tabulated all the information received, and added the results of such calculations as appeared most likely to prove useful.

I shall esteem it a favour if you will forward some copies of the Return, when printed, to each of the Colonies which so readily supplied me with the information, with an expression of my thanks for their courtesy.

I regret that the pressure of my professional engagements has caused some delay in completing my task, but trust it may render some assistance to those upon whom the legislation of this branch of charity depends in the various Colonies.

I have, &c.,
ALFRED ROBERTS.

COLONIAL HOSPITALS.

INTRODUCTION.

MANY years since I availed myself of a long inland trip to visit the local hospitals of the districts passed through, and was so much impressed with their unsatisfactory condition that I felt it my duty to address the Colonial Secretary upon the subject. (*Letter appended.*)

Since my return from Europe circumstances have enabled me to make further inquiries in the same direction, which served to strengthen the opinion I had previously formed, indicated the necessity for further investigation, and suggested a full inquiry into the statistics of the hospitals throughout Australasia.

It was evident that the task would be a heavy one, but in no other way did it appear possible to arrive at a satisfactory conclusion, in respect to the difficulties and errors of existing systems of management, and the bearing of colonial life upon this branch of charity, or to indicate the direction in which improvements should be made.

I had, however, a further wish in extending the inquiry throughout the Australasian Colonies; I hoped that by so doing, however little success might attend this first attempt, it would lead to future more complete returns of a similar character, the collection of which would be comparatively easy, and could not fail to be useful to the various Governments, the suffering poor, and the medical profession.

I am greatly indebted to the Colonial Secretary's Department of the various colonies for the kind readiness with which the inquiry was undertaken, as well as for the courtesy and perseverance with which it was followed up.

To the various Boards of Management and officers of the one hundred and sixteen (116) hospitals, who have so kindly furnished the particulars of their institutions, often at the expense of much labor, my thanks are especially due, and as heartily accorded.

The form of inquiry was based upon that of Mr. Wilkinson, the Secretary of St. Mary's Hospital, London, to whose able report, upon the expenditure of hospitals in England, I am indebted for many suggestions.

The statistics were collected for the year 1875; more than twelve months however elapsed after the distribution of the circulars, before those of New South Wales and Queensland were returned.

The colony which was able to complete the returns with the most promptitude was New Zealand, the information supplied being of a full and business-like character.

Victoria, with its much larger number of hospitals, was but little behind New Zealand in promptitude of action, though considerable delay occurred in obtaining the returns from a few of the hospitals. The information supplied was full, candid, and complete.

The returns came in from South Australia and Tasmania at an early date, the number of the hospitals being small and the information somewhat incomplete.

The Government of Queensland used its utmost endeavours to get in the returns for several months, but the result has not proved satisfactory.

In New South Wales a similar difficulty has been experienced, and it was not until repeated letters had been sent from the Colonial Secretary's Office that the papers of many of the country hospitals were returned with such information as the books and accounts could supply.

It appears that in each Colony the officers of some of the hospitals have not quite understood the bearing of certain points embodied in the returns, a full comprehension of which is essential to sound hospital management.

It is also clear that in some instances, especially in New South Wales and Queensland, the records of some of the hospitals have been insufficient to supply the required information.

For general reference I have drawn up and appended a brief summary of the leading features in the statistics of each Colony.

The returns of the cost of construction are necessarily imperfect, but they attain my object of affording an approximate view of what has been accomplished in this direction in all the Colonies except Queensland.

The results of different systems of management upon expenditure, as indicated by the statistics of New Zealand and Queensland, are valuable and worthy of special consideration.

The difference in the annual cost of supporting each occupied bed in the various hospitals of an individual Colony is very remarkable; thus we find that—

In New South Wales it was from		£36 to	£156.
In Victoria	„	„	£31 to £122.
In New Zealand	„	„	£40 to £175.
In Queensland	„	„	£

The proportion of payments made by patients to the total cost of support was—

In New South Wales	1–14th
In Victoria	1–57th
In New Zealand	1–22nd

The proportionate numbers of out-patients who received advice and medicine at hospitals in the different Colonies was as follows:—

New South Wales	6,720
Victoria	45,554
New Zealand	9,332

Without attaching undue importance to mere figures, and making every allowance for the imperfections of the statistics, I can but feel they contain much that is worth consideration, and that they prove the necessity for further investigation into our system of hospital management, the mode of keeping accounts, and the expenditure.

When

When we bear in mind the considerable proportion which the various Governments are called upon to contribute in these Colonies towards the construction of hospitals—when it is further considered, how many of the most important features of hospital construction are special in character, it appears desirable equally in the interests of the Government, of the subscribers, and of the future inmates, that the plans of all future hospitals in each Colony should be prepared by an architect employed by the Government and advised by a medical officer, both of whom should possess special knowledge and experience of the subject,—the Board of each proposed hospital being invited to make suggestions in reference to local requirements.

Avoiding discussion upon the important question of "Government control of charities towards which they contribute," I may suggest, pending its decision, that a material improvement might be effected in the management of hospitals, if the respective Governments would establish a rule, to be adopted *without exception*, that in every case where a Government contributes towards the support of a hospital it would insist upon all accounts being kept in strict accordance with a specified form to be supplied by the Government, as well as upon an annual return being made also in accordance with forms to be supplied.

I append a "draft form" which will serve to indicate the nature of the information which it appears desirable such returns should embody. If all the Australasian Colonies would agree to obtain their returns upon the same form it would be a great additional advantage.

That the accounts can easily be kept distinct, under the heads specified, we know upon good authority. Referring to this point, Mr. T. W. Wilkinson says, in the concluding paragraph of the Report before alluded to "That this can easily be accomplished, I am in a position from long experience to affirm, and it needs but the approval and sanction of our different governing bodies to gain this desirable object and to render the study of hospital expenditure easy and instructive."

I may add, in conclusion, that so long as the country hospitals are managed by Boards practically independent of the Government, some course similar to that above suggested appears to me the only means by which we can hope to establish the accounts of these institutions, upon a basis in any way satisfactory.

ALFRED ROBERTS.

Lady Young Terrace, May 5th, 1878.

APPENDIX 1.

A. Roberts, Esq., to The Medical Adviser to the Government.

Castlereagh-street, 21 March, 1870.

Dear Sir,

During November last I was induced to make an overland tour from Sydney to Brisbane, and availed myself of the opportunity to visit most of the hospitals in the country through which I passed.

I beg now to submit to you, for the information of the Government, some of the facts which have thus and otherwise come under my observation, together with certain impressions arising therefrom, which have suggested themselves to my mind.

Without entering upon a description of individual institutions, I would remark upon—

1st—The unfitness of the buildings generally, whether old or new, for the purpose of a hospital.

2nd—The absence of means for securing efficient ventilation, and the frequent neglect in fully utilizing such as existed.

3rd—The general absence of necessary medical and surgical appliances.

4th—The frequent want of attendants qualified for the duties of wardsmen and nurses.

5th—The use, in every instance, as far as I can recollect, of the hospital for the double purpose of hospital and benevolent asylum, without classification.

I beg to express my firm conviction that the system of receiving infirm paupers (many of whom are especially dirty and loathsome in their habits) into hospitals lies at the root of these evils, and that any attempt to remedy the latter without in the first instance removing the former will be of no avail. The existence of this pernicious custom appears to keep down the character of the hospital to that of the benevolent asylum, its depressing and injurious influence being equally apparent in the subscription lists, and upon the subdued energies of the Committee, the Medical Officers, and the attendants; but the combined evils of the system tell with painful force upon the patients.

I am aware of the unavoidable circumstances which, in the early stages of the Colony, induced the Government and local authorities to utilize the country hospitals for the double purpose alluded to, but I also feel that the time has arrived when a system so pernicious to the recovery of the suffering patients should be modified, to meet the true interests of humanity and further the advancements of medical science.

It is but repeating an established fact to affirm that no serious case of illness or accident can be efficiently treated in the rooms of a small hospital which are also appropriated to the uses of a poor-house.

I have, &c.,

ALFRED ROBERTS.

APPENDIX 2.

Proposed Form of Hospital Return.

1. What is the name of the township?
2. „ „ population?
3. „ „ character of the hospital—whether general, lying-in, children's, or other form of special hospital?
4. How many years has it been established?
5. Was the present building built for a hospital?
6. How much of the year's income was contributed by Government?
7. „ „ „ raised by public subscription?
8. „ „ „ received from patients?
9. „ „ „ derived from invested funds?
10. „ „ „ received by donation or legacy?
11. What is the number of the Board of Management?
12. How are its members elected or appointed?
13. State the name and vocation of each member of the Board, indicating the President, Chairman, Treasurer, Secretary, &c.

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14. State the number of wards for males?
15. „ height, width, and length of each (inside measurement), and the number of beds it contains?
16. „ number of wards for females?
17. „ height, width, and length of each (inside measurement), and the number of beds it contains?
18. „ the total number of beds provided in the hospital?
19. „ average number of male in-patients daily?
20. „ „ female „ ?
21. „ number of patients received during the year who would have been more suitable to a benevolent asylum?
22. State the total number of in-patients received during the year?

---

23. State the number of out-patients who attended during the year?
24. „ „ patients who were attended at their homes?
25. „ „ paid resident medical officers—their names and qualifications?
26. „ amount of their salaries?
27. „ number of paid non-resident medical officers—their names and qualifications?
28. „ amount of their salaries?
29. „ number of honorary medical officers—their names and qualifications?
30. „ „ and position of other paid officers, except nurses and servants?
31. „ amount of their salaries?
32. „ number of the male nursing staff?
33. „ amount of their salaries?
34. „ number of the female nursing staff?
35. „ amount of their salaries?
36. „ number of servants, exclusive of nurses?
37. „ amount of their salaries?

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1. The annual cost of provisions, *exclusive of wine, beer, and spirits?*
2. „ „ wine, beer, and spirits?
3. „ „ fire and lighting?
4. „ „ washing and laundry?
5. „ „ linen and bedding?
6. „ „ furniture, earthenware, &c.?
7. „ „ drugs and dispensary?
8. „ „ surgical instruments and appliances?
9. „ „ water supply?
10. „ „ printing—stationery?
11. „ „ funerals?
12. „ „ repairs—*average*?
13. Payments for interest?
14. „ insurance?
15. „ commission?
16. Other expenses not included in the above?

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1. The contract price during the year of bread for the 2-lb. loaf?
2. The contract price during the year of meat, at per lb.
3. The contract price of any other important item calculated to materially affect the current expenditure?

SUMMARY

SUMMARY.

NEW SOUTH WALES.

THE circumstances under which this Colony was established, and the vicissitudes through which it has passed, have tended to give an irregular character to some of its charities; thus we find that, in certain instances the same institutions serve the double purpose of hospital and benevolent asylum. It is therefore necessary, in calculating the hospital accommodation, to include a portion of that of the benevolent asylums.

With a population of 606,652 Europeons, New South Wales has 38 hospitals and 5 institutions, each of which affords hospital and benevolent accommodation; the total number of hospital beds being 1,045, or 1 to about every 527 persons.

There are no special hospitals, with the exception of the Lying-in department of the Sydney Benevolent Asylum.

Of 35 of the hospitals we find that—2 have existed more than 50 years.

4	„	from 30 to 50 „
5	„	„ 20 to 30 „
15	„	„ 10 to 20 „
6	„	„ 5 to 10 „
3	„	5 years.

In 3 information is not given on this point.

Cost of Construction.

Of 35 hospitals, 3 were constructed wholly at the Government expense, 4 wholly by public subscription, and the rest partly by Government and partly by public subscription; the moiety contributed by the Government varying from (⅐) one-seventh to nearly three-fourths (¾) in different instances.

Of the 38 hospitals, we have returns showing the cost of construction in 25; these contain 446 beds, and cost in the aggregate £47,515, being at the rate of about £106 10s. per bed.

The remaining 13 hospitals contain 599 beds, and these, calculated at the same rate of £106 10s. per bed, would yield £63,793, making an approximate total of £111,308 as the cost of the existing hospitals.

The aggregate Government contribution in the 23 hospitals in the returns of which this item is given amounts to £16,163, that provided through public subscription being £31,411.

The cost per bed has varied in different hospitals, from £16 10s., with an average of 700 cubic feet of space per bed (Grenfell), to £231, with a cubic space of —— feet (St. Vincent's).

Beds and Patients.

Of the total number of beds provided (1,045), the average number occupied was, during the year, 787, or 25 per cent. less than the supply.

The number of in-patients treated during the year was 8,287, of whom 336 were cases more suited to a benevolent asylum. The in-patients are in the proportion of about 10·12 to each occupied bed.

6,723 out-patients received advice and medicine from 18 of the 35 hospitals, but of these 6,221 were attended at the Sydney Infirmary.

870 patients were attended at their own homes from the same institution, and 23 from 7 other hospitals.

No women were attended in confinement at their own homes from any of the hospitals.

Management.

All the hospitals are managed by Boards elected by the subscribers, the number of members constituting the Boards varying from 7 to 40. In one hospital the Government appoint the president and the treasurer.

Although the Government has contributed so largely to the original cost of construction and to the current expenditure (in the proportion of about £1 17s. to each £1), the Government has not hitherto practically exercised any supervision or control over the management and expenditure.

Cost of Support.

The details of this are given in 34 hospitals (exclusive of the Sydney Infirmary), towards the support of which the public contribute £9,035, and the Government £7,521.

Towards the Sydney Infirmary the public subscribe £2,644, and the Government £9,156.

St. Vincent's Hospital is supported without Government aid.

Patients have contributed something, more or less, to the support of 27 hospitals, the total sum amounting to £2,203, being rather less than ⅛ of the entire annual expenditure.

The total sum received since the establishment of the hospitals, in the shape of legacies and donations, is £13,817, and the entire annual income stated to be derived from invested funds is £1,270.

The annual current expenditure per occupied bed appears to vary from £10 to £156.

In 2,	was between	£30	and	£40.
„ 4,	„	£40	„	£50.
„ 7,	„	£50	„	£60.
„ 8,	„	£60	„	£80.
„ 3,	„	£80	„	£100.
„ 2,	„	£130	„	£140.
„ 1,	„	£156.		

There are no circumstances that I am aware of to indicate that these serious discrepancies can be accounted for by the local cost of necessaries.

VICTORIA.

VICTORIA.

THIS Colony has a population of 813,588 Europeans, and possesses 34 hospitals, with an aggregate number of 2,062 beds, being 1 bed to every 395 persons.

31 of the hospitals are general in character, 4 having benevolent asylums attached to them, and 1 also receiving lying-in cases.

The remaining 3 are special hospitals, and located in Melbourne :—

1 is devoted to diseases of the eye and ear.
1 to children.
1 to lying-in women and diseases of women and children.

Of the above—

11	have been established	between	20	and	30	years.
15	"	"	10	"	20	"
4	"	"	5	"	10	"
4	"	under	5	years.		

All have been constructed partly by the Government, and partly by public subscriptions. The moiety contributed by Government varying in different instances from rather less than half to rather more than two-thirds.

Of the 34 hospitals we have returns showing the cost of construction of 28, but as there is evidently an error in the figures under the head of the Melbourne Hospital, I have excluded this from the following calculation :—

27 hospitals, containing 1,322 beds, cost £136,449, being at the rate of £103 5s. per bed.

The remaining 7 contain 740 beds, and these calculated at the same rate of £103 5s. per bed yield £76,405, making an approximate total of £212,854 at the cost of the existing hospitals.

The aggregate contribution of the Government towards construction is stated in the returns of 26 hospitals, and amounts to £80,245 against £53,010 collected from the public.

The cost per bed has varied greatly in different hospitals from £29 with 1,100 feet of cubic space to £190 with 2,000 feet of cubic space.

Of the total number of beds (2,062) the average number occupied during the year was 1,630, or about 25 per cent. less than the supply.

The total number of in-patients treated during the year was 15,479, of whom 1,210, or about 1 in 13, were cases more suited to a benevolent asylum. The in-patients are in the proportion of about 9·50 to each occupied bed.

45,554 out-patients received advice and medicine at 31 out of the 34 hospitals ; 68 patients were attended at their own homes from 2 of the hospitals. No women were attended in confinement at their homes from any of the hospitals.

There are in Melbourne 3 special hospitals :—

A lying-in hospital, with 64 beds.
A children's hospital, with 20 beds,
An eye and ear hospital, with 21 beds.

The first two are managed by a Committee of ladies, assisted by a Committee of gentlemen ; the last by a Committee elected by the subscribers.

Management.

All the hospitals appear to be managed by a Board elected by subscribers, the number of members varying from 10 to 39.

The statistics indicate that the Government does not practically exercise any systematic and effectual supervision over the management or the expenditure. Thus the returns show that 12 have no governmental control ; that in 6 it is possessed but not exercised ; and in 15 the half-yearly or annual accounts only are sent in to the Government.

Cost of Support.

The details of this are given by 29 hospitals, and show that the proportion of the Government contribution to that raised by subscription varies greatly in different hospitals ; the former ranging from one-third to two-thirds of the entire expenditure.

The aggregate amount of the annual incomes contributed by the Government was £54,037, and that raised by public subscription, £28,334.

In only 18 hospitals has anything been contributed towards their support by patients, and the whole amount derived from this source was but £1,448, or about $\frac{3}{4}$th of the total annual expenditure.

The total sums received since the establishment of the hospitals in the shape of legacies and donations amounts to £15,639 ; but the entire annual income stated to be derived from invested funds is only £106. It would appear therefore that this money has either been expended upon buildings or in current expenditure.

The annual current expenditure per occupied bed appears to vary from £31 to £122.

In 3	hospitals it was	between	£30	and	£40
6	"	"	£40	"	£50
1	"	"	£59		
11	"	"	£60	"	£70
3	"	"	£70	"	£80
3	"	"	£90	"	£100
2	"	"	£100	"	£125

It is difficult to define the cause of these discrepancies, but they certainly do not arise from the difference in the cost of necessaries in the various localities.

SOUTH AUSTRALIA.

THE population of this Colony was estimated in 1875 at 213,271, exclusive of aboriginals, of whom more than 60,000 are centered within a radius of 10 or 15 miles of Adelaide.

The hospitals are 6 in number; all are situated upon the coast, and are general in character; those at the ports appear to be chiefly used as casualty hospitals, patients who require long treatment being transferred to the Adelaide Hospital.

The 6 hospitals contain an aggregate of 265 beds, being 1 to every 805 Europeans.

Although the returns of the Adelaide Hospital state that it was established 20 years ago, it is due to observe that a hospital was among the first of the buildings erected in Adelaide about 1838.

The hospital last built was that of Port Augusta, which was opened in 1874.

All have been built at the expense of Government, but estimates of cost have been returned from three only.

The Adelaide has 203 beds, each of which has a cubic space of 2,000 feet, and cost £99.

That at Mount Gambier has 48 beds, each of which has a cubic space of 1,288 feet, and cost about £292.

That at Port Augusta, with three beds, cost £466 per bed.

The number of in-patients treated during the year was 2,186, of whom 12 were more suited to a benevolent asylum. They are in the proportion of $8\frac{1}{4}$ to each bed.

7,000 out-patients received advice and medicine at the Adelaide Hospital during the year, but none were visited at their homes.

The annual support of all the hospitals is borne by the Government, except one-sixth part of that at Adelaide, which is raised by public subscription. The same institution has received £700 by legacy.

The hospitals are so few in number, and so exceptional in character, that it is undesirable to draw any conclusions from the imperfect details afforded upon the question of annual expenditure. It is satisfactory however to observe that the annual expenditure of the Adelaide and Mount Gambier Hospitals does not exceed £46 2s. and £52 respectively per occupied bed.

TASMANIA.

THE population of this Colony, which was practically founded in 1804, is now 103,663. It possesses three hospitals, one of which serves also the purposes of a benevolent asylum. The three institutions possess an aggregate of 193 beds, being 1 to every 540 persons.

They have been established 35 years, 20 years, and 13 years respectively.

They have been all constructed at the Government expense, but the cost of one only is given; this amounts to £125 per bed with a cubic space of 1,789 feet.

The cost of maintenance of each is borne by the Government, except that £150 is raised annually by public subscription towards the hospital at Campbelltown.

The management is fully under Government control.

The annual cost of each occupied bed is as follows, in the respective institutions:—

Campbelltown	———
Hobart Town	£52 10s.
Launceston	£47 10s.

The total number of in-patients treated during the year was 1,460, or about 7·33 per bed.

About 6,000 persons received advice and medicine as out-patients, and 500 were attended at their homes, but no woman was so attended in confinement.

NEW ZEALAND.

The European population of this Colony is 375,856, and the Maori 45,470, making 421,326 in all.

There are 24 hospitals, with an aggregate number of 884 beds, being 1 bed to every 477 persons, Maories included.

All are general in character, one being also used as a Lying-in establishment.

5 have been established between 20 and 30 years.
9 " " 10 " 20 "
6 " " 5 " 10 "
3 " " 1 " 5 "

In 14, the entire cost of construction was contributed by the Government.

In 9, the cost was shared by the Government and public subscription.

1 was built with money raised wholly from public subscription.

Of those built entirely at the Government expense, there are only details of 7. Of these the aggregate cost was £34,283, the number of beds was 296, the average cubic space per bed was 1,078 feet, and the average cost per bed was £115 15s.

Adopting these averages to fill up the missing details of the remaining 7 hospitals built by the Government, we find that during the last 30 years the Government would have furnished a sum of £80,583 for the erection of 14 hospitals, containing an aggregate of 696 beds. It was further supplemented by public subscriptions towards the erection of other 10 hospitals, to the extent of £9,129, making a total of £89,812.

The amount raised by public subscription towards hospital construction has been £6,512 (including £963 subscribed to build one without Government aid.)

This is in the proportion of about £1 to every £13 10s. of the Government contribution.

The 9 hospitals built by public subscription, supplemented by Government aid, contain 188 beds, have an average cubic space of 975 feet, and an average cost of £81 per bed.

The highest rate of cost in those built by the Government was £154 per bed, with a cubic space of 1,212 feet, and the lowest was £31 10s. per bed, with a cubic space of 512 feet.

The highest rate of cost in those built conjointly by Government and public subscription was £144 14s. per bed, with a cubic space of 1,058 feet, and the lowest was £41 3s., with a cubic space of 692 feet.

Of the total, 884 beds, the average number occupied is 634. So that hitherto the supply has been about 40 per cent. in excess of the demand.

The number of in-patients treated during the year was 5,051, of whom 228, or about 1 in 22, were cases more suited to a benevolent asylum. They are in the proportion of 5·70 to each bed.

9,332 out-patients received advice and medicine at 17 of the 24 hospitals.

95 patients were attended at their homes from two of the hospitals, but no women were thus attended in confinement.

Management.

5 of the hospitals are managed by a single medical officer appointed by and responsible to the Government.

5 are managed by a Board of 5 members appointed by and responsible to the Government.

14 are managed by a Board (of from 9 to 21 members) elected by subscribers.

17 are under Government supervision.

7 are not under Government supervision.

10 are wholly supported by the Government, and 8 of these are managed either by a single medical officer or by a Board of 5 members.

The 5 managed by a medical officer contain an average of 88 beds each, and the average annual cost of each occupied bed was £84.

Of the 5 managed by a Board of five members we have only details of 4; these contain an average of 33 beds each, and the average annual cost of each occupied bed was £122.

The 14 managed by a large Board contain an average of 20 beds each, and the average annual cost per occupied bed was £160.

10 are wholly supported by the Government.

6 are two-thirds supported by the Government, and one-third by public subscription.

7 are half supported by the Government and half by public subscription.

1 is one-sixth supported by Government and five-sixths by public subscription.

Contributions were received from patients towards their support during treatment, at all the hospitals, amounting in the aggregate to no less than £2,274, being in the proportion of ½nd to the total annual expenditure.

The annual current expenditure per occupied bed was

In 3 hospitals between £40 and £50.
4 " " £60 and £80.
4 " " £80 and £100.
4 " " £100 and £110.
1 " " £110 and £120.
2 " " £120 and £140.
3 " " £140 and £160.
1 " it was £175.

There are no material items for buildings or repairs, and no great difference in the price of hospital necessaries to account for this remarkable variation in the cost of the beds.

As a general rule the larger hospitals are conducted the most economically, but a great difference exists in this respect among hospitals with about the same number of beds.

QUEENSLAND.

QUEENSLAND.

THE European population of this young and extensive colony is 173,180. The hospitals are 25 in number; they are scattered generally throughout the populated districts, and with two exceptions are *general* in character. One of the former is a lock and the other is a lying-in hospital.

Of the 23 general hospitals, the Government have only been able to obtain for me returns from 11. Of these

1 has been established between 20 and 30 years.
3 have " " 10 and 20 years.
1 has " " 5 and 10 years.
5 have " " 5 years.

In 1 the cost of construction was borne wholly by the Government.
In 8 " " " partly by the Government and partly by subscription.
In 1 " " provided wholly by subscription.

The Government nominally provides two-thirds of the annual income of every hospital, but it sometimes happens that the sum raised by subscription amounts to more than half that voted by Government.

One hospital derives a trifling annual income from invested funds, to the extent of £8 17s.

The cost of the single hospital erected at the Government expense was £21,000, the number of beds being 124; the cubic space per bed 990 feet, and the cost £175. This, the Brisbane Hospital, was built about 15 years ago.

Of the 10 hospitals built by public subscription, supplemented by Government aid, we have the particulars of 7 only.

The total cost of these was £10,322, of which £6,853 was contributed by Government, and £3,469 was contributed by public subscription.

The total number of beds was 250,—the average cost per bed being £41, and the average cubic space being 630 feet.

The highest cost per bed appears to have been £79 14s., with a cubic space of 791 feet and 62 beds.

The lowest cost was £15 per bed, with a cubic space of 400 feet and 71 beds. (Maryborough.)

The cost per bed of the hospital built entirely by public subscription was £36, with a cubic space of 960 feet and 10 beds.

These figures indicate that a considerable proportion of the country hospitals are built of wood, are of cheap construction, and possess a very insufficient amount of cubic space per bed.

Management.

Upon this point we have details from 11 hospitals, showing that all are managed by Boards, the members of which vary in number from seven to thirty, and it is worthy of notice that the former conducts the largest, and the latter one of the smallest.

The Board of 1 hospital is elected by the Government, and in this the annual cost of each bed is £40 5s. 6d. (Toowoomba.)

In one the Chairman and three of the members are elected by the Government, and three by the subscribers,—the annual cost of each occupied bed being £46 10s. (Brisbane.)

The average annual cost of each occupied bed in the 4 other hospitals, the details of which are given, and which are managed by large Boards elected by the subscribers, is £82 14s.

In 3 the returns state that the Government have no control over the expenditure, and from the replies of others it is evident that little is exercised.

The contributions received from paying patients, as shown by the returns of 8 hospitals, are in the proportion of £1 to £18 of the entire income.

	Albury.	Armidale.	Bathurst.	Bourke.	Braidwood.	Carcoar.
A.						
1. What is the population of the township, and of the district benefited by the hospital?	.....	10,000	6,000	T. 700; D. 1,500.	T. 2000; D. 11000	T. 500; D. 6,000
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital.	General & Benevolent Asylum.	General.	General.	General.	General.	General.
3. How many years has the hospital been established?	16 years.	25 years.	60 years.	9 years.	17 years.	18 years.
4. If the present building was erected for a hospital?	Yes, and Benevolent Asylum.	Yes.	Yes (for convicts.)	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	£1,500.	About £700.	Not known.	.....	£1,600	£2,496 17s. 2d.
6. How much of the cost of construction was contributed by the Government?	None.	None.	The whole.	.....	£550	£1,000
7. How much of the cost of construction was raised by public subscription?	£1,500	The whole.	None.	.....	£1,100	£1,496 17s. 2d.
8. How much of the annual income is contributed by the Government?	£500 Pound fees £25 1s. 8d.	½	½	½	£100	£100
9. How much of the annual income is raised by public subscription?	£620 3s. 9d.	½	½	½	£175	£164 11s. 5d.
10. How much of the annual income is (upon an average) contributed by paying patients?	.....	Very little.	£18 10s. (last year.)	None.	£4 10s.	£77 4s.
11. How much of the annual income is derived from invested funds?	Nil.	£20	£154 18s. 4d.	None.	£20 (75)	£5 10s.
12. What amount has been received by legacies and donations?	Nil.	Donations—£258 3s. 5d.	Donations—£85 15s. 10d.	£500.	None.	None.
13. Is the institution under the control of a single officer or a Board?	A Board.	A Board.	A Board.	A Board.	A Board.	A Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	.....	.....	.....	.....
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	8 elected.	21 elected.	26 elected.	14 elected.	9	Elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	Subject to supervision by the Government.	None, beyond requiring abstract of annual accounts.	Visited occasionally by Government Inspector.	None.	.....	.....
B.						
1. The number of beds?	24	21	30	10	20	16
2. The average cubic space per bed?	800 feet.	.....	.....	450	.....	900 feet.
3. The average number of in-patients daily, throughout the year—Male?	12	9	21	8	2	7
4. The average number of in-patients daily, throughout the year—Female?		1	4	None.	2	
5. The number of paying patients received during the year?	.....	10	12	.....	None.	29
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	1	68	78	7	16	6
7. Total number of in-patients received during the year?	149	104	235	63	31	89
C.						
1. The average number who annually attend at the hospital as out-patients?	32	None.	20	None.	None.	2
2. The average number who are attended annually at their own homes?	None.	None.	None.	None.	None.	5
3. The average number of women who are attended annually in confinement at their own homes?	None.	None.	None.	None.	None.	None.

Wales.

Cooma.	Deniliquin.	Dubbo.	Forbes.	Goulburn.	Grafton.	Grenfell.	Gulgong.
.....	T. 1,500; D. 5,000	7,500	T 1,000 ; D 6,000	T 4,453	T 8,965 ; D 13,760	T 1,800 ; D 7,500	T 800 ; D 2,500
General.	General.	General.	General.	General.	General.	General.	General.
9 years.	19 years.	7 years.	14 years.	40 years.	15 years.	9 years.	5 years.
Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
£600	£2,000	£1,500	£642	No record.	£2,000	£200	£132—additions since.
About £200	£1,000	½	½	No record.	½	None.	£400
About £400	£1,000	½	½	No record.	½	£200	£355 12s. 6d.
£95 9s. 10d. (75)	£400	⅔	£300	½	½	£200 (about)	½
£95 9s. 10d. (75)	£550	½	£300	½	½	£200 (about)	£104 18s.
1¼ %	None. Occasional donations.	1/20	£32	£75	None.	£31	£29 5s.
None.	None.	None.	£12 10s.	None.	None.	None.	None.
None.	None.	None.	£100	(Donations 1875), £63 6s. 4d.	None.	None.	£276 10s. 7d.
A Board.	A Board.	A Board.	A Board.	A Board.	A Board.	A Board.	A Board.
.....	.....	.....	Nil.	.....	.....	.....	.....
7 elected.	40 elected.	17 elected.	17 elected.	12	12 elected; also all Ministers of Religion who subscribe, the Mayor and Medical Officers.	9 elected.	14 elected.
.....	None.	None.	.....	.....	None.	None.	None.
6	21	14	10	20	12	12	17
.....	.....	.....	510 ft.	40 ft.	.....	700 ft.	900 ft.
1¼	15	9	7	8	3	3	4½
		1	1	2	3	1	1
None.	None.	31	7	25	None.	18	.....
2	4	3	6	35	None.	3	None.
14	134	98	83	77	62	16	81
2	167	32	4	20	3	23	27
.....	None.	None.	None.	None.	3	5	None.
.....	None.	None.	None.	None.	None.	None.	None.

	Albury.	Armidale.	Bathurst.	Bourke.	Braidwood.	Carcoar.
D.						
1. The number of paid Medical Officers—Resident?	None.	None.	None.	None.	None.	1
2. The annual amount of their salaries?	.....	.....	.....	.....	.....	£50
3. The number of paid Medical Officers—Non-resident?	2	.....	Honorary (3).	1	1	None.
4. The annual amount of their salaries?	£50 each.	£50 divided between Medical Officers.	.....	£250	£75	,,
5. The number of other paid officers, exclusive of nurses and servants?	2. Superintendent and dispenser, wife, matron.	Secretary only.	2. Superintendent and dispenser.	2 — wardsman and matron.	None.	,,
6. The annual amount of their salaries?	£125	£25	£140	£100	,,	,,
7. The number of the nursing staff?	2 — wardsman and nurse; 1 nurse to every 6 patients.	2 — wardsman and matron; 1 nurse to every 5 patients.	2 male and 1 female; 1 nurse to every 8½ patients.	.....	2 — wardsman and matron; 1 nurse to every 2 patients.	2—Man and wife act as servants, salary £50; 1 nurse to every 14 patients.
8. The annual amount of their salaries?	£104	£100	£117	.....	£60	
9. The number of servants?	1. Cook.	None.	1	.....	Occasional assistance when required.	
10. The annual amount of their salaries?	£78	None.	£52	.....		
Total cost of salaries.....	£407	£175	£309	£350	£135	£100
E.						
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	£ s. d. 276 9 9	£ s. d. 295 14 3	£ s. d. 319 1 8	.....	£ s. d. 130 0 0	£ s. d. 100 0 0
2. The annual cost of wine, beer, and spirits?	68 14 6	10 0 0	45 0 0	£28	4 0 0	10 0 0
3. The annual cost of fire and lighting?	45 6 2	18 0 0	65 5 1	.....	15 0 0	40 0 0
4. The annual cost of washing and laundry?	.....	.....	33 10 10	.....	.....	20 0 0
5. The annual cost of linen and bedding?	42 9 0	6 6 0	17 2 8	.....	5 0 0	Various.
6. The annual cost of furniture, earthenware, &c.?	38 16 0	Nil.	10 2 0	.....	.....	do.
7. The annual cost of drugs and dispensary?	65 5 0	60 0 0	92 7 0	£85	25 0 0	About 16 0 0
8. The annual cost of surgical instruments and appliances?		15 0 0		.....	.....	Supplied by medical officers.
9. The annual cost of water supply?	Nil.	Nil.	.....	.....	.....	.....
10. The annual cost of printing—stationery?	19 5 0	3 2 0	27 3 0	.....	4 10 0	3 0 0
11. The annual cost of funerals? ...	26 5 0	67 16 0	28 15 0	£5 each.	4 5 0	2 10 each
12. The annual cost of repairs—average?	30 0 0	5 0 0	12 8 6	.....	6 0 0	.....
13. Payments for interest?	28 13 5	7 11 9	Nil.	.....	.....	.....
14. Payments for insurance?	6 0 0	Nil.	Nil.	.....	.....	4 2 6 Fire.
15. Payments for commission?	8 0 0	Nil.	Nil.	.....	.....	None.
16. Other expenses not included in the above?	26 9 10	.....	6 10 0	.....	.....	.....
17. Total cost of the hospital per annum?	1,088 13 8	663 10 0	966 5 9	.....	328 15 0	295 12 6
18. Proportionate cost of salaries to each occupied bed?	34 0 0	17 10 0	12 7 6	.....	33 15 0	14 5 8
19. Proportionate cost of provisions to each occupied bed?	23 0 9	29 6 0	12 16 0	.....	32 10 0	14 5 8
20. Total cost of each occupied bed?	90 14 6	48 7 0	38 13 1	.....	82 4 0	42 4 8
F.						
1. The contract price during the year of bread for the 2-lb. loaf?	3½d.	1875, 4d.	3d.	No contract.	4d.	4d.
2. The contract price during the year of meat, at per lb.?	4d.	,, 3½d.	2⅞d.	do.	3½d.	4d.

Wales—*continued.*

Cooma.	Deniliquin.	Dubbo.	Forbes.	Goulburn.	Grafton.	Grenfell.	Gulgong.
None.	None.	None.	None.	None.	None.	None.	None.
.....	.....	.....	.....	.....	.....	.....	None.
1	1	1	1	3	1	1	1
£25	£200	£75—half fees of paying patients. Secretary.	£150	£12 12s. each.	£100	£100, including drugs, &c.	£100
None.	None.	.....	None.	None.	.....	.....	One secretary.
,,	.....	£25	.....	.....	.....	.....	£30
2—matron and wardsman.	2—wardsman and wife; 1 nurse to every 7½ patients.	2—matron and wardsman; 1 nurse to every 5 patients.	2; 1 nurse to every 4 patients.	3; 1 nurse to every 3½ patients.	2; 1 nurse to every 3 patients.	Matron, with her daughter.	2; 1 nurse to every 2¾ patients.
£55	£120	£60	£80	£140	£60	£50	£72
.....	No others.	1	None.	Laundress.	None.	None.	None.
.....	.....	£36	.....	£26	.....	.....	.....
£80	£320	£196	£230	£203 16s.	£160	£170	£202
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
56 19 4	332 11 0	291 7 8	230 0 0	147 2 2	.....	58 6 8	242 8 5
.....		28 0 0	50 0 0	29 6 0	.....	Almost Nil.	40 10 0
14 0 0	25 0 0	19 10 0	20 0 0	50 0 0	20 0 0	9 0 0	14 0 0
.....	Done on premises.	25 0 0	Done on premises.	40 0 0	5 0 0	Done on premises.	Done on premises.
.....	Included in 21.	8 15 0	20 0 0	100 0 0	.....	5 0 0	14 15 0
.....		15 10 0	15 0 0	90 7 0	.....	2 0 0	18 13 7
11 16 4	80 9 6	37 11 6	40 0 0	40 0 0	.....	Supplied by surgeon.	82 5 0
.....	Included in above.	41 9 0	10 0 0	9 15 6	None.	Supplied by surgeon.	19 16 0
.....	.....	Nil.	5 0 0	12 10 0	None.	5 0 0	24 16 9
6 19 6	18 4 6	14 19 0	10 0 0	26 15 2	.....	5 0 0	27 4 0
3 15 0	24 2 0	35 0 0	30 0 0	12 3 0	£15	9 0 0	18 0 0
15 0 0	15 0 0	10 0 0	20 0 0	10 0 0	.....	5 0 0	40 16 0
.....	Nil.	Nil.	None.	None.	None.	None.	None.
.....	Nil.	4 5 6	None.	3 10 0	.....	None.	None.
.....	Nil.	Nil.	None.	None.	.....	20 0 0 about	None.
6 16 4	2 16 0	40 0 0	15 0 0	Wages.	.....	Nil.	.....
195 6 6	839 3 0	767 7 8	£695.	775 4 10	.....	288 6 8	745 6 9
64 0 0	21 6 8	19 12 0	28 15 0	20 7 7	.....	42 10 0	36 14 6
45 12 0	22 4 0	29 2 9	28 15 0	14 14 0	.....	14 11 8	44 1 7
156 0 0	55 18 8	76 14 9	86 17 6	77 10 5	.....	72 1 8	135 10 1
6d.	2½d.	4¼d.	6d., lbs. 2½	4d.	4d.	4d.	4d.
4½d.	3½d.	3½d.	4d.	3d.	4d.	3½d.	3½d.

	Gundagai.	Hay.	Hill End and Tambaroora.	Liverpool.	Maitland.	Mudgee.
A.						
1. What is the population of the township, and of the district benefited by the hospital?	T 900; D 4,000	.....	4,000	3,500	.....	10,000
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital.	General.	.....	General.	Asylum for Infirm and Destitute.	General.	General.
3. How many years has the hospital been established?	18 years.	.....	4 years.	40 years.	26 years.	21 years.
4. If the present building was erected for a hospital?	Yes.	.....	Yes.	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	£1500	.....	£1,813 6s.	Unknown.	£3,000	£3,500
6. How much of the cost of construction was contributed by the Government?	⅔	.....	½	All.	£1,000	.....
7. How much of the cost of construction was raised by public subscription?	⅓	.....	½	None.	£2,000	£971 8s. 7d.
8. How much of the annual income is contributed by the Government?	⅓	....	½	All.	£300	£300
9. How much of the annual income is raised by public subscription?	⅔	.....	£137 3s. 1d.	None.	£894 12s.	£350
10. How much of the annual income is (upon an average) contributed by paying patients?	⅐	.....	£5 5s.	None.	£20	£60
11. How much of the annual income is derived from invested funds?	None.	.....	£37 10s.	None.	£53 8s.	None.
12. What amount has been received by legacies and donations?	None.	.....	Donations, £937 15s.	None.	£55	.....
13. Is the institution under the control of a single officer or a Board?	A Board.	.....	A Board.	Single Officer.	A Board.	A Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	None.	Manager, salary, £400, President, £400, Superintendent, £300; both are Government Officers.		
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	13 elected.	.....	15 elected.	.....	12 elected.	24 elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	.....	.....	.....	.....	If any it is never exercised.	.....
B.						
1. The number of beds?	12	.....	9	539 pauper, 200 hospital.	50	22
2. The average cubic space per bed?	700 ft.	.....	2,046 ft.	600 pauper wards, 1,000 hosptl. ,,	.....	.....
3. The average number of in-patients daily, throughout the year—Male?	4	.....	6	190 hospital cases males.]	12	11
4. The average number of in-patients daily, throughout the year—Female?	5	.....	1	None.	5	1
5. The number of paying patients received during the year?	17	.....	5	None.	6	33
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	3	.....	6	.....	.....	17
7. Total number of in-patients received during the year?	50	.....	39	The hospital beds are devoted to incurable or very chronic cases.	171	121
C.						
1. The average number who annually attend at the hospital as out-patients?	None.	.....	None.	None.	150	10
2. The average number who are attended annually at their own homes?	None.	.....	None.	None.	None.	None.
3. The average number of women who are attended annually in confinement at their own homes?	None.	.....	None.	None.	None.	None.

Wales—*continued.*

Murrurundi.	Muswellbrook.	Newcastle.	Narrabri.	Orange.	Parramatta.	Parkes.	Queanbeyan.
.....	4,000	.....	T 400 ; D 4,000	3,000	12,000	T 1,000 ; D 6,000	4,000
.....	General.	.....	General.	General.	General.	.....	General.
.....	21 years.	.....	10 years.	9 years.	Built for a military hospital at the expense of the Imperial Government.	.....	25 years.
.....	Yes.	.....	Yes.	Yes.		Yes.	Yes.
.....	£1,400	.....	£400	£1,200		£482 15s.	£1,000.
.....	£400	.....	½	£600		None.	.....
.....	£600	.....	½	£600		£409 16s. 8d.	No record.
.....	£100	.....	£1 for £1 collected	£435 14s. 4d.	½	None.	£1 for £1.
.....	£100	.....	⅓	£435 14s. 4d.	½	.....	About ½.
.....	£21 6s. 8d.	.....	None.	£10	£3	.....	⅝
.....	£37 10s.	.....	None.	None.	£20	.....	None.
.....	£8 16s.	.....	£50	None.	£550	.....	None.
.....	A Board.	.....	A Board.	A Board.	A Board.	.....	A Board.
.....	15 elected.	.....	24 elected.	30 elected.	16 elected.	.....	17
.....	.....	.....	.....	.....	None.	.....	.....
.....	13	.....	10	12	14	.....	8
.....	1,050	.....	.....	842	.....	.....	.....
.....	5	.....	7	8	4	.....	2
.....	1	.....	.....	1	6	.....	1
.....	8	.....	.....	10	None.	.....	18
.....	2	.....	2	16	11	.....	2
.....	28	.....	53	97	66	.....	30
.....	None.	.....	3	None.	None.	.....	None.
.....	None.	.....	2	None.	None.	.....	None.
.....	None.	.....	.....	None.	None.	.....	None.

	Gundagai.	Hay.	Hill End.	Liverpool.	Maitland.	Mudgee.
D.						
1. The number of paid Medical Officers—Resident?	.....	.....	None.	1	None.	None.
2. The annual amount of their salaries?	.....	.....	.....	£300	.....	.....
3. The number of paid Medical Officers—Non-resident?	1	.....	1	None.	2	1
4. The annual amount of their salaries?	£100	.....	£50.	None.	£50 each.	£50
5. The number of other paid officers, exclusive of nurses and servants?	None.	.....	None.	Matron.	1 Secretary.	None.
6. The annual amount of their salaries?	.....	.....	.....	£200	£15	.....
7. The number of the nursing staff?	2; 1 nurse to every 4½ patients.	.....	1	None.	2; 1 nurse to every 8½ patients.	1; 1 nurse to every 12 patients.
8. The annual amount of their salaries?	£60 and board.	.....	1 to 7.	None.	£115	£60
9. The number of servants?	None.	.....	£52.	About 60 inmates.	2	2
10. The annual amount of their salaries?	.....	.....	None.	£316.	£52 to £75	£74
Total cost of salaries.....	£160	.....	£102.	£816.	£357	£184
E.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	180 0 0	.....	86 7 9	3,794 0 0	243 12 8	292 11 7
2. The annual cost of wine, beer, and spirits?	20 0 0	.....	9 6 0	300 0 0	60 0 0	8 15 8
3. The annual cost of fire and lighting?	35 0 0	.....	18 15 0	150 0 0	42 10 0	15 0 0
4. The annual cost of washing and laundry?	Done by Matron.	.....	None.	71 0 0	20 0 0	.....
5. The annual cost of linen and bedding?	20 0 0	.....	None.	1,705 0 0	168 0 0	.....
6. The annual cost of furniture, earthenware, &c.?	Not known.	.....	11 10 6	150 0 0		.....
7. The annual cost of drugs and dispensary?	16 0 0	.....	33 3 11	211 0 0	42 11 2	40 0 0
8. The annual cost of surgical instruments and appliances?	.....	.....	None.	None.	25 0 0	15 0 0
9. The annual cost of water supply?	10 0 0	.....	None.	150 0 0	None.	3 10 0
10. The annual cost of printing—stationery?	10 0 0	.....	11 7 6	.....	15 0 0	23 13 0
11. The annual cost of funerals? ...	20 0 0	.....	12 15 0	182 0 0	16 10 0	28 17 0
12. The annual cost of repairs—average?	Not known.	.....	26 2 0	.....	39 9 5	.....
13. Payments for interest?	None.	.....	Nil.	.....	Nil.	12 13 0
14. Payments for insurance?	4 19 0	.....	Nil.	.....	6 15 0	7 10 0
15. Payments for commission?	None.	.....	Nil.	.....	Nil.	.....
16. Other expenses not included in the above?	.....	.....	19 7 6	.....	142 14 0	27 0 0
17. Total cost of the hospital per annum?	475 19 0	.....	330 15 4	7,529 0 0	1,179 2 3	658 10 3
18. Proportionate cost of salaries to each occupied bed?	17 15 6	.....	14 11 5	4 5 10	21 0 0	15 6 8
19. Proportionate cost of provisions to each occupied bed?	20 0 0	.....	12 6 9	19 19 4	14 7 0	24 7 7
20. Total cost of each occupied bed?	52 17 6	.....	47 5 0	39 12 5	69 7 0	54 19 6
F.						
1. The contract price during the year of bread for the 2-lb. loaf?	4½d.	.....	6d.	.....	3d.	3d.
2. The contract price during the year of meat, at per lb.?	4½d to 5d.	.....	3½d.	.....	3½d.	3d.

Wales—*continued.*

Murrurundi.	Muswellbrook.	Newcastle.	Narrabri.	Orange.	Parramatta.	Parkes.	Queanbeyan.
.....	None.	.....	1	None.	None.	.....	None.
.....	.....	.....	£100	.....	.....	.....	.....
.....	1	.....	None.	2	None.	.....	2
.....	£40	.....	.....	£30 each.	.....	.....	£25 each.
.....	.....	.....	.....	1 Secretary.	.....	.....	None.
.....	.....	.....	.....	£30	.....	.....	.....
.....	2; 1 nurse to every 3 patients.	.....	2; 1 nurse to every 3½ patients.	2; 1 nurse to every 4½ patients.	1; 1 nurse to every 10 patients.	.....	1; 1 nurse to every 2 patients.
.....	£100	.....	£70	£75 conjointly.	£75	.....	£30
.....	None.	.....	1	1	3	.....	1
.....	.....	.....	£26	£20	£77	.....	£10
.....	£140	.....	£196	£185	£152	.....	£90
	£ s. d.		£ s. d.		£ s. d.		£ s. d.
.....	83 15 0	.....	120 0 0		121 9 4	.....	69 15 0
.....	6 18 6	.....	20 0 0		14 4 6	.....	2 1 6
.....	8 5 0	.....	25 0 0		25 7 0	.....	6 0 0
.....	10 0 0	.....	Done on premises.		Done on premises.	.....	Done on premises.
.....	5 0 0	.....	£16.		17 4 7	.....	.....
.....	10 0 0	.....	£15.		7 4 10	.....	19 13 6
.....	26 7 6	.....	Provided by Medical Officer.		38 4 0	.....	Supplied by Med. Officers.
.....	5 0 0	.....	.....		Nil.	.....	
.....	5 0 0	.....	.....	£666 9 3	.....	.....	1 16 0
.....	6 17 8	.....	8 0 0		12 7 11	.....	4 9 0
.....	2 12 6	.....	15 0 0		8 14 6	.....	11 0 0
.....	.....	.....	20 0 0		31 15 4	.....	57 10 0
.....	.....	.....	.....		Nil.	.....	Nil.
.....	4 13 0	.....	.....		Nil.	.....	Nil.
.....	.....	.....	.....		Nil.	.....	15 0 0
.....	.....	.....	£10		32 2 10	.....	4 4 0
.....	309 9 2	.....	445 0 0	851 9 3	460 14 10	.....	281 9 0
.....	23 6 8	.....	28 0 0	.....	15 4 0	.....	30 0 0
.....	13 16 0	.....	17 3 0	.....	12 3 0	.....	23 5 0
.....	51 11 6	.....	63 11 5	.....	46 1 6	.....	93 16 4
.....	3½d.	.....	Made on premises	4d.	1⅝d.	.....	Matron contracts to feed patients at 10/6 per head.
.....	3½d.	.....	3½d.	4d.	1⅞d.	.....	

	Scone.	Singleton.	Sofala.	Sydney Infirmary.	St. Vincent's.	Tamworth.
A.						
1. What is the population of the township, and of the district benefited by the hospital?	4,488	T. 1,500; D. 1,000	T. 300; D. 600.	.....	.....	T. 2,500.
2. The character of the hospital, whether "General," "Lying-in," "Children's" or any other form of Special Hospital.	Hospital & B. Asylum.	B. Asylum & Hospital.	General.	General.	General.	General.
3. How many years has the hospital been established?	3 yrs.	14 yrs.	19 yrs.	60 yrs. about.	20 yrs.	20 yrs.
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	£2,037 8s. 10d.	£3,000.	Not known.	.....	£12,330.	£1,500
6. How much of the cost of construction was contributed by the Government?	£700.	.....	½	.....	£1,000.	½
7. How much of the cost of construction was raised by public subscription?	£1,337 8s. 10d.	.....	½	.....	Funds chiefly raised by balls, bazaars, &c.	½
8. How much of the annual income is contributed by the Government?	£189 2s. 3d. 1875	½	½	£9,156	None.	£150
9. How much of the annual income is raised by public subscription?	£154 ,,	½	½	£2,644 16s. 2d.	.....	£150
10. How much of the annual income is (upon an average) contributed by paying patients?	£42 16s. 6d. ,,	About 1-20.	£1 %.	£303 1s. 3d.	£845 17s. 10d.	12
11. How much of the annual income is derived from invested funds?	£27 7s. 11d. ,,	£30.	None.	£429 9s. 10d.	None.	⅓
12. What amount has been received by legacies and donations?	None.	.....	None.	£10,856 10s. 8d.	The Institution is the property of the Sisters of Charity and is under their management.	£10
13. Is the institution under the control of a single officer or a Board?	A Board.	A Board.	A Board.	A Board.		A Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	.....	.....		
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	10 elected.	14 elected.	12 elected.	26 elected.		15 elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	.....	.....	.....	.....	.....	No.
B.						
1. The number of beds?	10	21 pauper; 7 hospital.	8	228	52	20
2. The average cubic space per bed?	1,787 ft.	.....	.....	1,070 ft.	.....	600 ft.
3. The average number of in-patients daily, throughout the year—Male?	8	17	⅛	144	20	10
4. The average number of in-patients daily, throughout the year—Female?		2	.....	66	17	0·25
5. The number of paying patients received during the year?	4	None.	1	1,325	.....	12
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	.....	.....	2	.....	.....	10
7. Total number of in-patients received during the year?	49	57	4	2,451	322	98
C.						
1. The average number who annually attend at the hospital as out-patients?	None.	None.	.....	6,221	.....	2
2. The average number who are attended annually at their own homes?	.....	None.	2	870	None.	2
3. The average number of women who are attended annually in confinement at their own homes?	.....	None.	.....	Nil.	None.	None.

Wales—*continued.*

Tenterfield.	Wagga Wagga.	Wellington.	Windsor.	Wollongong.	Yass.	Young.
T. 1,200; D. 3,000.	2,700	T 1,500; D 6,000	5,000 (about.)	T 5,698; D 10,209	6,600 (about.)	T 1,000; D 4,000
General.	General.	General.	General.	General.	General.	General.
14 yrs.	20 yrs.	14 years.	40 years.	12 years.	30	16 years.
Yes.	Yes.	Yes.	For Prison Hospital.	Yes.	Yes.	Yes.
£800.	£1,600	£530 5s.	.....	£1,312 14s.	£400, additions since.	No information, books and papers destroyed by fire.
One-half.	£200	£300	By Government labor.	£656	.....	
One-half.	.....	£230 5s.	None.	£656	£300	
One-half.	£358	£150	£200	£1 for £1	£100	£1 for £1.
£100 (about).	£358	£92 5s.	£200	£145 (1875)	£72 15s. 11d.	£239 7s. 7d. (1875.)
Nil.	£60 (about).	£15 19s. 6d.	None.	£10	£234 9s. 10d.	£77 18s. 6d. (1875.)
Nil.	£40	None.	£170	None.	£16	Nil
Nil.	.....	£10 (1875.)	.....	.....	Nil	£59 11s. (1875)
A Board.	A Board.	A Board.	A Board.	A Board.	Committee.	A Board.
8 elected.	18 elected.	20 elected.	5 trustees and 10 elected.	President, Vice-President, and Treasurer, appointed by the Government; Secretary and 12 others elected.	President, Treasurer, 2 Medical Officers; Resident Clergyman and 10 others chosen by contributors.	9 elected.
No.	.....	.....	.....	No.	No.	.....
12	20	8	12	10	13	12
600 ft.	350 ft.	990 feet.	.....	856 feet.	564 feet.	1,252 feet.
.....	12	4	9	2½	·23	9
.....	1	None.	2	6 during year.	·035	½
None.	35	4	None.	4	66	25
.....	10	2	None.	None.	Several.	4
.....	152	31	27	41	97	67
.....	None.	None.	2	5	Nil	None.
None.	None.	None.	None.	4	Nil	None.
None.	None.	None.	None.	None.	Nil	None.

	Scone.	Singleton.	Sofala.	Sydney Infirmary.	St. Vincent's.	Tamworth.
D.						
1. The number of paid Medical Officers—Resident?	None.	.....	None.	2	.....	None.
2. The annual amount of their salaries?	.....	.....	.....	£250 each.	.....	.....
3. The number of paid Medical Officers—Non-resident?	1	.....	None.	7 District Medical Officers.	.....	2
4. The annual amount of their salaries?	£50.	.....	.....	£400	.....	£100
5. The number of other paid officers, exclusive of nurses and servants?	None.	.....	None.	5	.....	1
6. The annual amount of their salaries?	.....	.....	.....	£875	.....	£20
7. The number of the nursing staff?	2; 1 nurse to every 4 patients.	.....	1; 1 to every patient.	29; 1 nurse to every 7¼ patients.	.....	2; 1 nurse to every 5¼ patients.
8. The annual amount of their salaries?	£65	.....	£50.	£1,064	.....	£70
9. The number of servants?	None.	.....	.....	18	.....	.....
10. The annual amount of their salaries?	None.	.....	.....	£725	£198	.....
Total cost of salaries	£115	.....	£50	£3,464	£198	£190
E.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	.....	254 11 0	12 0 0	3,675 7 10	619 0 4	177 6 7
2. The annual cost of wine, beer, and spirits?	3 0 0	20 0 0	1 0 0	333 4 0	53 6 11	49 18 3
3. The annual cost of fire and lighting?	.....	15 0 0	8 0 0	504 0 0	59 17 1	4 1 8
4. The annual cost of washing and laundry?	.....	.....	.....	592 13 2	11 10 0	3 18 6
5. The annual cost of linen and bedding?	.....	.....	.....	195 10 8	54 19 0	2 18 10
6. The annual cost of furniture, earthenware, &c.?	23 4 9	.....	.....	380 9 10	.....	5 13 10
7. The annual cost of drugs and dispensary?	Supplied by Med. Officers.	.....	7 13 0	1,081 12 11	139 16 3	104 5 10
8. The annual cost of surgical instruments and appliances?	Do.	.....	.....	146 15 11	.....	37 17 6
9. The annual cost of water supply?	None.	.....	.....	Nil.	.....	Nil.
10. The annual cost of printing—stationery?	7 0 9	12 0 0	5 0 0	169 14 6	34 0 10	8 18 9
11. The annual cost of funerals? ...	17 0 0	20 9 0	2 0 0	193 7 0	14 13 0	8 8 0
12. The annual cost of repairs—average?	.....	.....	5 0 0	885 6 9	.....	0 15 0
13. Payments for interest?	None.	.....	Nil.	11 16 7	.....	Nil.
14. Payments for insurance?	.....	4 0 0	.....	34 2 6	.....	2 6 9
15. Payments for commission?	.....	.....	.....	Nil.	25 8 6	7 17 9
16. Other expenses not included in the above?	.....	.....	.....	51 18 1	132 11 5	38 8 0
17. Total cost of the hospital per annum?	.....	.....	90 13 0	11,719 19 9	1,343 3 4	642 15 3
18. Proportionate cost of salaries to each occupied bed?	.....	.....	.....	11 14 8	5 7 0	18 10 9
19. Proportionate cost of provisions to each occupied bed?	.....	.....	.....	12 14 9	16 14 7	17 6 0
20. Total cost of each occupied bed?	.....	.....	.....	51 0 11	36 6 0	62 14 2
F.						
1. The contract price during the year of bread for the 2-lb. loaf?	4d.	2¾d.	4d.	2⅞d.	.....	.....
2. The contract price during the year of meat, at per lb.?	3½d.	3d.	5d.	2½d.	.....	2½d.

Wales—*concluded.*

Tenterfield.	Wagga Wagga.	Wellington.	Windsor.	Wollongong.	Yass.	Young.
.....	None.	None.	None.	None.	None.	None.
.....	.....	.....	.....	.....	.....	.....
1	3	1	1	2	2	1
£100	£100	£100	£40.	£20 each.	£104.	£100
.....	1	None.	2	None.	1 Secretary.	None.
.....	£12	.....	£90.	.....	£16.	.....
2 £60 and 2 rations.	2; 1 nurse to every 6½ patients. £100	2; 1 nurse to every 2 patients. £50	1 £20.	1 (matron); 1 nurse to every 2½ patients. £50	2; 1 nurse to every 1½ patients. £80.	2; 1 nurse to every 4¾ patients. £100
.....	Laundress occasionally.	None.	2	Occasional assistance.	.....	None.
.....	£12	.....	£23.	£5 4s.	.....	.....
£160	£224	£150	£173.	£95 4s.	£200	£200.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
£100 (about)	199 0 0	78 1 6	392 8 10	101 12 1	275 0 0	180 0 11
.....		5 2 9	19 8 6	3 10 0	45 0 0	6 16 9
.....	23 0 0	10 0 0	50 0 0	10 10 0	30 0 0	10 19 0
.....	12 0 0	.....	10 0 0	.....	.....	Done on premises.
.....	Included in No. 1.	2 15 0	74 9 7	6 0 0	.....	2 6 6
.....	Do.		5 0 0	15 0 0	.....	.....
.....	72 0 0	Supplied by Medical Officer.	20 7 6	10 0 0	40 11 7	50 0 0
.....	£60 in 1874.		7 6 0	5 0 0		0 5 0
.....	Nil.	Nil	6 0 0	Nil	5 0 0	1 16 0
.....	13 15 0	5 6 8	16 10 0	5 0 0	6 16 8	18 2 11
.....	65 0 0	14 0 0	14 2 0	Nil	10 10 0	22 15 0
.....	15 0 0	5 8 0	53 2 0	35 0 0	.....	25 2 6
.....	Nil.	Nil	Nil	Nil	.....	.....
.....	2 15 0	1 5 0	2 0 0	Nil	1 7 6	1 19 0
.....	Nil.	Nil	Nil	Nil	.....	.....
.....	.....	Nil	6 5 1	25 0 0	.....	211 17 6
.....	686 10 0	271 18 11	843 1 0	311 16 1	614 5 9	732 1 1
.....	17 4 7	37 10 0	.....	40 16 0	.....	21 1 0
.....	15 6 8	19 10 0	.....	43 9 5	.....	18 19 0
.....	52 16 1	68 5 0	.....	133 12 7	.....	77 1 0
Made on premises.	4½d.	Made on premises.	2½d.	3d.	4½d.	3½d.
3½d.	3⅝d.	3½d.	1½d.	4d.	3⅝d.	3½d.

	Auckland.	Charlestown.	Christchurch.	Clyde	Dunedin.
A.					
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....	.....	.....
2. The character of the hospital, whether "General," "Lying-in," Children's," or any other form of Special Hospital?	General.	General.	General.	General.	General.
3. How many years has the hospital been established?	30 years.	8 years.	15 years.	13 years.	25 years.
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.	No.
5. If built for a hospital, what was its original cost?	First portion £1,000—additions since.	£405	£16,233	£2,000	.....
6. How much of the cost of construction was contributed by the Government?	All.	£200	All.	£1,000	All.
7. How much of the cost of construction was raised by public subscription?	None.	£205	None.	£1,000	None.
8. How much of the annual income is contributed by the Government?	All.	£400	All.	$\frac{9}{20}$	All.
9. How much of the annual income is raised by public subscription?	None.	£200	None.	$\frac{9}{20}$	None.
10. How much of the annual income is (upon an average) contributed by paying patients?	Very small.	7½ per cent.	£342.	$\frac{1}{10}$	£200
11. How much of the annual income is derived from invested funds?	None.	None.	None.	None.	None.
12. What amount has been received by legacies and donations?	None.	None.	£222.	None.	£2,000
13. Is the institution under the control of a single officer or a Board?	Officer.	Board.	Officer.	Board.	Officer.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	Non-resident Provincial Surgeon Salary £400. To Superintendent of Province.	.....	Resident Surgeon Salary £300. To Superintendent of Province.	.....	Non-resident Provincial Surgeon Salary £500. To Superintendent of Province.
15. If by a Board, what is the number of its members, and by whom it is elected, &c.?	.....	15 members elected.	.....	16 members elected	.....
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	Yes, full—through Superintendent of Province.	None.	Yes, full—through Superintendent of Province.	None.	Yes, full—through Superintendent of Province.
B.					
1. The number of beds?.....	80	8	103	22	190
2. The average cubic space per bed?	1,108	.....	1,212	858	1,250, 1,500
3. The average number of in-patients daily, throughout the year—Male?	68	5½	65	$6\frac{83}{78}$	135
4. The average number of in-patients daily, throughout the year—Female?	12	None.	15	.....	32
5. The number of paying patients received during the year?	Very few.	8	All considered liable for payment.	None.	Very few.
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	50	None.	6	None.	Very few.
7. Total number of in-patients received during the year?	728	63	782	79	1,031
C.					
1. The average number who annually attend at the hospital as out-patients?	None.	None.	No record.	328	2,775
2. The average number who are attended annually at their own homes?	None.	None.	None.	None.	None.
3. The average number of women who are attended annually in confinement at their own homes?	None.	None.	None.	None.	None.

Zealand.

Greymouth.	Hokitika.	Invercargill.	Laurence.	Napier.	Naseby.	Nelson.
.....	.....	.....	.....	.....	.....	.....
General.	General.	General	General.	General.	General.	General.
10 years.	11 years.	14 years.	14 years.	17 years.	4 yrs.	8 yrs.
Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
£2,000	£5,500	Unknown.	Unknown.	£630	1,148	£8,000
£1,250	All.	All.	All.	All.	350	All.
£750	None.	None.	None.	None.	798	None.
$\frac{2}{3}$	$\frac{2}{3}$	$\frac{1}{2}$	$\frac{1}{2}$	All.	$\frac{1}{2}$	All.
$\frac{1}{3}$	$\frac{1}{3}$	$\frac{1}{2}$	$\frac{1}{2}$	None.	$\frac{1}{2}$	None.
$\frac{1}{20}$	$\frac{1}{20}$	£100	£90	£50	£30	£100
None.	None.	None.	None.	None.	None.	None.
None.	None.	None.	None.	£5	£1,535	None.
Board.	Board.	Board.	Board.	Board.	Board.	Board.
.....	.....	.....	.....	.....	.....	.....
13 members elected —2 do. by Government.	13 members elected	9 members elected.	19 members elected	5 members appointed by Act of Council.	18 members elected	5 members—2 appointed by Superintendent and 3 by Provincial Council.
Yes—by two nominated members of Board.	Provincial Government pays subsidy on certified vouchers —No other control.	None.	None.	Superintendent of Province is an *ex officio* Member of Board.	Quarterly Returns of expenditure are sent to Provincial Government.	As above.
37	48	21	30	21	12	68
1,204	750	500	480	512	800	1,420
$25\frac{1}{2}$	28	16	8	.....	4	22
$1\frac{1}{2}$	8	2	2	.....	1	6
10	Very few.	25	34	36	25	20
6	One	20	2	4	2	6
202	263	266	113	171	50	162
467	450	888	1,565	110	None.	300
...	.....	None.	None.	60	None.	None.
...	.....	None.	None.	None.	None.	None.

	Auckland.	Charlestown.	Christchurch.	Clyde.	Dunedin.
D.					
1. The number of paid Medical Officers—Resident?	1	1	1	1	2
2. The annual amount of their salaries?	£200 and rations.	£200	£300	£300	£500
3. The number of paid Medical Officers—Non-resident?	1	None.	5	None.	4
4. The annual amount of their salaries?	£400	.....	£335 in aggregate.	.....	3 each £100, and Prov. Surgeon £500
5. The number of other paid officers, exclusive of nurses and servants?	None.	None.	3	None.	5
6. The annual amount of their salaries?	.....	.....	£320	.....	£620
7. The number of the nursing staff?	5; 1 nurse to every 16 patients.	1; 1 nurse to every 5½ patients.	16; 1 nurse to every 5 patients.	2; 1 nurse to every 3½ patients.	11; 1 nurse to every 15 patients.
8. The annual amount of their salaries?	£330.	£100	£765.	£90	£677
9. The number of servants?	2	None.	11	An extra nurse engaged occasionally.	8
10. The annual amount of their salaries?	£72	.....	£495	.....	£410
Total cost of Salaries	£1,002	£300	£2,215	£390	£3,807
E.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	1,100 0 0	207 0 0	1,888 10 0	250 3 0	2,227 0 0
2. The annual cost of wine, beer, and spirits?	144 0 0	.....	571 5 0	47 9 0	855 0 0
3. The annual cost of fire and lighting?	190 0 0	21 0 0	691 2 0	96 16 0	440 0 0
4. The annual cost of washing and laundry?	100 0 0	.....	None.	None.	180 0 0
5. The annual cost of linen and bedding?	120 0 0	.....	167 7 0	1 5 0	291 0 0
6. The annual cost of furniture, earthenware, &c.?	100 0 0	30 0 0	49 8 0	None.	165 0 0
7. The annual cost of drugs and dispensary?	100 0 0	10 11 0	495 9 0	92 2 0	Included in No. 2
8. The annual cost of surgical instruments and appliances?	10 0 0	4 0 0	73 8 0	None.	91 0 0
9. The annual cost of water supply?	.....	.....	.....	15 0 0	44 0 0
10. The annual cost of printing—stationery?	10 0 0	6 8 0	20 0 0	19 8 0	10 0 0
11. The annual cost of funerals?	180 0 0	4 10 0	143 3 0	36 8 0	140 0 0
12. The annual cost of repairs—average?	100 0 0	20 10 0	23 1 0	49 14 0	150 0 0
13. Payments for interest?	.....	.....	.....	2 11 0	.....
14. Payments for insurance?	.....	.....	46 12 0	10 19 0	.....
15. Payments for commission?	.....	.....	.....	.....	.....
16. Other expenses not included in the above?	280 0 0	23 0 0	144 12 0	80 16 0	.....
17. Total cost of the hospital per annum?	3,436 0 0	626 19 0	6,528 13 0	1,092 11 0	8,400 0 0
18. Proportionate cost of salaries to each occupied bed?	12 10 0	54 10 10	27 13 9	55 14 3	22 16 0
19. Proportionate cost of provisions to each occupied bed?	13 15 0	37 12 9	23 10 0	35 8 7	13 6 8
20. Total cost of each occupied bed?	43 0 0	114 0 0	81 10 0	156 0 0	44 0 0
F.					
1. The contract price during the year of bread for the 2-lb loaf?	2⅔d.	4½d.	2½d.	3½d.	2¼d.
2. The contract price during the year of meat, at per lb.?	2⅝d.	6½d.	Beef, 4¼d.; Mutton, 2¾d.	4d.	Beef, 4d.; Mutton, 3d.

Zealand—*continued.*

Greymouth.	Hokitika.	Invercargill.	Laurence.	Napier.	Naseby.	Nelson.
None.	1	1	1	None.	None.	1
None.	£450	£300	£250	.....	.....	£200
1	None.	None.	None.	1	1	1
£250	.....	.....	None.	£120	£200	Paid by fees—£20.
1	2	1	None.	1	.....	1
£200	£350	110	None.	£100	.....	£100
3; 1 nurse to every 9 patients.	4; 1 nurse to every 9 patients.	2; 1 nurse to every 9 patients.	2; 1 nurse to every 5 patients.	2	2; 1 nurse to every 2½ patients.	3; 1 nurse to every 9 patients.
£325	£380	£120	£150	£67	£75	£140
1	3	2	1	1	.....	3
£80	£220	110	£78	£36	.....	£108
£855	£1,400	640	£478	£323	£275	£568
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
889 17 0	1,100 0 0	.....	299 15 0	248 12 0	105 0 0	560 0 0
158 5 0	210 0 0	300 0 0 Including Groceries.	53 8 0	63 15 0	.....	110 0 0
93 11 0	250 0 0	60 0 0	112 11 0	44 16 0	30 18 0	175 0 0
.....	80 0 0	Included in No. 2.	7 0 0	12 0 0		25 0 0
182 17 0	130 0 0	.....	30 0 0	62 11 0	12 7 0	50 0 0
120 0 0	30 0 0	60 0 0	30 0 0	43 9 0		50 0 0
96 12 0	200 0 0	140 0 0	84 0 0	64 15 0	50 12 0	150 0 0
120 9 0	Included in No. 7.	None.	.....	None.		30 0 0
.....	.....	None.	.....	2 12 0	5 0 0	15 0 0
76 14 0	70 0 0	50 0 0	33 9 0	0 5 0	17 18 0	12 0 0
27 10 0	8 0 0	10 0 0	12 5 0	47 0 0	7 6 0	30 0 0
100 0 0	50 0 0	20 0 0	60 19 0	15 0 0	9 16 0	50 0 0
.....	8 0 0	None.	20 12 0	None.	.....	.....
20 0 0	25 0 0	None.	10 0 0	None.	.....	10 0 0
.....	.....	None.	55 18 0	None.	.....	.....
50 0 0	200 0 0	.....	39 16 0	None.	.....	.....
2,790 15 0	3,761 0 0	1,280 0 0	1,327 13 0	927 15 0	515 17 0	1,815 0 0
31 13 4	38 17 9	35 11 1	47 16 0	.....	55 0 0	20 5 8
32 19 3	30 11 1	.....	30 0 0	.....	21 0 0	20 0 0
103 0 0	104 0 0	71 0 0	133 0 0	.....	103 0 0	65 0 0
3½d.	4d.	2½d.	4d.	3d.	5d.	3d.
4½d.	4d. & 5d.	4d.	3½d.	3½d.	6d.	4½d.

	Oamaru.	Picton.	New Plymouth.	Queenstown.	Ross.
A.					
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....	.....	.....
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital?	General and Lying-in.	General.	General.	General.	General.
3. How many years has the hospital been established?	5	12	8	12	10
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	£1,000	£700	.....	£2,300	£963
6. How much of the cost of construction was contributed by the Government?	£500	£500	All.	All.	None.
7. How much of the cost of construction was raised by public subscription?	£500	None.	None.	None.	All.
8. How much of the annual income is contributed by the Government?	½	All.	All.	½	⅝
9. How much of the annual income is raised by public subscription?	½	None.	None.	½	⅜
10. How much of the annual income is (upon an average) contributed by paying patients?	⅛ = £40	£50	£58	All pay who are able; subscribers pay 10s. per week.	£25
11. How much of the annual income is derived from invested funds?	£50	None.	None.	None.	None.
12. What amount has been received by legacies and donations?	£300	£200	£11	.....	.....
13. Is the institution under the control of a single officer or a Board?	Board.	Single officer.	Board.	Board.	Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	Provincial Surgeon, £1 5; responsible to Provincial Government.	.....	.....	.....
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	16 members elected.	.....	5 members Appointed by Superintendent of Province.	21 members elected.	13 members elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	Quarterly returns sent to Provincial Government.	Frequently visited by His Honor the Superintendent.	Only as above.	Quarterly returns are forwarded to Provincial Government.	None.
B.					
1. The number of beds?	16	17	13	24	14
2. The average cubic space per bed?	887½	692	858	1,100	1,244
3. The average number of in-patients daily, throughout the year—Male?	3½	6	11	10	3
4. The average number of in-patients daily, throughout the year—Female?	1	.....	1	3	1
5. The number of paying patients received during the year?	7	15	7	70	14
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	71	9	6	None.	2
7. Total number of in-patients received during the year?	78	38	66	95	56
C.					
1. The average number who annually attend at the hospital as out-patients?	8	None.	305	100	None.
2. The average number who are attended annually at their own homes?	None.	None.	35	None.	None.
3. The average number of women who are attended annually in confinement at their own homes?	None.	None.	None.	None.	None.

Zealand—*continued.*

Reefton.	Thames.	Timaru.	Wanganui.	Wairapara.	Wellington.	Westport.
.....	.....	.....	.....	.....	.....	.....
General.	General.	General.	General.	General.	General.	General.
4	7½	7	.....	1	25	10
Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
£500	£1,717	£5,500	.....	£350	.....	£900
£200	£329	£5,100	All.	£200	All.	All.
£300	£1,446	£400	.....	150	None.	None.
£450	1,000	All.	£300	£50	All.	⅔
£400 to £600	600	None.	None.	£250	None.	⅓
£10	£23 10s.	£134	£54	£15	£240	1/36
None.	None.	None.	£50	None.	None.	None.
.....	.....	.....	None.	None.	£50	None.
Board.	Board.	Board.	Board.	Board.	Single officer.	Board.
.....	.....	.....	.....	.....	£300; Provincial Surgeon responsible to Superintendent of Province.	.....
12 members elected.	19 members elected.	5 members elected by Superintendent of Province.	3 members Borough Councillors	17 members. elected.	.....	13 members. elected.
The Government is represented by a magistrate, who is *ex officio* chairman.	None.	Cost of maintenance is appropriated annually by the Provincial Council.	.....	None.	Yes, by report of Provincial Surgeon.	Provincial Government appoints an *ex officio* member of Board, who acts as chairman.
8	28	33	16	....	50	13
900	733	1,058	918	.....	700	.....
4	15	21	8	.....	40	5
2	5	5	1	....	6	None.
2	12	48	20	.....	58	Very few.
10	5	2	.....	....	20	6
62	266	204	65	.....	134	57
10	820	50	20	None.	1,113	23
None.	None.	None.	None.	None.	None.	None.
None.	None.	None.	None.	None.	None.	None.

	Oamaru.	Picton.	New Plymouth.	Queenstown.	Ross.
D.					
1. The number of paid Medical Officers—Resident?	1	1	None.	1	1
2. The annual amount of their salaries?	£150	£125	.....	£250	£200
3. The number of paid Medical Officers—Non-resident?	None.	None.	1	1	None.
4. The annual amount of their salaries?	.....	.....	£150	Paid by fees when required.	.....
5. The number of other paid officers, exclusive of nurses and servants?	1	.....	1	1	.....
6. The annual amount of their salaries?	£30	.....	£175	£25	.....
7. The number of the nursing staff?	2; 1 nurse to every 2¼ patients.	2; 1 nurse to every 3 patients.	2; 1 nurse to every 6 patients.	2; 1 nurse to every 6½ patients.	2; 1 nurse to every 2 patients.
8. The annual amount of their salaries?	£152	£132	£159	£205.	£110
9. The number of servants?	None.	None.	None.	None.	None.
10. The annual amount of their salaries?	.....	.....	.....	.....	.....
Total cost of salaries	£332	£257	£484	£480	£310
E.					
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	£ s. d. 126 0 0	£ s. d.	£ s. d. 216 11 0	£ s. d.	£ s. d. 140 18 0
2. The annual cost of wine, beer, and spirits?	29 9 0	35 0 0	11 17 0		14 0 0
3. The annual cost of fire and lighting?	41 5 0	30 0 0	48 8 0		10 14 0
4. The annual cost of washing and laundry?	5 0 0	30 0 0	43 15 0		Nil.
5. The annual cost of linen and bedding?	20 4 0	20 0 0	25 2 0		11 6 0
6. The annual cost of furniture, earthenware, &c.	54 4 0	20 0 0	5 16 0		Nil.
7. The annual cost of drugs and dispensary?	16 11 0	25 0 0	40 0 0		39 18 0
8. The annual cost of surgical instruments and appliances?	.....	25 0 0	40 0 0		Nil.
9. The annual cost of water supply?	.....	.....	.....	850 0 0	6 0 0
10. The annual cost of printing—stationery?	18 3 0	5 0 0	2 8 0		24 2 0
11. The annual cost of funerals?	22 8 0	20 0 0	8 15 0		Nil.
12. The annual cost of repairs—average?	30 1 0	10 0 0	50 0 0		44 18 0
13. Payments for interest?	.....	None.	Nil.		2 6 0
14. Payments for insurance?	5 0 0	None.	Nil.		Nil.
15. Payments for commission?	25 8 0	None.	Nil.		Nil.
16. Other expenses not included in the above?	60 0 0	20	.....		.....
17. Total cost of the hospital per annum?	6,785 13 0	497 0 0	976 12 0	1,330 0 0	604 2 0
18. Proportionate cost of salaries to each occupied bed?	73 15 6	42 16 8	40 6 8	37 0 0	77 10 0
19. Proportionate cost of provisions to each occupied bed?	50 8 0	.....	18 0 0	.....	35 5 0
20. Total cost of each occupied bed?	175 0 0	83 0 0	81 0 0	102 0 0	151 0 0
F.					
1. The contract price during the year of bread for the 2-lb. loaf?	4d.	3¼d.	3⅜d.	3½d.	3d.
2. The contract price during the year of meat, at per lb.?	3½d.	3¼d.	4d.	4½d.	6½d.

Zealand—*concluded.*

Reefton.	Thames.	Timaru.	Wanganui.	Wairapara.	Wellington.	Westport.
1	None.	None.	None.	None.	None.	None.
£250	.....	.....	.....	.....	.....	.....
None.	1	1	1	None.	1; Provincial Surgeon.	1
.....	£200	£150	£100	.....	£350	£260
.....	2	1	None.	None.	1	None.
.....	£193	£90	.....	.....	£200	.....
1; 1 nurse to every 6 patients.	3; 1 nurse to every 6⅔ patients.	5; 1 nurse to every 5⅓ patients.	2; 1 nurse to every 4½ patients.	2	4; 1 nurse to every 11½ patients.	1; 1 nurse to every 5 patients.
£156	£207 10s.	£235	£80	£80	£255	£100
None.	1	4	None.	None.	1	1
.....	£52	£160	None.	None.	£75	£50
£406	£652 10s.	£635	£180	£80	£880	£410
£ s. d.	£ s. d.	£ s. d.	£ s. d.	This hospital has not been established a sufficient time to allow of these questions being definitely answered.	£ s. d.	£ s. d.
150 0 0	438 9 0	659 18 0	137 0 0		699 0 0	104 0 0
30 0 0	68 10 0	345 18 0	55 0 0		65 0 0	20 0 0
40 0 0	87 15 0	117 16 0	35 0 0		180 0 0	23 0 0
15 0 0	48 14 0	5 15 0	23 0 0		99 0 0	24 0 0
25 0 0	27 0 0	37 14 0	3 0 0		80 0 0	10 0 0
15 0 0	56 1 0	122 1 0	2 0 0		33 0 0	10 0 0
76 0 0	82 13 0	201 0 0	48 0 0		92 0 0	.....
10 0 0	.....	Nil.	28 0 0		4 0 0	.....
Nil.	.....	Nil.	None.		None.	None.
15 0 0	30 0 0	15 0 0	2 0 0		.....	11 0 0
5 0 0	14 0 0	42 18 0	.....		.....	8 0 0
20 0 0	10 0 0	20 10 0	13 0 0		.....	10 0 0
Nil.	.....	.....	None.		None.	None.
10 0 0	10 0 0	18 4 0	7 10 0		17 10 0	None.
Nil.	28 11 0	Nil.	None.		None.	None.
40 0 0	24 12 0	114 9 0	5 0 0		13 0 0	20 0 0
857 0 0	1,578 15 0	2,336 3 0	538 10 0		2,162 10 0	650 0 0
67 13 4	32 12 6	24 8 5	20 0 0		19 2 7	82 0 0
25 0 0	21 18 0	25 7 8	15 4 5		15 4 0	20 16 0
143 0 0	79 0 0	90 0 0	60 0 0		47 0 0	130 0 0
6½d.	3⅝d.	3½d.	3½d.		.....	4½d.
6d.	4¾d.	3d.	2½d.		2½d.	7d.

	Alexandra.	Amherst and Talbot.	Ararat.	Ballarat.	Beechworth.
A.					
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....	.....	.....
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital?	General.	General.	General; Benevolent Asylum attached.	General.	General.
3. How many years has the hospital been established?	4 years.	17 years.	16 years.	10 years.	20 years.
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	About £230	£4,440	£4,000 (about)	No data: a small portion was first built, then added to from time to time.	....
6. How much of the cost of construction was contributed by the Government?	£100	£2,800	½		⅝
7. How much of the cost of construction was raised by public subscription?	£130	£1,640	.....		¼
8. How much of the annual income is contributed by the Government?	£200	£1,000 to £1,500	£1,200	£4,500	⅝—£3,795
9. How much of the annual income is raised by public subscription?	About £250	£700	£600 to £700	.....	¼—£1,265
10. How much of the annual income is (upon an average) contributed by paying patients?	None.	About £10	Very little.	£23	£250
11. How much of the annual income is derived from invested funds?	None.	None.	None.	None.	None.
12. What amount has been received by legacies and donations?	None.	None.	None.	£2,394 as an endowment fund.	None.
13. Is the institution under the control of a single officer or a Board?	Board.	Board.	Board.	Board.	Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	.....	.....	.....
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	12—3 elected annually.	14 elected.	12 elected.	19 elected.	22 elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	Possessed but not exercised.	Half-yearly statements furnished to Government.	They reserve the right.	None.	None.
B.					
1. The number of beds?	8	42	66	150	80
2. The average cubic space per bed?	1,100	700	1,196	1,428	1,193
3. The average number of in-patients daily, throughout the year—Male?	5	26	28	78	49
4. The average number of in-patients daily, throughout the year—Female?	1	9	5	23	13
5. The number of paying patients received during the year?	None.	4	6	8	65
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	2	10	.....	20⅞	.....
7. Total number of in-patients received during the year?	48	279	231	1,013	657
C.					
1. The average number who annually attend at the hospital as out-patients?	20	485	420	91	736
2. The average number who are attended annually at their own homes?	None.	None.	None.	None.	None.
3. The average number of women who are attended annually in confinement at their own homes?	None.	None.	None.	None.	None.

toria.

Belfast.	Castlemaine.	Clunes.	Creswick.	Daylesford.	Dunolly.	Geelong.
.....	.....	.....	.....	.....	.....	.....
General and Benevolent Asylum.	General.	General.	General.	Medical & Surgical	General.	General and Benevolent Asylum.
26 yrs.	25 yrs.	5 yrs.	14 yrs.	17 yrs.	17 yrs.	25 yrs.
Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
.....	£12,000	£5,444 0s. 7d.	£3,600 (about)	£2,860 18s. 3d.	£7,400 (about)	£12,901 0s. 5d.
.....	¾	£2,250	£2,200 (about)	£1,600	£3,900	£7,891 8s. 7d.
.....	¼	£3,194 0s. 7d.	£1,400	£1,260	£3,500	£5,009 11s. 10d.
£500	£2,500	£750	£1,000	£1,000	£1,916 19s.	£4,500 (about)
£315	£1,000 (about)	£660 (about)	£595 18s. 1d.	£450	£638	£1,800 (about)
£20	£200	£10 (about)	£32 13s. 4d.	£5	None.	£331
None.	None.	None.	None.	None.	None.	£70 to £80
None.	£130 (about)	None.	None.	None.	None.	£1,365
Board.	Board.	Board.	Board.	Board.	Board.	Board.
.....	.....	.....	.....	.....	.....	.....
21 elected.	15 elected.	15 elected.	15 elected.	.....	10 elected.	24
.....	None.	None.	Yes, by inspection of reports and accounts.	They audit accounts and statistics half-yearly.	Statistics and accounts forwarded to Government, who audit them.	Statistics, &c., furnished to Government.
28	88	35	30	36	40	216
1,300	856	1,500 to 1,600	1,600	1,166	787	1,034
10	65	24	14 (about)	25	36	126
2	20		7 (about)	2	.....	42
1	40	Rare.	2	1	None.	135
.....	50 (about)	2	None.	6	10	93
53	781	445	261	145	272	872
156	2,802	633	1,564 cases, 7,799 attendances.	353	3,437	2,320
	None.	40	None.	None.	None.	None.
None.	None.	None.	None.	None.	None.	None.

	Alexandra.	Amherst and Talbot.	Ararat.	Ballarat.	Beechworth.
D.					
1. The number of paid Medical Officers—Resident?	None.	1	1	1	1
2. The annual amount of their salaries?...	.....	£300	£350	£500	£400—£75 allowance and residence.
3. The number of paid Medical Officers—Non-resident;	1	None.	None.	None. 6 Honorary.	3 Honorary.
4. The annual amount of their salaries?...	£100	None.	None.	.....	None.
5. The number of other paid officers, exclusive of nurses and servants?	Secretary only.	1—Secretary, &c.	1—Secretary and Collector.	5	3
6. The annual amount of their salaries?...	£20	£100	£100	£985	585
7. The number of the nursing staff?	1; 1 nurse to every 6 patients.	4; 1 nurse to every 9 patients.	1; 1 nurse to every 33 patients?	12; 1 nurse to every 8½ patients.	5; 1 nurse to every 12½ patients.
8. The annual amount of their salaries?...	.....	£190	£65	£623	£339
9. The number of servants?	1 occasionally.	4	4	13	5
10. The annual amount of their salaries?...	.....	£136	£267	£588	£269
Total cost of salaries.....	£120	£726	£782	£2,696	£1,668
E.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	102 16 1	690 16 2	.....	1,495 1 7	1,311 8 0
2. The annual cost of wine, beer, and spirits?	10 0 0	126 18 9	30 0 0	133 19 9	256 3 6
3. The annual cost of fire and lighting?...	10 15 0	73 6 4	80 0 0	389 3 3	178 3 8
4. The annual cost of washing and laundry?	Nil.	50 0 0	Done by nurse.	.....	.....
5. The annual cost of linen and bedding?	Nil.	81 16 5	25 0 0 about.	120 19 7	38 12 1
6. The annual cost of furniture, earthenware, &c.?	5 14 9	52 17 3	15 0 0 about.	69 2 11	161 12 9
7. The annual cost of drugs and dispensary?	38 3 6	189 2 3	100 0 0 about.	709 19 11	123 14 4
8. The annual cost of surgical instruments and appliances?	34 19 0	9 1 6	10 0 0 about.	31 13 6	138 18 9
9. The annual cost of water supply?	Nil.	Nil.	Nil.	.....	.....
10. The annual cost of printing—stationery?	9 12 6	34 2 0	36 0 0	143 3 3	66 11 3
11. The annual cost of funerals?	16 0 0	24 7 0	By Contract, 25s. each.	11 9 6	72 13 6
12. The annual cost of repairs—average?...	10 0 0	35 0 0	25 0 0 50 0 0	250 0 0	852 11 8 (1875.)
13. Payments for interest?	Nil.	85 17 8	9% overdraft.	58 1 6	29 19 2
14. Payments for insurance?	3 0 0	4 16 0	14% on amount.	, 19 15 0	15 0 0
15. Payments for commission?	31 11 6	69 12 5	10% on local subscriptions.	273 6 2	117 18 9
16. Other expenses not included in the above?	Nil.	20 0 0	Provisions given to out-door patients, as required.	251 16 5	28 17 11
17. Total cost of the hospital per annum?..	391 12 4	2,273 13 9	.....	6,653 12 4	3,864 5 4
18. Proportionate cost of salaries to each occupied bed?	20 0 0	21 0 0	.....	26 3 0	27 0 0
19. Proportionate cost of provisions to each occupied bed?	17 3 0	19 5 0	....	14 10 0	21 3 0
20. Total cost of each occupied bed?.....	65 10 0	65 0 0	.....	64 12 0	62 4 6
F.					
1. The contract price during the year of bread for the 2-lb. loaf?	1⅜ per lb.	2⅛	3¼d.	2½d.	2⅞d.
2. The contract price during the year of meat, at per lb.?	4½	3d.	3d.	2⅞d.	2½d.

continued.

Belfast.	Castlemaine.	Clunes.	Creswick.	Daylesford.	Dunolly.	Geelong.
None.	1	1	1	1	1	1
.....	£500—without board.	£200	£250	£175	£250	£400
1	None. 4 Honorary.	1	None.	None.	None.	None—1 Honorary.
£120 per annum.	.....	Honorary.	.....	None.	None.	.....
3	2	1	1	Secretary.	3	3
£185	£210	£100	£100	£70	£245	£480
1 nurse to every 12 patients.	5; 1 nurse to every 17 patients.	2; 1 nurse to every 22½ patients.	2; 1 nurse to every 10½ patients.	1 nurse to every 9 patients.	3; 1 nurse to every 15 patients.	1 nurse to every 10½ patients.
.....	£270	£95	£80	.....	£140	.....
1	5	2	3	3	1	16 to 18 wardsmen, nurses, and domestics, wages in 1875.
£25	£152	£69	£139	£135	£40	£766 19s. 11d.
£330	£1,132	£464	£569	£380	£675	£1,646 19s. 11d.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
154 5 2	978 19 0	414 7 0	400 13 4	448 4 5	794 2 2	2,177 14 6
43 10 0	173 9 6	39 14 4	27 16 0	109 13 6	172 5 8	309 8 10
45 17 10	130 17 3	.....	112 2 1	72 10 7	123 0 8	452 6 4
.....	.....	.....	Done on premises.	None	.....	Done by servants.
14 7 7	88 2 11	33 7 2	58 0 5	71 2 11	60 5 5	165 7 11
34 18 6	74 18 4	171 12 3	114 9 3	17 11 2	46 13 6	132 12 11
.....	285 13 8	131 13 10	206 0 0	127 4 4	278 7 2	328 19 11
38 10 8	45 12 6			19 10 0	8 4 0	
Nil.	Free from Government.	6 12 0	5 0 0	None.	24 16 3	None.
15 4 7	55 3 0	42 16 7	18 18 0	18 15 3	31 13 9	93 1 10
6 8 0	63 9 0	22 5 0	13 10 0	7 10 0	37 15 0	99 15 0
10 0 0	26 0 0	Included in furnishing.	46 18 9	21 13 8	.....	482 18 10
.....	88 10 10	47 4 10	3 8 0	24 12 0	164 15 5	.....
2 0 0	10 10 3	10 10 0	6 5 0	2 10 0	3 18 0	30 10 0
30 10 0	91 16 0	.....	None.	27 3 2	15 1 9	44 11 11
Out-door relief. 120 16 3	128 9 8	32 8 3	24 17 5	10 10 3	55 0 0	400 0 0
746 8 7	3,173 11 11	1,416 11 3	1,606 18 3	1,358 11 3	2,290 18 9	6,364 7 11
27 10 0	13 6 5	19 6 8	27 0 0	14 1 6	18 15 0	9 16 0
12 17 6	11 11 0	17 5 3	19 1 0	16 11 10	22 1 2	13 0 0
62 4 0	37 6 4	59 0 0	76 10 6	50 6 8	63 12 8	37 17 7
2⅞d.	2½d.	3d.	3d.	2½d.	2⅝d.	.....
3½d.	2⅝d.	4d.	3d.	3½d.	3d. about.	3d.

	Heathcote.	Horsham.	Inglewood.	Kilmore.	Kyneton.
A.					
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....	.....	.....
2. The character of the hospital, whether "General," "Lying-in," "Children's" or any other form of Special Hospital?	General.	General.	General.	General.	General.
3. How many years has the hospital been established?	17 years.	2 years.	13 years.	22 years.	22 years.
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	£1,400 (about).	£2,000	£2,600	£3,159 10s. 1d.	£4,000 (about).
6. How much of the cost of construction was contributed by the Government?	£1,000	£750	£1,000	½	£2,900
7. How much of the cost of construction was raised by public subscription?	£400	£800	£1,350	½	£1,100
8. How much of the annual income is contributed by the Government?	£486	£500	£1,300	£707	£1,000 (about).
9. How much of the annual income is raised by public subscription?	£243	£900	£850 (about).	£353	£800 (about).
10. How much of the annual income is (upon an average) contributed by paying patients?	None.	.....	None.	⅓	About 10s. per cent.
11. How much of the annual income is derived from invested funds?	None.	None.	None.	.....	None.
12. What amount has been received by legacies and donations?	None.	£433	None.	.....	£350
13. Is the institution under the control of a single officer or a Board?	Board.	Board.	Board.	Board.	Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	.....	.....	.....
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	16 elected.	28	10 elected.	16 elected.	18 elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	None.	None.	Yes; by verifying returns and accounts.	Yes; whenever they think it necessary.	Yes; by inspection of accounts, &c.
B.					
1. The number of beds?	16	15	43	34	50
2. The average cubic space per bed?	750	.....	900	1,500	828
3. The average number of in-patients daily, throughout the year—Male?	9	9	33	23	31
4. The average number of in-patients daily, throughout the year—Female?		2	7	2	4
5. The number of paying patients received during the year?	None.	5	.....	6	7
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	6	2	25 per cent.	.....	3
7. Total number of in-patients received during the year?	83	110	400	167	308
C.					
1. The average number who annually attend at the hospital as out-patients?	200	None.	610	90	360 cases. 2,520 attendances.
2. The average number who are attended annually at their own homes?	None.	None.	.....	.....	None.
3. The average number of women who are attended annually in confinement at their own homes?	None.	None.	.....	.....	None.

continued.

Maldon.	Mansfield.	Maryborough.	Melbourne.	Alfred.	Melbourne Children's Hospital.	Melbourne Eye and Ear Hospital.
.....	.....	.....	.....	.....	.....	.....
.....	General.	General.	General.	General.	Children's.	Eye and Ear.
20 years.	7 years.	23 years.	30 years.	5 years.	6 years.	15 years.
Yes.	Yes.	Yes.	Yes.	Yes.	No; a house rented.	No.
£3,000 (about).	£ s. d. 1,798 4 10	Originally a hut, which has gradually increased.	£2,683	£19,000	.....	.....
⅔	1,000 0 0	⅔	£1,225	£12,000	.....	.....
⅓	798 4 10	⅓ £2,786	£1,345	£7,000	.....	.....
£554	300 0 0	⅔ £928	⅔ £13,000	£3,500	£400	£400
£184	274 14 3	⅓	⅓ £5,465 10s. 3d.	£2,000	£1,185 5s. 1d.	£917 5s. 6d.
1 per cent.	£16 (about).	Almost nothing.	£226 2s. 10d. in 1875. Sailors admitted, 25s. per week.	None.	None.	None.
None.	None.	None.	None.	None.	None.	None.
.....	None.	None.	£5,390	£782	None.	.....
Board.	Board.	Board.	Board.	Board.	Committee—Ladies and gentlemen.	Board.
.....	.....	.....	.....	.....	.....	.....
15	12 elected.	10 elected.	20 elected.	15 elected—10 public officials, who are perpetual members.	21 ladies, 8 gentlemen.	17 elected.
Yes; by inspection of accounts, &c.	None exercised.	Only nominal; demanding annual and half-yearly returns.	None.	Accounts and reports are furnished to the Government.	None.	None, except by returns and financial statements supplied.
20	16	100	401	100	20	21
1,000	840	18	1,200	2,000	444	543
13	6	45	222	59	16 in all.	10
2		30	111	26		10
None.	5	4	65	.....	None.	None.
7	.....	8	About 15 per cent.	.....	None.	.....
63	98	640	3,945	1,110	103	171
22	None.	324	21,184	2,465	2,076	2,300
None.	None.	None.	None.	.....	None.	None.
None.	None.	None.	None.	.....	.....	None.

	Heathcote.	Horsham.	Inglewood.	Kilmore.	Kyneton.
D.					
1. The number of paid Medical Officers—Resident?	None.	None.	None.	None.	1
2. The annual amount of their salaries?	.....	.....	.....	.....	£300.
3. The number of paid Medical Officers—Non-resident?	1	1	1	1	None.
4. The annual amount of their salaries?	£150.	£200.	£250.	£100.	None.
5. The number of other paid officers, exclusive of nurses and servants?	Secretary only.	1	3	1 { House Steward and Dispenser.	2
6. The annual amount of their salaries?	£10.	£132.	£215.	£90.	£150.
7. The number of the nursing staff?	2; 1 nurse to every 4½ patients.	2; 2 nurses to every 17 patients.	3; 1 nurse to every 13 patients.	2; 1 nurse to every 12 patients.	3; 1 nurse to every 12 patients.
8. The annual amount of their salaries?	£90.	£100.	£122.	£82.	£151 10s.
9. The number of servants?	1	1	1	1	3
10. The annual amount of their salaries?	£26.	£50.	£35.	£30.	£161 12s.
Total cost of salaries	£276.	£482.	£622.	£302.	£763 2s.
E.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	.....	219 19 3	.....	335 0 0	656 14 2
2. The annual cost of wine, beer, and spirits?	.....	14 0 0	190 0 0	33 10 9	38 17 9
3. The annual cost of fire and lighting?	.....	14 11 0	35 0 0	71 16 6	204 3 10
4. The annual cost of washing and laundry?		7 13 0	Done on premises.	50 0 0	50 0 0
5. The annual cost of linen and bedding?	14 6 0	52 15 5	40 0 0	35 0 0	72 10 0
6. The annual cost of furniture, earthenware, &c.?		137 15 11	35 0 0	4 15 0	.....
7. The annual cost of drugs and dispensary?	33 7 0	47 7 4	187 0 0	99 7 6	186 14 4
8. The annual cost of surgical instruments and appliances?	.....	89 19 10	8 0 0		.....
9. The annual cost of water supply?	.....	5 8 6	10 0 0	.....	.....
10. The annual cost of printing—stationery?	8 0 0	35 17 6	38 0 0	14 18 9	48 12 8
11. The annual cost of funerals?	18 0 0	26 0 6	32 0 0	35 0 0	32 2 6
12. The annual cost of repairs—average?	72 0 0	33 13 0	36 0 0	10 0 0	150 0 0
13. Payments for interest?	4 18 8	38 16 6	78 0 0	1 18 6	48 11 11
14. Payments for insurance?	None.	4 0 0	10 17 6	4 10 0	4 10 0
15. Payments for commission?	30 0 0	60 17 10	86 0 0	.....	72 3 9
16. Other expenses not included in the above?	210 0 0	70 10 0	.....	62 19 10	82 17 1
17. Total cost of the hospital per annum?	636 11 8	1,341 5 7	1,407 17 6	1,020 16 10	2,411 0 0
18. Proportionate cost of salaries to each occupied bed?	.....	43 16 4	.....	12 1 7	21 16 0
19. Proportionate cost of provisions to each occupied bed?	.....	20 0 0	.....	13 8 0	18 15 5
20. Total cost of each occupied bed?	.....	122 0 0	.....	40 16 10	68 17 8
F.					
1. The contract price during the year of bread for the 2lb.-loaf?	.....	3d.	3½d.	7d.	3d.
2. The contract price during the year of meat, at per lb.?	3½d.	4½d.	3½d.	2⅝d.	2½d.

continued.

Maldon.	Mansfield.	Maryborough.	Melbourne.	Alfred.	Melbourne Children's Hospital.	Melbourne Eye and Ear.
None.	None.	1	4	1	None.	None.
.....	.....	£400.	£650.	£350.	.....	.....
1	1	None.	None.	None.	None.	None.
£100 per annum.	£80.	None.	.....	.....	.....	.....
2	1	2	9	4	3	3
.....	Secretary—£36.	Secretary, £150; matron, £90.	£1,495.	£626.	£225.	£162.
By benevolent patients.	2; 1 nurse to every 3 patients.	9; 1 nurse to every 8½ patients.	52; 1 nurse to every 6½ patients.	12; 1 nurse to every 7 patients.	2; 1 nurse to every 8 patients.	Done by matron; 1 nurse to every 20 patients.
.....	£152.	£490.	£3,013 10s.	£462.	£68.	.....
1	.....	6	41	12	2	2
£26.	.....	£180.	£2,197.	£592.	£56.	£70.
£126.	£268.	£1,310.	£7,355 10s.	£2,030.	£349.	£232.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
257 8 4	131 0 2	953 2 4	5,977 3 2	1,892 0 0	.....	338 6 9
20 5 1	18 8 11	83 14 0	1,445 1 3	71 0 0	.....	22 17 0
31 16 0	20 15 9	63 12 0	1,090 11 1	452 0 0	34 0 8	45 19 0
Done by servant.	.....	Done by servants.	.....	26 0 0	.....	12 0 0
42 11 4	7 4 1	100 15 0	700 15 9	208 0 0	32 9 11	4 16 7
19 0 2	23 6 6	79 12 0	158 19 11	240 0 0	69 7 2	28 8 4
29 4 0	20 0 0	225 0 0	2,232 17 10	408 0 0	85 14 9	118 2 5
5 0 0	.....	20 0 0	174 1 1	74 0 0	15 10 6	
.....	.....	Nil.	.....	.....	Free.	.....
7 19 6	26 14 0	63 9 0	377 15 1	128 0 0	77 15 1	.....
6 3 0	4 0 0	111 15 0	145 14 0	52 0 0	.....	.....
40 6 4	3 10 0	24 19 4	514 0 6	120 0 0	22 18 6	9 9 11
7 7 6	.....	196 1 6	243 11 4	.....	Nil.	3 14 4
2 10 0	6 10 0	Nil.	12 15 3	21 0 0	.....	Nil.
.....	20 16 5	137 10 0	498 10 7	180 0 0	84 3 1	125 14 2
18 1 4	9 12 4	345 16 4	807 3 1	.....	Rent, £220.	49 8 1
613 12 7	579 18 2	3,715 6 6	21,734 9 11	5,902 0 0	.....	990 16 7
8 8 0	44 13 4	17 1 4	22 1 9	22 14 0	.....	11 12 0
17 2 8	21 16 8	12 14 1	17 19 0	22 5 2	.....	16 18 0
48 18 8	93 6 8	49 10 1	65 5 4	69 8 4	.....	49 11 0
.....	7½d.	3d.	Baking done in hospital.	2½d.	No contracts.	2¾d.
4½d.	4d.	3d.	2d.	2½d.		3d.

	Melbourne. (Lying-in.)	Pleasant Creek (Stawell).	Portland.	Sale.
A.				
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....	.....
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital?	Lying-in, and diseases of women and children.	General Lying-in and Infants.	Benevolent Asylum and Hospital.	General.
3. How many years has the hospital been established?	19 years.	18 years.	27 years.	10 years.
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	£9,065; but there have been great additions.	£8,250	About £2,000	£3,700
6. How much of the cost of construction was contributed by the Government?	£4,900.	£6,000	£900	£1,750
7. How much of the cost of construction was raised by public subscription?	£4,167.	£2,250	£1,100	£1,950
8. How much of the annual income is contributed by the Government?	£1,750.	£1,500	£600	£300
9. How much of the annual income is raised by public subscription?	£1,595.	£1,000	£240	£876 4s.
10. How much of the annual income is (upon an average) contributed by paying patients?	None.	£80	£10	£130
11. How much of the annual income is derived from invested funds?	None.	None.	None.	£25
12. What amount has been received by legacies and donations?	£852 6s. 7d. in 1876.	£35 18s.	None.	£700
13. Is the institution under the control of a single officer or a Board?	Board.	Board.	Board.	Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	.....	.....
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	36—26 ladies and 10 gentlemen.	39	12 elected.	19 elected.
16. Whether any power of control or supervision is exercised by the Government; and, if so, in what form and to what extent?	None.	Government reserve the right to audit accounts, but have not used it.	By occasional inspection, about once annually.	None.
B.				
1. The number of beds?	64	72	24	26
2. The average cubic space per bed?	982	961	560	846
3. The average number of in-patients daily, throughout the year—Male?	None.	33	14	11
4. The average number of in-patients daily, throughout the year—Female?	44	10	2	3
5. The number of paying patients received during the year?	None.	28	2	34
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	.....	None.	.....	12
7. Total number of in-patients received during the year?	687	433	16 (?)	151
C.				
1. The average number who annually attend at the hospital as out-patients?	1,093	New cases, 664; attendances, 3,657.	34	50
2. The average number who are attended annually at their own homes?	None.	None.	None.	Nil.
3. The average number of women who are attended annually in confinement at their own homes?	None, usually.	None.	None.	Nil.

continued.

Sandhurst.	St. Arnaud.	Swan Hill.	Wangaratta.	Warrnambool.	Woods Point.
.....	.....	.....	.....	.....	.....
General.	General.	General.	General.	General.	General.
19 years.	2 years.	16 years.	4 years.	24 years.	11 years.
Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
£12,000	£2,500	About £2,000	£2,461	£3,160	£1,481
⅔	£1,000	No record.	£1,500	.....	£1,000
⅓	£1,500	No record.	£1,057	.....	£481
£4,666	In 1875, £1,350	£1,000	£387	£600	£906
£2,333	£700	£750	£600	£500	£302
£81 3s.	£6 2s.	None.	£51	£5	None.
£6	None.	None.	None.	None.	None.
£670 13s. 7d.	£2,297	None.	£90	£150	None.
Board.	Board.	Board.	Board.	Board.	Board.
.....	.....	.....	.....	.....	.....
13 elected.	.....	12 elected.	16	15 elected.	12 elected.
If any, by revision of half-yearly accounts.	Government grant; conditional on accounts being furnished.	Quarterly accounts supplied to Government.	None.	Reserve power to audit accounts.	Quarterly and annual returns forwarded to Government.
110	14	25	20	37	15
1,000	.....	432	720	989	634
83	10	18	15	21	10
.....	4	None.	2	6	Less than 1.
11	12	None.	20	4	None.
About 50.	15	16	None.	15	18
1,261	156	139	199	109	73
1,423	167	200	238	None.	65
None.	None.	.....	None.	None.	.....
None.	None.	None.	None.	None.	None.

	Melbourne. (Lying-in.)	Pleasant Creek. (Stawell.)	Portland.	Sale.
D.				
1. The number of paid Medical Officers—Resident?	1	1	None.	None.
2. The annual amount of their salaries	£315	£400	.....	.....
3. The number of paid Medical Officers—Non-resident?	None.	None.	1	None.
4. The annual amount of their salaries?	.....	.....	£40.	.....
5. The number of other paid officers, exclusive of nurses and servants?	1 Matron.	1 Secretary & Collector.	3	3
6. The annual amount of their salaries?	£110	£150 and Commission.	£165.	£275
7. The number of the nursing staff?	5; 1 nurse to every 9 patients.	4; 1 nurse to every 11 patients.	.....	2; 1 nurse to every 7 patients.
8. The annual amount of their salaries?	£230	267	.....	104
9. The number of servants?	8	3	1	2
10. The annual amount of their salaries?	£248	£143	£20	£70
Total cost of Salaries	£903	£960	£225	£449
E.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	844 4 0	763 18 7	187 7 3	265 12 9
2. The annual cost of wine, beer, and spirits?	198 15 6	88 13 6	2 0 0	53 17 6
3. The annual cost of fire and lighting?	275 17 9	91 10 10	22 0 0	34 12 11
4. The annual cost of washing and laundry?	.....	Done by servants.	Nil.	.....
5. The annual cost of linen and bedding?	66 15 9	163 19 2	17 10 0	45 16 6
6. The annual cost of furniture, earthenware, &c.?	25 15 0	112 10 10	8 15 6	43 18 11
7. The annual cost of drugs and dispensary?	359 19 10	137 8 8	33 14 10	45 4 1
8. The annual cost of surgical instruments and appliances?	16 12 6	16 5 10	.....	18 2 8
9. The annual cost of water supply?	.....	.....	.....	Nil.
10. The annual cost of printing—stationery?	30 9 6	67 6 1	15 8 3	28 4 11
11. The annual cost of funerals?	8 15 0	45 12 0	5 11 0	45 10 0
12. The annual cost of repairs—average?	57 0 0	140 2 6	20 0 0	12 0 0
13. Payments for interest?	69 8 10	41 16 0	4 10 3	0 3 8
14. Payments for insurance?	65 0 0	9 17 6	Nil.	6 15 0
15. Payments for commission?	203 14 3	78 3 8	Nil.	Nil.
16. Other expenses not included in the above?	.....	109 19 8	18 2 3	.....
17. Total cost of the hospital per annum?	3,066 7 11	2,827 4 10	564 19 4	1,048 18 11
18. Proportionate cost of salaries to each occupied bed?	20 10 5	22 6 9	14 1 3	32 1 5
19. Proportionate cost of provisions to each occupied bed?	19 3 7	17 15 4	11 14 0	19 0 0
20. Total cost of each occupied bed?	69 13 10	65 15 0	35 6 3	74 18 7
F.				
1. The contract price during the year of bread for the 2-lb. loaf?	2¾d.	.....	3d.	3½d.
2. The contract price during the year of meat, at per lb.?	2½d.	.....	4d.	3d.

concluded.

Sandhurst.	St. Arnaud.	Swan Hill.	Wangaratta.	Warrnambool.	Woods Point.
2	1	None.	1	None.	None.
£600 and £200	£250	.....	£250	Nil.	.....
None.	None.	1	None.	1	1
.....	None.	£400	.....	£100	£150
2	2	2	None.	1	1
£250	.....	£76	.....	£50	£25
7; 1 nurse to every 16 patients. £405	2; 1 nurse to every 7 patients.	1; 1 nurse to every 18 patients. £72	....	2; 1 nurse to every 13½ patients. £150	2; 1 nurse to every 5½ patients. £180
14	1	1	5	3	None.
£720	.....	£78	£243	£85 6s.	....
£2,175	£250	£626	£493	£385 6s.	£355

£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
2,150 4 5	.....	370 0 0	326 0 0	372 17 10	413 19 8
285 0 4	30 0 0	48 0 0	111 0 0	20 17 9	42 18 6
348 16 7	27 19 0	63 0 0	46 0 0	70 8 2	74 18 8
.....	Done on premises.	19 0 0	8 0 0	.....	Done by Matron.
312 0 4	.....	31 0 0	36 0 0	52 14 7	26 0 2
39 5 6	282 4 7	54 0 0	15 0 0	33 3 0	2 17 8
450 13 5	218 0 0	80 0 0	182 0 0	36 0 0	71 14 3
62 0 0	40 15 0	10 0 0	.....	10 0 0	6 0 0
Free.	....	.....	25 0 0	Nil.	.....
63 5 7	25 2 5	25 0 0	41 0 0	35 8 1	22 2 6
106 0 6	36 7 6	30 0 0 £3 each.	53 0 0	6 10 0	18 0 0
245 12 3	53 8 0	60 0 0	60 0 0	20 0 0	27 12 10
408 15 6	91 12 2	16 0 0	27 0 0	Nil.	60 1 8
24 0 0	4 0 0	.....	3 3 0	5 10 0	9 0 0
302 14 10	97 10 6	167 0 0	62 0 0	15 17 6	None.
81 8 5	21 11 6	60 0 0	46 0 0	28 1 6	22 10 3
7,054 17 8	.....	1,659 0 0	1,534 3 0	1,092 14 5	1,152 16 2
26 4 1	.....	34 15 6	29 0 0	14 5 0	32 5 5
25 18 1	.....	20 11 1	19 3 6	13 16 3	37 12 8
85 0 0	.....	92 3 4	90 4 8	40 8 10	104 16 4
2⅝d.	3d.	Made in hospital.	3¼d.	2⅝d.	2¼d.
2⅝d.	4½d.	3d.	3⅝d.	3d.	6d.

	Bowen.	Brisbane.	Charters Towers.
A.			
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital?	General.	General.	General.
3. How many years has the hospital been established?	.....	25 years.	4 years.
4. If the present building was erected for a hospital?	.....	Yes.	Yes.
5. If built for a hospital, what was its original cost?	.....	£21,000	£600
6. How much of the cost of construction was contributed by the Government?	.....	All.	£300
7. How much of the cost of construction was raised by public subscription?	.....	None.	£300
8. How much of the annual income is contributed by the Government?	⅔	⅔	£1,000
9. How much of the annual income is raised by public subscription?	⅓	£1,346 16s. 2d.	£500
10. How much of the annual income is (upon an average) contributed by paying patients?	Almost nothing.	£344 8s. 6d.	£70
11. How much of the annual income is derived from invested funds?	None.	None.	.....
12. What amount has been received by legacies and donations?	None.	£5	£45
13. Is the institution under the control of a single officer or a Board?	Board.	Board.	Board.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	.....	.....
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	13 elected.	7—3 Members and Chairman appointed by Government, other 3 elected.	24 elected.
16. Whether any power of control or supervision is exercised by the Government; and if so, in what form and to what extent?	None.	.....	None.
B.			
1. The number of beds?	.....	124	19
2. The average cubic space per bed?	.....	990 cubic feet.	800 cubic feet.
3. The average number of in-patients daily, throughout the year—Male?	.....	90 (1875)	14
4. The average number of in-patients daily, throughout the year—Female?	.....	19 (1875)	Occasionally admitted.
5. The number of paying patients received during the year?	.....	92	6
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	.....	10-15 per cent.	5
7. Total number of in-patients received during the year?	.....	962	148
C.			
1. The average number who annually attend at the hospital as out-patients?	None.	1,404	78
2. The average number who are attended annually at their own homes?	No record.	None.	Only exceptionally.
3. The average number of women who are attended annually in confinement at their own homes?	None.	None.	None.
D.			
1. The number of paid Medical Officers—Resident?	1	2	.....
2. The annual amount of their salaries?	£150	£520	.....
3. The number of paid Medical Officers—Non-resident?	.....	4 Visiting Surgeons.	1
4. The annual amount of their salaries?	.....	£50	£250
5. The number of other paid officers, exclusive of nurses and servants?	1	2—Secretary and Matron.	1; Secretary.
6. The annual amount of their salaries?	£15	£222	£50
7. The number of the nursing staff?	1	11 females, 3 males; 1 nurse to every 8 patients.	1; 1 nurse to every 8 patients.
8. The annual amount of their salaries?	£30	Females, £350; males, £125.	£104
9. The number of servants?	As required.	9	2
10. The annual amount of their salaries?	.....	£302	£80
Total cost of salaries	£195	£1,569	£484
E.	£ s. d.	£ s. d.	£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	136 2 8	1,864 9 4	600 0 0
2. The annual cost of wine, beer, and spirits?	10 1 0	268 16 6	37 11 11
3. The annual cost of fire and lighting?	5 5 4	123 16 0	23 19 9
4. The annual cost of washing and laundry?	By Matron.	Done on premises.	Done on premises.
5. The annual cost of linen and bedding?	2 15 0	391 2 11	20 0 0
6. The annual cost of furniture, earthenware, &c.	12 0 0	117 19 3	65 0 0
7. The annual cost of drugs and dispensary?	40 7 0	232 19 10	150 0 0
8. The annual cost of surgical instruments and appliances?	.....	22 14 6	35 11 6
9. The annual cost of water supply?	4 5 0	Nil.	20 0 0
10. The annual cost of printing—stationery?	6 14 6	54 4 0	26 15 6
11. The annual cost of funerals?	20 18 0	196 15 0	54 0 0
12. The annual cost of repairs—average?	.....	120 0 0	20 0 0
13. Payments for interest?	.....	.....	.....
14. Payments for insurance?	2 0 0	Nil.	.....
15. Payments for commission?	.....	39 5 7	25 0 0
16. Other expenses not included in the above?	194 11 0	217 13 2	174 6 10
17. Total cost of the hospital per annum?	629 19 6	5,218 16 1	1,736 5 6
18. Proportionate cost of salaries to each occupied bed?	.....	14 7 10	34 11 1
19. Proportionate cost of provisions to each occupied bed?	.....	17 2 0	42 17 1
20. Total cost of each occupied bed?	.....	47 17 5	124 0 4
F.			
1. The contract price during the year of bread for the 2-lb. loaf?	5d.	2⅝d.	6½d.
2. The contract price during the year of meat, at per lb.?	4d.	3d.	4d., 5d.

and.

Cooktown.	Georgetown.	Ipswich.	Maryborough.	Edwards Town.	Springsure.	Stanthorpe.	Toowoomba.
.....	.....	.....	.....	.....	.....	.....	....
General.	General.	General.	.....	General.	General.	General.	General.
2½ years.	4 years.	16 years.	18 years.	Recently opened.	9 years.	3 years.	16 years.
Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
£555	£360	£4,943	£1,061 12s. 3d.	£300	£1,220 2s. 5d.	£814 15s. 9d.	£2,295
£99	None.	N.S.W. £1,500; Queensland £1,700	£604	½	£500	£500	£2,000
£210	All.	£1,743	£457 12s. 3d.	½	£720 2s. 5d.	£314 15s. 9d.	£295
£895	⅔	£1,151 0s. 8d.	£1,828	£700	£300	£300	£1,000
£453 3s. 8d.	⅓	£458 7s. 8d.	£1,005	£400	£313 15s. 2d.	£121 12s. 7d.	£800
£44	Almost nothing.	£117 2s. 8d.	£76 17s.	No data.	£27 16s. 4d.	£43 15s.	£38
None.	None.	None.	None.	None.	£8 17s.	None.	None.
None.	None.	.....	£43 9s.	None.	.....	None.	None.
Board.	Board.	Board.	Board.	Board.	Board.	Board.	Board.
.....	.....	.....	.....	.....	.....	.....	.....
15 elected.	24 elected.	15 elected.	10	30 elected.	15 elected.	12 elected.	10 nominated by Government.
Accounts forwarded to Government.	None.	Yes, indirectly.	.....	Examine accounts	.....	.....	Through the Committee.
32	10	62	71	10	25	20	36
416 feet	960 feet.	791 cubic feet.	400 feet.	350 feet.	.....	657	1,000 feet.
21	.....	23	25	No data.	.....	4½	27
3	None.	10	6	.....	.....	¾	8
16	None.	48	88	.....	11	.....	12
1	None.	14	20	.....	.....	2	100
354	26	207	.....	.....	43	46	386
None.	.....	267	196	.....	6	None.	124
None.	.....	Nil.	10	.....	.....	65	None.
None.	.....	Nil.	Unusual.	.....	.....	1	None.
None.	None.	.....	1	1	.....	None.	None.
.....	.....	.....	250 0 0	£250	.....	.....	.....
1	1	3	None.	None.	1	1	3
300; supplies medicine.	No fixed salary, paid at per case.	Honorary.	.....	.....	£150	£100	Honorary.
1	1	4	1; Secretary.	.....	.....	1	2
£40	£40	£287	£50 & commission for collecting.	.....	.....	£12 12s.	£150
3; 1 nurse to very 6 patients.	.....	4; 1 nurse to every 8 patients.	5; 1 nurse to every 6 patients.	.....	.....	2; 1 nurse to every 3 patients.	.....
125 and board.	.....	£104	£226	.....	.....	£77	£100
None.	1	4	1	.....	2	.....	3
.....	£1 10s. to £3 3s. week.	£130	31 4 0	.....	£75	.....	£90
£465	£120	£521	£557 4 0	.....	£225	£189 12s.	£340
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	150 0 0	686 8 2	476 7 10	No data.	192 13 3	.....	250 0 0
	30 0 0 Supplied by Wardsman.	74 2 6	74 2 6	,,	20 0 0	60 11 10	68 12 0
720 0 0	do.	71 1 5	Wood, £13 7s.	,,	10 0 0	5 2 0	30 10 0
		15 6 0	Done by nurses.	,,	.....	None.	Done by Laundrymaid £30 per annum.
	15 0 0	67 7 3	65 12 5	,,	30 12 8	23 4 6	56 12 0
18 0 0	10 0 0	28 7 4	196 1 10	,,			16 0 0
upplied by Dr.	150 0 0	112 3 10	117 9 8	,,	61 8 11	61 9 2	132 0 0
Do.	.....	.....	.....	,,	2 14 0	27 10 10	.....
8 0 0	.....	5 6 0	8 0 0	,,	.....	1 17 4	.....
31 0 0	.....	33 14 10	30 7 9	,,	9 13 6	14 0 3	58 0 0
78 0 0	.....	40 16 0	131 7 6	,,	15 0 0	6 6 0	46 0 0
None.	10 0 0	30 16 8	551 2 5	,,	2 1 6	4 0 0	None.
.....	.....	Nil.	None.	,,	.....	None.	None.
.....	.....	19 12 0	.....	,,	.....	.....	13 2 6
.....	.....	None.	50 0 0	,,	.....	None.	.....
.....	.....	64 3 7	774 19 2	,,	.....	.....	.....
320 0 0	485 0 0	1,770 5 7	3,046 2 1	,,	569 3 10	....	670 16 6
19 7 6	.....	15 15 9	18 0 0	,,	.....	35 2 3	9 14 3
27 1 8	.....	20 16 0	15 7 4	,,	.....	.....	7 2 10
55 0 0	.....	53 12 10	98 5 0	,,	.....	.....	19 3 4
5d.	Provisions supplied by Wardsman at 23s. per head.	3 1/16d.	3d.	.....	.....	4¾d.	3½d.
7d., beef.		3d.	3½d.	9d.	4d.	4d.	2½d.

Tasmania.

	Campbelltown.	Hobart Town.	Launceston.
A.			
1. What is the population of the township, and of the district benefited by the hospital?	.....	.....	.....
2. The character of the hospital, whether "General," "Lying in," "Children's," or any other form of Special Hospital?	Benevolent.	General.	General.
3. How many years has the hospital been established?	20 years.	35 years.	13 years.
4. If the present building was erected for a hospital?	No.	Yes.	Yes.
5. If built for a hospital, what was its original cost?	(An old Government building.)	Built by Imperial Government.	£10,000
6. How much of the cost of construction was contributed by the Government?	.....	Cost not known.	All.
7. How much of the cost of construction was raised by public subscription?	.....	None.	None.
8. How much of the annual income is contributed by the Government?	£200	All.	All except that from paying patients.
9. How much of the annual income is raised by public subscription?	£150	None.	None.
10. How much of the annual income is (upon an average) contributed by paying patients?	£7 10s.	£200 (about).	£220
11. How much of the annual income is derived from invested funds?	None.	None.	None.
12. What amount has been received by legacies and donations?	.....	None.	None.
13. Is the institution under the control of a single officer or a Board?	Vested in 3 Trustees.	Formerly Board; at present Single officer.	Single officer.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	One of Trustees acts as Honorary Treasurer and Secretary	Surgeon Superintendent Salary &c., £400. To the Government.	Chief Medical Officer, Launceston. Salary £150. To the Government.
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	Trustees are elected by Subscribers triennially.	.....	.....
16. Whether any power of control or supervision is exercised by the Government; and, if so, in what form and to what extent?	.....	It is entirely under the control and supervision of the Government.	Entirely under control of Government.
B.			
1. The number of beds?	9	104	80
2. The average cubic space per bed?	.....	1,178 ft.	1,789 ft.
3. The average number of in-patients daily, throughout the year—Male?	.....	65	42
4. The average number of in-patients daily, throughout the year—Female?	.....	25	16
5. The number of paying patients received during the year?	2	100 (about).	64
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	.....	½ (about).	20
7. Total number of in-patients received during the year?	58	1,000 (about).	402
C.			
1. The average number who annually attend at the hospital as out-patients?	53	5,000	945
2. The average number who are attended annually at their own homes?	.....	500	None.
3. The average number of women who are attended annually in confinement at their own homes?	.....	None.	None.
D.			
1. The number of paid Medical Officers—Resident?	.....	1	1
2. The annual amount of their salaries?	.....	£250	£250, and detached house.
3. The number of paid Medical Officers—Non-resident?	1	1	1
4. The annual amount of their salaries?	50 per annum	£400	£150
5. The number of other paid officers, exclusive of nurses and servants?	2; Superintendent, Matron.	4	1; house steward
6. The annual amount of their salaries?	£60	£454	£75, with board and residence.
7. The number of the nursing staff?	None.	18	6
8. The annual amount of their salaries?	.....	£620 10s.	£219
9. The number of servants?	One man.	11	5
10. The annual amount of their salaries?	£20 16s. per ann.	£321 17s. 6d.	£148 10 0
Total cost of Salaries	£130 16 0	£2,057 7 6	£842 10 0
E.	£ s. d	£ s. d	£ s. d
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	200 0 0	1,300 0 0	720 0 0
2. The annual cost of wine, beer, and spirits?	70 0 0	116 0 0	45 16 8
3. The annual cost of fire and lighting?	25 0 0	268 0 0	297 18 7
4. The annual cost of washing and laundry?	8 0 0	77 0 0	57 9 7
5. The annual cost of linen and bedding?	As required; 1874, £63 1 11	150 0 0	113 6 8 / 129 6 10
6. The annual cost of furniture, earthenware, &c.?	As required.	350 0 0	294 18 0
7. The annual cost of drugs and dispensary?	5 0 0	100 0 0	43 18 6
8. The annual cost of surgical instruments and appliances?	.....	Nothing	30 0 0
9. The annual cost of water supply?	5 0 0	10 0 0	11 17 8
10. The annual cost of printing—stationery?	3 1 6	100 0 0	58 7 0
11. The annual cost of funerals?	Paid by Municipality		
12. The annual cost of repairs—average?	As required; 1874, £16 12 6	150 0 0	103 3 6
13. Payments for interest?	.....	Nil	None.
14. Payments for insurance?	4 14 4	Nil	£7 10s. on house surgeon's residence.
15. Payments for commission?	.....	Nil	Nil.
16. Other expenses not included in the above?	10 0 0	50 0 0	.....
17. Total cost of the hospital per annum?	541 6 3	4,728 7 6	2,756 3 0
18. Proportionate cost of salaries to each occupied bed?	.....	22 17 2	14 10 6
19. Proportionate cost of provisions to each occupied bed?	.....	14 9 0	12 8 3
20. Total cost of each occupied bed?	.....	52 10 9	47 10 4
F.			
1. The contract price during the year of bread for the 2-lb loaf?	3d.	.....	12/8 per 100 lbs.
2. The contract price, during the year, of meat, at per lb.?	4d.	.....	29/- per 100 lbs.

South Australia.

	Adelaide.	Mount Gambier.	Port Adelaide.	Port Augusta.	Port Lincoln.	Wallaroo.
A.						
1. What is the population of the township, and of the district benefited by the hospital?	60,000	12,000	5,000	1,000	300	.....
2. The character of the hospital, whether "General," "Lying-in," "Children's," or any other form of Special Hospital?	General.	General.	Casualty.	Casualty.	General.	Casualty.
3. How many years has the hospital been established?	20 years.	7¼	10	Under 1 year.	5	4
4. If the present building was erected for a hospital?	Yes.	Yes.	Yes.	Yes.	No.	Yes.
5. If built for a hospital, what was its original cost?	£20,000	£14,000	.....	1,400	.....	.....
6. How much of the cost of construction was contributed by the Government?	All.	All.	All.	All.	None.	All.
7. How much of the cost of construction was raised by public subscription?	None.	.....	.....	.....	None.	.....
8. How much of the annual income is contributed by the Government?	About 6-7th.	All.	All.	All.	All.	All.
9. How much of the annual income is raised by public subscription?	About 1-7th.	None.	None.	None.	None.	None.
10. How much of the annual income is (upon an average) contributed by paying patients?	About 1-26th.	1-26th.	None.	None.	None.	None.
11. How much of the annual income is derived from invested funds?	None.	None.	None.	None.	None.	None.
12. What amount has been received by legacies and donations?	About £700.	None.	None.	None.	None.	None.
13. Is the Institution under the control of a single officer or a Board?	Board.	A single officer.	Single Medical Officer.	Single officer.	Single officer.	Medical officer, Wallaroo.
14. If by a single officer, what is his position and salary, and to whom is he responsible?	.....	Assistant Colonial Surgeon—£451.	No Salary—Responsible to Colonial Surgeon	Medical Officer—£100 per annum.	Medical officer—£150 per annum.	Medical Officer, Wallaroo—£200 per annum—to the Government.
15. If by a Board, what is the number of its members, and by whom is it elected, &c.?	16 Members nominated by Government.	.....	.....	.....	.....	Yes—Through Colonial Surgeon.
16. Whether any power of control or supervision is exercised by the Government; and, if so, in what form and to what extent?	.....	.....	.....	.....	.....	.....
B.						
1. The number of beds?	203	48	3	3	4	4
2. The average cubic space per bed?	2,000 feet.	1,288 feet.	1,013	.....	.....	1,342 feet.
3. The average number of in-patients daily, throughout the year—Male?	157	22½	.....	.....	.....	.....
4. The average number of in-patients daily, throughout the year—Female?		10⅓	.....	None.	None.	None.
5. The number of paying patients received during the year?	.....	23	.....	None.	None.	None.
6. The number of patients received during the year who would have been more suitable for a Benevolent Asylum?	.....	12	.....	None.	None.	None.
7. Total number of in-patients received during the year?	1,958	198	20	4	6	8
C.						
1. The average number who annually attend at the hospital as out-patients?	17,000	.....	.....	None.	No out-patients are attended.	
2. The average number who are attended annually at their own homes?	.....	.....	.....	None.		
3. The average number of women who are attended annually in confinement at their own homes?	.....	None.	.....	None.		

South Australia—*concluded.*

	Adelaide.	Mount Gambier.	Port Adelaide.	Port Augusta.	Port Lincoln.	Wallaroo.
D.						
1. The number of paid Medical Officers—Resident?	2	1	.....	None.	1	None.
2. The annual amount of their salaries?	£500 and £320 respectively.	£451 for 1875-6	.....	.....	£150	.....
3. The number of paid Medical Officers—Non-resident?	None; 5 honorary medical officers.	None.	.....	1	None.	1
4. The annual amount of their salaries?	.....	.....	.....	£100	.....	£200 per annum as medical officer of district.
5. The number of other paid officers, exclusive of nurses and servants?	4	2. Dispensers, £130; clerk, £116	.....	None.	Matron only.	None.
6. The annual amount of their salaries?	£690	.....	.....	.....	£52 per annum.	.....
7. The number of the nursing staff?	20 to 30 1 to every 6½ patients.	4	1	1	None.	1
8. The annual amount of their salaries?	2s. to 3s. per diem.	£237 5s.	.....	£52 per year.	Are hired when wanted.	£50 per annum, without rations or fuel.
9. The number of servants?.....	10	8	.....	None.	.....	None.
10. The annual amount of their salaries?	£620 (about).	£360 17s. 6d.	.....	.....	.....	.....
Total cost of Salaries	£3,341 0s. 11d.	£1,295 2s. 6d.	.....	£152	£202 (not including wages of occasional nurses.)	£250
E.	£ s. d.	£ s. d.				£ s. d.
1. The annual cost of provisions, exclusive of wine, beer, and spirits?	2,759 18 3	.....	.....	.....	.....	20 0 0
2. The annual cost of wine, beer, and spirits?	202 17 3	.....	.....	.....	.....	3 10 0
3. The annual cost of fire and lighting?	570 17 1	.....	.....	.....	.....	6 0 0
4. The annual cost of washing and laundry?	.....	.....	.....	.....	.....	.....
5. The annual cost of linen and bedding?	.....	.....	.....	.....	.....	5 0 0
6. The annual cost of furniture, earthenware, &c.?	31 2 0	.....	.....	.....	.....	2 0 0
7. The annual cost of drugs and dispensary?	981 18 4	....	.....	.....	.....	7 0 0
8. The annual cost of surgical instruments and appliances?		.....	.....	.....	.....	6 0 0
9. The annual cost of water supply?	.....	.....	.....	.....	.....	Nothing.
10. The annual cost of printing—stationery?	.....	.....	.....	.....	.....	.....
11. The annual cost of funerals?	119 17 0	.....	.....	.....	.....	Paid by Destitute Board.
12. The annual cost of repairs—average?	343 14 10	.....	.....	.....	.....	Paid by Government.
13. Payments for interest?	.....	.....	.....	.....	.....	None.
14. Payments for insurance?	.....	.....	.....	.....	.....	None.
15. Payments for commission?	.....	.....	.....	.....	.....	None.
16. Other expenses not included in the above?	127 17 1	.....	.....	.....	.....	£2
17. Total cost of the hospital per annum?	8,479 2 9	.....	.....	.....	.....	£301 10s.
18. Proportionate cost of salaries to each occupied bed?	21 10 0	18 6 2	.....	.....	.....	.....
19. Proportionate cost of provisions to each occupied bed?	17 11 7	21 8 4	.....	.....	.....	.....
20. Total cost of each occupied bed?	46 2 0	52 19 3	.....	.....	.....	.....
F.						
1. Contract price during the year of bread for the 2-lb.?	3d.	3d.	.....	.....	.....	3½d.
2. The contract price during the year of meat, at per lb.?	2½d.	3½d.	3¼d.	.....	.....	Mutton 4d.; beef, 6d.

Sydney: Thomas Richards, Government Printer.—1878.

[1*s.* 9*d.*]

1878.

NEW SOUTH WALES.

NAUTICAL SCHOOL SHIP "VERNON."

(REPORT FOR THE YEAR ENDED 30 JUNE, 1878.)

Presented to Parliament by Command.

The Superintendent N.S.S. "Vernon," to The Under Secretary, Colonial Secretary's Office.

Sir, N.S.S. "Vernon," 31 August, 1878.

I have the honor to submit, for the information of the Colonial Secretary, the Annual Report of this Institution for the year ending 30th June, 1878. Report for past twelve months.

The health of the boys has been most satisfactory, not one case of sickness of any consequence having occurred. Skin diseases, ordinarily very prevalent among the class of boys from which we are recruited, we have this year been singularly free from; and at the present time few, if any, institutions in the Colony can compare with us in a sanitary point of view. Most of the children come on board in a most filthy state, and, from their past habits of sleeping in the open air in cold and wet weather, in an enfeebled state of health, but the regular life and comforts of the ship soon have a perceptible effect upon them, and they become strong, healthy lads in a very short time. State of health.

When the weather was fine the inmates were landed and marched to church on Sundays under the care of officers—the Protestants to the Presbyterian Church, and Roman Catholics to St. Augustine's, both in Balmain; but when the weather was stormy, the Church of England service was read to the Protestants on board by the late Captain Mein or myself. Table 12 will show the number of visits of the clergymen and religious instructors to the ship, by which it will be seen that the Church of England ministers have ceased to visit the vessel; this is much to be regretted, as the majority of boys on board are of that persuasion. The Rev. Mr. Sheppard, Church of England, formerly attached to St. James's Church, Sydney, took a deep interest in their welfare, and visited them once or twice a week, but since that gentleman's removal to Liverpool no one filled his place for any time. Of course a certain amount of inconvenience, loss of time, &c., is experienced in coming on board, and this, together perhaps with the fact that no salary is offered to counterbalance such disadvantages, may be the reason why we are neglected. The Presbyterian Sunday-school teachers, Mr. M'Alpine and Miss Gray, however very kindly come on board every Sunday and undertake the religious instruction of the whole of the Protestants, and I very gladly take this opportunity of thanking them for their unwearied exertions and benevolent efforts on behalf of my boys, who thoroughly appreciate their kindness. Landing for church. Visits of clergymen and Sunday-school teachers. Want of interest in institution felt by Church of England ministers. Presbyterian teachers to be commended.

The same want of interest, of which I have had above to complain, was also until lately shown by the Roman Catholic clergymen. From December, 1876, to February, 1878, no minister of that persuasion visited the vessel for the purpose of affording spiritual instruction to the inmates; but with the advent of the Revs. G. F. Dillon and Callachor to Balmain this state of affairs no longer exists, as these gentlemen regularly come on board every week, and exercise an amount of influence over the boys which I find most beneficial in aiding to establish a good healthy tone among them. Roman Catholic clergy not visiting often.

Table 13 will give a general view of their educational attainments; they have been attentive, and made commendable progress in their studies. The school is now conducted on the half-time principle, by which system each boy receives a certain number of hours daily of scholastic instruction; the teacher, Mr. W. Plummer, holds a certificate under the Council of Education, whose Inspectors visit and hold examinations on board at periodical intervals. Their last inspection was held on the 22nd February. Education. Teacher under Council of Education.

A regular system of drilling has been initiated, and has produced good results in the increased smartness and improved bearing of the lads, and, should the Government permit them to enter the Navy, to serve on the Australian Station, as most of the elder boys wish to do, they would derive the fullest advantage from such preparatory training as would facilitate their speedy promotion in the service. Gun, musketry, cutlass, and light Infantry drills, reefing, furling, and bending sails, manning yards, &c., are now regularly taught, instead of at erratic intervals, as was formerly the case, and the result is shown in the improved, intelligent appearance and healthy physique of the boys. Drills now regularly taught. Training on board fit lads to enter Navy.

Table 1 will show the particulars relating to admissions and discharges during the year, by which it will be seen that, although the fresh committals number 14 more than in the preceding year, yet only 64 boys were sent here during the twelve months. Admissions and discharges.

No one who has occasion to be much in Sydney can fail to be struck with the large number of ragged, neglected lads who infest the streets, and are a source of annoyance to every respectable person. These are "larrikins" in embryo, and, if allowed to continue in their wild career, rapidly go from bad to worse, and form the class from which the inmates of our gaols are recruited. An Act of the Legislature has been specially passed to meet the case, and to rescue these children from their vicious course of life, Numbers of boys in Sydney who should be sent here.

and to effect their reformation, and yet it is to a large extent inoperative. This arises from two causes—firstly, from the Act itself not being sufficiently stringent, by which it is exceedingly difficult to obtain a conviction against a boy; and, secondly, from a dislike entertained by a number of the Magistrates of the Colony to send lads on board.

Reason why Act is to a certain extent inoperative.

Industrial Schools Act 30 Victoriæ, No. 2, of 1866, clause 4.

Clause 4 of the Industrial Schools Act, 30 Victoria, No. 2, specifies the conditions under which children are sent on board. Every child whose "age in the opinion of the person apprehending or ordering the apprehension, as hereinafter mentioned, shall not exceed sixteen years, who shall be found lodging, living, residing, or wandering about in company with reputed thieves, or with persons who have no lawful, visible means of support, or with common prostitutes, whether such reputed thieves, persons, or prostitutes be the parents or guardians of such child or not, or who shall have no lawful visible means of support, or who shall have no fixed place of abode, or who shall be found begging about any street, highway, court, passage, or other public place, or who shall be found habitually wandering or loitering about the streets, highways, or public places, in no ostensible lawful occupation, or who shall be found sleeping in the open air, may be apprehended by any constable, or peace officer, or by any other person, and taken before any two Justices of the Peace to be dealt with as hereinafter is directed."

Opinion of experienced authorities that the Act should have a broader scope.

It is the opinion of many experienced persons who may fairly be deemed authorities on the subject that the operation of the Act should he extended to include neglected children in a broader scope than is now the case. Instances have occurred of boys being taken up under the Industrial Schools Act, and being released upon the plea that they gained a living by selling matches, or some paltry excuse of a like nature. In the Report of the Royal Commission appointed to inquire into the working of the Public Charities of the Colony we find from the evidence of Sergeant J. Dawson that he has found much difficulty in carrying out the law in the cases of boys he has found neglected and prowling about the streets by reason of their parents alleging that they earned their living by vending matches, &c., and mentions two instances, one in which a lad named Codey was released on the representations of his father that he was selling matches about the streets; this same boy was shortly after again apprehended for stealing, and it was found that he and another boy lived with a woman who maintained herself by receiving and selling whatever the boys brought to her as the results of their robberies. Both his father and mother had been convicted under the Vagrant Act. The sergeant further stated that from his experience as a police officer that to make the Industrial Schools Act effective it would require to be amended so as to prevent these allegations about the children being employed in selling trifling articles being made an excuse for children leading a vagrant life.

Sergeant Dawson, Sydney Police.

C. Cowper, Esq.

Charles Cowper, Esq., at that time Water Police Magistrate, in his evidence before the same Commission expressed his belief that it would be desirable to make the law so clear that the mere pretext of having some employment, unless it was of a substantial character, should not be the means of preventing these children being sent to the Industrial School, and that it is, in point of fact, one of the difficulties with which the Justices have to contend, that all kinds of cases are set up by the boys of their having some employment. The same gentleman also instances the case of two boys, the worst in the city, who were released upon the statement made by their father, that he was able to look after them, and that they not only gained a livelihood for themselves but made money for him. E. Fosbery, Esq., the present Inspector General of Police, also held the same views. He says: "For instance, a child may be selling a few oranges about the streets to keep its mother in drink, and it is said to be earning a livelihood, and not to be a fit subject to be brought under the Act. I can give instances of the kind. I consider that where evidence can be brought that a child has been allowed to live beyond proper control of some sort or another it should be dealt with under the Act as neglected. I do not think that any member of the Commission can have walked about Sydney without wondering that some of the children he sees about the streets are not on the 'Vernon.'"

Frivolous excuses set up to prevent boys being sent on board.

E. Fosbery, Esq.

English Industrial Schools Act, 1866.

It also appears that the same excuse of trifling employment has been set up in England, if the police have attempted to take these children from the streets; but there the case has been met by the "Industrial Schools Act of 1866," which provides that the mere offering of any small article for sale (usually a mere cloak for begging) is a reason for taking the child up. Selling matches, asking for money for sweeping crossings, &c., are all considered reasons for apprehending a boy and committing him to an Industrial School. The dislike of a certain portion of the Magistrates to send boys on board arises from their regarding the ship as a place of punishment. This is a great error. The "Vernon" should not be considered as a penal establishment, but rather as a home for the neglected, unfortunate waifs and strays of the Colony, where they may be cared for, prevented from falling into crime, and habits of order, industry, and truthfulness implanted in them, which will finally enable them to become respectable members of society. This was the intention of the founders of this Institution, and by reference to table 11 I think it has been carried out in a manner which will favourably compare with other Institutions of a like nature.

Dislike of certain Magistrates to send boys on board.

Objects of founders of the Institution.

"Vernon" should not be regarded as a place of punishment.

Mr. Fosbery, in reference to this, says "that I look upon the Act as a paternal one for the benefit of the growing population, not as a penal Act, and I think the Magistrates have looked upon it too generally in the latter light. I think that if instead of 99 children on the "Vernon" another 0 was added it would still leave children to be dealt with, and it would be cheap for society at large to deal with them in that way.

Want of a Reformatory.

The want of a Reformatory for boys has undoubtedly also contributed to the non-success of the ship as an Industrial School. From a disinclination to mix unfortunates and juvenile criminals, we get very few of either class, notwithstanding the numbers of boys coming under one or the other denomination now running neglected and uncared for all over New South Wales. This is one of the primary causes that now influence the Magistracy and renders them averse to send lads here, although in the opinion of many ladies and gentlemen, who have devoted attention to the subject, the harm caused by such mixing is more apparent than real. Miss Rosamond Hill, who has had perhaps as much practical experience in the matter as anyone, says that "in England, children who have been guilty of actual theft, if under twelve years of age, are sent to an Industrial School; above twelve, to a Reformatory; and that no inconvenience or injury arises from the mixing of the criminal juveniles with those children who have not been convicted of crime; that there is no great difference between them, as they are much the same class; and if those who are unconvicted happen to be so, it is in most cases simply from the fact that they have not been found out." She further says "that 'a little leaven will leaven the whole lump' holds in the good as well in the evil sense, and that much good has resulted from the contact of children who have been inmates of the school, from no fault of their own, but simply from the force of circumstances, with those who have gone wrong."

No harm done by association of criminals with unfortunate juveniles.

Though

Though decidedly of the opinion that criminals above twelve years of age should not he sent here, yet I think boys below that age cannot be very hardened in their evil habits, and would not be the cause of any injury ensuing to the other inmates, while incalculable good would result to themselves by removing them from old evil associations without placing them in a gaol. Criminals under 12 might be sent here.

Table 5 gives particulars relative to parents of boys admitted during the past year, and shows conclusively that it is a very good thing that the children are removed from their influence and control. Particulars relative to parentage.

Table 8 shows number of boys apprenticed for the year, with the professions to which they have gone, by which it will be seen that four boys had gone to sea during the twelve months ending 30th June. Three of these went actually in June; four more, since that date, have been apprenticed as sailors, and application has been made for two more, who will be ready in a short time—making altogether nine boys as mariners in between two and three months; and I have no doubt that more will follow, for ship-owners will find that the lads are really useful, and will be glad to take them. Number of boys who have gone to sea during past year.

Table 11 gives the number apprenticed since the inauguration, and particulars of their conduct, and as Mr. Duncan, the Inspector of Industrial Schools of Victoria, in his report to the Government, says "that as the number of children reported of unfavourably is under 20 per cent., I look upon the results as encouraging," our number being below that per centage the result must be considered satisfactory. Number apprenticed since inauguration. Result must be considered satisfactory.

The children are not always to blame when an unfavourable report of their conduct is sent in; in many cases the employers make no allowance for the youthfulness of the boys, and have little or no sympathy for them, requiring them to do a man's work,—many lads who have been returned to the ship with the very worst characters, on being sent to other employers have been reported upon most favourably, and in many cases it would be found that the lads were more sinned against than sinning. Boys whose masters have reported well of them for two or three years, suddenly receive the worst of characters and abscond; certainly their pay increases the longer they are at service, and this may have something to do with it. A boy completed his term of service in last April, and for five years only received a few shillings, and was discharged with a very bad character for being disobedient. I find, upon inquiry, that £30 were due to the lad, which the master endeavoured to evade paying. Most employers not actuated by philanthropic motives. Payment of wages due to a boy sought to be evaded by master.

Another case occurred within the last few days. A boy, J—— B——, came on board and complained that his master had refused to pay him his wages; he had been with him four years, his full term, and had left his service in February, 1877. On asking for his pay his employer told him that he had given him all he meant to. Some friends of the lad advised him to come to me, which he did last week. This was the first intimation I had of the affair, although the lad had left Mr. —— service eighteen months. I took action in the matter, and procured the balance of wages, £20, due to the lad. Another similar case.

This all tends to show the necessity of an Inspector being appointed whose sole duty it shall be to travel about the country, and to make inquiry into the relations existing between masters and apprentices from the different charitable institutions of the Colony, see the children are well treated, clothed, and receive their pay, effect transfers, cancel indentures, &c., and who shall be armed with sufficient power to enable him to take legal proceedings against any one infringing the conditions of indenture. Such an officer would be the means of effecting a vast amount of good; and where we now have to record twenty failures, we should not then find five. An inspector should be appointed to inquire into the relations existing between masters and apprentices.

The State, after acting in *loco parentis* to a child for a number of years, when it is ready to leave the institution and the real battle of life is about to commence, in some measure abandons it by apprenticing it to some one, perhaps some hundreds of miles in the country, and who, although a very worthy person, in other respects may not be fitted to have charge of the child, for it is impossible for the Superintendent of any institution to find out the real facts of the case occurring at any considerable distance. Miss Hill says "But the work of the managers is not complete when their pupils quit the Industrial School. They will require when put out into the world friendly supervision, which may be found necessary for some years. Visiting is an *essential* part of the training, and often prevents falling back into evil courses." After-supervision necessary. Opinion of Miss Hill.

Mr. J. Oatley, who has had experience as one of the Committee for managing the Benevolent Asylum, gives it as the result of his experience that some officer should visit these children and see them properly clothed, &c., and says that if they do not agree with their employers the asylum will take care of them if they come back, but that they have to find out for themselves. Evidence of J. Oatley, Esq., upon the desirability of an officer being appointed to exercise supervision over children after apprenticeship.

Mr. E. M. Betts, who was nine years at Parramatta Orphan School, as Master, also states in his evidence before the Charities Commission, that "there should be some alteration as far as regards their supervision by some Government officer, who should be authorized to look after them after they were apprenticed." Opinion of Mr. E. M. Betts.

In Victoria the same want has been felt. The inspector of Victorian Industrial Schools says, "I know several instances in which nothing but the knowledge that supervision was maintained has kept both boys and girls from the evil influences by which they are beset." Same want felt in Victoria.

The Royal Commission also strongly insists upon the necessity of such after-supervision as necessary to success, and every one who has had any practical dealing with the subject must see that the absence of such supervision is one of the weakest points in the whole system. At the schools at Melhay, at Dr. Wichern's Institution, the Ranke Hause, near Hamburg, and at kindred institutions in Great Britain, this is done by a number of ladies and gentlemen in different parts of the country who volunteer their services, but in this Colony, so thinly populated, this work could hardly be done in like manner at present; an officer should therefore be appointed. Another cause that has contributed to boys turning out badly, has been through their parents visiting them and inciting them to run away from their service. Continental system.

I quote extracts from some letters recently received:—

"Sir, Picton, 14 April, 1878.

"In reply to yours of the 11th, respecting 'my apprentice,' he stayed with me three months and behaved himself very well, but a man came here who said he was his father; he objected to the boy being apprenticed out, as he said he paid for him while on the 'Vernon,' and finally he asked to take the boy away, which of course I objected to. Soon after a brother of his came and asked to stay a night, to which I did not object, and the boy ran away with him." Extracts from reports on boys' conduct. Parents and other relatives the cause in many cases of lads turning out badly.

Another from a gentleman is as follows:—

"Sir,

"In answer to your request, how the apprentice conducted himself, I beg to report that he deserted from my employ with the assistance of his parents, as soon as he was able to work and be useful. When I had him from the ship he was all I could wish, but the parents were determined to get him away, and I could find I would be subject to much annoyance. There are two bad practices in connection with the ship, first, that the responsible Minister hands a boy back to his parents;

it

it was so with the boy in question, and the father believed he would have been successful a second time but for me having charge of the boy; the second is to apprentice a boy within easy distance of his parents, for it is the wish of the lower classes to drink from the proceeds of their children's labour."

Another letter from a lady at Bungay, "I am sorry I cannot report so favourably of my apprentice as before. His friends have been wishing to get him away, which of course has the effect of making him discontented and troublesome." These are a few extracts from amongst many reports of a like nature where boys have been forced to go wrong by their relatives; in each case the lad has given satisfaction to his employer until contaminated by his so-called "friends." Nearly all the replies received in answer to my circulars have been most satisfactory. One gentleman writes, "I am happy to be able to state that he is well behaved, diligent, and respectful, and has always conducted himself entirely to my satisfaction.—P. F. FAGAN, Sussex-st."

Conduct of W.B.

Conduct of J.A.

A lady at Parramatta says, "Has been with me three years, has behaved himself well, and is really a good well-disposed boy; as he is very anxious to pay a visit to his old home will you kindly tell me if he may go on board.—J.F."

Conduct of E.R.

Mr. John Willis, of the *Singleton Argus*, writes, "I have to report that E.R.'s conduct is, as hitherto, such as to leave no ground for complaint. He is polite and diligent in his duties."

Conduct of A.C.

Mr. J. Wolfe, of Maitland, states, "I have much pleasure in informing you that the boy Alfred C. has conducted himself well, and will turn out a good man."

Conduct of a boy formerly returned indentures cancelled.

Mr. Alfred Cobb, of Giro, writes, "I beg to inform you that my two apprentices, Owen T. and John F., are conducting themselves to my entire satisfaction. I would not wish for two better boys." The boy F. had been returned to the ship prior to this by another master, who gave him the worst of characters.

Conduct of D.B.

Mr. A. Gibson informs me that "the conduct of my apprentice, D.B., has been very good; he is obedient, and progressing in his calling."

Conduct of W.M'D.

Mr. J. H. Balch, of Wingecarribee, says, "It affords me the greatest pleasure to report favourably of W. M'D. He has conducted himself well; he is industrious and trusty, and progressing well with his work. He shows unmistakable signs of good training on the 'Vernon.'"

Conduct of H.M.

The Rev. Dr. Boag, LL.D., of Hinton, who has one of our lads, Henry M., thus writes respecting him, "It is with much pleasure that I answer your request by circular. My apprentice is obedient, and anxious to know and to do what is right. I have not had to say a loud or cross word to him. He is respectful to all and offensive to none, while he is intent on doing his duty. Of course he is treated kindly and considerately, and is not required to do anything beyond his strength and ability. He is an apt scholar in whatever he is requested to learn and is a credit to your institution, and if he is spared will be a comfort to all interested."

Conduct of J. M'D.

Mr. J. Reed, of Pennant Hills, says, "I beg to state that the conduct of J. M'D. has been excellent in every respect, and he is well conducted."

Conduct of H. S.

J. Lackey, Esq., M.P., informs me that "the apprentice H.S. has turned out very well; he keeps himself clean and respectable, and there is every probability of his becoming a useful and respectable man."

Conduct of G.W.
Conduct of A. D.

Mr. A. A. Dunnicliffe, of Burrawang, writes of two boys he has:—"I beg to say that the lad G.W. has given great satisfaction, both as regards industry and integrity; his time will soon be up, and I intend to do everything I can for him. The younger boy, A.D., is also doing very fairly, and they both have the respect of all acquaintances and neighbours."

Boy formerly returned doing well with another master.

Mr. J. Jackson writes, "I have pleasure in informing you that the boy Z. turned out very well and to my entire satisfaction." This lad was returned to the ship by another master as incorrigible.

Another instance.

J. L. Ruthven, Esq., of Gowrie, states, "I have much pleasure in informing you that G.F. has conducted himself very well, is willing and anxious to please, and seems to take an interest in his work." This is another boy who was returned by a former master with a bad character.

Another instance.

T. Junor, Esq., of Brisbanefield, writes, "I am happy to say R.D. is doing very well, and will turn out a good boy." Another instance of a lad returned by one master as no good and pleasing the next one he is apprenticed to.

These are extracts from but a small number of favourable reports received within the last few weeks from employers, and which I have on board, and show very plainly that good work has been done on the "Vernon."

Boys turn out well when judiciously treated.

They also point out that many boys who are returned to this ship with the very worst of characters go to another employer, from whom they receive the very best, plainly showing that the fault has not been altogether on the boy's side in the first instance.

Revenue.

Table 14 will show the revenue collected from various sources during the twelve months. Boots have been made on board and supplied to the Girls' School, Biloela, and have realized the sum of £19 10s., an advance of 18s. upon the amount for the preceding year. The yacht "Iris" was repaired by us, painted, rigging overhauled, sails mended, &c., for which the sum of £10 4s. was paid into the Treasury. There are many small yachts in the harbour whose owners would derive much advantage from entrusting them to us to be repaired and refitted, as the work would be done well at a small expense; and, on the other hand, would be the means of imparting experience to our lads in fitting, rigging, &c., besides proving a source of revenue. Contributions from parents have very much increased; last year they amounted to £69 15s., this year £116 15s., an increase of about 80 per cent. This increase I attribute to the action taken by myself to enforce payment from all those in a position to contribute, by summoning them to the Police Court—every person who has a child on board here, able to contribute towards their support has been made to do so, and I estimate the revenue from this source alone during the next twelve months will amount to something considerable.

Contributions from relatives much increased.

Parents summoned to Police Court.

Extract from *Sydney Mail*.

As has been very correctly said "by one of our leading journals," for a young and prosperous country it is a disgrace that so large an amount of personal responsibility should be thrust upon the shoulders of the State by people who shirk the bearing of their legitimate burdens; and those who will not voluntarily acknowledge their duty, and do it, ought to be made to do it. It is much better for these particular children that they should be removed from the range of parental corruption in many cases; but if the State takes care of them, the parents should be made to pay for them. Table 15 gives the cost per head of the boys for the year ended 30th June, and it will be noticed that a reduction of £3 per head has taken place in the cost of each boy to the Government. This year the sum per head is £34 11s. 11½d., and although a considerable improvement upon last year's outlay, it must be confessed still appears too much. The cost on the "Nelson," I believe, is about £32, while on the "Akbar" and "Cornwall," in England, it ranges from £22 to £25; however, many important changes are about to take

Cost per head £3 less than last year.

place

place on board by which many officials now on board, and who can with advantage be dispensed with, will be removed; and also by a stricter regard for economy I am confident of reducing the cost per head greatly in the future until it is as low as the two ships at home above named. This average would be still further considerably reduced if the provisions of the Industrial Schools Act were more rigidly enforced, by sending on board the numbers of boys who are wandering about the streets in idleness and vice, and who, if allowed to continue in their vicious course of life, will soon blossom into the criminal class, and become the regular habitues of our gaols, costing the country far more. Mr. T. J. Murray, the Director of Convict Prisons and Registrar of Habitual Criminals in Ireland, in his report to the Home Government says, "In Liverpool alone it is estimated that the value of property lost by crime is £700,000, and I should think this is greatly under-stated. The public, therefore, are much interested in correcting the vicious. As a mere money question, it is clearly better to reclaim the vicious than punish the criminal, and no doubt a penny spent in teaching will save a pound in punishing. I am sure I do not exaggerate when I estimate the saving to the community upon every boy rescued from evil courses at from £200 to £300.

Cost greatly reduced in future. Provisions of Act should be more rigidly enforced.

Value of property lost by crime.

Good effected by institution should not be measured by cost for maintaining inmates

Here in New South Wales, where everything connected with prisons, salaries of police and gaol officials, is much more costly, the expense to the State is of course far greater. In the Estimates passed for 1878, a staff of 16 officers is provided for this ship. With this number reduced to 10 we can actually do far better and achieve better results, at a less cost; and whereas the usual number of boys on board ranges from 90 to 110 per diem, nearly the same staff would be sufficient for 260—the vessel's proper complement; and this number would bring the cost per head down to about £16 or £17 per annum.

Same staff sufficient for more than double number of present inmates.

The principal question, however, that is to be considered is, what is the best thing to do with these boys when ready to leave the institution, and the most obvious answer that presents itself is, to send them to sea—a course of life for which they are best adapted, and which the majority prefer to any other calling. Although the lads have no actual experience at sea while in this vessel, yet they can be taught, and are taught, the main essentials of a seaman's duty, such as reefing, furling, splicing, pulling an oar, &c.—a course of training which will make them more useful on board ship than many men whom owners are now forced to engage as seamen. It cannot be denied that in the past, apprentices from here to the sea have not turned out well, and this has much prejudiced ship-owners against us, so much so that three months ago I could not find one to take any of our lads on their vessels. A very antagonistic feeling seemed to have taken root, and this has been most difficult to overcome; but with the new system of training recently adopted these gentlemen have been shown that we can turn out willing, useful lads, who prove of great service to them, and a growing desire to co-operate with me, by taking my youngsters, is the result. More boys have been apprenticed within the last nine or ten weeks as sailors than during the preceding three or four years; and I have now more applications for apprentices as seamen than I can deal with. G. F. Mason, Esq., a Sydney ship-owner, was prevailed upon in last May to take two lads as an experiment. With very dismal forebodings he complied, and two were accordingly bound to him to serve on the "Syren," trading to New Zealand. How these boys have behaved can best be seen by a letter I have received from the captain of the vessel, which I here quote:—"Auckland, 9th July, 1878.—Captain F. Neitenstein.—Dear Sir,—I take the liberty of writing you according to promise, concerning the two boys from the 'Vernon' to the 'Syren'. They are two smart boys, and I think will make good sailors in a very short time. They are civil and willing to do anything that they are asked to do. Excuse this as I am in a hurry to catch the mail. In the meantime I am, yours faithfully, JOHN MASON, Master."

The best outlet.

Duties of seamen taught.

Prejudice of owners of vessels hard to be overcome.

Encouraging desire on part of owners to co-operate.

Letter of Captain Mason reporting of the conduct of two boys apprenticed as seamen.

This is the only report that I have yet received from captains since we have re-commenced to send lads on voyages, but I am confident that I shall receive other letters equally favourable.

Messrs. Dangar, J. G. Punch, Meyerfield, Cowlishaw Bros., Mason, Fagan, &c., are all applicants for apprentices when any are eligible, and if I was permitted to send boys in vessels owned in other places than in New South Wales (as at present restricted) applications would very much increase in number; thus Captain Croll, of the barque "Malay," applied to me for two boys, but as the vessel was owned in Wellington, although employed in the intercolonial trade, I was unable to accede to his request. The reason for this objection is an idea entertained that the Colony would be likely to lose their services if sent in ships belonging to other places, but I cannot see any very great reason for this opinion. In the words of the report of the Royal Commission, "their services would be in no more danger of being lost to the Colony than those of an English boy are lost to England who takes to the sea when young. Home instincts would always bring them back to Sydney at the expiration of their term of apprenticeship.

Shipowners who are willing to take boys.

Objection to boys being apprenticed in other than vessels owned in New South Wales.

Another cause that militates against our success is the early age at which the majority of the lads become available to leave the ship. When they have been twelve months on board and are twelve years of age they are considered fit for apprenticing. This is too young to send them on a sea-going vessel, and no captain would take them at so youthful an age; the result is, that many who have a strong desire to become sailors have to be sent to other occupations. I have consulted many gentlemen who may fairly be deemed authorities upon the matter, and they all concur that fourteen should be the earliest age at which the boys should be considered fit to leave the "Vernon." For the elder boys, those who are received on board over eleven years old, for years prior to their coming on board they have been plunged in all sorts of rascality, and are completely beyond all control. Twelve months on board is at present thought amply sufficient to effect an entire reformation. This short time is not sufficient to do all the good we could wish, and efface from their recollection all thoughts of their former vicious career and evil companions; the consequence is that many of our elder boys upon leaving the institution fall back into their old form of life, and reflect discredit upon the ship. This is decidedly unfair to all parties, and as a remedy I would strongly impress upon the attention of the Government the advisability of issuing directions that all boys in this Institution should be at least two years on board, and fourteen years of age before being apprenticed. This would effect a vast improvement, and would materially contribute towards our future success.

Boys are apprenticed at too early an age.

Twelve months on board "Vernon" not long enough to effect reformation.

Present condition of rules unfair to all parties.

To show that the lads themselves look back with gratitude to the care and attention given to them when inmates of the vessel, and that they do not entertain that dislike for their old home and officers which many ignorant persons are so ready to impute to them, I think it only just to quote from some of the many letters written to me by boys who have left the ship, and who, I am very proud to see, do not forget their friends on board.—Singleton, 2nd September, 1878—My dear Sir—I take great pleasure in communicating these lines to you. I hope you do not think I have done you an injustice in not writing to

Boys who have left the ship cherish kindly feelings towards their old officers.

Letter to self from E.R.

to you before, but I have not had time. I have seen by the *Evening News* the account of the late captain's death, and you being put to the command, and it seems that the ship is a great deal better than when I was there, for I see by the *Sydney Mail* of the 31st ultimo, in giving an account of the ship, that you intend to abandon the old system of teaching the boys the different trades, and to devote your time in teaching them to be sailors, and giving them a fair amount of schooling. Speaking of the ship this paper in one paragraph says:—'The system of morally training these boys on the 'Vernon' deserves to be fully noticed. If not invented by Captain Neitenstein it has been considerably developed by him and with excellent results.' It seems that you have not much use for punishment now as the boys behave very well. It seems that you have a library and chess and draught boards now, a game unknown when I was there. I read the account with great satisfaction. I am getting on very well with the trade, and like it very much. and Mr. Willis is very kind; I go to Sunday-school every Sunday, and am taught by Mr. Willis, who is a very good teacher; the prizes were given out on the 30th June, and Mr. Willis presented me with a handsome book, titled 'Dictionary of the Holy Bible'; I find it very useful. Kindly remember me to all my friends on board the ship, and allow me to congratulate you on your promotion. I remain, yours truly.—E.R."

Opinion of former inmate.

Letter to self from P.M.

Another one from a boy at Lemon Grove, Paterson, "My dear Captain,—I now take the pleasure of writing these few lines to you, and I'm sore afraid that you are not well that you did not answer that letter I wrote you, and I was only joking when I asked you for the stamps; I can get plenty of money from my master, and if you are not well you may come up and see us when you can spare a week for the good of your health, and my master says that you are welcome any time you like to come up, but let us know when you are coming up, and my master will go and meet you; if we do not meet you, you come up mail, and driver will show you the place, and tell Mrs. Gorman and Mrs. Kemp I have not forgotten about them, and not forget to let us know when you are coming up; I do not think I have any more to say at present. I remain your affectionate friend, P.M. P.S.—Answer this letter as soon as you can."

Letter to self from H.M.

One from Hinton. "Manse, Hinton, June 10th, 1878.—My dear sir,—I received your very kind and very most welcome letter on Wednesday, and was very glad to hear from you. I hope you are quite well and enjoying the benefits of good health, as I am in the very best part of health. I like my place very well indeed; there are about twenty of boys up this part of the country; my master and mistress are very kind to me; I could not wish to be with better people; I like this part of the country very well. I was at a concert on Friday, and am going to another on Thursday night; I have been nearly all over the country to Maitland and Morpeth, and Seaham and Dunmore, and a good many other places which are too numerous to mention. We have great fun up here sometimes; my work is quite simple that I have to do; I do anything, and everything I can do. Sometimes I drive my master about the place in the buggy. I go to church every Sunday, and milk the cow. I have joined the Good Templars association and like it very well; I hope you will write soon. I will now conclude by remaining yours very respectfully,—W.H.M."

Letter to self from J.G.

A boy from Wellington writes—"Wellington, Sunday, June 16/8/78.—My dearest sir,—I received your kind and most welcome letter on the 8th and was very glad to hear that you are all right. I am getting on all right at my place; my master has no faults with me; I am sorry for keeping you so long. My brother Henry is getting on all right at his place and desired to be kindly remembered to you. You said in your last letter you thought I had forgotten all about the 'Vernon' but I have not nor never will. I hope there is no sickness on board. Best respects to Mr. Gorman and all enquiring friends. I see they are going to send the boys to sea again; they cannot run away there. I have not much to say at present. I must now conclude this letter with kind love. And still remain your ever affectionate friend,—J.G."

Letter to self from W.H.B.

Another lad in Sussex-street. "Sussex-street, August, 1878.—Dear Sir,—I suppose you think I have forgotten all about you as I have not forwarded an answer sooner. But it was not forgetfulness of you that caused my silence. I was very glad to find by your letter that you have not forgotten me. I like my place very well although at first it was rather awkward to me at first than the tailoring; all that however I managed to get over. I suppose you will have to take charge of the ship now that Captain Mein is dead. I could hardly forget his death for some time. Give my kind regards to Mr. McAlpine. I would like very much to get a letter from him. I expect you will all be in an unsettled state for some time. Give my best respects to Mr. Gorman and McDonnel. With kind regards for yourself,—Yours, &c.—W.H.B. N.B.—I'm very sorry for keeping so long for this acknowledgment.—W.H.B.

These are but few amongst many letters but are sufficient to satisfactorily show the *entente-cordiale* existing between officers and boys.

Thanks due to officers for their cheerful co-operation.

In conclusion, I would express my acknowledgments to the officers of the vessel for the valuable assistance and cheerful readiness which they have at all times afforded me in my somewhat onerous task; and although the cruise of the "Vernon" has not hitherto been very successful, a fresh voyage has now been entered upon with what I think is a very fair wind, which gives me every reason to predict a more hopeful future.

I have, &c.,

FREDK. W. NEITENSTEIN.

(1.)

TABLE showing the Admissions and Discharges for the year ending 30th June, 1878.

Particulars.	Numbers.	Particulars.	Numbers.
Admissions	64	Discharges—	
Re-committals	1	To relatives or otherwise	15
Returned—Indentures cancelled	8	Apprenticed	49
Re-admission from Industrial School for Girls	1	Discharged to Industrial School (Girls)	3
Returned to ship blind	1		
Total	75	Total	67

Remaining on board on the 30th June, 1878..... 104.

(2.)

TABLE showing the Ages of Boys admitted during the year ending 30th June, 1878.

Admitted during the year.	2 to 3.	3 to 4.	4 to 5.	5 to 6.	6 to 7.	7 to 8.	8 to 9.	9 to 10.	10 to 11.	11 to 12.	12 to 13.	13 to 14.	14 to 15.	15 to 16.	Total.
.....	...	1	1	1	0	4	6	3	13	4	7	6	14	4	64

(3.)

TABLE showing the Religion of Boys during the year ending 30th June, 1878.

Protestant.	Roman Catholic.	Total.
31	33	64

(4.)

TABLE showing the Religion of Boys remaining on the 30th June, 1878.

Protestant.	Roman Catholic.	Hebrew.	Total.
53	50	1	104

(5.)

TABLE showing particulars relative to Parentage of Boys admitted into the "Vernon," during the year ending the 30th June, 1878.

No. of Boys admitted.	One parent living.	Both parents living.	Neither parent living.	Unknown.	Total.
64	26	21	14	3	64

Circumstances as stated in Record Sheet.

Father dead; mother unable to support	4	Mother dead; father unfit to have charge of child ...	1
Father dead; mother married again	3	Mother a prostitute; child illegitimate	3
Father dead; mother in gaol	3	Parents living; mother a prostitute	1
Father deserted; mother a drunkard.....	1	Parents living apart	1
Father deserted; mother unable to control	1	Parents dead	14
Father in gaol; mother unable to control.....	1	Parents deserted	4
Mother dead; father unable to control.....	3	Parents drunkards; unfit to have charge of their children	1
Mother dead; father deserted.....	6	Parents unable to control.....	15
Mother dead; father unable to support.....	1		
Mother deserted; child illegitimate	1		

(6.)

Committing Benches.

Albury.....	3	Nowra.....	1
Bathurst.....	4	Newcastle	1
Central Police Court, Sydney	13	Orange	1
Cooma.....	1	Parramatta.....	4
Goulburn	1	Trunkey	1
Grafton	2	Tamworth	1
Mudgee	1	Water Police Court, Sydney	24
Maitland.....	3	West Kempsey	3

(7.)

TABLE showing the Number and Trades of the Boys on board the "Vernon," on the 30th June, 1878.

Sailors.	Tailors.	Shoemakers.	Carpenters.	Sailmakers.	Blacksmiths.	Total.
53	25	22	2	Sailors as required	2	104

(8.)

TABLE showing the Number of Boys apprenticed from the "Vernon," during the year ending 30th June, 1878.

Mariner.	Baker.	Farmer.	General Work.	Blacksmith.	Vigneron.	Bootmaker.	Total.
4	2	24	11	2	1	5	49

(9.)

TABLE showing the Number and Ages of the Boys remaining on the "Vernon," on the 30th June, 1878.

No. Boys on Board.	6 to 7.	7 to 8.	8 to 9.	9 to 10.	10 to 11.	11 to 12.	12 to 13.	13 to 14.	14 to 15.	15 to 16.	16 to 17.	Total.
104	2	4	11	13	18	23	8	1	15	3	6	104

(10.)

List of Articles manufactured on board the "Vernon" during the year ended 30th June, 1878, and the estimated labour employed in their manufacture.

Articles.	Quantity.	Rate.	Amount. £ s. d.
Carpenter.			
Fishing main mast	10 days	11s.	5 10 0
Repairs to boats	26 „	11s.	14 6 0
New bulkshead to store-room	6 „	11s.	3 6 0
New shelves, store-room	6 „	11s.	3 6 0
Shelves to office	2 „	11s.	1 2 0
Making royal-yard and fitting	6 „	11s.	3 6 0
Repairs to mess-tables and stools.	2 „	11s.	1 2 0
Gates for poop	.....	.....	1 0 0
Fixing stern davits	2 „	11s.	1 2 0
Spanker boom	.....	.....	3 0 0
Poppets for boats	.....	.....	0 10 0
Mast and yards for gig	.....	.....	2 0 0
Masts and sprits for cutters	.....	.....	3 0 0
Repairs to pumps	5 days	11s.	2 15 0
Caulking decks	12 „	11s.	6 12 0
Glazing	.....	.....	3 0 0
Ladder for wharf	.....	.....	1 10 0
Awning stanchions	.....	.....	2 0 0
Fixing ventilators	.....	.....	2 0 0
Repairs to gangway ladders	.....	.....	2 0 0
Ships' work in general	23 days	11s.	12 13 0
Building a new boat	50 „	11s.	27 10 0
Total	.....	..... £	102 10 0
Blacksmith.			
Copper screw bolts	6	1s.	0 6 0
Iron screw-bolt	1	1s.	0 1 0
Iron hoop	1 day	11s.	0 11 0
General repairs	7 days	11s.	3 17 0
Making iron davits, and fitting	26 „	11s.	14 6 0
Repairing tubs	1 day	11s.	0 11 0
Repairs to lamps	2 days	11s.	1 2 0
Hinges, hasps, plates	2½ days	11s.	1 7 6
Repairs to sewing-machine	2 days	11s.	1 2 0
Boat-hooks	12	1s.	0 12 0
Copper screw for gun	1	11s.	0 11 0
Copper rod	1	2s.	0 2 0
Copper bolts	14	2s.	1 8 0
Repairs to mess cans	5 days	11s.	2 15 0
Tongs	6	5s.	1 10 0
Copper shackle and clamp	2	5s.	0 10 0
Copper lids to boilers	2	5s.	0 10 0
Copper mast, hoop and eye	1	10s. 6d.	0 10 6
Working at forge	15 days	11s.	8 5 0
Eye-bolts and plates	3	3s. 4d.	0 10 0
Poop rail	1	£1 2s.	1 2 0
Screw hoops	2	2s. 6d.	0 5 0
Pintle and gudgon rudder	2	7s. 6d.	0 15 0
Copper clip hooks	19	2s.	1 18 0
Spanner	.....	.....	.....
Hooks and thimbles	36	8d.	1 4 0
Eye-bolts, with screws	2	2s.	0 4 0
Ring bolts	2	2s.	0 4 0
Repairing shoot	1	11s.	0 11 0
Baking dishes	3	5s.	0 15 0
Steel hooks	2	1s.	0 2 0
Stem band	2	5s.	0 10 0
Copper hawse	1	7s. 6d.	0 7 6
Repairs to water pipe	1	7s.	0 7 0
Hooks and rings for cutters	2	7s. 6d.	0 15 0
Repairs to fire-engine	4 days	11s.	2 4 0
Steel hooks	6	1s.	0 6 0
Boiler for bath house	1	£1 2s.	1 2 0
Fitting deck pump	1	11s.	0 11 0
Bonnet to funnel	1	10s.	0 10 0
Funnel	1	10s.	0 10 0
Candlesticks	5	1s.	0 5 0
Hooks and links	2	5s.	0 10 0
Altering awning stanchions	5	1s.	0 5 0
Copper clamp and step	1	5s.	0 5 0
Funnel for stove	1	10s.	0 10 0
Copper lids	2	2s. 6d.	0 5 0
Repairs to centre-board	1	5s.	0 5 0
Copper strap	1	4s.	0 4 0
Round staples	24	1s.	1 4 0

Articles.	Quantity.	Rate.	Amount. £ s. d.
Making and fitting water-pipes to coppers.	11 days	11s.	6 1 0
Shroud plates and bolt for boat	4	2s. 6d.	0 10 0
Repairing force pump	2 days	11s.	1 2 0
Repairs to stanchions	3	5s.	0 15 0
Ventilators with covers	2	£2	4 0 0
Repairs to gangway	2 days	11s.	1 2 0
Fitting lock and key	1	5s.	0 5 0
Iron stanchions for poop	.....	£8	8 0 0
Repairs to galley	14 days	11s.	7 14 0
Tools for forge	.....	£1	1 0 0
Hook for boom	1	5s.	0 5 0
Shovels	2	5s.	0 10 0
Rings for royal yards	6	2s. 6d.	0 15 0
Marline spikes	5	1s.	0 5 0
Worms for muskets	2	2s. 6d.	0 5 0
Bow-sprit for boat	1	10s.	0 10 0
Poop rails repaired	.....	.....	0 10 0
Bedsteads repaired	2	5s.	0 10 0
Tea-plates and fitted	.....	.....	2 0 0
Lengthening shoot	1	£2	2 0 0
Total	.....	..... £	92 1 6
Riggers and Painters Work.			
Painting ship	.....	.....	50 0 0
Painting masts and yards	.....	.....	20 0 0
„ lower decks	.....	.....	10 0 0
„ boats	.....	.....	10 0 0
Rigging work	.....	.....	100 0 0
Washing	55,000	1d.	229 13 4
Total	.....	..... £	419 13 4
Tailor.			
Caps	145	1s.	7 5 0
Flannels	267	1s.	13 7 0
Jumpers	368	3s.	55 4 0
Trousers	319	3s.	47 17 0
Repairing days	56	10d.	28 0 0
Towels	22	2d.	0 3 8
Total	.....	..... £	151 16 8
Shoemaker.			
Fenders boats	24	6d.	0 12 0
Belts	149	3d.	1 17 3
Boots—made	228	5s.	57 0 0
„ repaired	158	2s. 6d.	19 15 0
„ uppers stitched	338	1s.	16 18 0
„ laces	185	½d.	0 7 8½
Travellers	4	2d.	0 0 8
Poppets	19	2d.	0 3 2
Washers—pump	14	¼d.	0 0 7
Total	.....	..... £	96 14 4½
Sailmakers.			
Enlarging quarter-deck awning	1	.....	2 0 0
Hammocks made	15	3s.	2 5 0
„ repaired	20	2s.	2 0 0
Cloths for nettings	2	£1	2 0 0
Sail, 1st gig	1	£2	2 0 0
Alteration, main deck awning	1	5s.	5 0 0
Rain awning made	1	.....	2 10 0
Alterations to boat sails	.....	.....	1 0 0
Quarter deck awning	1	.....	12 0 0
Hoods for hatches	3	£1	3 0 0
Covering life-buoys	2	10s.	1 0 0
Weather screen	1	£1	1 0 0
Clothes bags	53	5s.	13 5 0
General repairs	.....	.....	5 0 0
Total	.....	..... £	54 0 0

(11.)

TABLE showing the number of Boys apprenticed from the "Vernon," and particulars of their conduct.

Number apprenticed.	Very good.	Good.	Fair.	Bad.	Absconded.	Out of Apprenticeship.
479	100	15	6	6	10	304

At sea and not yet a report.	Drowned and killed at service.	Cancelled indentures.	No report.	Total.
4	2	8	24	479

(12.)

TABLE showing the Visits of Clergymen and Religious Instructors to the "Vernon," during the year ended 30th June, 1878.

Church of England.	Roman Catholic.	Presbyterian.	Total.
None.	16	46	62

(13.)

TABLE showing Educational state of Boys on the "Vernon," for the year ended 30th June, 1878.

	Reading.				Writing.				Ciphering.			
	Well.	Indifferently.	Not.	Total.	Well.	Indifferently.	Not.	Total.	Well.	Indifferently.	Not.	Total.
Remaining 30th June, 1877	25	29	42	96	25	29	42	96	20	25	51	96
Admitted to 30th June, 1878	12	37	26	75	12	37	26	75	12	37	26	75
Total	37	66	68	171	37	66	68	171	32	62	77	171
Discharged to 30th June, 1878	29	38	...	67	29	38	...	67	29	38	...	67
Remaining on 30th June, 1878	12	47	45	104	12	47	45	104	12	47	45	104

(14.)

TABLE showing Revenue collected from the undermentioned sources during year ending 30th June, 1878.

	£	s.	d.
Contributions from Parents of Boys	116	15	0
Sale of boots	19	10	0
Repairs to yacht	10	4	0
Sale of clothes—1 suit	1	0	0
Total	£147	9	0

(15.)

TABLE showing the Cost per head of the Boys on the "Vernon" during the year ended 30th June, 1878.

Daily average strength, 99.	Amount expended from vote.			Cost per head.		
	£	s.	d.	£	s.	d.
Provisions	1,038	7	1½	10	9	9½
Clothing	234	13	9½	2	7	4½
Fuel and light	52	14	11	0	10	7½
Stores, including school and stationery	336	4	10	3	7	11½
Salaries of crew	1,781	11	4	17	19	10½
Sundries, including medicines	129	2	3½	1	6	1
Gross cost £	3,572	14	3½	36	1	9
Deduct table 14	147	9	0	1	9	9½
Net cost £	3,425	5	3½	34	11	11½

(16.)

TABLE showing Health of the Boys on the "Vernon" and cost of medicine and attendance for year ended the 30th June, 1878.

			£	s.	d.
Sickness	22	Salary of Surgeon	50	0	0
Wounds	11	Cost of medicines	12	12	3
Total	33	Total £	62	12	3

Mr. W. Plummer to The Superintendent, N.S.S. "Vernon."

Sir, N.S.S. "Vernon," 30th June, 1878.

I have the honor to report that, under all the circumstances of the case, the school has made very fair progress during the past year. The half-time system has been employed, allowing half the boys to attend school while the other half is occupied at drill, trades, seamanship, &c. This arrangement seems to give the most liberal allowance of school time which can be obtained without interfering with the other necessary duties of the boys; but as they have only half the time of boys attending school on shore, they cannot be expected to improve as quickly. And, in addition to this, most of them are boys who habitually played truant when sent to school by their parents, and the result is that the twelve months only, which many of the older boys spend on the "Vernon," is not sufficient to make up for lost time; and the educational results of the Institution are, in consequence, in many cases considered unsatisfactory.

The moral tone of the boys has been much improved during the year, and instead of being idle, careless, and slovenly, as when first admitted, many of them are now smart, orderly, and obedient, and seem to be in a fair way of doing well.

I have, &c.,
W. PLUMMER,
Schoolmaster.

Sydney: Thomas Richards, Government Printer.—1878.

[9*d*.]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PRISONS.

(REPORT FOR 1877.)

Ordered by the Legislative Assembly to be printed, 31 October, 1878.

The Comptroller General of Prisons to The Colonial Secretary.

Department of Prisons, N.S.W., Comptroller General's Office,
Sydney, 29 October, 1878.

Sir,

I have the honor to furnish you with my Annual Report for 1877, which has been delayed until thus late in the year, partly for the compilation of statistics, and partly by the pressure of other matters upon the department.

I attach the usual statistical tables, which exhibit in a condensed form the information desired in reports of this character respecting the operations of the year, the number, distribution, and employment of the prisoners, and other collateral subjects.

The entries and discharges for 1877 numbered respectively 13,278 and 12,829, as against 12,443 and 11,780 for 1876. The total number of persons in prison on the 31st December, 1877, was 1,542, as compared with 1,440 at the same period of 1876, while the population of the Colony had advanced from 629,776 to 662,212.

The labour returns (Table B) show an application of prison labour to the value of £38,408, which includes £9,768, representing the value of work necessarily done by prisoners (who therefore could not be employed upon productive labour) for the internal purposes of the prisons, leaving £26,687 as the earnings of the prisoners, whose labour there has been means of applying upon articles of prison manufacture, chiefly for Public Departments, but in some degree for disposal to the public. In this latter respect it is endeavoured to avoid, so far as consistently with the public interest can be done, competition with trades carried on outside of the prisons.

The table will show that the productions returned are derived from those prisons which are known as the labour gaols—that is to say, those in which there are any means and facilities for employing prisoners, being Darlinghurst, Parramatta, Berrima, Maitland, Goulburn, and Bathurst.

Extensions and work-shop accommodation having been provided at Mudgee, the gaol there has been added to the list of labour gaols, and my next Report will include Armidale and the new gaol lately completed at Young in the same category.

In estimating the success of the constant endeavours of the Department to promote the application of prison labour, it is necessary to take into account the conditions set forth in the return, which admit out of the whole body of prisoners of only 938 being fully employed. The remainder are prisoners awaiting trial and described in Table A as being in hospital cells, incapable and otherwise unavailable, and include also the prisoners confined in the lesser country gaols where there are no means of employing them.

While upon this productive labour question, I must remark that its profitable employment is most seriously hampered by having to obtain material for manufacture under the contract system by requisition, both in respect of price, quality, and delay in supply.

Table C, the Hospital Return, evidences but little change from the same return for 1876, and that the general health of the prisoners has been well preserved. The same remark may be applied to the Education Return, Table D, which shows the due instruction, according to the degree of education provided for by the Regulations, of 569 persons, of whom 239 were quite uneducated upon admission. In connection with this subject, I may observe that the annually recurring grants for prison libraries has enabled me to increase the libraries in the principal prisons to an extent affording instructive reading calculated, while softening the minds of the prisoners, in that way to promote the objects of discipline, and materially to aid any efforts on their part towards reformation, and at the same time affording means to extend the benefit of libraries to the lesser prisons.

The return of re-convictions, which in a degree is a test of efficiency in prison repression of crime or reformation, as afforded by Table E, shows for the 1st class, or gravest offenders, 19, 12, 30, as compared with 28, 19, 40 (the sequence in numbers denoting re-convictions of first, second, and third or more times) for 1876, thus showing a considerable advantage for the past year. In the 2nd class, 96, 83, 91, as against 90, 56, 86; the 3rd, 20, 7, 22, as against 48, 25, 44, again showing an advantage for the year; and of drunkards and petty offenders, 511, 169, 1,057, as against 469, 169, and 1,027.

The

The best indication of the increase or diminution of graver crime—whether original or recurrent—is to be found in the number of prisoners sentenced to five years and upwards, as shown by the numbers who have passed through probationary treatment in Berrima Gaol, according to the Regulations, for different periods.

In 1874 the number was		46
1875	„	40
1876	„	38
1877	„	47

A similar comparison respecting sentences of three years and under five which have latterly been in like manner dealt with gives, for

1876	...	...	...	48
1877	...	...	...	59

By which it will be seen that the balance is against last year. As indicative of the conduct of the prisoners generally, it may be observed that the numbers relegated to Berrima Gaol for repression by separate treatment, consequent upon having become grossly refractory in open prisons, were for 1876, 7; and for 1877, 6 in all.

Of the extensions and improvements projected in prison buildings mentioned in my last Report considerable progress has been made, and continues to be made, at Darlinghurst, Parramatta, and Maitland; they have been completed at Mudgee, and are approaching completion at Armidale. Considerable extensions have been made at Deniliquin, providing for much needed hospital treatment and accommodation for a larger number of prisoners rendered necessary by increasing population; but the space available does not admit of the erection of workshops and other appointments necessary to a better class prison. Effective extensions are about to be commenced at Albury, and needful improvements have been made at Orange, Hay, and Wentworth, while further improvements are about to be made at the two last-named places, and at Bourke and Yass.

A vote having been taken for the erection of a superior gaol at Goulburn, in view of the removal of the present gaol from the square, a suitable site has been selected, and plans are in preparation.

The building of the public works prison in connection with the projected breakwater at Trial Bay is in progress, but it will be a considerable period before it will be sufficiently advanced for occupation.

The photography in prisons continues to be efficiently carried on, affording continuously recognized material assistance to the Police Department.

I have the pleasure to express again my sense of the generally satisfactory and efficient manner in which the officers of the department—save in the latter sense those who from age or infirmity are of impaired capacity, and whose cases are now before you—have carried out their frequently difficult and trying duties. Having obtained your consideration for the generally, and in some cases specially, inadequate remuneration of the officers, I do not feel it to be requisite upon this occasion further to advert to the subject.

The Girls Reformatory, which is still at Biloela,—the new buildings at the South Head not having been completed,—has been most satisfactorily conducted. At the end of last year the number confined was six. The question of where to establish the projected Reformatory for Boys is under your consideration.

Public attention has of late been called to some matters affecting prison administration, more especially to that of one of the principal establishments,—Berrima Gaol,—but although such a Report as this can scarcely be rigidly confined to the past period forming its subjects, seeing that the matters referred to are being otherwise dealt with, it does not appear to me that they can properly have a place herein. I offer this observation to remove any misconception that might arise as to the Department desiring to avoid any of the responsibilities attaching to its administration.

Nevertheless, the occasion seems to warrant some general reference to the existing conditions, plans, and purposes of prison management, even at the risk of partial repetition of the contents of former Reports, in regard to which I may specially refer to that made by myself under date the 4th August, 1870, after an examination of the working of the Prisons of the United Kingdom, and that for the year 1874, dated the 27th July, 1875, being the first Annual Report after the creation of the office of Comptroller General.

I desire to say that, as regards present conditions in the prisons and future prospects, the aims approved by all authorities are being fulfilled, and are in progress of being arrived at, just in proportion as the material means of carrying them out by increased cellular and workshop accommodation are being provided; and until this provision be accomplished the Prison administration of the Colony cannot be brought alongside of that of other countries not contending with the difficulties of the wide-spread, numerous, and therefore exceptionally costly establishments that the circumstances of the Colony have called into existence.

The aim that since I took charge of the Prisons has been approved by successive Governments, and steadily pursued, is a systematic treatment of the subject, the main feature being separation, as modified by recognized conditions, in its effect securing order and the best possible chances of reformation, as distinguished from association, with its incalculable propagation of criminal tendencies.

These objects are in a material degree being carried out by the probationary separate treatment at Berrima Gaol, in respect of sentences of three years and upwards, but much of the benefit is lost by the subsequent (now necessarily) large association in the open prisons.

Upon the completion of the Trial Bay Prison, and the gaol extensions contemplated, with further extensions in both directions when needful, the evil mentioned will be remedied, the degree of association being brought within, not as now a necessity of accommodation, but the lines commending themselves to the authorities.

Fresh prison legislation is necessary to remedy existing defects, and to keep pace with the advancement of other countries, and I trust that a new Bill will find a place in the proposals of the Government for the next year's session of Parliament. But improvements can come also from the Judicial as well as from the Executive side of the subject. There can be no doubt in the mind of any one who has given thought to the question that relatively short sentences with the means of separation would be more efficacious as a deterrent penalty, and infinitely less likely to make a confirmed criminal of a first or casual offender, than the long sentences with consequent criminal association now obtaining; and there should by law be some cumulative penalties in time for repeated convictions in the cases of petty offenders, as above shown numbering 1,057, who for the most part come into prison for from twenty-four hours to seven days, shaken by drink and dissipation, as if it were a recruiting hospital, merely to be taken care of

and

and discharged on recovery. It would be better for such persons to be imprisoned for periods wherein, with recovered strength, they could be made to work—and far more deterrent.

There is considerable care exercised for the proper welfare of prisoners during their incarceration, the dietary scale having been fixed by recommendation of a Medical Board having before it the views of the Visiting Surgeons of all the prisons, and all available sanitary means are adopted. Provision is made to supply destitute prisoners with decent clothing on their discharge; other means are taken to endeavour to enable them to make an honest living, such as monetary assistance, in the form of a labour gratuity of three-pence per week for the period of confinement, enhanced, if circumstances seem to require it, by a special gratuity of varied amounts. Furthermore, to encourage industrious habits, a cash bonus not to exceed one shilling a week is credited to prisoners exceeding their allotted tasks. In other cases men who have been taught trades are furnished with kits of tools, and in others passages provided to places in which they are likely to obtain employment.

I have, &c.,
HAROLD MACLEAN,
Comptroller General of Prisons and Reformatories.

A.

Gaol.	Accommodation.		Distribution on 31st December, 1877.			Entries and Discharges.				Classification on 31st December, 1877.				
						1876.		1877.						
	Separate.	Associated.	Male.	Female.	Total.	E.	D.	E.	D.	Trial.	Transit.	Sentence.	Lunatics.	Civil Process.
Sydney	348	650	453	143	596	7,543	7,573	8,016	7,966	26	5	564	...	1
Parramatta	78	258	212	...	212	276	220	336	268	...	...	212	...	...
Berrima	75	120	98	...	98	147	50	156	33	...	...	98	...	...
Maitland	110	182	108	12	120	556	540	652	656	4	...	113	3	...
Bathurst	38	123	69	18	87	446	462	426	418	15	1	71	...	...
Goulburn	63	127	79	12	91	345	337	338	332	6	...	85	...	...
Port Macquarie	11	122	6	1	7	25	28	22	32	2	...	5	...	...
Albury	12	36	13	1	14	132	116	196	182	5	...	9	...	...
Armidale	10	30	19	4	23	112	111	89	89	5	...	18	...	...
Braidwood	12	36	11	1	12	61	53	29	26	3	...	9	...	...
Deniliquin	16	80	24	5	29	285	253	252	234	4	...	25	...	...
Mudgee	24	72	33	4	37	169	127	157	117	6	...	31	...	...
Wagga Wagga	11	30	19	6	25	165	170	156	147	9	...	16	...	...
Yass	11	33	21	4	25	207	98	219	194	2	...	21	2	...
Bega	5	10	...	...	...	64	60	88	88	...	...	...	...	...
Bourke	12	36	9	...	9	74	65	104	100	3	...	6	...	...
Campbelltown	12	16	...	...	...	10	9	7	7	...	...	...	...	...
Cooma	2	8	2	...	2	47	32	65	63	2	...	...	...	...
Dubbo	10	30	17	2	19	126	124	222	214	12	...	7	...	...
Forbes	4	14	3	3	6	99	74	83	77	3	...	3	...	...
Glen Innes	5	20	7	...	7	66	50	59	52	2	...	5	...	...
Grafton	12	36	9	2	11	88	66	99	88	2	...	9	...	...
Gundagai	4	20	4	1	5	190	102	189	183	...	...	5	...	...
Grenfell	1	1	1	...	1	...	...	17	17	1	...	...	...	...
Hay	2	6	2	...	2	86	52	9	13	1	...	1	...	...
Muswellbrook	4	10	...	1	1	55	52	44	43	...	...	1	...	...
Murrurundi	4	8	1	...	1	175	175	104	108	1	...	...	...	...
Narrabri	3	8	6	1	7	101	83	150	143	4	...	3	...	...
Nimitybelle	1	3	...	...	...	...	...	6	6	...	...	...	...	...
Orange	5	18	25	4	29	30	31	88	91	14	...	15	...	...
Queanbeyan	6	24	3	...	3	59	33	53	50	1	...	2	...	...
Singleton	4	20	1	...	1	50	31	49	48	...	...	1	...	...
Tamworth	5	15	18	1	19	195	193	298	263	16	...	3	...	...
Tenterfield	3	8	5	...	5	6	3	46	44	2	...	3	...	...
Windsor	12	36	13	2	15	146	142	132	128	...	...	15	...	...
Wentworth	3	9	5	...	5	78	58	71	65	4	...	1	...	...
Wellington	4	15	5	1	6	113	99	130	126	2	...	4	...	...
Wollongong	12	36	5	...	5	35	35	59	56	...	...	5	...	...
Young	4	8	7	...	7	81	73	62	62	5	...	2	...	...
Totals	958	2,314	1,313	229	1,542	12,443	11,780	13,278	12,829	162	6	1,368	5	1

Employment.																									Not employed.											Total under sentence.
Carpenters and Assistants.	Painters.	Coopers.	Blacksmiths and Assistants.	Tinsmiths and Assistants.	Masons.	Stone Cutters and Assistants.	Labourers.	Working outside.	Brushmakers.	Matmakers.	Shoemakers.	Tailors.	Upholsterers.	Bookbinders.	Water Gang.	Sweepers and Cleaners.	Cook and Assistants.	School Assistants.	Hospital Attendants.	Picking Oakum.	Needlework.	Servants.	Otherwise employed.	Total employed.	In Hospital.	In Cells.	Separate treatment.	Medical treatment.	Exempt from work.	Delegate.	Lunatics.	Keeping themselves.	Incapables.	Received too late to be set to work.	Total not employed.	
7	3	...	11	3	1	11	33	...	15	92	18	25	...	5	11	41	12	4	5	17	58	11	38	421	12	12	9	7	11	1	...	2	45	44	143	564
13	2	...	9	5	5	9	48	...	...	...	29	8	...	3	7	21	7	2	2	...	...	5	19	194	4	...	...	1	3	1	...	...	9	...	18	212
1	...	...	...	...	...	2	9	...	...	...	23	24	...	1	...	8	2	...	1	...	...	2	9	82	...	2	...	5	1	...	...	...	8	...	16	98
4	...	...	2	...	1	12	14	10	...	...	3	1	...	3	8	16	4	...	2	...	4	4	12	100	1	...	1	3	1	1	1	2	3	...	13	113
2	...	...	1	...	...	...	...	5	2	...	6	3	...	6	...	3	4	1	1	...	7	3	11	55	10	...	...	...	...	1	3	...	2	...	16	71
1	2	...	1	1	...	20	4	4	...	...	2	1	...	3	4	7	2	1	2	6	7	1	12	81	1	1	...	...	...	1	1	...	...	...	4	85
...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	...	1	...	...	...	...	1	1	5	...	...	...	...	...	...	...	...	...	...	...	5
28	7	...	24	9	7	54	109	19	17	92	81	62	...	21	31	96	32	8	13	23	76	27	100	938	28	15	10	16	16	5	5	4	67	44	210	1148

B.

B.

Value of Labour, 1877.

Gaol.	Value of Labour.	Cost of Materials.	Net Value.	Work for Prison included in first column.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Sydney	19,447 13 4	7,904 1 0	11,543 12 4	3,888 1 5
Parramatta	8,471 11 11	1,238 18 6	7,232 13 5	1,964 9 0
Berrima	2,974 15 7	1,339 12 9	1,635 2 10	601 13 6
Maitland	3,328 9 4	630 1 1	2,698 8 3	1,339 12 0
Bathurst	1,670 6 8	146 5 7	1,524 1 1	1,082 3 10
Goulburn	2,368 14 9	461 11 8	1,907 3 1	746 4 2
Port Macquarie	145 11 0	.....	145 11 0	145 11 0
Totals £	38,407 2 7	11,720 10 7	26,686 12 0	9,767 14 11

C.

Hospital Return, 1877.

Gaol.	Treated in Hospital.	Treated out of Hospital.	Deaths.
Sydney	302	4,844	7
Parramatta	64	799	7
Berrima	21	918	.....
Maitland	47	837	.....
Bathurst	83	647	2
Goulburn	71	1,023	1
Port Macquarie	No report	.....	2
Albury	.....	38	2
Armidale	1	44	1
Braidwood	7	14	.....
Deniliquin	.....	73	1
Mudgee	19	48	3
Wagga Wagga	.....	80	.....
Yass	85	14	3
Totals	700	9,379	29

D.

Education, 1877.

Particulars.	Gaol.	No. of Prisoners.		Read, Write, and Cypher.		Read and Write.		Read only.		Commencing.	
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Number now attending school, and those who have passed through during the year	Sydney	207	20	108	7	34	6	46	3	19	4
	Parramatta	147	...	93	...	20	...	1	...	33	...
	Berrima	33	...	11	...	18	...	4	...	...	...
	Maitland	58	10	9	1	19	4	18	2	12	3
	Bathurst	90	...	66	...	22	...	...	...	2	...
	Goulburn	34	...	6	...	24	...	4	...	...	...
	Totals	569	30	293	8	137	10	73	5	66	7
Number of above uneducated on admission, showing progress made.	Sydney	135	10	72	3	22	3	34	1	7	3
	Parramatta	33	...	6	...	17	...	7	...	3	...
	Berrima	3	...	...	...	2	...	1	...	...	...
	Maitland	12	3	3	...	6	1	1	2	2	...
	Bathurst	35	...	17	...	18	...	...	...	...	...
	Goulburn	21	...	6	...	11	...	4	...	...	...
	Totals	239	13	104	3	76	4	47	3	12	3

E.

Gaol.	1st Class.			2nd Class.			3rd Class.			Drunkards and petty offences (omitted from foregoing.)		
	1	2	3 or more.	1	2	3 or more.	1	2	3 or more.	1	2	3 or more.
Sydney	7	2	7	35	15	46	4	...	...	397	94	877
Parramatta	1	...	1	...	...	...	...	...	...	37	15	66
Berrima	4	6	20	8	7	15	...	...	...	1	...	...
Maitland	4	1	...	18	10	6	8	5	11	20	19	39
Bathurst	1	...	...	11	3	2	3	...	8	20	7	18
Goulburn	...	...	1	9	40	13	2	...	1	4	1	8
Armidale	...	...	...	6	1	...	...	...	...	5	2	5
Albury	...	...	...	1	...	...	...	...	...	4	2	6
Braidwood	1	...	1	2	2	1	...	1	...	8	1	1
Deniliquin	...	...	...	...	...	...	...	...	...	8	8	12
Mudgee	1	1	...	3	4	8	1	...	1	1	2	6
Wagga Wagga	...	...	...	2	1	...	...	...	...	...	8	6
Yass	...	2	...	1	...	...	2	1	1	6	10	13
Totals	19	12	30	96	83	91	20	7	22	511	169	1,057

Sydney: Thomas Richards, Government Printer.—1878.

[3d.]

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BERRIMA GAOL INQUIRY COMMISSION.

REPORT

OF THE

ROYAL COMMISSION,

APPOINTED ON THE 2ND JULY, 1878,

TO INQUIRE INTO AND REPORT UPON THE GENERAL MANAGEMENT AND DISCIPLINE OF THE GAOL AT BERRIMA;

TOGETHER WITH THE

MINUTES OF EVIDENCE

AND

APPENDICES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
28 *November*, 1878.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1878.

[8*s*. 3*d*.] 9—A

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ERRATUM.

At page 75, questions 3114 and 3118, for "Callaghan," *read* "Coghlan."

Commission.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth,—

To our trusty and well-beloved—

The Honorable SIR JOSEPH GEORGE LONG INNES, Knight, a Member of our Legislative Council of our Colony of New South Wales;

HAYNES GIBBES ALLEYNE, Esquire, Doctor of Medicine, our medical adviser in our said Colony;

JAMES OATLEY, WILLIAM TOWNLEY PINHEY, HOULTON HARRIS VOSS, Esquires, Justices of the Peace of our said Colony,—

Greeting:

KNOW ye, that we, reposing great trust and confidence in your ability, zeal, industry, discretion, and integrity, do, by these presents, authorize and appoint you, or any three or more of you, as hereinafter mentioned, to make a diligent and full inquiry into the general management and discipline of our Gaol at Berrima, in our said Colony: And we do, by these presents, give and grant to you, or any three or more of you, at any meeting or meetings to which all of you shall have been duly summoned, full power and authority to call before you all such persons as you may judge necessary, by whom you may be better informed of the truth in the premises, and to require the production of all such books, papers, writings, and all other documents as you may deem expedient, and to visit and inspect the same at the offices or places where the same, or any of them, may be deposited, and to inquire of the premises by all lawful ways and means: And our further will and pleasure is that you, or any three or more of you, after due examination of the premises, do and shall, within the space of four months after the date of this our Commission, or sooner if the same can reasonably be, certify to us, in the office of our Colonial Secretary, under your, or any three or more of your hands and seals, what you shall find touching the premises: And we hereby command all Government Officers and other persons whomsoever within our said Colony, that they be assistant to you and each of you in the execution of these presents: And we appoint you, the said Sir Joseph George Long Innes, Knight, to be President of this our Commission, and do give you power at your discretion to procure such clerical and other assistance as you may deem necessary for enabling you duly to execute this our Commission.

In testimony whereof, we have caused these our Letters to be made Patent, and the Great Seal of our Colony to be hereto affixed.

Witness, SIR HERCULES GEORGE ROBERT ROBINSON, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George, our Governor and Commander-in-Chief of our Colony of New South Wales and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this second day of July, in the year of our Lord one thousand eight hundred and seventy-eight, and in the forty-second year of our reign.

(L.S.) HERCULES ROBINSON.

By His Excellency's Command,
MICHAEL FITZPATRICK.

Entered on record by me, in Register of Patents, No. 10, pages 510–1, this second day of July, one thousand eight hundred and seventy-eight.

M. R. ALLAN,
(For the Colonial Secretary and Registrar of Records.)

COMMISSION to inquire into and report upon the management and discipline of Berrima Gaol.

WHEREAS it is necessary to extend the time by which the Commissioners are to make their report in the above matter: Now, therefore, I do hereby with the advice of the Executive Council extend the time within which the said Commissioners are to make such report to and for the period of one month beyond the time in and by the said Commission appointed for such purpose.

Given under my hand at Government House, Sydney, this twenty-ninth day of October, one thousand eight-hundred and seventy-eight.

HERCULES ROBINSON.

By His Excellency's Command,

MICHAEL FITZPATRICK.

Entered on record by me in Register of Patents, No. 11, pages 3–4, this thirtieth day of October, one thousand eight hundred and seventy-eight.

M. R. ALLAN,
(For the Colonial Secretary and Registrar of Records.)

The Under Secretary, Colonial Secretary's Department, to the President of the Royal Commission on Berrima Gaol.

Sir,

Colonial Secretary's Office, 3 July, 1878.

Dr. Alleyne.
Mr. Oatley.
Mr. W. T. Pinhey.
Mr. H. H. Voss.

I am directed to transmit to you a Commission under the Great Seal of the Colony, appointing yourself and the gentlemen named in the margin to be a Royal Commission to inquire into the general management and discipline of the gaol at Berrima.

2. This inquiry has become necessary in consequence of statements made in Parliament and elsewhere to the effect that the prisoners in Berrima have been frequently, if not systematically, subjected to cruel treatment, principally at the hands of the Gaoler, Mr. Small. The chief accusations were made by Mr. Richard Driver in his place in Parliament. They were (1) that prisoners had been subjected to excessive use of the gag, and (2) that a torture known as "spread-eagling" was frequently resorted to.

3. Other charges of cruelty which need not be here particularized were made by prisoners now in Parramatta Gaol, which will be found in the *Cumberland Mercury* of the 20th and 27th of April last.

4. I enclose, for the perusal of the Commission, the correspondence which has recently passed on this subject, which will suggest to the Commission other charges that have been made of the like character, and also the names of persons who can give testimony either in support or in denial of these charges.

5. I am instructed to add that whilst the inquiry into these alleged cruelties is the primary motive for the appointment of the Commission, you will kindly understand that the entire system of management and discipline in Berrima Gaol is fairly within the scope of the Commission.

I have, &c.,
M. R. ALLAN.

LIST OF WITNESSES.

	PAGE.
Thomas Gleeson, confinee in Parramatta Gaol...	1–45
Michael Slattery " " "	7–47
James O'Mara " " "	13–49
John Wright " " "	14–50
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REPORT.

To His Excellency Sir Hercules George Robert Robinson, G.C.M.G., Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

May it please your Excellency,—

We, whose names are signed and seals affixed hereto, Her Majesty's Commissioners, appointed by Letters Patent under the Great Seal of the Colony, dated the second day of July, 1878, to inquire into and report upon the general management and discipline of the Gaol at Berrima, have the honor to submit to your Excellency the following report:—

Berrima Gaol. Berrima Gaol was, so far as concerned its management, until the year 1866, upon the same footing with the other gaols of the Colony. Acting upon a memorandum, dated the 23rd of March, 1865 (*See Appendix* H), and drawn up by Mr. Harold Maclean, who had been in 1864 appointed Sheriff, the Government determined upon constituting the gaol at Berrima a model prison, mainly with a view of introducing into the prison organizations of the Colony the system known as the "separate treatment" system. Previously to this, in consequence of the salubrity of the climate, Berrima Gaol had been largely used as a place for the reception of invalid prisoners from other gaols. Early in 1866 the suggestions contained in the paper above referred to were carried out; Berrima Gaol was established as a Model Prison; and Mr. William Small, who was then, and who, for the preceding three years, had been the Governor of the Berrima Gaol, was chosen by Mr. Maclean, with the approval of the Government, to be the officer charged with the immediate executive supervision of the new system. Mr. Small has ever since continued to hold the office of Governor of Berrima Gaol.

The gaol consists of three wings, radiating from a centre; each wing having an upper and a lower floor. There is cell accommodation for 110 prisoners, and the number in confinement varies from 86 to 110. The officials in charge of the prison are the gaoler, chief warder, senior warder, and fifteen ordinary warders. The cells on the upper floors are roomy, and well-ventilated, and have wooden floors; but the lower cells are small and inconvenient, in some few instances scarcely affording room for a prisoner of medium stature to lie at his full length. The floors of these lower cells are of stone flagging, which in many of the cells is much worn, and open at the joints. The smallest cell was measured in the presence of the Commission, and the dimensions were found to be 4 feet 1 inch wide, with a length on one side of 5 feet 11½ inches, and on the other of 5 feet 5 inches; the height being 10 feet, representing cubic contents of about 230 feet. The ring-bolts spoken of in the evidence are in some of these lower cells. With respect to their height we found, on a personal examination, that the highest rings were in cells 34 and 36. In the former the lower part of the ring was 4 feet from the floor, and in the latter 4 feet 2½ inches.

At

At the end of each wing there is an earth-closet, no conveniences being allowed in the cells, excepting at night. In the centre of the building, where the three wings join, there is a clear space called the landing on each floor, raised a few feet above the level of the wings, to which access is gained by means of stone steps, the entrances being guarded by iron gates. On these landings warders are stationed to attend to the calls of the prisoners in the separate cells. Any prisoner wishing to communicate with the officers on duty can sound a gong connected by a wire with his cell, in doing which he causes a brass plate on the outside of the cell to fly out, thus showing the officers which prisoner has to be visited. The furniture of each cell consists simply of a small board, fixed in a corner of the cell to serve as a table, and a cane stool. The prisoner's bed is removed every morning, and returned to him at night. The regulations which the prisoner has to obey are hung upon the wall of his cell.

In each of the two angles formed by the wings there are six exercise yards, of triangular form, extending from the centre of the building outwards. They are divided by high partitions of galvanized iron, and are enclosed on the outer side by iron railings. In these yards every prisoner in separate confinement is allowed one hour's exercise daily, or more if the Visiting Surgeon think it necessary. In addition to these "exercise" yards there are what are called "special," or, in the prison phraseology, "stone" yards. They are six in number, of triangular form, and are divided by stone walls, enclosed in front by iron railings. Confinement during the day in these yards is called "special treatment," which is a less severe form of punishment than separate treatment, and to which refractory prisoners, who are sent from other gaols for "coercion," are subjected. Prisoners who have completed their term of "separate treatment" are also kept in these yards to await their transit to another gaol.

Berrima Gaol is not exclusively a "separate treatment" prison. About one-third of the total number of prisoners confined there are men who are undergoing "ordinary treatment," that is, the usual conditions of imprisonment with hard labour. A few of these prisoners are employed in the workshops, while the rest, who are called "billet men" do the necessary work of the gaol. The "billets" are given to prisoners either in Berrima or other gaols as a reward for good conduct, so that Berrima Gaol contains at once some of the best and many of the worst of the prison population.

Gaol Regulations.

The Gaols Act of the Colony is the Statute 4 Victoria, No. 29, and was passed in 1840. In September, 1841, certain regulations under that Act were issued by the Governor with the advice of the Executive Council, for the management of the Gaols of the Colony; and, on the 19th of February, 1867, a more elaborate set of Regulations was issued. The Regulations issued on that day, have, with a few amendments and alterations, remained in force ever since. They were drawn up mainly by Mr. Harold Maclean, who states that they were framed upon the precedent of Sir Walter Crofton's Irish System, upon a careful examination of the prisons in Victoria, and upon the then latest report of the system pursued in the English prisons. Mr. Maclean had himself the great advantage of having personally made a careful examination of all the leading prisons in England, Ireland, and Scotland. The Regulations, Mr. Maclean informs us, were carefully considered by Sir Henry Parkes, the then Colonial Secretary, before being adopted by the Government.

The

The prisoners who are sent to Berrima Gaol are those who are sentenced to terms of imprisonment with hard labour, or to hard labour on the roads for any period of three years or upwards. Up to October, 1874, the minimum period of sentence involving separate treatment was five years, but the system was extended when the means became available. Each prisoner who is sentenced for not less than three years has to undergo separate treatment during the first nine months of his sentence, for which purpose he is sent to Berrima. On the expiration of his term of separate treatment, unless detained by reason of misconduct, he is removed to Parramatta or Darlinghurst Gaol, where he undergoes a less rigorous form of punishment for one-half the remaining period of his sentence, and after that, for the remainder of his time, a still more modified form of punishment. These three forms of punishment are designated as A, B, and C divisions respectively. But a prisoner may, at any time, for general or specific misconduct, be returned to either of the two former divisions. The conditions of separate treatment are thus detailed in the 27th Regulation:

Prisoners in the A Division will be placed in "separate treatment"; they will not be permitted to hold any communication excepting with the prison officers, and will neither send or receive letters.
Each prisoner will occupy a separate cell, and will be employed upon such suitable work as may be furnished to him.
He will be allowed exercise for one hour each day, and a longer period if thought necessary by the surgeon.
He will, if coming under the provisions of Regulations as to eligibility for school, be allowed one hour daily for performing tasks to be set for him by the schoolmaster, and one hour for reading such instructive and reforming books as may be selected for him by the chaplain. He shall, at all times, be provided with a Bible.
He will not, upon any pretence, attempt to communicate with another prisoner. He must neither read aloud, sing, whistle, dance, nor make any noise in his cell, exercise-yard, in the corridor, or chapel.
He will rise immediately upon the first bell being rung, wash his hands and face, and make up his bedding neatly, in such form as may be directed.
He will keep his person, cell, and the furniture therein, in the highest state of cleanliness.
He will wash his feet twice in summer and once in winter weekly, and will bathe once a week.
He is not allowed to alter his clothing, and will keep it clean and in proper repair.
He will, on hearing his cell-door opening, at once, if not in bed, stand up in the centre of his cell, facing the door, with his hands by his sides, and his heels close together.
In marching or returning to or from the exercise yards or chapel, he will keep five yards distant from any other prisoner. He will, if required, wear a mask whenever out of his cell or exercise yard.
Any prisoner requiring assistance or instruction, or having anything to communicate, may ring his bell for the officer on duty; but all conversation not strictly necessary is to be avoided, and on no account is the bell to be rung without sufficient reason.
If it be found necessary for a prisoner, when out of his cell, to permit another prisoner to pass him, he will immediately face, and stand opposite to the nearest wall, until the other shall have passed by him.
In proceeding to the exercise yard, the prisoner will move out of his cell so soon as the door is opened. He will then march as directed by the officer; and on entering the yard, will stand with his face to the wall, under the shed, and so remain until the officer calls, "Walk about." While at exercise, he will walk briskly, and never loiter or lean against the walls. In wet days, or if very hot, with the permission of the officer, he may remain under the shed.
He will be very respectful to all officers of the Government, and will never pass a superior officer of the Prison without touching his hat.
When visited in his exercise yard by any officer, he will stand at attention, facing the officer.
He will observe the strictest silence in the exercise yard, and will not attempt scratching or writing in any part thereof.
Immediately after the commencement of each month, the gaoler will furnish to the Sheriff a report of each man in separate treatment, setting forth his time of service therein, his conduct for the past month, any alteration in his weight, and the surgeon's report on his state of health.

The regulation to which attention has been more especially drawn, and to which reference will more frequently be made throughout this Report, is regulation 68 of the Regulations of February, 1867. It is as follows:—

Gaoler to deal with certain cases.

The gaoler is empowered to cause any prisoner guilty of any breach of the Regulations or other disorderly conduct, to be kept in close confinement, and upon half rations, for any time not exceeding seven days, or until the arrival of the Visiting Justice, to whom the circumstances of the case shall be reported, and who will, if he see fit, require the prisoner to be brought before him, for discharge or further punishment. The gaoler may place a refractory prisoner in irons, but he will not continue the use of irons for longer than forty-eight hours, without the permission of the Sheriff or of the Visiting Justice, nor will he cause a gag to be used, beyond the necessity for compelling the prisoner to submit, and cease from shouting or making use of offensive language; and the gaoler will report in writing to the Sheriff, as well as to the Visiting Justice, the circumstances of every case wherein he may have found it necessary to resort to any of the measures of coercion as above specified.

This

This regulation continued in force until the month of April last, when it was cancelled by the authority of the Government, and in the *Government Gazette* of the 24th April, 1878, the following notice appeared :—

Colonial Secretary's Office, Sydney, 18 April, 1878.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to substitute the following regulation for No. 68 of the Gaol Regulations, made under the Prisons Regulation Act, 4 Vict. No. 29, section 5, viz. :—

Gaoler to deal with certain cases.

68. The gaoler is empowered to cause any prisoner guilty of any breach of the Regulations or other disorderly conduct to be kept in close confinement and upon half rations for any time not exceeding seven days, or until the arrival of the Visiting Justice, to whom the circumstances of the case shall be reported, who will, if he sees fit, require the prisoner to be brought before him for discharge or further punishment. The gaoler may place a refractory prisoner in irons, but he will not continue the use of irons for longer than forty-eight hours without the permission of the Comptroller General of Prisons or of the Visiting Justice ; and he will report in writing to the Comptroller General of Prisons, as well as to the Visiting Justice, the circumstances of every case wherein he may have found it necessary to resort to any such measure of coercion as above specified.

MICHAEL FITZPATRICK.

The use of the gag, which, prior to 1867, had, uncontrolled by regulation, been resorted to whenever, in the discretion of the gaolers, occasion called for it, and which, within prescribed limits, and under specified circumstances, was clearly sanctioned by the cancelled regulation, is not expressly forbidden by the substituted regulation, but it has been understood throughout the gaols that, under the present regulation, the gag is, in no case, and under no circumstances, to be used. The placing of a refractory prisoner in irons—for a period not exceeding forty-eight hours, unless with the permission of the Sheriff, or, since the Act 37 Vic. No. 14, the Comptroller General—is left by the new regulation as it was under that which has been cancelled. Our attention was by the letter of instructions which accompanied the Commission, prominently, though not exclusively, directed to two questions of alleged cruel treatment in violation of the regulations, viz., (1) the excessive use of the gag, and (2) the frequent resort by the gaoler, Mr. Small, and others under his orders, to the infliction of a torture known as "spread-eagling." Other charges of cruelty to prisoners, which charges were not particularised, but with regard to which we were referred to the *Cumberland Mercury* of the 20th and 27th of April last, were also brought under our notice. To the investigation of these and other charges, as well as to the more general and comprehensive inquiry—"the entire system of management and discipline in Berrima Gaol"—submitted to us we have diligently directed our best abilities.

Proceedings of Commission.

We received the Commission and the letter of instructions accompanying it on the 4th day of July in the present year. We immediately caused notices—both by paragraph and by advertisement—to be inserted in the newspapers, inviting all persons having any knowledge upon the subject of our inquiry to come forward and give evidence. Upon the 5th day of July we proceeded to Parramatta Gaol, and at that institution we were engaged for four days in taking evidence. At that gaol and at the gaols at Darlinghurst and Berrima we caused the intimation to be made to all the prisoners, in the most public manner possible, that they should have the opportunity of coming forward to give evidence. Every means was taken to ensure a full and unreserved statement from each witness, and, in conducting the various examinations, it was our earnest desire to inspire confidence in the mind of each witness that no possible harm should happen to him in consequence of any statement made during the course of the inquiry. To prevent the possibility of a witness being deterred from making his evidence perfectly full and frank, we directed

the

the withdrawal of all warders and other gaol officials during the examination, and at Berrima Gaol we personally visited every prisoner, whether in the cells, at exercise, or in the yards, not allowing any gaol official to be present or within earshot.

At Parramatta Gaol we found that, of a total of 241 prisoners within the gaol, 206 had been at Berrima Gaol. Of these 206, 34 availed themselves of the opportunity to give evidence.

At Darlinghurst we found there were 67 prisoners who had been at Berrima, and of that number 26 prisoners came before us to give evidence.

At Berrima Gaol, out of a total of about 100 prisoners within the gaol walls, 18 came forward and gave evidence.

In addition to these, one prisoner, William Slattery, from Maitland Gaol, was examined.

Of ex-prisoners we have examined Joseph Bragg, Alexander Fordyce, Joseph Barnes, and Thomas Cunningham.

We have obtained the evidence of the following clergymen:—The Reverend Edmund Dixon, the present Church of England Chaplain of Berrima Gaol; the Reverend William Riordan, the present Roman Catholic Chaplain of Berrima Gaol; the Reverends J. D. Langley and Denis M'Guinn, formerly Chaplains of the same gaol; the Reverend Canon Rich, the present Church of England Chaplain of Darlinghurst Gaol, and the Reverend C. F. P. Collingridge, Roman Catholic Chaplain of Darlinghurst Gaol; the Reverend J. R. Blomfield, the present Church of England Chaplain of Parramatta Gaol; and the Reverend P. Cassidy, the Roman Catholic Chaplain of Parramatta Gaol.

All the witnesses before us will be found enumerated in the list prefixed to the Report.

In giving the results of our investigations we propose to deal first with the cases under the heads more specifically indicated in the letter of instructions, viz.:—

(1.) Cases of excessive use of the gag.
(2.) Spread-eagling.

It is perhaps unnecessary to point out the manifest difficulty in an investigation of this character of obtaining truthful and reliable testimony. Under the Act 34 Victoria No. 1 we examined the various witnesses before us upon oath, but it is obvious that the solemn sanction of an oath can hardly be said to furnish a satisfactory guarantee for truthfulness in the case of many of those witnesses. On the one hand, those who, speaking from their own alleged knowledge, make accusations, are for the most part prisoners now undergoing long sentences and with repeated previous convictions for serious crimes;* while, on the other hand, if the accused have been guilty of the cruelties laid to their charge, it is only too reasonable to expect that they would not scruple to attempt to shield themselves from well-merited punishment

* Note.—With regard to the reliance to be placed upon the statements of prisoners who have been repeatedly convicted it may be well to quote here a passage from the evidence of Mr. G. K. Mann, who has had many years experience as superintendent of prisoners on Cockatoo Island. That witness states:—"As a rule you could never rely on the statement of a prisoner. Prisoners have made false statements to me in cases where had they told the truth it would have been much more favourable to their cause; but so accustomed do a certain class of prisoners get to perverting and exaggerating, and making elaborate statements, that they cannot help it sometimes. In fact the impression on my mind was, that want of truthfulness in a prisoner was one of the results of a long series of penal servitude. Men who had been any length of time in gaol were invariably men who told the most elaborate and the most extraordinary falsehoods, and I think it is the result, in a great measure, of habitual prison life."—(*Minutes of evidence, p.* 254, *q.* 9,304.) A very philosophical writer upon the question of how and with what results we treat our criminals, after describing other characteristics of such prisoners as those from whom almost without exception the graver accusations made before us emanate, thus proceeds:—"All this is accompanied by a *mendacity* which is astounding. It appears to be much more easy to many of them to give utterance to what is false than to the truth, even when there is no intelligible motive."—*Westminster Review for April*, 1878, *p.* 415.

punishment by untruth, either by an absolute and direct statement of falsehood, or by a suppression or perversion of the truth. Certainly we brought to this investigation no foregone conclusion that the stories to be told by the prisoners, even the worst, were utterly unworthy of credit, and we listened to the different witnesses with an anxious desire to sift and to weigh their evidence; but still, when we find that the accounts on oath of men who have been repeatedly convicted of serious crimes are contradicted by witnesses unstained by crime, we do not deem it safe, in the absence of strong corroboration, to rely upon those accounts. On the other hand we have, as we think will appear to any one who reads the full notes of evidence taken by the shorthand-writer, searchingly cross-examined those who deny the stories of the prisoners or other accusing witnesses, and we have weighed with severe caution the evidence which has been given in answer to those accusations. The characters and positions of the several witnesses, the interest which each has had in the investigation, as well as all the collateral circumstances which could have borne upon the evidence,—all these matters have been carefully regarded by us, and in giving them their due weight we have, as we hope we need hardly say, only been actuated by an earnest desire to arrive at the truth.

Complaints of gagging.

The following are the names of the witnesses before us who state that they were gagged, with the dates of the alleged gagging:—

Michael Slattery, twice, in 1865.
Edward Callaghan, once, in 1876.
William Lee, once, in April, 1868.
*John Coghlan, once, in August, 1868.
*Joseph Bragg, three times—in December 1866, and again five months afterwards.
James M'Grath, once, in November, 1868.
Henry Faulkner, once in latter part of 1868.
William Slattery, twice, in 1869.
Joseph Barnes, once, about 1867 or 1868.

We propose to examine these cases *seriatim*. For the details we refer to the Minutes of Evidence.

Case of Michael Slattery.

Michael Slattery, prisoner in Parramatta Gaol, says (401) that he was gagged twice in Berrima Gaol, the first occasion being in July, 1865, for insolence to the Visiting Justice (279), and the second in September or October of the same year, for striking a warder (402). Subsequently, however (1887), he states that he was not sure whether he was gagged on the occasion when he struck the warder, and the date of which occurrence he now fixes as July, 1865; but he mentions another occasion when he says he was gagged, namely, the day following that on which he was gagged for insolence to the Visiting Justice, his offence on this second occasion being that of talking to a prisoner in another cell. He says also that he is not sure whether he was gagged in January, 1870, but that he then had the senses knocked out of him. He makes no mention of having been gagged at the time of the mutiny of 1864, in which he took a leading part, though Mr. Small and Chief Warder Everett both say that he was gagged then, and the only instances of gagging that he speaks of with certainty are the two which occurred in July, 1865—the first being

* This prisoner, as is explained subsequently, is in error as to the date.

being on one day, and the second on the day following. He makes no complaint of cruelty with reference to the second case, but he makes a very serious complaint with reference to the first. He says that he was, by Mr. Small's orders, ironed with bar irons upon his legs, which were kept apart by an iron bar, weighing about 12 or 14 lbs., and 16 or 18 inches long, between the links of the rings round his ancles; that while he had these bar-irons on his legs he was handcuffed with both his hands behind his back to an iron ring in the wall of his cell, about 4 feet from the ground; that a gag was then put into his mouth and strapped behind his head, and that he was kept in this painful condition for the space of four hours continuously—from 5 till 9 o'clock p.m. (279—299). When asked whether he could stand upright when fastened to the ring-bolt, he stated that his legs being kept apart with the bar-iron, he was compelled to keep his shoulders up, to do which he had to stand on tip-toe, or his arms would have been torn out of him (396). Speaking of the gag, Slattery says that the prisoners do not think much of it one way or the other or look upon it as much of a grievance, as it is so seldom used, and never for more than an hour or so at a time; that he never knew any prisoner to fear the use of the gag, and that, in his own opinion, and in the opinion of the prisoners generally, it is not so bad as seven days in the dark cells on bread and water. Slattery's story, from first to last, is one of ill-treatment and injustice towards himself on the part of the Sheriff and the officers of Berrima Gaol, though he, at the same time, admits that he used to set himself against the authorities; that he feigned insanity; that he disobeyed orders; and that he designedly was not a well-behaved prisoner. In one or two particulars his evidence is demonstrably shown to be untruthful. For example, he states that he does not know of any reason why bar-irons were substituted for the ordinary chain irons, whereas he admits having broken the chain irons with a saw made of an old knife. Again, he says that the bar-irons weighed 12 or 14 lbs., whereas the fact is that the heaviest of them do not weigh more than 5 lbs. 10 ozs., as we ascertained by having them all weighed in our presence. (See Appendix II.) The gaol records show that Slattery was gagged on the 26th of July, 1865, and that is the only record as to his being gagged.

In answer to the statements of Slattery, we have the evidence of Mr. Small, Chief-warder Everett, Chief-warder Watt (Parramatta Gaol), Warder Stewart, and ex-Chief-warder Hill; and his character as given by some of his fellow prisoners is that of a refractory and troublesome prisoner. Mr. Small admits that Slattery was bar-ironed, but not for more than forty-eight hours, and not till after he had broken three sets of chain-irons. He says that Slattery, with Lee, Hindmarsh, and some other prisoners, were so violent at the time of the mutiny of 1864, that they had to be left in their cells for three or four days, no one daring to go near them. At this time the prisoners used to have bed-boards and wooden tubs in their cells, and these articles were broken up and used as weapons. (5931.) Slattery was gagged and fastened to a ring-bolt or to ring-bolts in his cell, but Mr. Small cannot remember whether he was fastened to one ring-bolt with his hands behind his back, or to two ring-bolts with his arms outstretched, but whichever was the way, it was done for a short time only, and the gag was not kept in his mouth more than a few minutes. Mr. Small describes Slattery as a dreadful man, both in conduct and language. (5929–6013) Chief-warder Everett says that Slattery took a prominent part in the mutiny of 1864, and on that occasion rubbed his handcuffs in two on the stone flags of his cell; that it was at a time when he escaped from the officers in charge of him and ran to get an axe at a wood-heap that he was fastened to a ring-bolt in his cell

with

with his face to the wall, but it was done to prevent him from injuring himself, as he was running the length of his cell and beating his head against the wall; that he was gagged twice—on the occasion just referred to, and at the time of the mutiny,—but the gag was not kept in his mouth more than twenty minutes. Chief-warder Watt, who went to Berrima in April, 1865, says that some time before the Bargo Brush murder, which happened in April, 1866, he, acting under orders, gagged Slattery for having made use of abusive language to the Visiting Justice; that when taken to his cell the prisoner was very violent and had to be handcuffed; that when the gag was taken out he made use of very filthy language and abused Mr. Small, who put the gag into his mouth again; that the gag was in, the first time, two or three minutes, and the second time not more than three or four minutes; that Slattery had bar-irons on at the time; that he was fastened to a ring-bolt with his hands behind his back, the gag in his mouth, and the bar-irons on his legs, for four or five minutes, when he signified that he was willing to behave himself; that Slattery's statement as to his being kept four hours in that position is untrue. With regard to Slattery's character, the same witness says that Slattery was a very violent man, and that never a week and hardly a day went over his head without his being punished. (8132 *et seq.*) Ex-chief-warder Hill says that he has seen Slattery gagged more than twice for filthy language, and that he was a very insubordinate prisoner—(10150–10154.) Warder Stewart says that he saw Slattery gagged by Chief-warder Watt for five or six minutes, and handcuffed to a ring-bolt in his cell with his hands behind his back; that his feet were quite resting on the ground; that he was so kept for about ten minutes after the gag was taken out of his mouth; and that he was released as soon as he said he would be quiet. (9331–9347.)

It must be borne in mind that the time when these occurrences are alleged to have taken place is thirteen years ago,—that during the whole of those years Slattery made no complaint whatever about his being gagged under the horrible circumstances of torture now sworn to by him (300), and that there were then no regulations compelling a record to be kept, or any written report to be made of gagging. Slattery's statement is clearly one of very great exaggeration. He was a man in those years of his prison history of desperate character, even upon his own admission. He was exceedingly violent and refractory, and he admits that he was feigning insanity. We have come to the conclusion that although the treatment to which he was admittedly subjected was exceedingly severe, it is impossible to say that the circumstances did not justify that treatment. At all events, at this period, looking at all the circumstances, and after the lapse of so many years since the happening of the matters complained of, it is impossible to lay any blame on any of the officers who were concerned in Slattery's case.

Case of Edward Callaghan.

Edward Callaghan, a prisoner in Parramatta Gaol, states that, in September or October, 1876, he was brutally ill-treated by the gaoler, kicked, dragged down stone steps in a sitting posture, his head bumped against the wall; that he was "bullyragged," handcuffed, and spread-eagled, *i.e.*, handcuffed with his arms outstretched to two ring-bolts in opposite corners of the cell, about 3 feet 6 inches or 4 feet from the floor, and then gagged; that he was left fastened up in this way in his cell for three hours, and that during two of those three hours the gag was left in his mouth. (570 *et seq.*) Callaghan could not remember the names of any one who was present while this was going on, except Mr. Small, but he referred to Chief-warder Everett, and said that he complained to Father Riordan, the Chaplain.

Small (5750) and Everett (6852) both positively deny Callaghan's statement, and every officer of the gaol who has been before us states that he never saw nor heard of any such occurrence. In addition to the evidence of Small and Everett and other Warders, the evidence of Dr. Lambert (4345—4349) and of Father Riordan (4654—4687) convict this man, beyond all question, of lying, deceit, and gross imposture. We have no hesitation in saying that Callaghan's evidence deserves to be rejected as wholly unworthy of credence.

Case of William Lee.

William Lee, a prisoner in Darlinghurst Gaol, states that, in December, 1865, he was subjected to violent treatment and threats of shooting by Mr. Small; that on the 8th of April, 1868, he was unjustly and cruelly gagged by Small, five of his teeth being knocked out by Small's violence on that occasion (2120—2127), and that he then complained to Father M'Guinn of this ill-treatment; that Mr. Maclean, in 1869, treated him with injustice (2150—2159), and that in 1863 it was a well-known fact, though he never saw it, that prostitution was carried on to a great extent in Berrima Gaol through Mr. Small's neglect of duty (2180—2186).

Chief Warder Everett says that, as far as he knows or ever heard, Lee never was gagged, except in the mutiny of December, 1864, and that then he was gagged and bar-ironed, his conduct being so bad as to necessitate those severe measures. Mr. Small swears that he has no recollection of the circumstances to which Lee deposes as having occurred in April, 1868, but we are bound to say that Mr. Small's evidence upon this matter (5791—5803) was, at first, neither clear nor satisfactory, though later on (6210) he specifically denies that anything of the kind occurred. To the suggestion of prostitution having been carried on, he also gives a point-blank denial. He adds that Lee's character was that of one of the worst men ever at Berrima (6215). Father M'Guinn says that he has no recollection whatever of Lee's having ever complained to him (10106). Mr. Maclean also denies that there is any truth in Lee's statements. Ex-chief-warder Hill says that he saw Lee gagged (10166). Warder Stewart says that Lee was gagged some time after the mutiny—about thirteen years ago (9320)—but he is not certain as to the time.

It is probable that Lee, in speaking of December, 1865, means December, 1864, when there was a great mutiny in the gaol, and when he was one of the ringleaders in the outbreak. He was a very desperate criminal, violent and refractory, and we are of opinion that the stringent measures resorted to, to restrain him and others on that occasion, were quite necessary. Lee's story as to the occurrences on the 8th April, 1868, is not corroborated. Of those to whom he refers as having been there, Dr. Williamson is dead; ex-chief-warder Hill does not corroborate his account; of Warder Buckley, who is not now in the service, we have been unable to obtain any tidings; Father M'Guinn contradicts Lee; and Mr. Small positively denies that there is any truth in the account (5791 *et seq.* and 6206 *et seq.*) Lee's character is clearly such. that, without direct corroboration, it would be utterly unsafe to rely on his evidence, and we cannot take upon ourselves to say that Mr. Small was guilty of the gross cruelty charged against him by Lee with reference to the occurrence of April, 1868. To the charge of prostitution we give no credence whatever.

Case of John Coghlan, *alias* Mackay.

John Coghlan, alias Mackay, a prisoner in Darlinghurst Gaol, complains that, on one occasion, in August, 1868, when serving a sentence of twenty-eight days' dark cells in Berrima, for misconduct in Parramatta Gaol, Mr. Small violently gagged him—he (Coghlan) being at the time perfectly quiet—and with such violence that he was knocked down, his teeth were

loosened

loosened, and his gums made to bleed; that the gag was kept in his mouth for three hours continuously (2681 *et seq.*); and that Hill and Everett were present with Small on that occasion. He says further, that on a subsequent occasion (2705 *et seq.*)—about three weeks afterwards—Everett, Hill, and two other warders, in the presence of Small, violently assaulted him without any cause, dragged him about, and bumped his head against the wall; that they knocked his face against the wall and severely bruised him; that he complained of this to his chaplain, Father M'Guinn, who, he believes, was "as bad as the rest;" that during the remainder of his time he was deprived of his Bible, and got no book, slate, or pencil; that while he was in the dark cells he was not supplied with sufficient clothes to keep him warm, but that, on the contrary, he was "perishing" from cold, so much so that he could not sleep except from exhaustion. Hill states at first that he would not be sure that he ever saw Coghlan gagged, but subsequently he makes a statement which tends to corroborate the evidence of Coghlan, to the effect that he was gagged by Small (10175 *et seq.*); and according to the account which he then gives, such gagging was a breach of the 68th regulation, which says that the gag shall not be used beyond the necessity for compelling the prisoner to submit, inasmuch as no immediate necessity existed at that time. His evidence tends further to corroborate Coghlan's statement that the gag was kept in for a long period, far longer than Small or any of the other officials say it was ever kept in, viz., for so long a time as an hour or an hour and a half, and moreover that Coghlan was left by himself for a long period locked up with the gag in his mouth.

But Hill contradicts Coghlan in this, that whereas the latter swears that he was quiet and unoffending, Hill swears that he was grossly insubordinate, and swore at the warders when ordered to comply with the necessary discipline of the gaol. Small says (5762 *et seq.*) that Coghlan was a very refractory prisoner, but he has no recollection of his having been gagged; that there is no record of it, and that Everett, on being referred to, said that Coghlan was gagged by Hill. Mr. Small further says he will swear positively that he did not strike the gag while it was in Coghlan's mouth, and that the gag was not in for more than twenty minutes, if at all. He would not positively deny that Coghlan was gagged in his presence, but he swore that he had not the slightest recollection of it, and he scarcely thinks it possible that he could forget it if it had happened (5777). Later on in his evidence (10597–10599) he re-asserts his utter want of recollection of any such violence being used to Coghlan, and swears it was not possible that Coghlan could have been handcuffed behind his back, the gag shoved into his mouth, and the man locked up and left locked up for an hour. Everett (6879–6888) says that Coghlan was gagged but without violence; that the gagging was by Small and Hill; that it was absolutely necessary, to prevent the prisoner's shouting and making use of filthy language; and that the gag was not kept in for more than about twenty minutes. Father M'Guinn has no recollection of Coghlan having ever complained to him; and Father Riordan, who visited Coghlan in the dark cell, states that he was never complained to of this or any other ill-treatment, although Coghlan had sent to him to get some indulgence for himself. Warder Cotter, who was the warder in the wing at the time, and to whom Coghlan might have made a complaint, says that no such complaint was made to him, nor did he ever hear of Coghlan's having been ill-treated. With the exception of this gagging, Everett and the other witnesses say that they never knew or heard of any ill-treatment—if the gagging is to be so regarded—of Coghlan, and Everett positively denies (6965) the other charges made by Coghlan.

We have ascertained that Coghlan and Bragg, whose case should be considered with this, were both sentenced from Parramatta in May, 1867, to twenty-eight days dark cells at Berrima for a violent assault upon a fellow-prisoner. That Coghlan was gagged there can be no reasonable doubt, notwithstanding Mr. Small's total forgetfulness of it. And inasmuch as there was no record kept of the gagging, we certainly think that Mr. Small must stand convicted of having in that case committed a breach of Regulation 68, which says that a written report shall be immediately made to the Visiting Justice and to the Comptroller General. And if Hill's evidence is to be accepted as giving the correct version, the gagging itself was not justifiable, nor in accordance with the regulation, in that it was not immediately necessary for the purpose of repression. But we place more reliance upon the recollection of Chief-warder Everett than upon that of ex-Chief-warder Hill in this case. There unfortunately is evidence of a strong bias on the part of Hill against Mr. Small. Hill was dismissed, or "allowed to resign," for gross misconduct which was brought under the notice of the Comptroller General of Prisons by Mr. Small, and Hill himself is gravely implicated by the evidence of many witnesses—not only by many prisoners and by Mr. Small, but also by Mr. Herbert, the trades overseer, who speaks of a case of great violence and apparent cruelty on the part of Hill (4168 *et seq.*), which however Hill positively denies (10285). Taking Everett's story as being substantially true, we feel bound to acquit Mr. Small of having kept the gag in Coghlan's mouth for an unnecessarily long time. To the rest of Coghlan's story, with reference to his being beaten, dragged, &c., as this is denied by Small, Everett, and Hill, and as the indirect evidence tends to negative it, we do not give any credence.

Case of Joseph Bragg.

Joseph Bragg, an ex-prisoner, complains that, in December, 1866, on a Sunday morning, while he was in a dark cell, Small went down to him, and merely because he had been talking, handcuffed his hands behind him, and put the gag in his mouth; that, about twenty minutes afterwards, Hill and Everett went down and took the gag out of his mouth, Hill asking him if he would promise not to talk any more; that on his replying that he would make no promise, Hill put the gag in again and left him gagged for two hours; that about 1 p.m. the same day Small went down, took the gag out of his mouth, and without any cause put it into his mouth again, this time striking it violently; that he was kept in the dark cell without sufficient food or clothing; that he suffered greatly from extreme cold and hunger; that about five months after the occasion of the gagging already described, he was gagged for laughing at some drunken absurdity of the then Visiting Justice—not laughing insolently, but merely smiling involuntarily; that he was pounced upon by Mr. Small, who caught hold of him by the throat and half knocked him down, while Hill got hold of the gag and gagged him; and that the gag was kept in then for three-quarters of an hour. (3114 *et seq.*)

In the first place, it may be well to point out that both Bragg and Coghlan are mistaken as to the date of their being sent from Parramatta to Berrima. They were both sent together from Parramatta, under a sentence of twenty-eight days dark cells, for a violent assault committed by them together upon a fellow-prisoner. Coghlan fixes the date in August, 1868, and Bragg fixes it at the latter end of 1866. The prison records, both of Parramatta and Berrima Gaols, show that the date was May, 1867. And it is clear that the occasion on which, as they both complain, they were gagged, was the same occasion, a Sunday morning in May or June, 1867. Mr. Small says he has no recollection whatever of the circumstance. He will not go so

far

far as to say that Bragg was not gagged; but, after repeated questions, and the accounts given by both Bragg and Coghlan being read to him, he persisted in saying that he had no recollection of it; that Everett had told him (5763) that Bragg and Coghlan were gagged at the same time by Hill, but that still he could not call the circumstance to mind at all. There is no record of the gagging of either Coghlan or Bragg on this occasion, but we have no doubt whatever that they were both gagged; and so far there was a disregard of Regulation 68. Chief-warder Everett's evidence clearly establishes that Coghlan and Bragg were gagged (6879 *et seq.*) by Small and Hill. Everett says, moreover, that, in both cases, the gagging was absolutely necessary to prevent the prisoners from continuing to shout and make use of foul and filthy language; that there was no violence used in either case; and that the gag was kept in for not longer than twenty minutes. Beyond the fact that Mr. Small was culpable in not making a written report of the gagging, as required by Regulation 68, we do not think that he is to blame for this gagging of Coghlan and Bragg. The prison history of these two men is particularly bad, and, at that time, there can be no doubt that both of them were determinedly setting themselves in opposition to the gaol authorities, and stringent measures were necessary for both of them. Father M'Guinn says of Bragg, that "he had the character of being a troublesome and ferocious prisoner." With regard to the gagging "five months afterwards," there is a record in the gaol which shows that, on the 18th of November, 1867, Bragg was gagged for insolence to the Visiting Justice—(6285 *et seq.*) The gagging took place in the office, in the presence of the Visiting Justice, Mr. Rowley, and with his sanction. Mr. Small positively denies that Mr. Rowley was, as Bragg asserts, drunk. He denies that the gag was kept in Bragg's mouth for more than five minutes, and states positively that Bragg was not taken across the yard with the gag in his mouth. To the other circumstances of violence and illtreatment, of which Bragg complains, Mr. Small gives a distinct denial.

We cannot rely upon Bragg's evidence, uncorroborated and contradicted. The boastful and braggart way in which he speaks of having committed crimes which, as yet, have escaped detection (3213), and of his having committed crimes for which innocent men have been convicted and are now suffering punishment (3221–3222), does not strengthen his credibility, and his account of himself altogether, curious and instructive as it is, almost renders it impossible to give credit to accusations which rest upon his uncorroborated testimony.

Case of James M'Grath.

James M'Grath, a prisoner in Parramatta Gaol, states that, on a night in November, 1868, when he was undergoing punishment for a breach of the Regulations—talking—some other prisoners were talking in cells close by, he not joining in the talk; that Small and Hill went down into his cell; that Small addressed him roughly, saying, "Get up; you are not satisfied, it appears, with being locked up;" that Small and Hill then handcuffed him, and Small gagged him, striking the gag with the heel of his hand, breaking one of his teeth and splitting another; that he was not resisting but was wholly unoffending; that he was left locked up with the gag in his mouth, suffering very great pain, "the worst pain I ever suffered in my life" for three hours, when Small and Hill came back to his cell and Hill took out the gag; that the next morning Small, in the presence of Warder Welsh, said to him, "Well, I believe I made a mistake last night—I believe it was the man next you who was talking, and I am sorry for it; you can go to your exercise;" that he (M'Grath) was not brought before the Magistrate; and that, ever after that, Small

gave

gave him a first-class character. M'Grath adds that he complained to Father M'Guinn, and that Father M'Guinn told him it was useless to make complaints, as the Magistrates took the gaoler's part; and that he would have complained to the Sheriff but that he feared the Sheriff would side with the gaoler, and that he would not get justice.

M'Grath made substantially the same statement to Mr. Taylor; and Mr. Small, in his evidence before the Select Committee of the Legislative Council, denied that M'Grath had ever been gagged. There is no report of M'Grath's having ever been gagged. Mr. Small, in his evidence before us, states that he does not believe M'Grath was ever gagged at Berrima, and that he never heard of it until he saw the report of the evidence taken at Parramatta. When the specific circumstances of M'Grath's story are brought before Mr. Small, and he is pressed to give a direct answer, he replies, "I have no recollection of his being gagged at all, and I feel confident that it is false, because I never knew nor heard of any man having his teeth knocked out in the gaol, until it has been brought forward within the last few months" (5812). He denies positively that the gag was in M'Grath's mouth for three hours, and adds: "I do not know what Hill may have done; he was a bad fellow, and I had a job to get rid of him. He caused more trouble in the gaol than anyone else." After Father M'Guinn and Hill had been examined, Mr. Small was re-called, and his attention was again directed to the statement as to M'Grath's teeth being knocked out,—which had been corroborated to the extent that, on some occasion, *a man's* tooth or teeth had been knocked out—and he gave this evidence :—

Question—Father M'Guinn tells us that on one occasion a prisoner complained to him that his teeth had been knocked out, and that he made an examination and found there were some teeth missing;—do you remember that? *Answer*—I know nothing of it; I positively swear it was without my knowledge.
Question—M'Grath has sworn that that happened, and he swears that he complained to Father M'Guinn. Father M'Guinn says that a prisoner complained to him, and that an examination of the man's mouth corroborated his statement. Hill says that he saw a man with his teeth knocked out, and that he saw him spit a piece of the broken tooth out. You see there is that amount of evidence with regard to the knocking out of somebody's teeth;—do you still persist in swearing that you never knew of a case where a man's teeth were injured? *Answer*—I swear positively that I never heard of such a thing until this report came out.

Father M'Guinn says he has not the slightest recollection of M'Grath's having ever complained to him, though M'Grath's account, with its whole circumstances, is brought before him (10064 *et seq.*) He says he remembers M'Grath, but has no recollection whatever of his having complained, or of his having a tooth broken or knocked out (10111–10113.) He says that a prisoner named Cummings once complained to him of two of his teeth having been knocked out, not by a gag, but by a blow from a whip. Hill says he does not remember M'Grath being ever gagged. He says it was very likely, but he cannot remember the man; and that, at any rate, the gag was not in for anything like three hours. He remembers one man having his teeth broken while being gagged, but he cannot remember who the man was, though he remembers the man's mouth bleeding, and seeing him spit a bit of tooth out. On that occasion, whoever the man was, he (Hill) took the gag out, and he does not think it was in for more than an hour and a half or two hours (10203 *et seq.*) Chief-warder Everett gives evidence as follows, in reference to the case of M'Grath :—

Do you know James M'Grath? Yes, sir; he made a complaint that he had been gagged by Hill, and his tooth knocked out.
Did he mention Small as being present? Yes, he said Small was there.
When was it that he complained to you about being gagged? Shortly afterwards.
Do you know that he was gagged? Only by hearsay.
When was it? About 1868, I think.
What did he say? He said the gaoler and the chief warder gagged him, and knocked his front tooth out.
Could you see then that he had had any tooth recently out? No, sir, and I told him so.
What did he say then? He pointed to the tooth that he said had been knocked out.
How long had he been there before he made this complaint? A good many months.

And

And when he told you that he had been gagged, how long did he say it had happened? Three or four days.
Up to these three or four days did you notice that he had any teeth missing? I remarked that he had teeth missing when he came from Parramatta.
Did you notice that any more teeth were missing after this complaint? No, sir, and I told him of it, and he pointed to where he said one was knocked out.
Did you believe what he told you about his having been gagged? I could not contradict him.
But did you believe it? He has been in gaol so many times that you scarcely know when to believe him.
But I want to know did you believe him? I did not know what to believe.
Did you ever speak to Hill about it? No, sir.
Did you ever speak to Mr. Small about it? No, sir.
Did he complain of having been gagged without cause, or did he admit that he deserved it? He spoke to me in a casual way about it.
Where were you speaking to him? In his cell.
What took you into his cell? I go round the cells every day to examine them.
Did any other prisoner tell you the man had been gagged? No, sir.

Warder Welsh we have not been able to find.

There can be no question that M'Grath's story is largely corroborated by Everett's evidence; and the evidence in contradiction of it is highly unsatisfactory. A mere want of recollection of such an occurrence, even after the lapse of nine years, is not the kind of contradiction we would look for. The fact that there is no record of the gagging is, unfortunately, no proof whatever that the gagging did not take place. M'Grath, at the time he gave his evidence on oath before us, was suffering from organic disease of the heart, and the man spoke under an evident sense of the precariousness of his life. He has, unquestionably, lost three or four front teeth, and although there may be some exaggeration in his statement, we think it substantially true. We are of opinion that the gagging was not justifiable in itself, and, moreover, that it was done with a severity altogether unwarranted. Everett's evidence, that M'Grath complained of Hill's having gagged him, leaves it somewhat in doubt whether Small or Hill was the person who actually inflicted the gagging; but we think that, even if Hill were the person, Mr. Small is not, therefore, free from a full share of whatever blame is now, after the lapse of so many years, to be visited on the doers of this unjustifiable action.

Case of Henry Faulkner, *alias* Bamfield, *alias* Ross, *alias* Shortland.

Henry Faulkner, alias *Bamfield*, alias *Ross*, alias *Shortland*, a prisoner in Darlinghurst Gaol, makes this statement of what he alleges to have happened to him between July or August, 1868, and October following:—

I rang the bell one day, and asked the warder to allow me to go to the closet. I had the dysentery very bad, and I had rung the bell two or three times; the third time I was let out; there was a man in irons going into his cell, and, as I passed him, he asked what my name was. I did not speak, because I was frightened; but the warder came down and said, "This is what you want to get out for—to talk." I said, "I was not talking;" and he replied, "You were." I was taken back to my cell, and when I got there he drew his staff and threatened me. I went out to exercise as usual, and thought there would be no more about it; but a few days after I was brought before the gaoler, and he asked me what I had been doing. I replied, "I do not know." He said, "How many of you came here the other day?" I told him "Seven;" and he asked, "How many natives out of that?" I said, "Four or five;" and he remarked, "You are an unfortunate race of men." Then he said, "You don't know what you are brought here for;" and having asked the warder to state the case, he inquired of me what I had to say to that. Well, of course, you have no objection to my making use of the words I made use of before him. * * * I said, "I hope I may be struck dead if that warder has stated the truth." With that Mr. Hill and a warder named Buckley rushed me, got hold of my hands, twisted them behind me, and handcuffed me. Then Mr. Small jumped up and rushed over for the gag, which was hanging up, put it into my mouth, and buckled it behind me. He was in a great passion, and asked me how I liked that. Of course I could not speak. Then he said, "I think it is hurting you," and he came over apparently to shift it, but he hit it with the palm of his hand, and split my mouth with it.

He states, further, that he was not offending in any way, by word or gesture; that his mouth was cut, and that it bled; that he complained to Father M'Guinn two or three days afterwards, and showed him where his mouth was split; that Father M'Guinn said, "That sort of work ought to be put a stop to"; and that he never complained to anyone else.

Mr.

Mr. Small says (5780–5788) that he recollects Faulkner well, but he has no recollection whatever of his having ever been gagged. When Faulkner's statement is read to him, and he is asked what he has to say in answer to it, he replies: "I am confident that it is false, so far as he speaks of me." Upon being further pressed, he says: "I am prepared to swear that I never made use of the expressions he mentions. It is possible he may have been gagged and that I have forgotten it; but it is not possible that these expressions could have been made use of by me and I forget them." There is no record of Faulkner's having been gagged. Hill swears that he remembers Faulkner, but he cannot remember that he was ever gagged; and Father M'Guinn has no recollection of Faulkner's ever having complained to him. Ex-warder Buckley we have been unable to find. There is no corroboration whatever of Faulkner's statement, and we cannot think his charge made out.

Case of William Slattery.

Case of William Slattery.—This prisoner's evidence, which is to be found at page 273, containing charges of the grossest cruelty, is, we think, wholly unworthy of credit. He is specifically contradicted by all the witnesses to whom he makes reference, and whom we have been able to bring before us, and we do not think it necessary to do more than refer to the report (*See Appendix I*) from the Lunatic Asylum at Parramatta, with reference to his case.

Case of Joseph Barnes.

Joseph Barnes, an ex-prisoner, states, that about nine or ten years ago, when he was a lad of 17, he was sentenced by a Bench of Magistrates at Berrima to pay a fine of £1, or, in default, a week in gaol; that, not having the money at once, he was put into gaol; that, after he had been in for about half-an-hour, Mr. Small made him strip and go into the bath, and then took him over to one of the wings and gagged him; that Small called him a dirty, filthy, lousy scoundrel, and, when he (Barnes) said he was no such thing, whipped the gag into his mouth; that he did not just open his mouth for the gag to be put in, so Small hit it with his open palm, hurting him very much, making his mouth bleed, and loosening his teeth; that Chief-warder Hill and Warders Buckley and Burns were present and witnessed the gagging; that he complained to Mr. Rowley, the Visiting Justice, and there was some talk of taking legal proceedings against Small, but the matter was hushed up. Mr. Small does not deny (5752–5761) that Barnes was gagged, but he says he has no recollection of it, though he remembers that they had words, and he thinks the lad was impudent. He remembers that there was a dispute about something, and that, after the lad's release, his father reported it to the Visiting Justice, Mr. Rowley, who ordered him away, and threatened to give him in charge to a constable. Hill has no recollection of the occurrence. Buckley we have not been able to find. Burns is dead. Everett, who was senior warder in the gaol at the time, says he did not see anything of any gagging, nor did the lad complain of it to him, but he heard of it in the town some days after.

We think there is no sufficient reason for disbelieving Barnes' story; and, if it be true, Mr. Small's conduct was certainly highly reprehensible; but it must be borne in mind that the occurrence took place nine or ten years ago, and that no steps were taken by Barnes or his father in the matter.

Other cases of alleged gagging.

We have now disposed of the cases of the witnesses who have been before us, and who complained of having been improperly gagged or spread-eagled. While still upon the question of gagging we cannot pass by some other cases which have been mentioned to us. Mr. Small states that only five cases of gagging have taken place since December, 1864, viz., those of Joseph Bragg, Patrick Giltinan, Michael Slattery,

Slattery, Henry Schultz, and Charles Cunningham *alias* Smith. These are the only cases of which records have been kept. It is, however, clear, taking the date of the regulations of February, 1867, as the starting point, that several other prisoners have been gagged since that time, and that in each case no record having been kept, Regulation 68 has been so far disregarded.

In addition to the cases already considered in detail, we have had evidence from various witnesses of the gagging of the following prisoners, viz., Thomas Carney, a man whose name is unknown, Yellow Billy (a half-caste aboriginal), Richardson, Weekes, Drynob, Hornby, Holland, Welsh, Bertrand, Watson, Green, Dalton *alias* Blake, Cummings, Parsons, Hill, and Kerr. With the exception of Michael Slattery, who was gagged in 1865, Cummings, Hill, and Parsons, whom Ex-chief warder Hill says were gagged in 1866, and Weekes, Drynob, Yellow Billy, Bertrand, and Green, who are mentioned by Hill, and the dates of whose gaggings are uncertain, all the cases of gagging sworn to in evidence before us are stated to have occurred since February, 1867, and there is no record either at the gaol or at the Comptroller General's Office of any of those cases, as required by the Regulation.

We proceed to refer in detail to those additional cases of gagging enumerated above.

Case of Thomas Carney.

Case of Thomas Carney.—During the course of our investigation the following letter was received by us from Mr. Hugh Taylor, the Member for Parramatta :—

Parramatta, August 3, 1878.

To the Honorable Sir George Innes, C.M.G., President Royal Commission *re* Berrima Gaol,—

Sir,

I desire to bring under the notice of your Commission information which I received yesterday with reference to the alleged ill-teatment of prisoners in Berrima Gaol.

It has been stated to me by former confinees at Berrima prison that there are, at present, two warders in Goulburn Gaol who, having been stationed at Berrima, can, if they choose, give evidence that will be very material to the matters now being investigated by your Commission. These warders are, I understand, named Keirnan and Bennett. My informants state that the former was present when a prisoner named J. Carney was brutally gagged by the Berrima gaoler personally, who "sheeted the gag home" with his fist; who afterwards very nearly throttled the prisoner, and would probably have done so but for the warder's interference.

My informants also state that the other warder (whose name they only believe to be Bennett) is in a position to give evidence materially affecting the Berrima gaoler's credibility, especially with respect to an alleged outbreak in Berrima prison in connection with which the gaoler has stated before Sir Alfred Stephen's Select Committee that he subdued a number of refractory prisoners by proceeding amongst them alone, and threatening to fire upon them with a revolver.

I am, of course, unable to say whether or not these statements are true, but I would respectfully suggest that your Commission ascertain if the warders named are at Goulburn, so that they may, if possible, be examined with respect to the incidents I have particularised, and, generally, as to the treatment of prisoners at Berrima Gaol by the gaoler during the period they were employed in that prison.

I may add that my earnest desire is that justice shall be done to all parties concerned in this matter; and having that object in view, I shall lose no opportunity of bringing under the notice of your Commission whatever information may be furnished to me from time to time whilst the inquiry is pending.

I have, &c.,

HUGH TAYLOR.

We took immediate steps to procure the evidence of the warders mentioned. From the evidence of Thomas Keirnan, now Chief-warder at Goulburn Gaol, it is clear that a man named Thomas Carney was gagged at Berrima sometime about June or July, 1873. Keirnan thus states the circumstances of the case :—

While you were there were you witness to any ill-treatment of prisoners by Mr. Small or any of the warders? I cannot say that I was witness to it. There was one man gagged there in my presence—in fact it was I who put the gag in his mouth.

Who was that? Thomas Carney.

Had he any aliases? I cannot remember; I do not think he had.

What were the circumstances of the case? He was a very ill-conducted man indeed, and he was brought up this time—whether for disobedience of orders or not I cannot say; but he was brought over to the office and sentenced to the dark cells. While going down there his language was the most beastly that could possibly be made use of to Mr. Small about his family. After we got him down to the dark cell passage, Small said, "We had better gag him." Small had the gag, and he gave it to me, and I put it in the man's mouth.

Was he then persisting in the language? Yes; and it was the most beastly language; I would be ashamed to use it.

Was

Was it necessary to gag him in order to restrain him? Yes, that was the reason the gag was put in.

You yourself put the gag in his mouth—not Mr. Small? Yes, under Mr. Small's instructions.

And in his presence? Yes.

Did you strike the gag at all? I did not.

Did you injure any of his teeth? Certainly not.

How long was the gag kept in his mouth? It might have been between 5 and 10 minutes.

Not longer? Not so far as I can remember.

Had it the effect of quietening him? No, it had not indeed; after he was in the cell you could hear him going on with his beastly language, although his voice was smothered through being in the subterranean passage.

And with the double doors deadening the noise? Yes.

What induced you to take the gag out of his mouth if it had not the effect of quietening him? It was not allowed to be kept in longer than 5 or 10 minutes.

Did he make any sign that he would give in? Not a bit; he was chewing the gag at the time, and I think he had broken it in his mouth; I believe he would have chewed it up altogether.

What kind of gag was it—similar to that [*showing gag*]? Yes, sir, similar to that; any man with strong teeth could chew it up, and spit it out in your face.

And that was the process it was undergoing in Carney's mouth? Exactly.

Could you see that from the appearance of the gag when you took it out? Yes; the marks of his teeth were on it.

Is that the only instance of gagging you saw? That is the only instance I saw.

Was he gagged only once that day? That is all I saw; he was punished several times there.

Do you consider that that was any case of ill-treatment on the part of Mr. Small? I do not; I think he had a great deal to put up with, because this was a very insulting man, and from the language he made use of, I do not think Mr. Small exceeded his duty.

And you say that the language was about Mr. Small and the members of his family? Yes, and it was beastly.

Do I understand you to say that the language could be heard even when he was in the dark cell? Yes, anyone that liked to listen, could just understand it.

Could it be heard by the other prisoners? No, they were upstairs; but anyone walking about the yard could hear it.

The air-holes of the dark cells communicate with the yard, do they not? Yes.

Do you think that the imprisonment in the dark cells would sufficiently restrain men from using language of that character? I did not see that it made any difference to him. He was a short-sentenced man, and on the eve of going out, and I think he did all he possibly could to annoy Mr. Small.

Do you think that the gag, or some instrument in the nature of a gag, is absolutely necessary in order to restrain prisoners from making use of foul language? I think that, without the gag, you cannot restrain them from making use of this filthy language.

Did you ever hear, while you were there, of any other case of gagging in your time? I might have heard that prisoners had been gagged formerly.

But while you were there did you hear of any case of gagging occurring in your time? No, sir.

I asked you to specify, if you could, any instance of ill-treatment, and you say that the case you have mentioned is not one of ill-treatment: is there any ill-treatment that you can mention? No, sir; I think Mr. Small was a kind man.

We wish you to speak with perfect frankness, and without any fear of Mr. Small, or the Comptroller General, or anybody else? Yes, sir.

What was the date of the gagging, as well as you can remember? It was between May, 1873, and July, 1873. [*The Punishment Book is referred to, and it is found that in the month of July there were three convictions against Carney—two for obscene language, and one for doing his work in a negligent manner.*]

It is curious that Mr. Small does not remember this case. It is clear, too, that no report of Carney's gagging was made; but while we consider Mr. Small's neglect in this particular circumstance calls for censure, we are bound to say that, taking Keirnan's evidence to be true, if ever there was a case in which the use of the gag was warranted and, indeed, absolutely necessary, it was the case of this man Carney. Keirnan's evidence as to the necessity for gagging Carney is amply corroborated by Chief Warder Everett and Warders Colvin and Brown. After the evidence of Keirnan we thought we were called upon to request Mr. Taylor to appear before us. He did so, and we regret to say that we cannot regard his evidence as being other than eminently unsatisfactory. It is not very clear whether Mr. Taylor directly sanctioned the publication in the *Cumberland Mercury* of his letter to the Commission, but there seems little reason to doubt that he must have known of the intention to publish it. We cannot refrain from expressing our opinion that it is deeply to be regretted that a gentleman in the influential position of a Member of Parliament should have permitted the publication of such a letter as this in a newspaper, while, as Mr. Taylor knew, the whole matter was in course of investigation; before any reference had been made to or any evidence obtained from either of the persons named as being able

able to substantiate the serious charges mentioned in the letter; and when, if any such reference had been made, or any such evidence sought for, the gross untruthfulness of the statements as affecting Mr. Small would have been exposed. Mr. Taylor declined to give us the name of the writer of the letter. Indeed, at first he said that he did not remember the name of the writer though he afterwards stated that the writer was a very intimate personal friend of his.

Case of a prisoner—name unknown.

Case of a prisoner, name unknown.—Mr. Herbert, the Trades Overseer at Berrima states (4168 *et seq.*) that in 1868 or 1869 he saw one prisoner, whose name he cannot at all remember, gagged in a very severe manner, not by Small, but by Ex-Chief Warder James Hill. Mr. Herbert says:—

> It occurred in this wise: I heard a scuffle in the dark cell passage, and went down to see what was the matter. When I arrived in the passage, this prisoner was lying on the floor with his head towards me. The chief warder, Hill, had one knee on the prisoner's chest, and had the gag in the prisoner's mouth, and the strap turned round his hand, tightening it. He struck him on the gag when it was in his mouth, and used some very reproachful expressions.
>
> Was it a hard blow? Not particularly hard.
>
> With the open hand? Yes.
>
> More than once? Two or three times; but they were not violent blows. The prisoner was then placed on his feet.
>
> Was anybody else there? There were several others there in the background.
>
> Who were they? I cannot say. This was the first instance of gagging that I witnessed, and it made a great impression on my mind, so that it is vividly impressed to this day.
>
> You cannot remember anybody who was present, except Hill? No, sir.
>
> Well? The prisoner was then placed between the doors of the first dark cell.
>
> Did you see that prisoner soon afterwards? I do not remember seeing him afterwards. I left the cell passage then.
>
> Did you see him placed between the two doors? Yes.
>
> Was Everett there? I don't know, sir.
>
> Everett was then senior warder? I do not think he was then. I think it was before his appointment.
>
> Then you do not remember who the prisoner was, or what he had been doing; whether his conduct was violent or not; nothing, in fact, to warrant you in forming an opinion as to whether it was necessary to treat him with such severity or not? No.
>
> Were any of his teeth knocked out? I could not tell.
>
> Was there any blood about his face? I think one of his lips was bleeding a little, the wood having cut it.
>
> Do you think the prisoner's name was Lee? He was a short stoutish man. The reason I cannot tell you who he was is that the gag was in his mouth, and his head was towards me when I arrived.
>
> Where was Small;—was he there? I could not say. I should not remember these details so clearly only for its being the first time I saw any man gagged.
>
> You do not know how long he was gagged? No.
>
> Nor how long he was kept between the two doors? No.
>
> Did you see him put between the doors? Yes.
>
> Are you sure of that? Quite sure.
>
> Did anybody else see it? Yes, there were others.

It is no doubt unsatisfactory that Mr. Herbert should be unable to refer us to anyone else who was present except Hill; and Hill for his part distinctly and positively denies the whole story (10285 *et seq.*) We have questioned Mr. Small and every warder who has been before us, and no one but Mr. Herbert remembers anything of any such circumstance. Mr. Herbert does not seem to have thought it his duty to report the matter either to Mr. Small, the Visiting Justice, or the Comptroller General, or, indeed, to have mentioned it to anyone. Mr. Maclean states (9042–9051) that he never heard of any man being put between the double doors; that such a thing has never been thought of so far as he knows. Hill certainly speaks of one case—that of Yellow Billy (10264)—of a prisoner having been so confined, but that clearly is not the case to which Mr. Herbert refers. Still, notwithstanding the want of corroboration of Herbert's account, and the contradiction by Hill, it is difficult to suppose that the story is untrue. Mr. Herbert is a witness against whose veracity there is no ground for imputation, and he could have no possible object in fastening a charge of this kind upon Hill. We believe that Herbert's evidence upon this case is in the main true, but we cannot rest upon it any censure of any officer now in the gaol.

Case of Yellow Billy, a half-caste aboriginal:—Hill states (10264–10284) that he saw this prisoner, but he cannot fix the date, gagged and placed between the double doors of a dark cell, and left there gagged for from half-an-hour to three-quarters of an hour. He is not sure whether he himself gagged the prisoner, but it was done in Small's presence and by his orders. Hill states that the gagging was more for punishment than repression; and, if his evidence be true, Mr. Small was guilty of a disregard of the regulations in not making a written report of the case. The placing of the prisoner between the double doors, if such a measure of coercion was resorted to, was clearly improper. Hill, however, is not only wholly uncorroborated, but his evidence with regard to Yellow Billy is distinctly contradicted by Small and Everett, the only persons who, Hill says, were present besides himself and the prisoner. Everett has no recollection whatever of Yellow Billy's having ever been gagged, and swears positively that he never saw him nor any other man put between the double doors, and that he never heard of any such case (10704 *et seq.*) Small positively states that he never knew of Yellow Billy's being either gagged or put between the double doors; that so far from that, he believes Yellow Billy to have been a well-conducted prisoner. Yellow Billy himself was allowed to exile some few years ago, and is not now in the Colony. Case of Yellow Billy.

Case of Richardson.—Hill says that he saw Richardson gagged by Small somewhere towards the end of 1868, but that the gagging was necessary (10300). Hill is not corroborated by any other witness, and Small denies that Richardson was gagged since the mutiny in 1864, and states that after that period Richardson was a well-conducted man (10572–10573). Everett says Richardson was gagged at the time of the mutiny but not since (10774). We think the probability is that Hill is confusing in his mind cases he has heard of and cases he has witnessed. He says he cannot tax his memory as to names or dates, and without imputing any intention to him to state what he knows to be untrue, we think his memory in this case is not to be relied upon. Case of Richardson.

Case of Weekes.—Hill says that he saw Weekes gagged once, but he does not state by whom, or who was present besides himself (10157). Everett says (10775) that he did not see Weekes gagged, but he states that Weekes complained to him of having been gagged, not by Small but by Hill, who, Weekes said, had knocked a tooth out in the gagging. Weekes himself is "at his liberty," and we have not been able to obtain his evidence. There is no reason to doubt that Weekes was gagged, but it does not clearly appear by whom. Case of Weekes.

Case of Drynob.—Hill says Drynob was gagged, but that he was a very foul-mouthed man, and that the gagging in his case was necessary (10220). Everett says Drynob was not gagged so far as he knows, and that he never heard of it; that he was misbehaving himself and was threatened with the gag, but not actually gagged (10779). Small merely generally denies that Drynob was gagged at any time. We do not see any reason to doubt Hill's evidence that Drynob was gagged, but it is not clear that any one knew of it except Hill. Case of Drynob.

Case of Hornby.—John Thomson, *alias* "Thunderbolt's boy," a prisoner in Darlinghurst Gaol, states that he saw a prisoner named Hornby, whom he describes as a simple-minded person, gagged in the office by Mr. Small, who charged him with laughing contemptuously at him (2500–2507). Everett says that he saw Hornby gagged in the office by Small, in the presence of the Visiting Justice, Mr. Wilshire, because he simply persisted in saying that he had not "grinned" at him (Everett). Case of Hornby.

(Everett). Conscientiously speaking, the same witness says, he thinks the gag was used unnecessarily, but it was the only case in which he ever saw a man gagged except for shouting (6933–6950). Mr. Small has no recollection of the occurrence, and he declares that it could not have taken place as related by Thomson, because one prisoner was never gagged in the presence of another. If that were done, he says, there would soon be a mutiny in the gaol (6230–6233). Mr. Wilshire has no knowledge of any such case, and he thinks Everett must be mistaken in saying that he was present (9599–9603).

Notwithstanding that both Mr. Wilshire and Mr. Small have no knowledge of this case, we are of opinion that the occurrence as described by Chief-warder Hill did take place, but the gagging was, in all probability, only a momentary thing. The prisoner's manner, we are inclined to think, was provoking, and his reiterated denial of Mr. Small's assertion appears to have irritated Mr. Small. The gag being handy, the gaoler seems to have resorted to its use somewhat impatiently and indiscreetly, but the gag was not fastened, and there does not appear to have been any violence in its use. It is curious that Mr. Small's conduct did not draw some rebuke from Mr. Wilshire, and that Mr. Wilshire should have quite forgotten the occurrence. It is, indeed, possible that it may have escaped his observation, and that the prisoner was too frightened to complain. We think Mr. Small is to blame, but we cannot say that, although he was hasty, there was any very grave offence in his conduct.

Case of Holland.

Case of Holland.—Herbert says that, about seven or eight years ago, in the presence of the Visiting Justice, Mr. Rowley, of himself, and he thinks also of Chief-warder Hill, he saw a prisoner named Holland gagged for three or four minutes by Mr. Small for smiling—Small apparently mistaking the smiling for insolence. The gagging was done quietly and gently, as the man did not resist (4201–4208). Hill recollects nothing of the circumstance, but will not swear that it did not occur (10257–10259). This seems to have been much the same kind of case as that of Hornby. Both occurred in the office and in the presence of the Visiting Justice, who does not seem to have thought it necessary to interfere.

Case of Welsh.

Case of Welsh.—Hill says he remembers Welsh being gagged, but he has no recollection as to time or circumstances, and cannot say who were present, or by whom the prisoner was gagged (10305). Neither Mr. Small nor Mr. Everett has any recollection of Hornby's being gagged, and Mr. Small cannot call to mind anything in particular with regard to this prisoner (10605 and 10781).

Case of Bertrand.

Case of Bertrand.—Hill says that Bertrand, about two months after his arrival in the gaol—he cannot remember the year—was gagged in a dark cell by him in the presence of Mr. Small, for making use of very foul and filthy language at the top of his voice at night; and that the prisoner was left alone with the gag in his mouth for an hour or an hour and a half (10133–10145). Mr. Small says that Bertrand was never gagged with his knowledge (10574–10575). Everett is certain that this prisoner never was gagged, and he never heard of it (10709–10712). Bertrand, himself, who was in Parramatta Gaol during our inquiry there, did not come forward to make any complaint.

Case of Watson.

Case of Watson.—Hill says that in the early part of 1868 this prisoner was locked up by Mr. Small, who was very violent with him, and used him very roughly, and put him into leg-irons and gagged him, the prisoner not saying a word. Everett and Mulligan, he says, were present. He cannot swear as to how long the

gag

gag was kept in, but he never knew the gag to be kept in a prisoner's mouth for more than an hour or an hour and a half. He declares that the gagging was unnecessary, and that, though the irons were giving the prisoner great pain, Mr. Small would not allow him to have the usual pads. (10320—10326.) Mr. Small denies that Watson was gagged. He recollects his getting into trouble for attempting to escape, but he does not recollect irons being put upon him, though he admits that to be possible, as it is the first step taken with a prisoner who attempts to escape. (10617–10624.) Everett says there were two Watsons in the gaol, Richard and William, but he is positive that neither of them was ever gagged or ironed. Richard Watson served a sentence of twenty-eight days' dark cells, but William Watson never committed himself in any way.

Case of Parsons.

Case of Parsons.—Hill states that this prisoner was gagged by Mr. Small in 1866, in the office, for making use of impertinent language to Mr. Small, when remonstrated with for some misconduct of which he had been guilty. (10317.) Mr. Small denies that Parsons was ever gagged in the gaol (10610), and Everett states that he never knew the prisoner to be gagged.

Case of Hill

Case of Hill.—Ex-Chief-warder Hill states that he remembers a prisoner of that name being gagged in 1866 for using filthy language. (10310.) Mr. Small denies that prisoner Hill was ever gagged (10607), but Everett says that he was gagged at the time of the riots. (10784.)

Case of Green.

Case of Green.—Thomas Gleeson, a prisoner in Parramatta Gaol, when asked whether he had ever seen a man spread-eagled in Berrima Gaol, said that he had never seen it, but he was morally convinced that fifty or sixty men had been spread-eagled there, and he mentioned a prisoner named Green, who, he said, was crippled by being spread-eagled, and who had three or four of his teeth knocked out by the gag, though he did not see it done. He stated further, that Green was put in separate treatment because he would not make bread for Mr. Small out of the prisoners' flour. (144–148.) Mr. Small does not believe that Green was ever gagged, and he has no recollection of it and no record of it. He adds that, Green was a very refractory prisoner. He has no knowledge of any instance in which a man's teeth were knocked out in the gaol. (5747–5749.)

Case of Dalton *alias* Blake.

Case of Dalton alias Blake.—William Slattery, a prisoner in Maitland Gaol, says that in 1870 he saw Dalton knocked down and gagged at the corner of the gaoler's house, but he will not swear whether it was done by the gaoler or the chief warder. (9947–9952.) Mr. Small has no recollection of Dalton's being gagged, neither has he any record of it. This prisoner, he says, was most of his time under medical treatment. Everett does not remember Dalton's being gagged, and he denies that he himself ever did it. Dalton, he says, was a remarkably quiet man. (10749–10753.)

Case of Cummings.

Case of Cummings.—Hill says that Cummings was gagged on several occasions, and that once Small flogged him with a riding whip for tearing his clothes. (10129 and 10335.) Everett has a faint recollection as to Cummings being gagged, but he cannot be positive about it. (10773.) James Henry, a prisoner in Berrima Gaol, states that he saw Cummings gagged for "mutinizing;" that Small and some of the officers knocked him down and caused cuts about his head and face, but he does not say when or where the gagging occurred. A prisoner named Walter Hughes stated that he had known the gaoler to knock Cummings down for smiling, but, in answer to a subsequent question, he said that he did not see it himself, but that Cummings told him of it. Alexander Fordyce, formerly a prisoner in Berrima Gaol, states that Cummings, when about to leave the gaol, was gagged for about a minute and a half by the gaoler for insolence.

Mr. Small denies that he ever knocked Cummings down, but he states that, once, when about to go for a ride, he was called to see that prisoner, who had stripped himself and torn his clothes into ribbons; that, when he went into the cell, Cummings made a blow at him, and that in self-defence he struck him with the riding whip which he had taken with him. He added that Cummings had written twelve or thirteen letters to him, expressing his gratitude for the kind treatment he had received in the gaol (6279–6284, and 10628–10634). In reply to the question whether he had ever gagged a man when "on the chain," Mr. Small said that Cummings, on one occasion, when about to go away to Parramatta Gaol, was abusive, and that he brought the gag out, but did not use it (10635). Father M'Guinn says (10035–10045), that the only prisoner who ever complained to him of ill-treatment was Cummings, whose complaint was that Mr. Small had struck him on the mouth with a whip and knocked his teeth out, and that the case was investigated; but it is probable that Father M'Guinn is mistaken as to Cummings having complained of any teeth being knocked out, as there is nothing in all the rest of the evidence relating to that prisoner to show that he had ever lost any teeth by violence; and Father M'Guinn is no doubt confounding the case of Cummings with that of some other prisoner who may have complained of losing some of his teeth through the violence of the gaoler.

We think Mr. Small acted imprudently in taking a riding whip to the prisoner's cell, but we do not see any reason to censure him for using it, as he did it in his personal defence. Moreover the matter was investigated at the time and Mr. Small was exonerated.

Case of Thomas Kerr.

Case of Thomas Kerr.—This man, formerly a prisoner in Berrima Gaol, and now at liberty, is one of the persons upon whose statements Mr. Richard Driver, M.L.A., founds his condemnation of the treatment of prisoners at Berrima. Appended to the evidence there are two letters written by him, one bearing no signature or address, but identified to be in his handwriting, and the other addressed to Mr. Driver. The statements made by Kerr were brought to the knowledge of the Colonial Secretary, who had an interview with the man before his discharge from gaol, and who, in a minute dated the 20th March, 1878, writes as follows:—"I closely examined this man Kerr, and he stated (1) that he had on several occasions been gagged, but in no instance for a longer time than ten minutes; and (2), that the so-called spread-eagling was only extending the hands and securing them to the wall, and did not involve tricing them up." The Comptroller General of Prisons on being asked whether any complaints had been made to him about men having their teeth knocked out, says:—

> The only complaints were by a man named Molloy, at Port Macquarie, and a man named Kerr, who had been in Berrima, and who alleged that his teeth were knocked out by his being gagged in Berrima. I was unable to ascertain that he had been gagged, and it was reported to me from Berrima that, on entering the gaol, his papers showed that his front teeth were out then, and he mentioned himself that it was done by a kick from a horse. I saw this man afterwards in the presence of the Colonial Secretary, at Darlinghurst. He said then that he was gagged by Hill, and, of course, Hill is not to the fore now to answer. If he was gagged by Hill, it was without the knowledge of Mr. Small. (9041).

Mr. Maclean says further, that Kerr had conceived a vindictive feeling towards him and Mr. Small, because he thought they had been instrumental in preventing him from obtaining a remission of sentence; that when it was explained to him by the Colonial Secretary that he was mistaken in supposing that, he said he was sorry for having wronged them; but two days afterwards he wrote another letter ignoring what the Colonial Secretary had told him, and reasserting that Mr. Maclean and Mr. Small had interfered to prevent his remission (9184–9202). Mr. J. C. Read,

principal

principal gaoler, says that Kerr is the only man he ever heard to complain of ill-treatment at Berrima Gaol (7336). John Hanley, a warder, says that Kerr is the only man whom he has ever heard to complain, directly or indirectly, of ill-treatment at Berrima Gaol. The Rev. J. D. Langley, at one time chaplain to Berrima Gaol, says that prisoners, after their release, often visited him, but, until the present inquiry took place, no prisoner ever complained to him of ill-treatment at Berrima, except Kerr, who, about the time that the subject was brought before the Legislative Assembly, came and told him a long story about Mr. Small's ill-treatment of him (8680–8684).

We made various efforts, through the instrumentality of the police and otherwise, to procure the attendance of Kerr as a witness, but failed. The last tidings obtained of him was, that he was somewhere in Queensland.

Case of Thos. Gleeson.

Thomas Gleeson, a prisoner in Parramatta Gaol, made an elaborate complaint of ill-treatment systematically inflicted upon him by Mr. Small and officers of Berrima Gaol, during the three periods that he was confined in that establishment, *viz.*, (1) From August 1869 to January or February 1870; (2) from December 1870 to October 1872; and (3) from November 1875 to August 1876. According to his story, he scarcely ever came into contact with any of the officials of the gaol without being threatened, assaulted, or roughly used in some way. He says that he did not complain to any of the prison authorities, or to the chaplains, because he thought it would be of no use, but neither did he make any complaint when he was at liberty, nor was his long tale of hardship and tyranny ever told until Mr. Taylor, M.L.A., went to Parramatta Gaol to hold an inquiry. Gleeson is not corroborated in any particular. All his allegations are denied by Mr. Small and Mr. Everett; and by everyone who is questioned concerning him, he is described as a very bad character. Mr. J. C. Read, principal Gaoler, says of him that he had the character of being the greatest liar in Darlinghurst Gaol, and that he was called "Tom the Fool" for the palpable and useless lies he used to tell (7298.) Moreover, his experience of ill-treatment is not limited to Berrima Gaol, but extends to all the gaols in which he had been confined (207.) Though only 25 years of age, he is an habitual criminal, having been in gaol, with but short intervals of liberty, since his fourteenth year. Seeing that his statement is not confirmed in any part by other testimony, but that, on the contrary, it is everywhere contradicted, and that his character is exceptionally bad, we cannot regard any of his charges as being, to any extent, substantiated.

Case of Henry Shaw.

The Rev. E. Dixon, Church of England chaplain to the gaol at Berrima, in proof of a statement of his that Mr. Small was tyrannical in his manner towards the prisoners, instanced the case of a prisoner named Shaw, who, he said, had been irritated beyond all endurance by acts of petty tyranny on the part of Mr. Small; that he, in consequence, attempted to commit suicide by starving himself; and that he only consented to live on condition that Mr. Dixon would get him removed from the gaol. We think it a sufficient answer to Mr. Dixon's allegation to say that the prisoner to whom he refers had already given evidence before us at Darlinghurst Gaol (*See page* 73), and that he made no complaint whatever against Mr. Small, further than saying that Mr. Small had made a rude remark to him about his appearance: while it is clear, from the character of his evidence, that if he had had any complaint to make, he would not have hesitated to make it.

Case of Joseph Holloway O'Neil.

Joseph Holloway O'Neil, a prisoner in Parramatta Gaol, states that he went to Berrima in 1877, and remained there about ten months, during which period he received every kind of ill-treatment. He complains that on three or four

occasions

occasions he was not allowed to see the doctor when he wanted to see him; that once, after he had a fit, Senior-warder Brayne and another warder went to his cell, and Brayne, making use of the words "We'll soon cure him of these —— games," threw a bucket of water on him, and fired water into his eyes with a small hose; that the warders then left him, and returned in half-an-hour, and dragged him about the cell, knocking his head against the walls; that Everett took his Bible and Prayer-book from him; that, in Everett's presence, Small knocked him against the wall with his fist, and pulled off and threw away a padded cap which he was allowed to wear to protect his head while he was in the fits to which he was subject; that because he used to obtain strips of cloth from the closet and tie his hands, so that he should not tear his flesh with his nails while in the fits, he was brought up on a charge of attempting to hang himself; that the Visiting Justice and the gaoler, when taking visitors round, used to point him out as being the person who set fire to such-and-such a place; that when his eyes were bad, the Visiting Surgeon gave him a smarting lotion which made his eyes worse; that a warder named Flynn ill-treated him, called him a "—— lowlived scoundrel," and raised his fists at him, to provoke him to do the same; that he was punished on a false charge of putting lime into his eyes; that Everett and Flynn stripped him naked; and that, though unable to masticate hard food owing to a malformation of the lower jaw, he was not allowed any other food than the usual prison rations. (1019 *et seq.*)

Dr. Lambert, Visiting Surgeon to Berrima Gaol, states that O'Neil was "malingering" the whole of his time in the gaol; that after being treated some time for acute inflammation of the eyes, it was discovered that he himself produced the inflammation by washing his eyes with lime and water, the lime being scraped off the walls of his cell; that he complained of suffering from all sorts of diseases; that he was not compelled to eat hard food, but was sometimes allowed three or four dishes of hominy, each weighing 2½ lbs., and that there was no reason to believe that the fits he complained of were real. (4796 *et seq.*) Everett states that O'Neil was "a regular schemer," and denies the ill-usage and abuse sworn to by the prisoner. (6821–6839.) Senior-warder Brayne confirms the evidence of Dr. Lambert and Chief-warder Everett as to O'Neil's being a confirmed malingerer, and denies having fired cold water into his eyes, or having in any way ill-used him. (7146–7158.)

We cannot place any reliance upon the evidence of witness Joseph Holloway O'Neil.

Case of John Finnerty.

John Finnerty, a prisoner in Parramatta Gaol, complains that, in April, 1875, Mr. Small brought him up on a charge of attempting to communicate with a fellow prisoner by writing, to which charge, though not guilty, he pleaded guilty, and received a sentence of thirty-six hours' dark cells and seven days solitary confinement; that, before he was brought before the magistrate, Mr. Small went to his cell, nearly strangled him, and butted his head against the wall. He adds that, after he had been about twenty-four hours in the dark cell, Mr. Small visited him, and, seeing tears in his eyes, released him from further punishment. (1619–1640.)

Mr. Small remembers one evening, when Finnerty was charged with writing or with having a piece of paper in his pocket, going to his cell and leading him down by the arm to one of the lower cells, a method of conducting a prisoner which he has always followed since prisoner Michael Slattery escaped from him and ran to get the axe at the wood-heap. No doubt, he remarks, prisoners dislike his handliny

handling them, but having risked his life two or three times, he thinks it absolutely necessary for his protection. He swears positively that Finnerty's statement is false. (6174–6180.) Everett states that he never saw Finnerty ill-used by Mr. Small in any way. He remembers the occasion referred to, and denies that Finnerty was ill-used. (6856.) Senior-warder Brayne produced the punishment-book containing an entry of Finnerty's having been punished for destroying a library book, and for communicating with a prisoner named Scott. He states that it was he who took the prisoner down-stairs, and that Mr. Small did not lay a hand on him, and that the prisoner was continually attempting to communicate. (7175 *et seq.*)

In the absence of any corroboration of Finnerty's story, and in the face of the evidence in contradiction of it, we cannot regard the charge made by him as substantiated. But there is another feature in this man's case to which we desire to call attention. He states that, though his sentence was nominally seven years, the Judge distinctly promised that he should have only three years to serve, and that he might consider three years his sentence. He states that the Comptroller General gave him leave to petition at the end of three years, but that his petition was refused. Mr. Maclean certainly corroborates Finnerty's statement materially. He says that there was a record of this promise of remission having been held out to the prisoner, and that he himself has been very much concerned about the apparent breach of faith with Finnerty. (9128 *et seq.*) There appears to have been a mistake somewhere, and we requested Mr. Maclean to have the case again brought before the Executive. It appears to us to be of the last importance that faith should be kept with prisoners, and that promises, even if somewhat improvidently made, should be religiously fulfilled.

Cases of alleged spread-eagling.

Cases of alleged spread-eagling.—If we are to accept as the meaning of this term the definition given by the Colonial Secretary in his minute of the 9th Feb., 1878, viz., "the tricing up of a man by his wrists, with his feet not quite resting on the ground," the only case of such a character which is alleged to have taken place is that of Michael Slattery, whose case we have already dealt with. We have only to repeat that, in our opinion, Slattery's was not a case of spread-eagling in the sense of the above definition, and also, that the restraint of Slattery by irons to the walls of his cell, which unquestionably did take place, was, under the circumstances then existing, justifiable on the ground of necessity, as being an exceptional and rare case of extreme violence on the part of a prisoner who had then, unless so restrained, the means and the inclination to do great mischief. The only other case of an alleged fastening by irons to the walls of a cell is that of Edward Callaghan, and we do not believe one word of his evidence upon that point. At the same time it must be admitted that the chaining of a man up to the walls of a cell is a barbarous means of punishment, which should not be tolerated as a punishment, and there should be no necessity for resorting to it as a method of restraint. From an infuriated or desperate criminal all means of doing mischief should be removed. The bed-boards and wooden tubs which in 1864 were in the cells, and which were then converted by the mutineers into dangerous weapons, have since very properly been removed, and now there is nothing in the furniture of any of the cells with which prisoners could do any harm, or with which, at all events, they could smash the doors. We do not therefore see in what event it could be necessary to use the ring-bolts now in some of the cells. We desire to see no further instance of the chaining of any prisoner to the walls of his cell, and we beg to recommend that the ring-bolts be removed.

Allegations

As to placing prisoners between double-doors.

Allegations as to the placing of prisoners between the double doors of the dark cells.—In Berrima Gaol there are three dark cells, each of which is provided with two doors separated by spaces of from 18 inches to 2 feet 6 inches wide. There are two prisoners who say that they were placed between these double doors, viz., Thomas Gleeson and William Slattery, who both say that they were so confined for several hours (149 and 9876). It is alleged by Hill that an aboriginal named Yellow Billy was placed between the double doors of a dark cell, and kept there for half or three-quarters of an hour (10266), and by Herbert that, in 1868 or 1869, a man, whose name he does not know, was placed between the double-doors by Hill. Mr. Small positively swears that no prisoner was ever put between the double-doors by him or with his knowledge, and that he never heard of such a thing being done until he read the report of the examination at Parramatta Gaol (5873). Everett also says that he has never heard of any such thing being done in the gaol, though he had heard Mr. Small tell visitors that if the dark cells would not satisfy the prisoners they could be put between the double-doors (7057 and 10708). Hill positively denies the allegation made against him by Herbert. (10285.)

We do not think that the evidence establishes that there has been more than one case of putting a man between the double doors of a cell. The case that we think made out is the one spoken of by Mr. Herbert, in which the prisoner was gagged as well as placed between the double doors. We have dealt with that case in summing up the evidence when considering it as a case of gagging, and have nothing to add to the observations then made.

Conclusions as to use of the gag.

Conclusions as to the use of the gag.—With regard to the use of the gag as it has been made out before us, we think—

(1.) That there have been eight to ten cases in which the gag has been used since February, 1867, and in which no report has been made in writing as the regulation directs.

(2.) That there are four cases in which the gag has been unnecessarily used, *i.e.*, that it has been used for punishment rather than for repression. But while its use may in these few instances not have been resorted to while a prisoner was actually persisting in shouting or making use of bad language, it is only fair to say that the gag has always and only been used very shortly after that kind of offence has been committed.

(3.) Ex-Chief-warder Hill's is the only reliable evidence before us that since 1864 the gag has been kept in for so long a period as an hour. In face of the positive sworn denials from Small, Everett, Watt, and all the other free officials who have been before us, we cannot say that it has been established that the gag has ever been kept in a prisoner's mouth for more than twenty minutes at a time. Mr. Small says that, at the time of the mutiny in 1864, the gag may have been in a man's mouth for about an hour, but that since then, there has been no instance of the gag having been kept in for anything like so long a time. (5825 *et seq.*)

(4.) The use of the gag has been very rare, and anything like habitual or systematic cruelty or torture by its means is we think wholly negatived.

But there has certainly been a culpable disregard of the regulations in this matter, and a laxity which might very easily lead to serious abuses. To guard against such abuses we desire to place on record our views as to the use of the gag in future.

The

The general tenor of the evidence upon which reliance can be placed seems to establish that some such instrument of repression is absolutely necessary to the maintenance of order and discipline in the gaols. It is, and it is known to be, a remedy prompt, unpleasant, and effective, and the mere circumstance that the prisoners understand that it can be resorted to will operate *in terrorem* most beneficially. Practically the necessity for its use will be, as it has been, of rare occurrence. If any other means equally efficacious and less painful could be devised we should be glad to recommend it. Remission to the dark cells as they are situated at present will not prevent or remedy the evil. If the prisoner offending by shouting out the most filthy and disgusting language could be remitted to some place of confinement whence his language would not be heard, there would be no necessity for the use of the gag, but at present Berrima Gaol has no such place of confinement.

The gag should, however, be only resorted to strictly as a means of repression, and in no case as a mode of punishment. It should, in no case, be used except under the immediate orders of the Governor of the gaol, and, in every case, it should be made a most stringent rule that a written record of its use, attested by every person present, should be preserved, and that the case should immediately be reported in writing to the Comptroller General and to the Visiting Justice.

We have considered whether the gaoler should have power to direct the use of the gag upon his own authority, or whether it should be incumbent upon him to obtain the authority of the Visiting Justice, but for the obvious reason that its use to be efficacious as a means of repression must be *immediate*, we think it is necessary to vest in the gaoler the power as it was prior to the regulation of 18 April, 1878, of using it or of directing its use upon his own authority.

Description of the gag.

We have had before us two or three specimens of the instrument called the gag, which has been in use since 1865 or 1866. It was submitted for approval to the Visiting Surgeon at Darlinghurst, Dr. West, and to Dr. Williamson, of Berrima, and approved by them. It is made of hard-wood—there is no metal whatever about it, except the iron tacks which fasten a leathern strap to its back, and the buckle. In passing, it may not be out of place to call attention to the curious piece of exaggeration which is disclosed by the manufacture and production before the Legislative Assembly, of a gag with a metal tube. (*See Mr. Taylor's evidence*, 10828, &c.) The gag has a base about 3 inches long, $\frac{3}{4}$ of an inch thick, and about $1\frac{3}{4}$ inch broad. From this base projects a thick conical turned tube, about an inch and an eighth at the base, tapering to a diameter of $\frac{3}{4}$ of an inch, the length being fully 2 inches. This tube is for insertion into the mouth. A strap is tacked to the back of the base of the gag and buckles at the back of the head of the prisoner upon whom it is used. The edges of the base from which the tube projects are sharp, and coming into immediate contact with the mouth, they are not unlikely to cut it, with even a very moderate amount of force in the application of the gag. We think, notwithstanding the approval of the Visiting Surgeons above referred to, that, regarded as it should be, simply as an instrument of repression, this gag is so shaped as to be liable to inflict in its use unnecessary suffering. We therefore recommend some modification in its construction, both in the length of the tube and in the sharpness of the edges of the base.

Conclusions.

We have now dealt with all the cases upon which any tangible evidence has been given before us, in which there have been allegations of (1) excessive or unjustifiable

unjustifiable gagging, or (2) of spread-eagling, or (3) of the torture of confining prisoners between the double doors of the cells. We have also dealt, though not quite so much in detail, with other allegations of cruelty and other breaches of regulations. The charges are in many instances very grave, and notwithstanding the lapse of time which in the great majority of the cases has taken place since their alleged occurrence, we unhesitatingly state that if they had been substantiated we should have been constrained to recommend the dismissal from office of Mr. Small. It is not to be tolerated that a person guilty of such conduct as that attributed to Mr. Small by Gleeson, both the Slatterys, Lee, Callaghan, Finnerty, Hughes, and O'Neil, should be retained in the position of governor of a gaol. Beyond the natural indignation which any humane mind would feel towards the infliction of systematic cruelty upon helpless prisoners, it is difficult to over-estimate the injurious results to the public weal if it were believed that such things existed in any of the institutions of the Colony. As has been very well said :—

"The evil results of such a system are many and various. Even if we could leave out of consideration its effect on the bodies and minds of the prisoners, and the moral injury wrought in the other inmates of the gaol, the damage it does to the due administration of the criminal law is in itself a great evil. The convict who has been subjected to such severities becomes an object of sympathy as against the Ministers of the law—his crime is forgotten in his suffering—prisons come, by a revulsion of feeling natural under such circumstances, to be regarded as places established for the administration of vengeance rather than of justice, and a moral anarchy ensues, in which the wholesome respect for authority, which is essential to the proper maintenance of law and order, is seriously endangered."

These words must command universal concurrence.

Mr. Small.

We do not acquit Mr. Small of all blame. Indeed in several of the cases which we have examined in detail we have stated that his conduct has been deserving of censure. The case in which in our opinion he is most seriously at fault is the case of James M'Grath. His conduct in that case was highly culpable; and again, in the case of the lad Joseph Barnes, it is not easy to find an excuse for his treatment of the prisoner; while later, the gagging of Holland, and still more recently, the gagging of Hornby, are not justifiable. But these are the only cases amongst the multitude of accusations made against him, in which we think the charges are substantiated; and we do not think, taking all the circumstances into consideration, that we should recommend any punishment to be visited upon Mr. Small in consequence of these misdoings. Of anything like systematic cruelty or vindictive oppression we entirely acquit him. He is clearly a person of hasty temper; he is impatient to some extent of contradiction; he has been not unfrequently unduly rough in his manner towards, and somewhat arbitrary in his treatment of, prisoners, and has sometimes been wrongfully in collision with some of his subordinate officers; but we certainly do not think him of a revengeful or cruel disposition. He has been reprimanded more than once by the Comptroller General, and these reprimands have, we think, been beneficial. We see no reason to differ from Mr. Maclean in his estimate of Mr. Small. It must, in justice, be remembered that the patience of no man could be more severely tried than has been that of Mr. Small for many years. The most desperate ruffians in the Colony, during many years when desperate ruffians were unhappily numerous, have, from time to time, and many at a time, been placed under his charge. The administration of a system, novel, and, at any rate to old and hardened offenders, of exceptional severity, was committed to his care.

care. He had distinguished himself in the service before his promotion to the position of Governor of Berrima Gaol; and there can be no question that he has been from the first a zealous officer, and that he has taken a pride in making the new system under his care a success. That, on the whole it has been a success we believe. The position of governor of a gaol, and perhaps particularly of such a gaol as that at Berrima, requires, for the satisfactory discharge of its duties, a combination of excellent qualities which is rare. Kindness, which does not become indulgence; firmness, which is free from harshness; a perfect command of temper and unwearying patience; a great and discriminating knowledge of character, with a special acquaintance with the ways of criminals; and above all, unswerving justice; all these high qualities are necessary, in addition to unstained integrity, to moral rectitude, to vigilant watchfulness, and to unflagging zeal. If, as at present, the gaoler is to be brought frequently into immediate contact with the prisoners, not only is a high degree of personal courage necessary, but also a considerable amount of physical strength is indispensable. To all these requisites must be added an aptitude for the regular and methodical discharge of duties of a monotonous routine. That Mr. Small does not possess all these qualities may be admitted, and we much fear that it would be difficult to procure a man possessed of all these qualities, even if a larger salary were attached to the office than that received by Mr. Small—£200 a year. Mr. Small has done good service and has many qualities which make him a valuable servant in his office, and we are inclined to think that, with all his faults, it would not be easy to obtain the services of a man possessing the special qualities which would furnish a guarantee for greater efficiency than Mr. Small has manifested.

We see no reason to believe the imputations which have been made upon Mr. Small's honesty. The forcibly expressed but somewhat indefinite charge that Mr. Small had made Berrima Gaol a "hell upon earth" has, as we have endeavoured closely to follow it up, receded into the very remote perspective, and we have been unable to ascertain its source. The Reverend Mr. Dixon has indignantly denied that he is the author of any such charge. It is true that Mr. Driver states that the charge was made to him by a clergyman, but Mr. Driver expressed himself as not being at liberty to give the name of his informant, and every clergyman who has been before us denies having ever uttered any such expression, either to Mr. Driver or to any one else. We, of course, must believe that some clergyman so expressed himself to Mr. Driver since Mr. Driver states it, but no weight can be attached to such an utterance while it remains anonymous; and, so far as this investigation has gone, the statement itself has been shown to be utterly without foundation.

If we turn to the evidence to character which Mr. Small has been able to bring forward, it may confidently be said that, so far as such evidence is valuable, it would be difficult for any public servant to make out a stronger refutation of the charges of cruelty and inhumanity than Mr. Small has made out. With the single exception of the Rev. Mr. Dixon, the clergymen of all denominations who have been before us speak well of Mr. Small's character. We would especially refer to the evidence given by the Rev. Mr. Langley, who, we have every reason to believe, was an admirable chaplain of the gaol; and also to the evidence of the Rev. Father Riordan, the present excellent Roman Catholic chaplain of the gaol. The Rev. Mr. Hassall, who was for many years chaplain before Mr. Langley, has borne the highest testimony to Mr. Small's character. (*See Appendix* O.) The concurrent voices of the magistrates of the neighbourhood endorse this opinion. (*See Appendices* B *and* E.) And with regard to Mr. Dixon himself it is somewhat difficult to reconcile the

evidence

evidence given by him as to Mr. Small's want of humanity with the fact that twelve months after Mr. Dixon had been chaplain of Berrima Gaol he had formed such an opinion of Mr. Small's character as to give him a letter of recommendation for the appointment of Superintendent of the Randwick Destitute Children's Asylum. (6573.) It is true that Mr. Dixon merely specifies Mr. Small's merits as a disciplinarian, but Mr. Dixon knew the office for which Mr. Small was an applicant, and it cannot be supposed that a clergyman could have recommended a man for such an appointment unless he had assured himself that the person whom he was recommending was a man of humane and kindly disposition. We cannot wholly ignore the favourable testimony borne by the Comptroller General and the great majority of the subordinate officials of the department who have been before us. But we would call attention to the fact that the accusations against Mr. Small rest, almost without exception, upon the evidence of criminals of the worst character. A study of the prison history of these witnesses will be not altogether uninstructive. (*See Appendix.*) It is surely not to be wondered at that a man who tried to maintain strict penal discipline should not win the good opinion of such men. Nor must it be forgotten that out of 370 men in all who had been under Mr. Small's rule, and who were invited by us to come forward and give evidence against him if they could do so truthfully, as many as 327 made no complaint whatever, while several of them spoke in Mr. Small's favour. Assuredly this is in itself strong testimony in refutation of charges of sytematic cruelty, harshness, and oppression.

Our personal inspection, corroborated by the uniform statements of all the witnesses, enables us to testify to the scrupulous cleanliness of the gaol throughout; and the robust condition of nearly all the prisoners shows that whatever ill-treatment they may be subjected to does not operate prejudicially to their health.

To sum up in one word:—We believe, from the evidence before us, that those prisoners who have behaved well and have conformed to rule have had no cause to complain of Mr. Small; while with those who have been unruly and who have attempted to set him and order at defiance, he has been in many cases a severe disciplinarian, oftentimes hasty and impatient, and occasionally harsh.

We have not thought it necessary to enter into the charges made against some of the subordinate officers in Berrima Gaol, as, in each case, those charges rest upon the uncorroborated statement of the prisoner himself, and as they are distinctly denied by the officers accused, we cannot regard them as being substantiated.

The separate treatment system.

We have said that, in our opinion, the separate system as carried out at Berrima Gaol has been on the whole a success. But there is, we think, room for reform, not only upon some matters of minor detail which we will specify later on in this report, but upon the main question of the separate system as a mode of penal discipline. We do not propose to enter here upon the arguments for and against this system. We concur in thinking that in itself it is an excellent one, largely conducing to the great ends of punishment—the deterring from crime, and the reformation of the criminal. It tends largely to deter, for it is greatly feared, especially by the hardened or the habitual criminal. That, with rare exceptions, it tames the most refractory is testified to by all competent to form a judgment. It operates largely as a means of reformation, giving as it does to the prisoner, who is isolated from the world, and especially from criminal companionship, an opportunity for

for reflection and self-examination, which, in the majority of instances, begets a feeling of contrition. But this feeling of contrition, this sense of the folly and evil of crime, this desire to lead a new life, sincere and earnest as it may be, what chance has it of being permanent when the prisoner leaves his separate treatment for an enforced association, daily and hourly, for months and for years, with the most experienced, the most habitual, the most hardened of criminals? We feel assured that the cases in which the reformatory influence of the separate treatment endures through twelve months of such association are not one in a hundred. In the cases of long-sentenced men, it is, of course, impossible that the whole term of sentence should be passed in separate confinement. The mind would not stand that strain. It is a difficult problem to solve, but the direction in which reform lies is in a more careful classification of prisoners, so that association in punishment may have as little contaminating influence as possible. The classification which we deem to be necessary is not one that depends merely upon length of sentences nor on the nature of the particular crimes for which those sentences may have been passed, nor even upon the prisoner's conduct in gaol, for experience and a knowledge of human nature tell us that the best-behaved prisoner is not seldom the most incorrigible criminal; but one which should be the result of careful investigation into the case of each individual prisoner—his character, habits, training, and antecedents generally, as well as the circumstances of motive and temptation which attended the commission of his crime. A tedious inquiry possibly, but one well worth making in the interest of the community that has to pay for Judges, Crown Prosecutors, Gaols, and gaolers, and all the costly machinery employed in the administration of the Criminal Law. While we impress most earnestly upon the Government the necessity for the most careful classification, we beg also to recommend that instead of, as now, prisoners serving the whole of their separate term at the outset of their sentence, they should serve, say, four or six months of it at the conclusion of their sentence. There is force in Mr. Maclean's objection that it would not work well to send a well-conducted prisoner back to anything to be regarded as more severe punishment; and, in order to meet it, we would recommend that the separate confinement of a prisoner at the conclusion of his sentence, particularly where he had behaved well, should be to some extent modified, so as not to partake of the highly penal character, but that it should be enforced more with a view to secure to the prisoner (and to the society which he is about to rejoin) the beneficial influences of his exclusion. The corrupting influences of prison association are so great and manifest that it is fearful to contemplate the moral ruin that an imprisonment of even a few weeks with such association may entail. Why then is this separate system applied only to long-sentenced men? Its efficacy would be far more real if it were applied to first-convicted and short-sentenced prisoners. Then, especially if the term of imprisonment were occupied in employment which would generate habits of industry and thrift, there would, indeed, be a chance that the discipline of affliction might be beneficial, and that as Mr. Matthew Davenport Hill well puts it "when the hour of discharge arrives, we should send forth, not a malefactor eager to rush back into his former evil courses, but a repentant fellow-man, determined to act honestly, and to do his duty in that station of life to which it has pleased God to call him."

Communication between prisoners and

We think that some relaxation should be made in the matter of the communication by letter with the relatives which is at present permitted to prisoners in separate treatment. The existing regulation prescribes that such prisoners shall "neither send nor receive letters." Now,

Now, we think that the effect of keeping a prisoner—at all events, a first-convicted prisoner—from all communication with his relatives, operates, most injuriously. No doubt, with some prisoners, there is a brutal indifference to all home ties, but these cases are, we believe, the exception with men serving their first sentence. The softening influence of communications from relatives is surely not to be ignored or despised as a reformatory agent—while we believe nothing tends more to make a prisoner moody, morose, and callous—in a word, to harden and to brutalize him—than to shut him out from all knowledge of his home and relations. To immure a man for a period of three years in prison, and for the first nine months of that time to let him hear no tidings of wife or child, parent or sister, can only, it seems to us, be calculated to rouse all the bitterest feelings of hate against a society which cuts the prisoner off from perhaps the only humanizing influence of which he may be susceptible. We are unable to see any danger to discipline or to the maintenance of order which could result from allowing a prisoner in separate treatment, through the ordinary channels of communication, to hear once a month, or oftener under special circumstances, from his relatives.

Architectural arrangements.

Many of the prisoner witnesses who have been before us complained that, at Berrima Gaol, they were unreasonably and cruelly kept within their cells when it was necessary, for the purposes of nature, that they should be allowed access to the closet. A large proportion of the witnesses at Parramatta Gaol stated that various warders had purposely neglected the summons of the cell-bell as a matter of petty tyranny. We do not think this phase of their complaint well founded, but at the same time it is clear to us, from personal inspection, and from the testimony of the warders, that the architectural arrangements are not such as to give sufficient facilities for due attention to the necessities of the prisoners in this matter. In a particularly cold climate such as Berrima this may entail very great suffering upon the prisoners, and we beg to suggest that the matter be referred to the Colonial Architect, to devise some means whereby this defect may be remedied. And in connection with this part of the question, we recommend that the joints between the flags of the lower cells be cemented. The desirability of this will be apparent on a perusal of the evidence of nine-tenths of the prisoners examined at Parramatta Gaol.

We are further of opinion that the cells in Berrima Gaol are deficient with respect to their superficial area and cubic contents, some of them being excessively so, and we recommend that in any enlargement of the prison which may in future be made particular attention be paid to these important matters.

Bed-clothing.

The bed-clothing allowed to the prisoners while in confinement within the dark cells appears to us to be insufficient. Exposure to extreme cold is not, in our opinion, one of the justifiable modes of punishment, and the effect of this suffering upon a prisoner of delicate constitution, who might, perhaps, be sentenced to twenty-eight days' confinement in the dark cells, might be permanently injurious. We recommend that the same bedding be allowed to the prisoners while in the dark cells as is allowed to them while under the usual separate treatment.

Health of the prisoners.

We found that the health of the inmates of Berrima Gaol was not only good but exceptionally so, considering the severe nature of the punishment; and though the amount of rations supplied is less than in other gaols, the prisoners do not

fall

fall away in weight, as was proved by the weekly records of the weighing. Indeed the sanitary condition of the gaol appeared to us to be very satisfactory. The climate of Berrima is most salubrious, the drainage of the gaol is good, the supply of excellent water is abundant, the food appeared to be wholesome, the clothing clean and sufficient, and the appearance of the prisoners was, with rare exceptions, that of men in robust health. Especially was this the case with men who had been for some months inmates of the gaol, and it was clearly established that, in the great majority of instances, the health of prisoners improves after their reception into the gaol. This is not to be wondered at when the difference of the life led by a large proportion of the men outside and within the gaol is taken into consideration. But although the actual health of the prisoners was satisfactory, we cannot refrain from expressing our regret that the medical attention bestowed upon them has not been what it should be, nor such as is contemplated by the regulations. The Visiting Surgeon, Dr. Lambert, in his evidence before us, stated that the practice was to see those prisoners only who expressed a wish to see him, and he admitted it to be possible that a prisoner might serve the whole period of his separate treatment without being seen by him. That this should be the case we consider highly improper. Several of the prisoners have complained to us that they were prevented by warders from seeing the doctor when they had occasion to see him, and though, on the other hand, this is denied, we think that even the possibility of such inhumanity should be prevented by the Visiting Surgeon's going at least once a week round the cells to see for himself whether the prisoners require medical attention. The 19th subdivision of the 27th regulation prescribes that "Immediately after the commencement of each month the gaoler will furnish to the Sheriff a report of each man in separate treatment, setting forth his time of service therein, his conduct for the past month, any alteration in his weight, and the surgeon's report on his state of health." Dr. Lambert's practice has been to certify in this report as to the health of the prisoners without personal knowledge of their condition, assuming that they were in good health unless they complained to the contrary. It was not intended that the regulation should be fulfilled in this perfunctory manner, for the Comptroller General of Prisons stated that it was unquestionably intended that the Visiting Surgeon should himself see the men in order to give his opinion on their state of health, and not depend on the reports of the gaol officers. We agree with Mr. Maclean in thinking that the practice contemplated by the regulation had fallen into disuse before Dr. Lambert was appointed visiting surgeon, and that he continued it as he found it. It is desirable also that the visiting surgeon should be in attendance to examine prisoners on their arrival at and departure from the gaol. This could easily be done if care were taken that timely notice of the intention to send prisoners to Berrima were communicated to the gaoler, so as to permit of his requiring the attendance of the visiting surgeon.

The Visiting Justice.

We are of opinion also that periodical visits of inspection should be made by the Visiting Justice to each cell, in order that the prisoners may have the opportunity of making to him whatever complaints they have. At present, the practice is for each prisoner wishing to see the Visiting Justice to give his name to a warder. Such a practice as this may serve very well in the open gaols, where there are so many ways of making grievances known, but it is not suitable for a close prison like Berrima, as it leaves the way open for a tyrannical exercise of power. As prisoners generally wish to see the Visiting Justice for the purpose of making complaints against the officials of the gaol, it is not improbable that they may be occasionally

occasionally prevented from seeing him. Complaints to that effect have been made to us by several prisoners, and we think that the suggestions we here make would prevent any such abuse.

The Comptroller General.

We would suggest that it would furnish a valuable guarantee against wrong-doing or abuse in the management of Berrima Gaol if the Comptroller General of Prisons were to pay more frequent visits to the establishment. Mr. Maclean tells us that he had not been at the gaol for a period of about twelve months prior to his being examined before us. He expresses himself as being well satisfied with the way in which the gaol was being conducted, and apparently does not think it necessary to go more frequently. But we are disposed to think, notwithstanding Mr. Maclean's opinion, that it would be better if he went oftener. We gladly acknowledge the eminent services of Mr. Maclean in the management of his department, and we think the Colony is fortunate in possessing at the head of its prison administration an officer of such intelligence, experience, zeal, and enlightened humanity as the present Comptroller General of Prisons. But partly because he is so efficient an officer, we think a gaol such as that at Berrima, where a special system is in operation—a system which, to some extent, is still on its trial, and the gradual extension of which is apparently desirable—should be peculiarly under his frequent direct supervision. To the prisoners his presence would be an assurance that no injustice could long go unpunished; to the gaoler his presence would be a valuable support; and to the public, ever humanely jealous that justice is dealt out even to its convicts, it would be satisfactory to know that so important an institution was not left for its practical working merely to the local gaoler and the local visiting magistrate. It should perhaps, in justice to Mr. Maclean, be pointed out that he states (8973) that he has not thought it right to go since the charges which led to this investigation were made, lest he should be thought to have been influencing any of the witnesses.

We have only, in conclusion, to express our sense of the efficient manner in which the duties of short-hand writer and secretary have been discharged by Mr. J. B. Laing.

Certified under our hands and seals this 26th day of November, 1878.

J. GEO.: LONG INNES, (L.S.)
PRESIDENT.

H. G. ALLEYNE. (L.S.)
JAMES OATLEY. (L.S.)
W. T. PINHEY. (L.S.)
HOULTON H. VOSS. (L.S.)

N.B.—In signing this Report I must say that I cannot agree with my fellow Commissioners in the recommendation (page 31) for the removal of the ring-bolts. I cannot see any reason for such recommendation, and I think the carrying out of such will, for some time, injuriously affect discipline amongst the prisoners.

HOULTON H. VOSS.

BERRIMA GAOL INQUIRY COMMISSION.

MINUTES OF EVIDENCE.

FRIDAY, 5 *JULY*, 1878.

The Commission sat at Parramatta Gaol.

Present :—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P.,
JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

Thomas Gleeson, confinee in Parramatta Gaol, called in, sworn, and examined :—

T. Gleeson.
5 July, 1878.

1. *Chairman.*] What is your name? Thomas Gleeson.
2. What sentence are you serving at present? Three years.
3. For what offence? Stealing from the person.
4. Have you at any time been an inmate of Berrima Gaol? Yes, I have been there three different times.
5. When was the first? In 1869.
6. What sentence were you undergoing then? I was undergoing a sentence of eight months.
7. You were undergoing imprisonment there for a period of eight months? Yes.
8. Was that your first sentence at Berrima Gaol? Yes, that was my first sentence at Berrima.
9. Was that your first conviction? No, I had two or three before that.
10. But that was the first time you became an inmate of Berrima Gaol? Yes.
11. Can you remember the periods when you entered and when you left? I think I went up on that occasion on the last day of August, 1869, and came away in the January or February following. I believe it was the February following.
12. During your stay in Berrima Gaol, were you subject to any treatment of which you desire to complain? Yes, I was always treated badly from the time I went into the gaol. I was not in the gaol two minutes before Mr. Small threatened to gag me and knock me down for not standing at attention when I was in the leg irons. He took me into the office, took the gag off the wall, choked me, and threatened to put the gag in my mouth. It was not used on me.
13. You say you had not been in the gaol two minutes? I had just got out of the van with ten or eleven more prisoners, when he went on more or less at all of us; to some worse than to me.
14. Do you remember any persons who were present? No; I did not know anybody then. But there were persons walking about.
15. Did you not make their acquaintance afterwards? No, I was not on the works; I was put into separate treatment.
16. Was that the first time you had seen Mr. Small? Yes, to my knowledge.
17. And you say you were standing with a number of other people? Yes.
18. There were constables there, were there not? Yes; but they merely bring you into the gaol, and leave you.
19. But nothing was done to you? He threatened to knock me down if I did not stand at attention. I went in on the Saturday, and on the Monday he showed me this gag, and asked me did I know what it was. He said he would tell me what its effects would be, and that if ever I gave him occasion he would use it on me.
20. Then the taking of the gag down was not on the first day? No, a few days after. It was on the first day he made the remarks about knocking me down.
21. Were you in irons at that time? Yes, I was in irons, standing there waiting to get the irons taken off.
22. You had been in irons for the purpose of transit from Darlinghurst to Berrima? Yes.
23. Where had you been convicted? I was convicted in Sydney.
24. Just before: in August, 1869? No, not in August, 1869. I think I had done six weeks of my time when I went up to Berrima.
25. Were you in irons in Darlinghurst? No, I was put in irons when I left Darlinghurst.
26. Then they were put on merely for transit? Yes.
27. And when you got to Berrima they were taken off? Yes.
28. Now I want you to confine your evidence to what you have distinctly to complain of? Well, I was always ill-treated.
29. I want you to state some particular instance; the first instance you can remember when you received direct ill-treatment? Well, the first time I was ill-treated was when—I think I must have been up about eight or nine days. I was accused in the night of talking, and I was taken to the dark cells. Mr. Small came there and commenced making use of all sorts of language to me, and finished by catching hold of me and chucking me in the dark cells—he and one of the other officers.
30. And that was about the end of August or the beginning of September? It must have been in September.

T. Gleeson. 5 July, 1878.

31. Now, tell me exactly the circumstances of that particular case—what time of the day it was? It was in the night.
32. Well, what time of the night? It might have been between 6 and 7, or between 7 and 8. Not later than 8, and not earlier than 6.
33. Then it was between 6 and 8 in the evening? Yes.
34. Where were you? The number of the cell was 41, I think.
35. You were alone, I presume? Yes, I was in separate; I was accused of talking; I was stripped, and in bed. Mr. Small and some other officers came and told me to get up and dress, and then they took me to the dark cells.
36. Mr. Small and another officer? Two more officers.
37. Do you remember their names? One was named Flanagan, and the other Kelly. Kelly is in the Parramatta Gaol now. The senior warder, Mr. Flanagan, and Mr. Everett came down to the dark cells. Kelly was on night duty. He never left the top platform to come down, but he was the man that reported me, I think. They took me down, and Mr. Small commenced at me in a bullyragging style, telling me what he would not do, and that he would give me this and that, and went on with all sorts of language that I cannot think of now, all the time I was stripping.
38. Mr. Small did that, in the presence of Flanagan and Everett? Yes. After using this sort of language to me he finished up by catching hold of me—he and Flanagan—and throwing me into the dark cells. Then they threw my clothes in, and I dressed.
39. You were undressed at the time? I was in bed, but I got up and dressed. I was taken out of my cell, and put into the dark cell. In the passage they made me strip off my clothes, and commenced searching them.
40. In the passage? Is that between the cell where you were and the dark cell? No. After you leave the wing where I was confined you go down some steps, and into a corridor, and the passage is between the dark cells and the gaoler's kitchen.
41. And they made you strip there? Yes.
42. Quite naked? Yes.
43. And did they put you into the dark cell quite naked? They threw me in, and chucked my clothes in after.
44. Did they push you in, or take you up and "chuck" you in so that you fell? They got hold of me in this manner [*showing how, indicating a rough shove*] one on one side and one on the other, and chucked me in.
45. They shoved you in? No, it was more chucking me in.
46. And they threw your clothes in afterwards? Yes.
47. How long did you remain there? Two or three days before I was brought before the Magistrate, and then I received a sentence of three days for talking.
48. Had you been talking? I do not remember now whether I had been talking or not, or whether I pleaded "guilty" or "not guilty." I have pleaded "guilty" when I have not been talking, just to get away.
49. And you cannot remember whether you were guilty or not on this occasion? I cannot.
50. How long was it before you were brought before the Magistrate? Two or three days.
51. Then you had no opportunity of speaking to the Magistrate for two or three days? None in the least; I saw nobody but the warder; instead of bread and water I got my separate treatment rations, but had to eat them in the dark until I was brought before the Magistrate, and then I got three days on bread and water.
52. Did you represent this treatment to the Magistrate? I found out that this was only a minor affair altogether.
53. Did you or did you not? I did not then.
54. Who was the Magistrate? Mr. Rowley. I did some time after mention the ill-treatment as a whole.
55. However, the first time you had an opportunity of speaking to the Magistrate you did not make any complaint to him, and you are not sure that you did not plead "guilty"? No.
56. What is the next thing you have to complain of? The next thing is being beaten by Mr. Small on a Sunday night, three weeks or a month after I had done the three days in the dark cells. It was between 5 and 6 o'clock, for I heard the names of the men on the works being called. It must have been about 5 o'clock Mr. Small came to me and said "What game is this you have been up to?" I said I had been up to no games. He said "It's a lie; give me no back answer," and he hit me with a whip he had in his hand.
57. Was anybody present? A warder.
58. Do you know who he was? I do not.
59. Where did he hit you? On the mouth.
60. Did the blow leave any mark? No.
61. Did he go away after that? No, Warder Flanagan came down, and with Small and another warder took me down to the dark cells; and all the way down Small was making use of all sorts of language, and asked me who I had been talking to. He took me down to the dark cells and said "Strip"; I stripped, and he wanted me to stoop down, but I would not. He gave me to understand that it was the rule for men going into the dark cells to let him look into their posteriors; so he got hold of me again and knocked me down. Mr. Small went to get the gag and I saw no more of him.
62. All this while you were unoffending—doing nothing? Nothing. I merely said I was not talking, and that I never heard anyone talking.
63. How long did you remain in the dark cell? They took another man down who was in the next cell to me, and I could hear them going on with him in the same way that they did to me. The next morning he (Mr. Small) took me to the office and asked me who I was talking to. I said "I was not talking. What is the use of bringing me over here? And, moreover, if I was talking, I would not tell you who I was talking to." He asked me if the man in the next cell was talking, and I said "not to my knowledge." Then he said, "Put the scoundrel back into his cell." I was not brought before the Magistrate, but I was taken out of the dark cell and put back into my separate treatment cell. I was in the dark cell seven or eight days.
64. What rations had you? Separate treatment rations; but I had to eat them in the dark, and I would just as soon have had bread and water.

65.

T. Gleeson. 5 July, 1878.

65. And you never had an opportunity of complaining of this treatment to anybody? No, not up to that day; but afterwards, when I had received ill-treatment from Mr. Small and from other officers, I complained, as a whole, several times to the Magistrate, and he would say that he would investigate it, but I would hear no more about it.
66. When was the first time you made any complaint, if you made any at all, of this second occasion of ill-treatment? Perhaps after I had been there two months. I did not complain to the Magistrate because it was no use complaining.
67. Who was the Magistrate? Mr. Rowley. But he was always drunk; he was never sober.
68. Was he the Visiting Justice? Yes.
69. Do you know where he is now? I have heard that he died; I do not know.
70. Did you see anybody at all but the Visiting Magistrate—any person from outside? No; I never saw anyone except on an occasion a little time before I went to my liberty in the last month of 1869. The Acting-Comptroller, Mr. Wise, came up there, and went around the cells.
71. Did you complain to him? Yes; but he turned to Mr. Small, and said "Is this the case?" and Mr. Small said "Tut-tut-tut; no sir;" and I heard no more from him.
72. Did you see any Chaplain at all? Yes, I saw the Chaplain, but I thought it useless to speak to him.
73. Did you see any other visitors of any kind? No, not at that time.
74. I mean within two months after? No.
75. You saw the Visiting Justice, and did not complain to him for two months because he was drunk, and you did not complain to the Chaplain because you thought it was no use? Yes, sir.
76. Is there any other complaint you have to make? Yes. I was taken down again—it might have been about September—for talking, and was kept there three or four days.
77. When? In September, 1869.
78. But we have passed September? Well, it may have been October.
79. What happened? I was charged with talking, and put in the dark cells, and kept four or five days waiting for trial, and was then taken before the Magistrate and got seven days dark cells.
80. What Magistrate? Mr. Rowley.
81. Was he drunk? It would be hard for me to say. I might have seen him twelve times, and as far as my judgment goes he was never sober once. I have seen him fall over the paper when he has attempted to write, and order Small out of the office, and me to be sent back to my cell, and brought back afterwards to be tried.
82. Did you plead "guilty" on the occasion you have mentioned? I would not be certain; it is eight or nine years back. Plenty of times I have been tried, but I have known that if I had pleaded "not guilty," I would only have been bully-ragged, and perhaps got myself into serious trouble, and so I pleaded "guilty." But at times I have pleaded "not guilty."
83. Is there a fourth occasion? Yes. It is impressed on my mind that I was never there a fortnight without getting into some trouble or other. About three weeks or a month after that, I was kept in the cells seven days and let out again without being tried. After I was taken down to the dark cells, and had been kept there six or seven days, I asked Mr. Small what I had been put in the dark cells for, and he said, "Give me no insolence or I will put you back again;" and that was all the satisfaction I got for complaining to Mr. Small. I afterwards told the Magistrate, but he hum'd and ha'd, and I saw it was no use talking. When he went away Mr. Small came back, and threatened to put me in the dark cells and keep me there till I rotted. He said "I will learn you to cease to make complaints."
84. Is there a fifth occasion that you have to complain of? Yes, the fifth occasion that I was punished I was taken down—I and another man—in the night, about 8 o'clock. I had been locked up in my cell for seven days, and in the night they came to me. It was on a Monday night. We were blamed for talking, and we got bully-ragged, the two of us. The other man went down first, and they kept us there from that Monday night until the next Monday evening, and then they gave us fourteen days for talking.
85. I suppose you were put into separate cells? Yes, dark cells.
86. And you had been doing nothing to deserve punishment? Yes; that time I was talking. They took me and the other man out of bed. I was lying on my bed talking, but they took the other man out first, and me after; and they kept us there from that Monday night, between 6 and 7 o'clock, until the next Monday afternoon about 3 o'clock, when we were taken over and tried, and I told them I was talking but that the other man was not. Mr. Small said "Who was talking?" and I said "I am not going to tell you who was talking, but the man locked up with me was not."
87. Did you know who was talking? Yes, I did, but I was not going to tell them to get my fellow prisoner punished just for the simple thing of talking.
88. When you were tried what was done to you? We got fourteen days' dark cells.
89. Who was the Magistrate? Mr. Rowley; the same Magistrate.
90. Have you any other complaint to make about being kept in the dark cells, after receiving this treatment? When I came out of the dark cells it was about Christmas, and I went out of the gaol in January or February; but in the interval between coming out of the dark cells and going to my liberty I had been in the dark cells once again but not tried before a Magistrate. That finished the first time I was up there. I forgot to state that on two or three different occasions Mr. Small, in taking me to the dark cell, has frequently turned round and hit me, and threatened what he would not do. He has never assigned any reason. Sometimes he would come in with a flimsy excuse of "Stand at attention," and then would go out, but while in the act of closing the door, seeing me turn for a book, or something, he would turn and order me to stand at attention until he had gone.
91. What was the longest time you were ever kept in the dark cell without being allowed to see a Magistrate? Seven days.
92. And when was the first time you complained of the treatment? As far as complaints to the Magistrate went, it may have been two months after I had been there. I complained several times, but never got any redress. As far as complaints of the rations went, I have complained frequently to the warders and to the chief warder.
93. Did you not get sufficient rations? No, sir.
94. Was the scale of the rations allowed to prisoners hung up so that the prisoners could see it? No; I never saw it.

95.

T. Gleeson. 5 July, 1878.

95. Were you not acquainted with the quantity of rations the regulations allowed? No.
96. How do you know you got separate treatment rations? I found that out since. I have been there twice since, and found I have always got the same as others.
97. Then you have no complaint of getting less rations than the regulations allowed? I do not know what the regulations allowed further than what the prisoners say.
98. Did you get the same as the other prisoners? I could not say what they got, but I suppose I did.
99. But you say it was not enough? No.
100. Was there any doctor? If I speak properly, the doctor was Mr. Small. He had always more to say than anybody else.
101. But he was not called doctor? No.
102. Who was the doctor? Dr. Williamson.
103. Was he the resident attendant—did he reside in the gaol? Not to my knowledge.
104. Did you ever complain to him of insufficiency of rations? No; nor did I complain in speaking to the authorities, because I knew it would be useless—they would only laugh at me.
105. You never did, as a matter of fact, complain to the doctor of any insufficiency of rations. I am speaking of the period between August, 1869, and February, 1870? Yes, I have complained to the doctor, but he took no notice of me, and I did not think it was of any use to complain of the rations; when I did complain of the rations it was not on account of the quantity but of the quality of the hominy and the bread, and the meat which was sometimes maggotty. The bread and the hominy were full of dirt.
106. Where did you go when you left the gaol? I went home to my people.
107. How many times were you in the dark cells in all? Three times—three, seven, and fourteen days.
108. That was by sentence of the Magistrate? Yes.
109. But the other times by Small? As nearly as I can think it was about seven times.
110. When were you next in Berrima Gaol? I next went to it from this gaol. I received a sentence in Sydney of two years, and I was sentenced to this gaol. I came up here, and I think I went away from this gaol in December, 1870.
111. How long had you been in this gaol before you went to Berrima? I came up from Darlinghurst and was here four days. When I was sentenced I was in hospital; and I was put in separate treatment in Darlinghurst until I came to Parramatta. I was not 17 then, and I was suffering from yellow jaundice; and because I refused to take a kit of tools to go stone-cutting I received a sentence of fifty lashes and was sent to Berrima.
112. That was for refusing to work? Not exactly; but refusing to take a kit of tools to go stone-cutting when I was not able to do it.
113. Who were the Magistrates? One was Mr. Langley; I do not know the other.
114. Then you got back to Berrima in December, 1870? Yes, the same year that I left it.
115. How long were you there then? I was there twenty-two months. I went to my liberty from there. I got tried on the 4th October, and went away from here about the 18th December.
116. And you were at Berrima twenty-two months—that is, from December, 1870, till October, 1872? Yes.
117. Have you anything to complain of during those twenty-two months? The first thing that I have to complain of is that Mr. Small was at the railway station at Nattai, and when he saw me he said "We will take some of the loose flesh off you when we get you up beyond." I said to him, "Well, you are starting very early." That was as I was getting into the coach. He rode in a dog-cart, and passed us on the way; but at this time he was looking at us getting on the coach. He said, "Halloa! are you back again?"; and then he said "We will take the loose flesh off you."
118. That was in the hearing of several prisoners? Yes; in the hearing of several prisoners and the sergeant.
119. When you got to Berrima, what was the first thing of which you have to complain? I was very bad. I had not got over the effects of the sickness I had in Darlinghurst and the flogging I received here, and I complained to the doctor of being bad; but what was done I do not know. I think I got medicine; but that was all. I went on for some time, and I think about the latter end of December, just a little after Christmas, I got charged with destroying Government property. That was cutting the toe of my boot to ease a sore toe. When I went up to weigh on the Saturday the officer weighing locked me up, and I was charged with destroying the Government property, and got seven days' dark cells.
120. Who was the Magistrate? The same Magistrate that was there before—Mr. Rowley.
121. Well? I was locked up then from that time. I could not say how long I was in separate treatment that time, because I did not know the day, nor the month, nor the year after being there a bit; but I was always down and up from the dark cells, and was down as many as twelve or thirteen times, and every time I was ill-used. I have complained to Mr. Small about the ill-usage of officers, and he has threatened to knock me down; and I have complained to the Magistrate, but he has taken no notice. On two or three occasions the Magistrate has come to me, and asked me if I wished to see the Visiting Justice when my face has shown marks of ill-usage, and I have offered to take off my clothes to show the marks on my body where I had been struck with a baton.
122. Who hit you with the baton? I have been hit by this man here [*pointing to Warder Colein*], and by Kelly, and by Mr. Small, without any cause. They make their own cause, and the least flimsy excuse was sufficient.
123. Did you ever complain to the doctor of any violence? I have offered to strip and show the doctor my body, and he has said, "Oh, never mind that, I will give you some medicine"; and he has put me off that way.
124. Is there any specific occasion you wish to bring before our notice? Yes; I am only starting at the commencement. I was up there—it might have been March—and I was charged with talking in the night, and they came to my cell—to me and another man—opened my cell-door, and took me out. Warder Everett, in taking me out, struck at me with a bunch of keys he held in his hand, but I stooped, and he hit the keys against the door. As I was walking up the passage he called to a warder to stick me with his bayonet if I did not stand. The other warder was, I believe, Mr. Kelly.
125. Were you struck with the bayonet? No, I was not. When he made a hit at me with the keys, I ducked my head and went up the passage. He then shut the door and called out to the warder, and then walked into the other man's cell. The warder wanted to get me into a corner with his bayonet to keep me there until the others came up to ill-use me. While this was taking place, Mr. Small came up the

T. Gleeson. 5 July, 1878.

the stairs in a very blustering manner, saying, "What's all this? Stick that into him if he doesn't stop." In trying to get away I missed my footing and fell down stairs. The warder with the bayonet walked down stairs; when I picked myself up they had got the other prisoner at the top of the stairs, and Small and Everett, each catching me by one leg, dragged me down the stairs.

126. Have you any other complaint? Yes.

127. That was in March? It may have been March.

128. Well, about March. I want you to specify as near as you can the order of time in which these things occurred. As near as you can remember it was about March? I can tell the order of punishment, but not the date. I was taken then before the Magistrate, and received a sentence of seven days. I believe that was the same Magistrate, Mr. Rowley; if it was, it was the last time he tried me, because he left shortly after. In the interval between then and my going out of separate treatment, I had been taken to the dark cells and got as long as two, three, five, and seven days, without being brought before the Magistrate, or without any reason being assigned, only just brought out and let to go to exercise. Then they put me into the refractory yard, and I and sixteen or seventeen other men were in different yards. I was put in with another man after being in by myself. When we would ask what were we there for, we would be told that we were mad, and when we asked the Comptroller-General to be allowed to go out, he said "Tut-tut, you are not fit to go to another gaol."

129. When did you complain to the Comptroller-General? It is very seldom he goes there. In the two years I was there I think I only saw him once or twice.

130. Did you complain to him? Yes, I spoke to him, decidedly.

131. Did you get any satisfaction? He turned round to Mr. Small, and asked, "Is this true?" and Small said, "Tut-tut-tut-no." Then the Comptroller-General would go away. I and the other prisoners saw it was no use complaining—that after the Comptroller had gone our complaints would do no good—that they would start punishing us after he had gone. Small would run around and say "I will teach you to complain," and threaten what he would not do.

132. Did you during these twenty-two months complain to the Chaplain? No, the burden of his conversation with me would be on religious matters, and I never used to think of complaining to him about treatment in the gaol.

133. What religion are you? A Roman Catholic.

134. Who was your priest? Father M'Guinn.

135. And you did not think it worth while complaining to him, because the burden of his conversation was on religious matters? Yes. I believe that on one or two occasions I did complain to him when he asked me how I was getting on. On one occasion, when I was in the refractory yard he asked me if I would like to go to chapel, and when I said I would he said he would see if he could get me allowed; but none of us men in the refractory yard were allowed.

136. Was the gag ever used on you? Not in Berrima, but it was in Darlinghurst fifteen or sixteen times; and I had a tooth knocked out in Darlinghurst in 1868.

137. Before you went to Berrima at all? Before I went to Berrima.

138. Who used the gag? A warder by the name of Carroll. He was the one who knocked my tooth out.

139. Was Mr. Read present? No, but he has ordered me frequently to be gagged. Mr. Read, when any of these things take place, makes it a point not to see them.

140. Are we to understand that during the time of your confinement at Berrima you were a well-conducted unoffending prisoner? Yes. I never interfered with prisoner or warder.

141. I suppose you understand you have been sworn? Yes; and I know what I am saying. I have on several occasions talked in Berrima, but that has been the extent of my breaking the rules while there.

142. Have you told us now all you wish to tell us? I have not told you half what I have gone through, In fact I blame the punishment I received in that twenty-two months for the criminal life I have led since, for when I went out I believe I was not in my senses.

143. Were you ever spread-eagled? No; but I have been threatened, and I have seen them fetching irons to spread-eagle other men.

144. Have you ever seen other men spread-eagled? Not exactly; but I have seen them fetching the irons for it. I have never seen it, but I am morally convinced that fifty or sixty different men have been spread-eagled in Berrima. One man by the name of Green was crippled by spread-eagling, and three or four of his teeth were knocked out by the gag.

145. Where is he now? I believe he is in Queensland. I was not kept in the refractory yards all these twenty-two months. Some months before I got my liberty I was on the works and I had more opportunity then of seeing how men were treated than I had in the cells and the yards. I know Green was put in separate treatment because he would not make bread for Mr. Small out of the prisoners' flour.

146. We understand then that you wish to complain of your treatment from first to last? Yes.

147. But we want you to confine yourself to specific cases as far as you can, if there are any others in addition to those you have told us of? I know Green was gagged, and I know his teeth were knocked out.

148. Do you know it because you saw it done, or because you were told of it? I did not see it done.

149. We want to know what your own personal experience was,—you may tell us if you have seen ill-treatment in the case of other prisoners? I have seen a prisoner of the name of Shultz, who was in the refractory yard the same time as I was; I have known him to be taken out of his cell in the night and to be taken round by the hospital, and I could hear them on a cold winter's night chucking buckets of water on him. I forgot to say that Mr. Small ordered me once to be put between the two doors of my cell, and kept there till morning. The warder opened the first door to let me in, but instead of opening the second he said "Here! stop there—that will do," and closed the outer door on me.

150. Do you wish us to understand on your oath, that with the exception of talking occasionally, which you knew to be against the regulations, you have been a well-behaved prisoner—that you were not insolent? I do not believe I was ever charged with insolence.

151. And you were not insubordinate? With the exception of talking, I was not while in the cells or in the refractory yards, except when driven to it.

152. When you say "talking," you do not mean using bad language? No, the burden of my conversation would be asking a man his name, where he got sentenced, and what he was doing.

153. And that was all? Yes. At other times I have been compelled to open a crack in the cell to make water. I could not ring the bell having been threatened to be locked up if I rang it, and they would have charged me with ringing the bell without sufficient reason. And the rations were always bad. 154.

T. Gleeson. 154. This brings us down to 1872? That is when I went to my liberty. But what I am talking of now occurred between 1871 and 1872. I have known Shultz to be blistered all over, from head to foot, by the
5 July, 1878. doctor, for punishment.
155. Was that Dr. Williamson? Yes. But I never knew Shultz to do anything. In fact he was a madman. I have seen them take him from the cell, and I have seen this man (Colvin) and other warders catch hold of him and drag him to the office and strip the clothes off him, he having this blister on him. While they have been dragging him he has had his boots kicked off and been bleeding out of the bottoms of his feet. Small has run up, shook him, and helped them to bring him to the office to be tried; and they have brought him back the same way.
156. What is the name of the warder on your left? Warder Colvin. I know another man by the name of Carlyle, that this man here (Colvin) and another warder of the name of Kelly, and I suppose every warder in the gaol, had struck. He had marks all over him.
157. Have you anything else you wish to say with regard to your confinement which ended in October, 1872; that is during these twenty-two months? While I was undergoing that sentence the Judge that sentenced me—Judge M'Farlaud—came into the cell and spoke to me. I was blistered all over the head, after coming out of the dark cells. He passed the remark as to how I had fallen away: that he would not know I was the same man he had sentenced.
158. Did you complain to him? Yes.
159. When did you see him? It was in 1871, in the first half, I think.
160. Did he say anything to you, or did anything come of your complaint? Not that I know. He asked me some questions, and Small, even before him, commenced bully-ragging me and calling me names.
161. Were you there after October, 1872? Yes, I went there in the latter part of 1875 with this sentence.
162. What was your sentence then? Three years. I was tried on the 16th November at the Sydney Criminal Court, for stealing from the person.
163. That is the offence for which you are now serving? Yes.
164. How long were you at Berrima then? Nearly ten months. I had nine months separate.
165. Then from October, 1872, to November, 1875, you were a free man? No, I had undergone other sentences.
166. But not been at Berrima? No, I was not at Berrima.
167. Well, during the ten months you were at Berrima have you anything to complain of? I went once to the doctor after I had been there five or six months, and asked him for more rations, and Mr. Small tried to forestall me, speaking to the doctor about how I looked, how fat I was, just giving the doctor to understand not to give me more rations.
168. Was that Dr. Williamson? No; it was another doctor. I do not know his name. During the last time I was up there, there were three different doctors.
169. You asked for more rations, and you complain that Mr. Small went, and in a cunning way, led the doctor off from thinking of your complaint? Yes. I lost my temper, and said, "You know that you might as well tell the doctor not to give me any rations," and I was nearly getting myself into serious trouble.
170. What were you nearly doing? I had nearly lost my temper, and when a man loses his temper he cannot tell what he may do. But I kept my temper under. But frequently while there Small has often come round to my cell on his rounds, and has stopped fifteen or sixteen times and commenced talking to me in a very sarcastic manner as if he would like me to give him a back answer, and so give him some excuse to lock me up. I have been charged with talking several times. Once I got a sentence of three days for talking—three days in my own cell, and twenty-four hours dark cells, the latter for attempting to communicate.
171. Is that all you have to say? No, sir, I have more yet.
172. Were you gagged at Berrima this time? No, I was never gagged there at all.
173. Have you been gagged in any other gaol but Darlinghurst? No, I have never been in any other gaol but this, Darlinghurst, and Berrima. I have been gagged several times in Darlinghurst. I was gagged in Darlinghurst in 1870. It was for talking from one cell to another.
174. Not for using bad language? No, that is a thing I do not use.
175. How old were you when you when you were first convicted? About fourteen.
176. Where were you born? In Sydney.
177. Did you live in Sydney all the time until you were convicted? Yes, sir.
178. Did you go to school? Yes, I went to St. Mary's, and to Cleveland-street school.
179. How old are you now? I will be 25 on the 22nd of next December. I was born in 1853.
180. What was your first conviction for? Having property in my possession and being unable to satisfy the Bench as to how I came by it.
181. And what sentence did you get then? I got a month.
182. Then was it a long time before you were convicted again? No, sir; after I had done the month—I could not say how long I was out, perhaps two or three months—I received another month. Then after that I received four months, and it was during these four months that I got my tooth knocked out.
183. How old were you then? I would be, on the following December, 16.
184. And you have never been gagged since 1870? No, but I have been threatened.
185. Have you seen any other man gagged? Yes; I have seen three or four men gagged at a time; I saw one a few months ago, and I have known men to be gagged at Berrima.
186. Have you seen them? No, I have not seen them, but I could hear them opening the cell-door, and hear the handcuffs rattle, and hear them say, "Open your mouth."
187. But have you ever seen it? No, sir; I have not had the chance to see it. I was always in my cell.
188. Never mind whether you had the chance or not. Did you see it? No, sir; I never saw it. I could not see the men, but I have been in one cell and they have been in another.
189. As a matter of fact, you have never seen them? No; but though I have not seen, I have been morally certain that I heard the gag being taken from one man's mouth and put into another's.
190. Have you anything else to tell us? I have a great deal more to tell you, but things escape my memory. I cannot think of everything.
191. What time were you removed from Berrima? I think it was on the 27th August, 1876. I was taken to Darlinghurst, and was there sixteen months. I was there nine months when they put me in separate treatment. I have been here about five months.

192.

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192. *Mr. Pinhey.*] How long have you been here? I may have been five months here—somewhere near it; I think I came on the 29th January.
193. *Chairman.*] You say you understood that it was no use making complaints—that they were always pooh-poohed. When did you make any complaints in reference to this particular matter, this investigation? It may be six weeks or two months ago since a gentleman came here, and I came up voluntarily then to make my statement—the same as I have made now—but I did not go so much into detail.
194. Who was the gentleman? I do not know.
195. About six weeks ago do you say? It may be six weeks or two months. There is one thing I ask you to take particular notice of, and that is my receiving a sentence here of fifty lashes when I was not seventeen years old and for refusing to take a kit of tools. This is the first time I have had an opportunity of speaking about it.
196. That was when you were seventeen years old? I was not seventeen years old.
197. But you have been a free man since? Yes; but I have had no one to go to.
198. Can you read and write? Yes.
199. Did you not know there were Members of Parliament you could speak to? Yes; but I did not know how to go about seeing them.
200. *Mr. Oatley.*] You were tried before two Magistrates and convicted? Yes. Mr. Small's venom followed me here, he having sent down word that I was a very bad character. They asked me if I had anything to say, but I said I could say nothing as Mr. Small was not there for me to ask him any questions. Then they gave me fifty lashes, and I had to put up with it.
201. *Chairman.*] Of course your complaint of ill-treatment is not limited to Berrima? No. I did not think this was a general investigation; because I have a lot of wrongs to redress, both in this gaol and in Darlinghurst.
202. Who gave you to understand what this inquiry was about? Mr. Watt this morning called out for anyone who wished to say anything about treatment in Berrima, and on a man asking him about it he said, "Did not I tell you it was treatment in Berrima?" That satisfied the man about the inquiry. I believe there are many men who wish to make complaints about this gaol.
203. We want to investigate specifically charges in reference to Berrima, but at the same time you can make any general statement you choose about ill-treatment here or elsewhere? I was kept in Darlinghurst in solitary confinement without being sentenced by a Magistrate. They put me and another young prisoner of twenty-one into a yard with a man they used to say was given to the committal of unnatural offences. I said that if they would put me in with that man I would refuse to go out of my cell. I was taken before the Magistrate then and sentenced to separate.
204. How long have you been free since you were first convicted? About two years and a half.
205. You were never put to a trade, I suppose? No.
206. What is the longest period you have been free? I was out of gaol twelve months when I was out of Sydney, but when I came back to Sydney and got work the police arrested me again and charged me with robbery; but I was discharged, and then would not go to work any more. I was charged this time in Darlinghurst with refusing to receive my classification, and the Magistrate would not listen to me, but gave me two days' solitary confinement.
207. In fact, wherever you have been you have been ill-treated? Yes.
208. And not by one man in particular, but by everybody? No, there are some warders I might pass and who would never say a word to me; but there are others who make it a point to agitate me to do something.
209. That will do, Gleeson? There is one thing more I want to tell you. About a week or so after the visit of the gentleman to whom I made my last statement I was called up to speak about my returns, and I had to do all my time. Mr. Hussey told me I would have to do all my time, and I said, "Very well." As I was going away the warder came back and said for that answer my indulgences would be stopped for one week.

Michael Slattery, confinee in Parramatta Gaol, called in, sworn, and examined:—

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210. *Chairman.*] What is your name? Michael Slattery.
211. What sentence are you now undergoing? Life.
212. And when was it passed? On the 16th of May, 1866.
213. For what offence? The murder of a constable.
214. Was that your first conviction? No, sir, I was convicted in 1863.
215. What sentence did you get then? Seven years.
216. Have you been a prisoner continuously since your first conviction? Yes, sir.
217. What was your first offence? Cattle-stealing.
218. Where were you convicted? At Bathurst.
219. At the Assizes? No, the Sessions, before Judge Carey.
220. When did you go to Berrima first? In October, 1864.
221. Who was the gaoler there then? Mr. Small.
222. We understand that there are matters which you wish to bring before us as complaints of your treatment at Berrima? Yes, sir.
223. What was the first occasion that you have anything to complain of if you can remember so far back? About the 5th of December the same year I was locked up along with several others for some mutinous conduct the night before, but I did not know what for until the 12th of December, when we were brought before the Visiting Justice.
224. Yes? From the 4th or 5th, when we were locked up, we remained in the cells without any night-tub, no bed-clothes, and no vessel but a quart-pot.
225. Were you alone in the cell? Yes.
226. All the men supposed to be guilty of misconduct were in separate cells? Yes, solitary cells.
227. Well you remained there without these conveniences until the 11th or 12th of the month? Yes; and long after that we were on solitary ——.
228. Speak of yourself? I speak of myself. Long after that I was kept on solitary rations, without being told what for, and without being brought before the Visiting Justice. I was on a pound and a half of bread, and as much water as I liked to drink.
229. That was not in the dark cells I believe? No sir; there were no dark cells then.

M. Slattery. 230. Were you let out at all during the day? No sir.
231. Not at all? Not at all; during that time we never had a wash for seven or eight days, nor was the
5 July, 1878. cell ever washed or cleaned in any way.
232. Had you to perform the offices of nature on the floor? Yes sir—on the floor; we had nothing else—nothing but a quart-pot full of water.
233. And were the places not cleaned out at all? Never cleaned out once.
234. For all these days? For seven or eight days—from the 4th or 5th of December until the 11th or 12th, when they brought some Chinamen to clean the place up.
235. When were you taken out and brought before the Magistrate? On the 11th or 12th we were brought before the Bench of Magistrates.
236. In the gaol? Yes sir.
237. Did you know of any charge being brought against you? Not till then, I did not know what charge was going to be laid against me until I was brought before the Magistrates.
238. What charge was then stated against you? Riotous conduct the night previous to my being locked up.
239. Had you an opportunity of speaking in your defence on the charge? I think I was asked if I had anything to say but I was soon stopped.
240. Who were the Magistrates? Mr. Rowley was one; the other I do not know.
241. There were two Magistrates? Yes, sir.
242. What was done to you? I got twenty-one days solitary confinement besides the seven days I had done.
243. Were you sent back to the same cell? Yes, sir.
244. Did you serve the three weeks additional? Yes.
245. Were you kept in the same state during those three weeks? No, sir; the cell was cleaned and I had a tub after that.
246. Were you brought up by yourself, or with other prisoners? There were five of us altogether. There were eighteen in at the time.
247. That was the first time you had seen anybody but the officers who had put you into the cell? No, sir; I was locked up on the morning of the 4th or 5th, and that night I was taken out and ironed in the yard by a free blacksmith.
248. But during those seven or eight days you merely saw the man who brought you the bread and water? That was all, and the free blacksmith, who was brought in to iron me.
249. When you were brought before Mr. Rowley and the other Magistrate, did you make any complaint to them of the way in which you had been kept? I complained of being in solitary confinement for the last seven days, and being without a tub. I do not remember what answer they gave me.
250. Did any of the other prisoners make the same complaint in your hearing? I think one or two of them did.
251. Will you undertake to swear that they did? No, sir, I won't.
252. But you think they did? I know some of them spoke.
253. Was any redress promised you? I do not remember.
254. Had you anything to sleep on during those nights? We had a mattress and our bed-clothes given in to us every night and taken out in the morning.
255. You spoke of a free blacksmith who had put your irons on;—do you remember his name? No, sir, I do not know his name. He was some man from the town.
256. How long were the irons kept on you? Some three or four months.
257. Were you in irons all the twenty-eight days? Yes, and some two or three months after.
258. When you were taken out after doing that solitary confinement of twenty-eight days, what was done to you? We were put into a yard called a refractory yard. No other prisoners were in it but those who had been in the cells.
259. Was there any truth in the charge of riotous conduct so far as you were concerned? None so far as I was concerned. I was entirely innocent; I never moved from my bed.
260. Did you hear anything of a row? Yes.
261. I do not mean whether you had been told of it? No, sir; I heard it.
262. How long did it continue? 10 minutes or a quarter of an hour; it might have been 20 minutes.
263. What time was it? About 8 o'clock at night. All hands were locked up in the prison.
264. Had you anything to do with it? I had nothing whatever to do with it. I never stirred out of my bed.
265. You did not know it was going to take place? No, sir, and nobody else.
266. It was a momentary thing then? Yes, sir, arising from the gagging of prisoners who were undergoing solitary confinement.
267. I want you to go on and tell us what you have to complain of as being contrary to what ought to have been? When I had done the twenty-eight days I was kept in the refractory yards without any indulgences being allowed me—no tea, sugar, nor tobacco, and so forth.
268. Those things were kept from you;—what did you have? Bread and meat and hominy.
269. You had water? There was a water-tub in the yard and we could take as much as we liked.
270. Was that the same way in which the other men convicted with you of that riotous conduct were treated? The same.
271. That continued for how long? Some three or four months; I cannot say to a week or two.
272. Up to March or April of 1865? Yes, sir—sometime about that.
273. How long afterwards did you remain in Berrima? I remained there until April, 1866.
274. About twelve or thirteen months more. Have you anything to complain of during that time? I have.
275. What was the next thing? Some time in June—I do not remember the day—in 1865, I was taken out of my cell the first thing in the morning, when I was folding up my blankets, and taken downstairs and placed in the yard. I think I was going to be put in solitary for something I knew nothing about. I found two other men there and three other men were brought afterwards. No charge was brought against us. We were kept there—not being allowed to go out—for three weeks. We complained, but got no redress. Crookwell and Cummings had shifted one of the bars leading into the passage, which

Cummings

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Cummings afterwards made his escape from, and it was discovered by the warder. Mr. Watts, the chief warder in Parramatta Gaol now, came round and ordered the six of us to the cells. Crookwell and Cummings said, "These four men are innocent; we are the two men who did it; lock us up." Mr. Watt said it was the gaoler's orders, and we were placed in the cells. It went on for a day or two. We were not brought before the Magistrates. Mr. Small said the other four were to be turned up until the Visiting Justice came, but three or four weeks passed on and Mr. Small said, "I do not think it will be worth while bringing you before the Visiting Justice."

276. Were you in solitary confinement all this time? Not solitary—separate—in single cells. We got one hour a day in the yard. Mr. Small said to us, "I cannot do anything now; you are in the hands of the Sheriff; he will be here in a day or two, and he may let you out." But we were eight months in the cell when Mr. Maclean came up. I went to him and he made some inquiries from Mr. Small and ordered us out of the cells. Small said, "The prisoners are not safe with those men on the works, but I will let them out in about a month." Mr. Maclean said, "Very well, but give them their rations." During this time we were on short rations, without tea, sugar, or tobacco; so he gave us our full rations—a pound and a half of bread, and a pound of meat—for the month, and then let us into one of the little yards for the men to exercise in. We were kept there some few weeks, and I came down to this Bargo Brush affair and got life.

277. What time was that? We came down on the 14th of April, 1866.

278. Then from June, 1865, to the Bargo Brush affair you speak of, were you in separate confinement all the time? Until a few weeks before the Bargo Brush affair.

279. Were you ironed during that time? No, sir. But there is one thing I missed in my evidence before this—one lot of ill-treatment. We had bar-irons put on us for my asking Mr. Small what charge he had against us, and why we were not brought before the Visiting Justice. Some few nights after that I was dancing about my cell to warm myself, and Small came in and said, "I will take all that out of you before morning." I said, "I don't know whether you will or not." Next day he brought me before the Visiting Justice, who gave me seven days solitary on bread and water. He said "I did intend to bring in my brother Magistrate and have the triangles rigged, but I will be lenient with you this time." I said "Thank you," and he said "If you thank me I will give you something more." I said, "Be damned to you" or something like that, and he gave me an additional sentence, and said "Gag him; gag him."

280. That was in June, 1865? It was in July when I received this punishment. I received twenty-one days.

281. Then from June, 1865, until May or April, 1866, you were in separate confinement? Yes; but after I received twenty-one days' cells the blacksmith who had previously ironed me came and put bar-irons on me.

282. What is a bar-iron? A straight bar about 18 inches long and rivetted to the links round the legs. It is the worst punishment I have ever suffered under the Government.

283. *Mr. Oatley.*] What is the weight of them? About 14 lbs.

284. *Chairman.*] And you had been guilty of no offence? Yes, I was guilty that time—I gave insolence to the gaoler.

285. Where you gagged on that occasion? Yes, sir, I was gagged.

286. Were you gagged while you had the bar-irons on? Yes, sir, the night I got them on. After I got the bar-irons on I hobbled into my cell from the yard, and was lying on the flags when I heard the remark "He might get the irons over his heels." The warder came to me and asked me take my boots off. I refused; he was going to take them off, and I was going to hit him. Then another warder seized me and they chained me to a ring-bolt in the cell, and put the gag in my mouth. That was about 5 o'clock in the evening.

287. Who were the men who were present? I think George Hill was one. He was the warder in charge of the wing at that time, I think, and there was Warder Burne and Warder Mulligan. I am not sure whether this man (Warder Colvin) was there or not.

288. Was Mr. Small there? Yes, sir, he was there.

289. Then there were five of them with you at this time? There were more, but I do not remember their names.

290. What are these bar-irons like? There is a straight bar about 16 or 18 inches long between the links.

291. What thickness was the bar? About three quarters of an inch thick. The irons would weigh about 12 or 14 lbs.

292. And while you had these on the gag was put into your mouth? Yes.

293. How long had you these irons on? Three weeks—until Dr. Williamson ordered them off.

294. How often did you see the doctor? I could not say. Only when I asked to see him.

295. Used you to see him whenever you asked? I think I always saw him when I asked. It was very seldom that I troubled him.

296. How long was the gag kept in your mouth? It was about 5 o'clock when I was overpowered and fastened to the ringbolt with my hands behind my back and the gag in my mouth.

297. How long were you kept in that position? About four hours.

298. Do you tell us now on your oath that you were kept there with this gag in your mouth, your hands fastened behind your back to the ring-bolt, and your legs in the bar-irons, for four hours? I positively tell you before God and these gentlemen that it is the truth. From about 5 o'clock until 9 I stood at the ring-bolt with the gag in my mouth, and no one came near me. Mr. Small and Mr. Watt then came to me.

299. That was in July you say? That was some time in July, 1865.

300. When did you first make a complaint about that? I never made a complaint until I complained to Mr. Taylor here the other day,

301. What, all these years? No, sir, it was no good; I only got double punishment when I made complaints.

302. Was it no use complaining to the Visiting Justice? Not a bit, sir.

303. Why not? If I wanted fourteen or twenty-one days' cells I could get it by complaining to him.

304. Would he not listen to your complaints? He would not listen to what you had to say.

305. And the only result was that you got additional punishment? I never did, because I knew better than to complain; but I know that others did.

M. Slattery. 306. That was the general report in the prison, I presume? Yes.
307. Of what religion are you? Roman Catholic.
5 July, 1878. 308. Did you complain to your priest? Yes.
309. Who was he? Father Lanigan.
310. Did you get any redress from him? No.
311. Did you tell him the story you are telling us now? Yes, I told him that.
312. What did he say? He said he could do nothing; that he had taken up some previous case, and that when there was an inquiry the prisoner turned round in Mr. Small's behalf. The priest and the parson had both taken up the case of some prisoner, who afterwards turned against them in favour of Mr. Small.
313. You did not complain to Mr. Rowley because you say it was no use complaining to him? Yes.
314. Was there no one else you saw not connected with the gaol. Did you never see a Magistrate or visitor of any kind? No; there were visitors, but you are punished for speaking to them.
315. Is there no arrangement for friends to see the prisoners? Friends are allowed to visit once a month, but I have none.
316. Mr. Rowley has been dead for some years we are told? Yes.
317. Then another visiting Magistrate came there. Did you ever complain to him? I was never before another Magistrate.
318. And wherever you have been, in whatever gaol, you never complained until you complained to Mr. Taylor the other day—about that or any other ill-treatment? We complained to Mr. Maclean, but never got any address.
319. When did you complain to him? I cannot say when I complained of this particular matter.
320. You cannot mention anybody to whom you ever complained but Father Lanigan? No.
321. Well, when was this Bargo Brush business? On the 14th of April, 1866.
322. Then you were being escorted from Berrima to Sydney when the offence was committed for which you were sentenced to imprisonment for life? Yes.
323. Where were you tried for that? At Sydney.
324. When was it? I think it was on the 18th of May.
325. When were you sent back to Berrima? On the 29th of June, 1866.
326. And how long did you remain there? Until the 7th of January following.
327. Have you anything to complain of during this second occasion? Yes.
328. Begin with the first thing? It is so long back I cannot possibly think of the first. I know the punishment I received, but I confuse one time with another. I don't remember the first time I was punished. As well as I can remember we went back to Berrima on the 29th of June, and the first thing that was thrown in my face was the complaint I had made to his Honor Judge Cheeke about my treatment in Berrima. I forgot to mention that I complained to the Judge about the gag, handcuffs, and bar-irons. I told him that it was enough to drive me to anything, and he said he would refer my complaint to the Sheriff.
329. Were you defended then? Yes, by Mr. Windeyer.
330. Was he assigned? Yes.
331. At your trial did you instruct your counsel to speak of the great aggravation you had received in your treatment? I could not say, sir.
332. Then it was when you were called up to receive sentence that you told the Judge of this treatment? Yes, sir; I do not think Mr. Windeyer was in Court then.
333. Did the Judge say anything? He said that such a complaint had never come under his notice before, and that he would make inquiries from the Sheriff.
334. Did you hear anything more of it? I heard nothing more of it.
335. Well, we find you back at Berrima on the 29th of June of that year? Yes. The first salute I got from Small was—"Well you have come back again," I said "Yes, I have, unfortunately." He said, "What are all these complaints you have made about being gagged and about my throwing water in your face?" I denied having made any complaint about water being thrown in my face. I told his Honor about my head splitting for want of water when I was on the ring-bolt. Small said, "Well, I have got you now and we'll see if you will make another complaint." He said, "I have got you for life now."
336. You say you did nothing that time and were guilty of no insolence or anything of the sort? No, sir, nothing of the sort.
337. Did Small do anything? No, sir, he did nothing then. I was put into the ordinary separate treatment. Small on two or three occasions had told me that I was there for life, and I told him one day that if I thought I was I would make it a very short life. He then got hold of me and said, "Give us none of your insolence." The Visiting Justice, Mr. Rowley, was present.
338. Nothing was done to you for that? Nothing. When the Sheriff came up, I wanted to know from him whether I was there for life or not. I told him I had been given to understand that I was there for life—that I was never to leave again. He said "No such thing." Then I asked him how long I was there for, and he said it depended on my conduct. I asked him how long it would be if my conduct were good, but he refused to tell me, saying my case was one of the worst that had been for forty years. He went away and no more passed then.
339. Well there is perhaps not much in that. Tell us what you have to complain of? Well, I became a little deranged. I became reckless. I did not care what became of me, and one day I was most brutally ill-used by Warder Colvin and Warder O'Connor. I was brutally kicked and ill-used in the cell.
340. How did that come about? I refused to do something, and Connor struck me several times with his open hand. I struck him, and was rushed by Colvin. After some time I woke as if out of a sleep, with my head covered with water from the tub. I won't swear whether I was handcuffed then or not, but I was handcuffed afterwards.
341. How long afterwards? I cannot say.
342. And when did you wake up? I cannot say—whether half-an-hour, two hours, or three hours.
343. What time of the day was it? In the morning. Nothing more was done to me besides the beating O'Connor and Colvin gave me. I was black and blue, and sore all over. I made a complaint to Mr. Small half-an-hour or so afterwards, when I got up. He said "You murdering brute, no wonder you go mad." That was all the redress I got from him.
344. Did you ask to see the doctor? The doctor used to come to me every day then.
345. In consequence of the ill-usage you had received? No, I was in the doctor's charge. 346.

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346. For derangement? Yes.
347. Did you show him the bruises? I cannot say. The doctor ordered me into the hospital at any rate.
348. How long did you remain in the gaol hospital? I think that was some time about December, 1866. I remained in until the 7th January, 1867, when I came away.
349. Where did you go then? I came to this gaol.
350. When did you go to the Lunatic Asylum? I went from here to the Lunatic Asylum.
351. When did you next go to Berrima? In January, 1870.
352. And how long did you remain there? Until October, 1871.
353. How long were you in the Lunatic Asylum? I was there fourteen months the first time. I was there twice. I was here for a month or two when I went to the Lunatic Asylum. Then I was in the Lunatic Asylum fourteen months.
354. After that where did you go? I came here for three months, and then went back to the asylum for twelve months.
355. And when you came out where did you go? I came up here.
356. How long did you remain here before you went to Berrima? Six months.
357. And what did you go to Berrima for? I do not know, sir. The books here will show that I have never done anything here.
358. Then as far as you know there was no reason for your going back to Berrima? No, only that I was mad. While I was here Mr. Wise came. I made a complaint to him and asked him to let me go to work, as I had been at work. He asked Mr. Hussey how I had behaved myself, and Mr. Hussey said that they had had a great deal of trouble with me, but that I was getting on better.
359. How long were you in Berrima? From January, 1870, till October, 1871.
360. Have you any complaints to make of that time? Yes. I was placed in what they call the stone-yards. While I was there I asked the doctor to allow me tobacco. He said he would ask Mr. Small. Small said it was bad for the head. I told him I did not think it was bad for the head. I saw the doctor again next day, but he cut me very short, and said I could write to the Sheriff. I wanted to get into separate treatment, away from the stone yards, and I told Mr. Small that. He said he would write to the Sheriff, and I said "To hell with you and the Sheriff," or something to that effect.
361. Was this in the hearing of other prisoners? Yes, there were other prisoners. Small and the senior warder got hold of me to take me to the dark cells. I got away from them, and made for a wood-heap.
362. The senior warder threw his baton at me, and I got it and struck him on the head with it. His name is Flanagan.
363. Did you strike him hard? I don't know—I suppose I did.
364. Did you knock him down? No, I did not knock him down. While they were taking me to the dark cells Small let me drop on the flags on the back of my head.
365. That was shortly after your going there? I went on the Saturday, and this occurred on the Wednesday following. I came to in the cell, my senses having been knocked out of me; and when I came-to I found my shirt was all in strips and ribbons; my skin was bruised and cut, and my hands were handcuffed behind me. Mr. Colvin and other officers came in, and put a new jacket on me to hide my torn flesh and shirt, and brought me before the Visiting Justice on a charge of riotous conduct, and for striking the senior warder, and I got twenty-eight days in the dark cells.
366. Did you not tell Mr. Rowley what had happened? I did; but he said it was no use talking to him and that if ever I came before him again he would try and have the triangles rigged. I had an Agnus Dei on my neck and he asked me what it was. Small said "Oh! he's one of those Catholics." I told him I was not ashamed of it. Then Mr. Rowley said "There is no use talking to you; give him twenty-eight days in the solitary cells on bread and water." I said something to the effect that "I will see you damned before I do it," but I was dragged away to the cells.
367. And did you do those twenty-eight days? No, sir.
368. How was that? Because I refused my rations and would not eat anything.
369. Then you got sick I suppose? I went ten days without my rations.
370. *Mr. Oatley.*] Ten days without eating anything? Ten days without eating anything—not a crumb. It is well known to the officers of the gaol and many of the prisoners too.
371. *Chairman.*] Well, and after those ten days of starvation, what was done? I was then brought up to one of the separate cells and they gave me some meat and potato. I ate the potato, but did not touch the meat. I took no bread and no hominy for three weeks after.
372. You set yourself against the officers, I suppose? I did sir, on that occasion. What I have to complain of there is that whenever I went into the dark cells I got a miserable worn-out blanket, but no bedding of any description; I was compelled to do seven days before I got any bedding but that.
373. What time does this bring us to? This was in January, 1870.
374. Very well, go on; tell us the next thing? They let me remain in the separate treatment cell. I think I went out on two or three occasions to take exercise. When Sheriff Wise came up I made a complaint to him about being sent to Berrima without being guilty of anything, and I told him that I wanted separate treatment. He said I have a very good account from Mr. Small and the Visiting Justice about you. I put that down for what it was worth, because I did not believe it. On the tenth morning, whilst in the dark cell, Senior-warden Flanagan came to me in my cell to take the bed out. I was lying on the bed unable to move my head, but he said, in a very peremptory tone, "Get up and put out that bed." He ordered me two or three times, but I was unable to move. Then he gave me a "chuck" about a yard off the bed. I made no answer and he came to me and gave me a kick. Every time he told me to put the bed out he gave me a kick, and at last he turned to Warder Clemens, who was with him, and said to him, "Lend me that baton of yours, and I will damned soon make him get up." Clemens knowing I had been fasting ten days, seemed to feel some sympathy for me, and said to him that he had better go and tell the chief warder. Then the chief warder came and gave me a kick in the small of the back and called me a murdering wretch and a flash gaol bird. I complained to the priest, and wanted to strip myself to show him my bruises, but he would not look at them.
375. Was that Father Lanigan? No; Father M'Guinn. Then I complained to Mr. Wise in the presence of the priest, gaoler, magistrate, chief warder, and senior warder. The Visiting Justice said to Small, "Did you hear anything of this?" and Mr. Wise was going to write it down, when he asked how long ago it occurred, and when I said "ten or eleven weeks," he said it was too long ago—he could do nothing in the matter. The warder who struck me and kicked me denied it.

M. Slattery. 376. And neither the priest nor Mr. Wise would look at you, and you got no redress? No.
377. Is that the last matter you wish to speak of? Mr. Wise said that after the good account he had
5 July, 1878. got of me he intended to let me into the yards again. I asked "What yards?" and he said "The stone yards." I refused to go out. The Magistrate, Mr. Rowley, said to me, "If you come before me I will punish you severely." I said, "I won't go out." Small said, "Why don't you behave yourself and go out; it won't be for long?" I then went out, and was in the stone yards for seventeen months, when I was removed by Mr. Maclean.
378. All the time you were in Berrima you seem to have set yourself against the officers, and to have disobeyed their orders? Sometimes I did.
379. Speaking of these bar-irons had you been in chain-irons before the bar-irons were used? Yes, I was in chain-irons for three or four months.
380. Was there any reason for choosing bar-irons instead of the chain-irons? Not that I know of.
381. Had you not broken the chain-irons? No, sir.
382. Had there been any chain-irons broken? Yes; we had chain-irons broken.
383. Speak of yourself? [*Smiling.*] Yes I broke one iron with a saw.
384. Are you sure you only broke one iron? Yes.
385. How did you get the saw? By making notches in the back of a knife.
386. Were you allowed knives? No, it was against orders.
387. What was your conduct;—were you a well-behaved prisoner or not? No, I was not a well-behaved prisoner.
388. You admit that? Yes.
389. How often were you gagged in Berrima. You have only spoken of one time? I missed one time when I was gagged, and another time when I had bar-irons on for eleven weeks.
390. Did you see anybody during those eleven weeks to complain to? The doctor had been several days, and I had been before the Visiting Justice and received twenty-eight days' solitary from him.
391. What were the bar-irons on you for that time? For striking Warder Clemens, who is now in Maitland.
392. You did strike him? Yes.
393. You admit you were rather a dangerous prisoner? Well, I was never dangerous; it was more my foolery than anything else. But I admit my conduct was bad.
394. You have told us that on one occasion you were gagged four hours at a stretch. Was there any other occasion when you were gagged? Yes, I was gagged once after that.
395. *Mr. Oatley.*] How high are the ring-bolts from the ground? About 4 feet.
396. *Chairman.*] Could you stand upright? My legs being stretched out with the iron bar I was compelled to keep my shoulders up, and to do that I had to stand on tip-toe or my arms would have been torn out of me.
397. What height are you? 5 feet 10 inches.

[*A gag was here produced.*]

398. Was that the first time you were gagged—when you were triced up? Yes, sir.
399 Had you been gagged before? Yes; in Darlinghurst. There was a riot in Darlinghurst Gaol in 1864, but the gag was different from the one produced. It was only a straight bit of wood.
400. *Mr. Oatley.*] Is the Berrima gag similar to this? Yes.
401. *Chairman.*] How many times were you gagged in Berrima? Only twice.
402. When was the second occasion? About September or October. I was tried for striking a warder there.
403. At what time? In 1865.
404. Were you making use of any obscene language? No, sir; he had locked me up a day or two previously for writing my name in charcoal on the wall, but Mr. Small turned me up on that occasion and did not bring me before the Magistrate. Another prisoner was only fiddling with his finger on the wall, and Warder Clemens called out to him to knock off that writing, and I called out to him, "Let us alone." He said, "I am not speaking to you." I said, "When you speak to him you speak to me." Then I said to the other man "We are in for the 'beak' to-morrow, and we had best give that fellow something for his trouble. Give him a clout when he comes in." When he came in, the other prisoner was to cheek him back, and I was to strike him. The warder caught me round the neck; I struggled with him, and his head fell against the wall. We were charged with a murderous assault. Of course, we could have killed him if we had been inclined; but we only wanted to give him a clout with our hands. We were placed in bar-irons that time.
405. You are leading us about the bush. What led immediately to the gag being put on you. Was it put on then? It was put on then, but I cannot say whether it was that day or the next.
406. Were you shouting or making use of bad language? No, sir; I was perfectly quiet.
407. And this (*showing the gag*) is the kind of gag? Yes.
408. How far does it go in? As far as it will go. There is a choking sensation while it is in. You feel as if you want to throw up all the time. There is a way in which I used to relieve myself. If I held my head in a particular way (*showing how*) while the gag was being put in, I could afterwards, in bringing my head to the proper position, get the gag about half an inch out of my throat.
409. Have you seen anyone else gagged in Berrima? No.
410. Nor in Darlinghurst? No.
411. Have you been gagged here? No.
412. Have you been in any other gaol than Darlinghurst, Berrima, and this? I have been on Cockatoo Island.
413. Have you anything else to say? No; only that there was a man who wanted to make water, and who could not get to the closet, though he rang frequently.
414. Have you told us everything you wish to tell us? Yes, sir.
415. How long have you been here? I came here on the 2nd of last August.
416. Have you been in any trouble here? No, sir; I never was in any trouble here, either this time or before.
417. Did you follow any trade? No, sir.
418. How long had you been in the Colony before you got into trouble? About five years.

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419. Were your parents alive when you were convicted? No, sir. There was one prisoner who begged me to bring him under your notice. He says he has important evidence to give. I do not think it is against Mr. Small.
420. What is his name? Griffin.
421. *Mr. Oatley.*] What occupation did you follow when you first got into trouble? I was a carrier on the road.

James O'Mara, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. O'Mara. 5 July, 1878.

422. *Chairman.*] What is your name? James O'Mara, sir.
423. What sentence are you serving? Three years.
424. Is this your first conviction? No, sir.
425. When was your first conviction? In 1871; I did a month for assault in Mudgee.
426. At the Sessions? No; it was a Magistrate's sentence.
427. And you served that in Mudgee? Yes.
428. And when were you next convicted? On the 17th of April, 1877, of the offence for which I am now serving.
429. And what was that for? Cattle-stealing.
430. Where? In the Mudgee district. I was tried at the Assizes.
431. Have you been in Berrima Gaol? I have, sir.
432. When did you go there? On the 18th of May, last year.
433. A month after your sentence? Yes, sir.
434. How long were you there? I was in separate treatment eight months, all but two days. I was there three weeks after I had done the separate treatment.
435. Have you anything which you consider as injustice to complain of during the time you were there? Yes, sir, I have.
436. Is it one thing, or more than one? There is more than one.
437. What is the first? When I went there I was suffering from internal injuries received by falling off a horse; I asked to see the doctor and the doctor ordered me into the hospital, but next morning I was brought back to my cell by the gaoler's orders.
438. Who was the doctor? I don't know, sir.
439. When had you the fall from the horse? About two months previous to my conviction.
440. And the doctor ordered you into the hospital for those injuries, and the next day, you say, Mr. Small ordered you back to your cell? The senior warder came to me and told me the gaoler had ordered it.
441. And you were taken back? Yes, sir, and three days after I was obliged to see the doctor again.
442. Did you see him? I did. He examined me, sounded me, and put a blister on my side.
443. Did you go back into the hospital? No, back into separate treatment.
444. Did you ask the doctor to let you go back to the hospital? No, sir.
445. Why not? I thought it was no use, as I would only be sent back again.
446. But did you not complain? No, sir; I was not aware of the regulations, and I thought I would have to undergo separate treatment whatever my health was. I came to the doctor a few days after again, in the presence of the gaoler, who told me that if I kept coming to the doctor he would give me three months longer separate treatment—twelve months instead of nine; he called me a schemer.
447. This was in the presence of the doctor? Yes.
448. What did the doctor say? He made no reply.
449. Did he not say "You are under a mistake; this man is not scheming?" No, sir; he said nothing.
450. Did you not say that the doctor could tell him a different story? No; I only said that if he was as bad as I was he would not say that.
451. Well, go on? About a fortnight after that, when the officer opened the door of my cell, and I was going out, Mr. Small was coming in at the same time, and he caught me by the throat and pushed me back; I apologized and said I thought it was the officer wanting me to go out and bring in my bed.
452. And you mean to say you gave him no provocation? Nothing more than I have told you. I was also half starved during the time I was in there.
453. Is that all you have to complain of? Yes, except that I was not allowed to go to the closet; sometimes I had to make use of my cell.
454. You say you had not enough to eat? Yes.
455. Had you as much as the other men? I did not see any other man's rations.
456. Did you never ask any of them? I had not an opportunity.
457. You were under separate treatment? Yes, sir, locked up in a cell by myself.
458. Did you ever complain to the doctor about not getting enough to eat? I did, and asked him to allow me more rations as I was very hungry. The gaoler, who was there, said I was getting quite fat, and was gaining in weight. Then the doctor said "If that is so, I cannot allow you more rations."
459. Had you gained in weight? Yes; I had gained about 2 lbs., but I was ill when I went into the gaol, and that made me apparently gain in weight.
460. Did you ever complain to the Visiting Justice? No, sir, I was not aware that I could see him.
461. Did you see any friends? No, sir. Mr. Small used to go round and take a few gentlemen with him, but I did not know who they were.
462. You were not gagged on any occasion, were you? No, sir.
463. And you saw nobody else gagged? No, sir; I could not see anybody.
464. Then your complaints are that Mr. Small spoke harshly to you, shoved you roughly on one occasion, and took you out of the hospital, and also that you did not get enough to eat? Yes, sir.
465. Have you gained or lost in weight since you came here? I have gained about half a stone.
466. You are in pretty good health now, are you? Yes, I am in good health now.
467. What are you by occupation. What were you before you got into trouble? I was generally a carrier, driving a team on the roads.

John Wright, confinee in Parramatta Gaol, called in, sworn, and examined;—

J. Wright. 5 July, 1878.

468. *Chairman.*] What is your name? John Wright, sir.
469. What sentence are you undergoing? Six years; two three years'.
470. When were you sentenced? On the 20th April, 1877.
471. Was that your first conviction? I had three months before that.
472. Was that the only other conviction you had? Yes, sir.
473. When you were convicted and received these two sentences, were you sent to Berrima? Yes, sir.
474. When did you get there? About the latter end of April.
475. And how long did you remain there? I was ten months and a half there altogether—in separate treatment.
476. Then you left there sometime about February in this year? Yes, sir.
477. Is there anything you had to complain of while there? I consider I was unjustly kept there, and they used me unjustly altogether. I was pretty well half-starved. I got into the dark cells once for trying to communicate with a fellow-prisoner. I was stripped and thrown into a cell, and my clothes were thrown in after me. An old blanket was shoved into me. I was threatened from the time I went into the gaol.
478. Tell us what was said to you? The chief warder, I think, asked me if I was there for assault; and when I said yes, he told me they could play that game there.
479. What were your sentences for? One assault, and one robbery.
480. Well? And ever afterwards they seemed the same way. I told the clergyman I was very harshly dealt by.
481. Who was the clergyman? Mr. Dixon.
482. What Church do you belong to? The Church of England.
483. Is that all you have to complain of? That is pretty well all.
484. You were never gagged? No, sir.
485. Nor spread-eagled? No, sir. I was kept down-stairs in a small cell close to the closet for a long time.
486. Were you ever punished for a breach of the rules? Only for trying to communicate. If one prisoner was trying to communicate with another prisoner nothing could save the other prisoner, even if he did nothing.
487. But you were trying to communicate? In one instance—on one occasion, in the yard, some man made use of the words "It's a fine day." The chief was standing near, and he opened the door; and through my being in the yard I was brought up and charged with talking, which I was not.
488. And that is what you complain of? They would not tell me what I was kept over time for. The regulations said nine months, and I was kept ten months.
489. But you were guilty of a breach of rules? Yes, sir.
490. Perhaps that accounts for your being kept there so long——
491. But you were never gagged nor spread-eagled? No, but the gaoler has threatened to stiffen me.
492. But he never did stiffen you? No, sir.

Henry Williams, confinee in Parramatta Gaol, called in, sworn, and examined:—

H. Williams. 5 July, 1878.

493. *Chairman.*] What is your name? Henry Williams.
494. When were you first convicted? About 1864.
495. What was your conviction then? A month.
496. After that? I was committed for trial.
497. Were you acquitted? Yes, sir.
498. When were you next convicted? I was sentenced to eighteen months in 1868.
499. Did you do that time? Yes, sir.
500. When was the next? In 1870.
501. Then you were not out long before you were convicted again? In 1870 I received a sentence of six years, and did it; and now I am doing a sentence of five years—from February, 1877.
502. You were only out a few months then? Three months.
503. What were your offences? Assault and robbery for the last two sentences. My first was stealing from the person.
504. You have been at Berrima then, I suppose? Yes.
505. When did you go first? In December, 1870.
506. That was for the six years' sentence? Yes.
507. How long were you there? Six months and six weeks.
508. Did anything happen to you there which you consider injustice? Yes; I was in the exercise yard, and wanted to make water. There is a hole in the door and I called to the warders through it. Kelly came to me and I told him I wanted to make water. He said, "No you don't." Then Warder Mahoney came to me and asked me if I wanted to pump ship, and he took me to a place for me to make water. I could not do it in front of him, and because I could not do it I was put into my cell and lost my exercise for seven days. When the seven days were up, they let me out again for exercise.
509. And that is all you have to complain of in your first stay at Berrima? Yes.
510. Then you went again in 1877? Yes, in March.
511. For how long? I went in March, 1877, and came back in November, 1877.
512. Well did anything occur then that you consider injustice? Yes; the moment I entered the gaol there happened to be a couple of prisoners who knew me. I nodded my head to them, and Small rushed down to me and said, "I will have nothing of this kind. I saw you nod to those prisoners. If you do anything of that kind here I will put you down into the dark cells." They have a bath-house there, and when I went, four prisoners were allowed to go for a bath, but after that they sent only one man. But the bath is only a farce, for during the nine months I was there I never got a wash, except what I could get in my cell when it was being cleaned out. My body was quite black, through not having enough time to wash. Then the bedding is never changed from one year's end to another.
513. Did you never see the Visiting Justice? No, you never see anything of the sort.

514.

514. Nor the chaplain? No; I never saw him all the nine months. The Visiting Justice came round just after I had gone there, but I had nothing to tell him then. But I never saw him all the time I was there before. H. Williams. 5 July, 1878.
515. Is that all you have to say? There is the bedding which is laid in the corridor between the two doorways. It gets wet in wet weather, and you never know who has slept in it before you.
516. Does the rain come into the cell? No, but it comes into the corridor.
517. Was your bed ever wet? Yes, my bed and rug have been wet with the rain.
518. Did you ever complain to the doctor? I have been to the doctor and complained. I was bad for three months, and they never did anything for me. They only gave me medicine to work me.
519. Who was the doctor? I don't know; he was a little old man. I went once to ask the doctor to give me a little extra rations, and I would have got them but for Mr. Small's interference.
520. Is there anything else you would like to say? Yes; there are the dark cells; if you do the least thing you are taken before the Magistrate and put into those cells. The last sentence I had there was three days, and I could not sleep day or night—I was so cold.
521. How many times were you punished? I think I was three times in the dark cells and once kept in my own cell.
522. Were you guilty? Yes, I had been talking. The warder chooses his own time for letting you out, and if you want to go out at any other time to make water you have to do it on the floor.
523. Were you ever gagged? No, sir. I have been threatened—that is all.
524. Were you ever spread-eagled? No, but I have been in the cell where the irons are, and it is enough to look at them without being on them. But I was next to a man named Carlisle and I could hear the warders ironing him.
525. But you did not see? No.
526. What are you by trade? I have no trade.
527. Where were you born? At Sydney.
528. How old were you when you were first convicted? I was born in 1849—I was about 15.
529. Are your parents alive? Not now.
530. Were they then? Yes; I am sorry to say I ran away from home.
531. Can you read and write? Yes.

SATURDAY, 6 *JULY*, 1878.

The Commission sat at Parramatta Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

Edward Callaghan, confinee in Parramatta Gaol, called in, sworn, and examined:—

532. *Chairman.*] What is your name? Edward Callaghan. E. Callaghan. 6 July, 1878.
533. What sentence are you undergoing? Three years.
534. For what offence? For stealing a horse and a revolver.
535. Was that your first conviction? No, sir.
536. When did you first go to Berrima? In 1876.
537. Under the present sentence? Yes.
538. What time in 1876? 23rd February.
539. Where were you sentenced from? Yass.
540. At the Sessions? Yes.
541. By Judge M'Farland, I suppose? Yes.
542. Well, now, how long were you at Berrima? I was there eight months and about fifteen days.
543. Have you anything that you wish to be brought before us by way of complaint; anything that you considered an injustice during the time you were at Berrima? Yes, sir.
544. Will you state the first thing of which you wish to complain? Will you allow me to state anything else. I left Yass and came to Goulburn and then to Sydney, and I was bad all the time.
545. When did you say your conviction was? On the 2nd of February.
546. Well, you went shortly after to Berrima? Yes, about twenty days. I went to Darlinghurst and was sick there. I was bad with the diarrhœa at Darlinghurst for about fourteen days, and then I went to Berrima on the 23rd February. I still was bad with the dysentery or diarrhœa—I do not know which. When I got to Berrima I had the irons knocked off at the gate, and I was put into a room to have a bath. Small told me to go into the bath of cold water—into a zinc tub—and I refused. He said "You will have to go into it," and I told him I was bad with the dysentery and that it was a hard case to put me in. But he said "It does not matter; the doctor has passed you from Darlinghurst and you will have to go through the rules." I went into the bath, and after that he pointed up to the wall and said "You had better take care of yourself here." I said "How is that, sir?" He said "Well, do you see that gag up there?" I did not know what it was. He showed it to me and told me that if I did not go on in a straightforward manner I would know what the use of the gag was. I said "I will try to do my best to get on in a straightforward manner." He then read out the rules from a kind of book, and I told him at the time, as I was no scholar, "You might as well be reading to a blackfellow as to me; I do not understand the rules." I was then put into a separate cell, and next day I put my name down to see the doctor. I was allowed to see him next day, and he took me into the hospital. I went into hospital on the Thursday, and as I was bad with the dysentery he ordered me some starch injections, and I had two or three of those. On the Saturday the doctor was there about 12 o'clock, and he ordered me to have an injection in the afternoon, and another at 9 or 10. When he went away from the gaol I was sent to separate treatment again by Mr. Small's orders, not the doctor's. While I was in the cell I wanted to go to the closet, being bad with the dysentery, and when I could not get out I was forced to ease myself on the floor.
547. How long did that continue? For about five months that way.
548. You do not mean to say you were five months before you saw anybody? No, I saw the doctor twenty or thirty times.

549.

E. Callaghan. 6 July, 1878.

549. You were taken away from the hospital, and put into the cell, and you were not allowed to go out for the purposes of nature, and had to use the floor? Yes.
550. Did the doctor come to see you then? I told Mr. Small about it, and asked him would he allow me a tub, but he would not. The doctor would allow me to have a tub if Mr. Small would allow it. But Small said it was not a general thing to allow a tub in a cell.
551. That was when you were in separate treatment. Excepting for this matter of your dysentery, you were treated like other prisoners under separate treatment? Yes.
552. Well, your complaint is, that suffering in this way you ought to have been allowed a tub? Yes, or have been allowed to go to the closet whenever I wished.
553. What else is there? It used to happen in this way in the exercise yards: I would rap at the door to get to the closet, and the warder would say he had not time to come, and I would have to keep it the best way I could. But there were times when I was forced to ease myself in the exercise yards, and the warder on duty would then go on at me and call me names.
554. Who was that warder? I do not know; I do not recollect one of the names of the warders in Berrima.
555. Did this occur in the early part of your confinement? Yes, in the first five months.
556. Were you under medical treatment all the while? Yes. I went occasionally to see the doctor, and he gave me medicine.
557. Who was the doctor? I do not know. There were two doctors there in my time.
558. When was there a change? The first doctor was there a month or six weeks after I went there.
559. Then there was another doctor for the rest of the five months? Yes, for the rest of my time.
560. Were you ill all the time? Yes, and I have been suffering ever since.
561. But you fix five months—what significance is there about that? I had then to use the floor.
562. Did both doctors treat you in this way? Yes, sir.
563. You got no more redress from one than from the other? No, sir, not a bit.
564. Is there anything else now you wish to complain of? Yes; I simply come here to tell you about the way Small treated me.
565. That is what we want to learn? While in the exercise-yard, when I would have to use it, the warder on duty would send to the chief warder, who would send to Small, and he would threaten to chastise me and put my head in what I had done.
566. How do you mean threaten to chastise you? He came to me in a menacing attitude, and said if I did it again he would put my head in it.
567. He did this in the presence of the warder? Yes, in the presence of all who could see.
568. Well? I was in the bottom cells five months, and was then shifted up stairs. I got a little better for a time, but was forced to use the floor there too, after the five months.
569. Was the cell cleaned out? Yes, I had to clean it out myself when I used it. They would give me water.
570. Very well. Is there anything else you have to complain of? Yes. One day Mr. Small came to me at about half-past 2 or 3 o'clock. When the door was opened, I stood at attention, and he came near to where I was, and holding a piece of paper in his hand, he said, "Do you know anything about this?" I said "No, I know nothing about it;" and he began to blackguard me, and call me names. He called me a "bloody villain," and other names like that. I had a big comforter on, and was standing up at attention, when on a sudden he grabbed me by the comforter, dragged me outside the cell-door and up three or four steps, and kicked me, threw me down on the floor, and then picking me up by the two feet, dragged me down another stairs.
571. Did he drag you down in a sitting posture? Yes, sir.
572. Without alleging any reason? Yes, sir, except the note he had in his hand, which I knew nothing about.
573. Do you know what it was? No, I have never heard anything about it since.
574. Was it anything that you had written? Not that I am aware of.
575. Had you written anything to give to another prisoner? No, sir.
576. You are quite sure? Yes, sir.
577. Did you have any books in your cell to read? Yes.
578. Had you written anything on one of the leaves of a book? No.
579. Had you abstracted any leaves? No.
580. Not for any purpose? No.
581. You remember you are on your oath? Yes.
582. Were you taken before the Magistrate on this charge? No, sir.
583. Did he not say what the charge was;—did he not say, "You have been writing on this book," or anything of that kind? I want to give what I am stating right straightforward all through.
584. But I want to know from you what I am asking you about? I will come to that afterwards.
585. Answer me now;—did he say at the time, "You have been transgressing the rules; you have been writing on this book or on this paper"? No, sir. He said, "Do you know anything about this?"
586. Then what do you mean by saying you will come to it in its time? What he asked me afterwards.
587. What was that? He asked me afterwards did I write this note, and I said no. He said I did, and called me a liar. I said, I knew nothing about it whatever.
588. Can you read and write? A very little.
589. Were you taken before the Magistrate? No.
590. What was the end of that transaction? He brought me down a stairs, dragged me to the bottom landing, down two or three more steps, and up to No. 34 cell, picked me up as if I had been a child, and threw me into the cell.
591. Was that the cell he had taken you from? No, he took me from No. 66.
592. Was No. 34 a more severe cell than No. 66? Yes, sir, it was a very small one.
593. What time was that;—do you remember? It was in September or October—I do not remember exactly.
594. Towards the end of your confinement;—did you complain to anybody about that? Yes, to the priest.
595. What is his name? Father Riordan.

596.

596. Did you ask for the priest to be sent for? Yes, when he (Mr. Small) brought me into the cell he shoved me over the bed-baskets, and my head bumped against the wall. I stood up thinking I was going to get a thrashing from Small and a warder, but they did not beat me. I stood up, and Small said, "How were you dragged up"?—"What was your father?" I said, "I was not dragged up in Berrima Gaol," and he said, "If you were a son of mine, I would put a bullet in you." He kept on calling me names, and I was frightened, and did not know what to say. He turned round and told one of the warders to get him a pair of handcuffs. He got two handcuffs, put one on each of my wrists, and then fastened each one to ring-bolts in the wall. E. Callaghan. 6 July, 1878.

597. Where were these ring-bolts? There were two ring-bolts in opposite corners of the cell, about 3 feet 6 inches or 4 feet from the floor, and he put me this way [*witness standing with his arms outstretched.*]

598. And how long were you kept there? He sent for a gag then. He was bully-ragging me while I was in this position, and when he got the gag he put it in my mouth.

599. Was it such a gag as this [*showing a gag*]? Yes.

600. Was it the same kind of thing as he had shown you on the wall? The very same.

601. And he put it in your mouth—was anybody present? There was a warder or two.

602. Do you know their names? I do not; I never heard any warder's name but Murphy.

603. Was he present at any of these ill-treatments? Yes, he was in the yard.

604. But during any of this violence? I do not think he was.

605. And the only warder, whose name you know, was not present at any of these occurrences of which you complain? Only in the yard.

606. Well, did Small leave you fastened in this way? Yes, sir.

607. For how long? Three hours. It was about 3 o'clock when I came down, and it was 5 or 6 when I was let loose again.

608. That was all the same day? Yes.

609. And the gag was in your mouth all that time? Not all the time. He was bully-ragging me more than half an hour, and then he sent for the handcuffs. As near as I can say the gag was in about two hours.

610. Were you left alone in the cell in that condition? Yes.

611. Were there any irons on your legs? No.

612. And as far as you know that was for no offence whatever? Only for what he brought me—the piece of paper.

613. But you say you had nothing to do with it? I had nothing to do with it.

614. Then you had done nothing whatever? No.

615. We understand you were not making use of any bad language? Not one word, sir.

616. Is that the last thing of which you have to complain? No. Next day I sent for Father Riordan, the priest. I asked the chief warder to send for him, and as the chief warder was going away he said, "You flash larrikin—we will take the flashness out of you."

617. What was his name? Everett.

618. But you say you had been showing no flashness, nor insubordination of any kind? None at all.

619. Did the priest come? About an hour afterwards the priest came.

620. That was after you had been released? It was next day.

621. Well, when the priest came? I told him all my case—what I thought was fit to tell him. I did not like, on account of his being a clergyman, to tell him everything that transpired, but I told him all Small had done to me—that he had dragged me down stairs, and what I have already stated. He asked me if I had given the gaoler any cause, and I said, "No." He said, "You never insulted him?" and I said, "No." I told him everything I have told you gentlemen now.

622. Did you tell him that you had torn your book? No.

623. And you had not torn your book? No.

624. What did he say? He said he would go and see Mr. Small. I told him I was going to be kept there for the Magistrate, and I was kept three or four days in that cell (No. 34) waiting to see the Magistrate; but he did not come. Father Riordan came to me, and he said, "I will go and see Mr. Small about it." So he went to Mr. Small, and next day Father Riordan came to me again, and said, "Callaghan, I do not think you will get tried for this offence."

625. What offence? What he had charged me with—this piece of paper. I said I hoped not, and he said, "I think I will get you off." A couple of days afterwards Father Riordan came to me and said, "I think you will go upstairs again." I thanked him. At 12 o'clock I went upstairs to the same cell as I was taken from, and was never taken before the Magistrate.

626. Now, I want you to tell us what you mean by saying to Father Riordan, "I hope I won't be tried for this offence," and "I hope you will get me off," when you had not been guilty of any offence? That is true—I told him so; but at the time Small charged me with this piece of paper I said I knew nothing about it, and he said, "I will let you know in a few days." Well, through the conversation I had with Father Riordan, I found out that it was a letter written to another prisoner without any name being on it. It contained only a few words. Small charged me with writing this letter, and that is the reason why I said I hoped I would get out of it.

627. You had not written a word, nor did you know who had? No.

628. You knew it was a groundless charge, and you were afraid you would be charged with an offence you were not guilty of, and that you would be punished for it? Yes.

629. Did you ask Father Riordan in any way to beg you off? No, sir, I did not.

630. However, through Father Riordan's intercession you were allowed to go upstairs—as far as you know? Yes, sir.

631. Is that the last thing you have to complain of? No, sir.

632. Well, that brings us down to September. When did you leave there? On the 10th November.

633. What is the next thing you have to complain of? Well, I got off as I told you, and went back to No. 66 cell. I was allowed no books while I was there until I saw Father Riordan again, and asked him would he get me a book. He said yes, and he did get me a book. I should not have got any only for him.

634. Anything else? Well, there were the rations we got; they were very bad.

635. In what respect? They were bad, dirty rations.

636. Were they insufficient in quantity? Yes, sir, both.

637. And bad in quality—dirty? Yes.

E. Callaghan. 638. Did you complain to anybody? I went to the doctor about it.
639. What did he say? He would look at Mr. Small; they would have a word or two about it; and I
6 July, 1878. would be run back to the cell, and there would be nothing more about it.
640. You never kept any to show the doctor? Yes, I have shown him a piece of doughy bread you could squeeze up in your hand.
641. And he never gave you any redress? No.
642. This was the second doctor? Yes, sir. I used to go and ask the doctor for rations, and Small would turn round and tell the doctor that the man was getting heavier every week when I was losing weight all the time.
643. Were you for any offence brought before the Magistrate while you were there? Never, sir.
644. You were in the hospital, you say? Yes, three days.
645. When you were taken out of the hospital was any reason given for taking you out? Not that I know of.
646. Did the doctor ever say you were only shamming, and that they had examined your motions and had seen that you were not suffering as you represented? No, sir.
647. He did not say you were trying to impose, and that if you tried it again he would bring you before the Visiting Justice? Nothing of the sort.
648. Did you complain to the doctor about being removed? From the hospital?
649. Yes, and being put back into the cell? I went back to him about a week afterwards. I was put back into the cell on a Saturday, and on the Monday I put my name down to see the doctor, but he did not come, and I let it run on. When he did come I asked him why I had been shifted out of the hospital and he said he had not ordered me from the hospital?
650. But he did not order you back? No.
651. Are you suffering from the same illness now? I have been suffering from bowel complaint ever since I have been in prison.
652. In the same way? Not exactly in the same way—it is like dysentery or diarrhœa.
653. Are you under medical treatment here? Yes. When I say under medical treatment I mean that I am always going to the doctor.
654. And does the doctor prescribe for you? Yes, sir, regularly.
655. Were you ever gagged except on the one occasion you speak of? No, only the one.
656. Were you ever fastened to ring-bolts except on the one occasion you have mentioned? No, only once.
657. Is it a fact that the gag was taken out of your mouth, and your hands loosened from the ring-bolts at the same time? Yes.
658. Who did that? I do not know the warder's name.
659. Two of them came, and neither was Small nor Everett? No; they were two warders whose names I do not know.
660. The same men as were present when you were fastened up to the ring-bolts? No.
661. Two different men? Yes.
662. Have you told us now all you wish to bring before us as matters of complaint in reference to your treatment at Berrima? Yes. Sometime ago I made a statement to Mr. Taylor who came here; I was told that whatever statement I made there I should not be punished for hereafter. So he asked me a few questions about Berrima, and I told him a few little things about my being pulled down stairs, and about the rations, just the same as I have told you, but in a few words. A few weeks after I put my name down to see the Comptroller when he came, in order to ask him for a suit of clothes when I got my liberty. I asked him for the clothes when he came, and he said to me in the middle of what I was saying "You are Callaghan, and you have been to Berrima," and then "I have been there and made inquiries about your treatment, and I find all that you said to be totally false, but to show that I am not prejudiced against you I will reconsider your request about the clothes."
663. Is that all? Yes.
664. Well, how did you come to see Mr. Taylor? I voluntarily went to see him. There was a report going about that a gentleman wanted to find out about the treatment at Berrima, and I was one of the men who volunteered to state what I knew, and so I told him.
665. Did you ask to be allowed to go? Yes; I asked to be allowed to go up. I think the report was that anybody who wished to see him might go and see him.
666. And you do not know how Mr. Taylor came to be here? No; I do not know anything about that, sir.
667. I observe that you have a moustache;—are you near your time for liberty? Yes.
668. When do you go out? On the 1st of next month.
669. *Mr. Oatley.*] You spoke of being dragged down the stairs; and you say that you were sitting at the time—were you dragged down upon your behind, or in what way? He threw me down like that. [*Showing how.*] Caught hold of my two feet, and dragged me down with my head behind me.
670. Were you at full length, or on your backside? I tried to save my head.
671. Then your head was not on the ground? Sometimes; I managed to keep it up as well as I could.
672. There were no marks on you? No.
673. *Chairman.*] You were not resisting at all? To tell the truth I was frightened of the man.
674. You have no idea why he took you up there? No.
675. And you were not resisting? No; I was too frightened to say a word.
676. Was any warder looking on? Yes; the man who was on the top landing.
677. You were never gagged anywhere else I suppose? No.
678. *Mr. Oatley.*] You say you were convicted twice? Yes.
679. When was the first conviction? In 1861, for cattle-stealing.
680. *Chairman.*] Where was that? In Deniliquin.
681. What sentence did you get? Five years, Cockatoo Island.
682. In 1861—You were not at Berrima during any portion of that time? No.
683. Did you serve the whole of that time? Yes.
684. When were you next convicted? In 1876.
685. During 1866 and 1876 where were you? Knocking about New South Wales, Victoria, and Queensland.

686.

E. Callaghan.
6 July, 1878.

686. Have you any trade? No; I was cattle-driving, horse-breaking, and digging.
687. Are you a native of the Colony? I am a native of Victoria.
688. Did you ever request to see the Visiting Justice? No.
689. Did you, in point of fact, ever see him? I never saw him to my knowledge.
690. You must have known that there is such an officer who goes round to hear if the prisoners have any complaints to make? Yes, sir.
691. Did you not know that from your previous experience at Cockatoo? No, sir.
692. Where did you serve your first sentence? At Darlinghurst and Cockatoo.
693. Did you not know at Darlinghurst there was a Visiting Magistrate? Yes.
694. And did you not know there was a Visiting Magistrate at Berrima? Yes, sir; but to tell the truth I was frightened to ask anything.
695. How old are you? Thirty-two.
696. And you were fifteen years old when you got five years? Yes, sir.
697. Who tried you? I think it was Judge Callaghan.
698. And you were a boy of fifteen? Yes.
699. Where was it? At Deniliquin.
700. *Mr. Oatley.*] And you had never been convicted of any crime before that? No, sir.

Richard Hanson, confinee in Parramatta Gaol, called in, sworn, and examined:—

R. Hanson.
6 July, 1878.

701. *Chairman.*] What is your name? Richard Hanson.
702. What sentence are you undergoing? Ten years.
703. For what offence? Assault and robbery.
704. Where were you convicted? At Sydney.
705. And when? In November, 1875.
706. Was that your first conviction? No.
707. When were you first convicted? In 1859.
708. Where was that? At Sydney.
709. You have been several times convicted? Five times.
710. I want to know when you first went to Berrima? In 1864.
711. What time in 1864? I think it was early in 1864.
712. What sentence were you undergoing then? Five years.
713. For what offence? For stealing from the Sydney Markets.
714. How long were you at Berrima on that occasion? About nine months.
715. Confine your evidence for the present to your being there on that occasion. Have you anything that you wish to bring before us as a complaint of injustice? Yes, sir.
716. Will you tell us what it was; tell us the first thing as well as you can? The first was being put in the cell and kept there twenty-eight days on bread and water—seven days in irons before I was tried.
717. How long was that after you got there? It might have been five or six months.
718. You have nothing to complain of then for the first five or six months? No.
719. Well, what happened then? There was a man named Smith, who was undergoing a sentence in the cells, and who was singing, and Small came round and said he would gag him if he would not stop. A number of prisoners with myself were taken out next morning for kicking up a row; we were put in the cells for twenty-eight days, and we had nothing but bread and water, and no vessel in the cell but a quart-pot.
720. Then you were not guilty of any breach of the regulations on that occasion? I was singing out as well as the others.
721. You were not brought before the Magistrate? Seven days after I had been in the cell I was.
722. Who was the Magistrate? Mr. Rowley. There were two. I do not know who the other was.
723. And for that offence what was done? I received twenty-one days after having been kept seven days in the cell—twenty-eight in all.
724. Eight-and-twenty in all, but the seven you had served were taken into consideration? Yes.
725. Have you anything else to complain of? When I became eligible for liberty I was discharged penniless after doing five years. When I came out I was compelled to rob a man, and for that offence I got ten years. I told his Honor the Judge, Sir Alfred Stephen, but he disbelieved me. On his return to Sydney, however, he found that what I said was true.
726. That gets you out of Berrima on the first occasion. Have you told us all you complain of during your imprisonment in Berrima? Yes.
727. And then you were penniless you say, and had to rob a man to get the means of subsistence? Yes.
728. Where were you discharged? At Berrima.
729. And where did you commit the robbery? At Paddy's River, about 20 miles away from Berrima.
730. With violence? Under arms. I had to steal a gun.
731. Where did you steal the gun? From a man of the name of Smith, near the place of the robbery.
732. Did you take that away with violence? No, I took it without his knowing.
733. And then with this gun you committed a highway robbery? Yes, with two others.
734. Were they convicted? Yes, one got fifteen years and the other three.
735. Were they men you had known before? Yes; one of them had been discharged from Berrima Gaol fourteen or fifteen days previously.
736. Well, were you sent to Berrima on that occasion? No, I was tried and came down to Sydney, and from Darlinghurst I went to Cockatoo Island.
737. And when did you next go to Berrima? I was sent from Cockatoo Island to Darlinghurst.
738. It was about the end of 1864 that you committed the robbery? No, it was in March, 1865.
739. And you were sent from Cockatoo for what? Speaking about the rations. Without being brought before a Magistrate the Comptroller sent me to Berrima.
740. When was that? That was in 1866.
741. Was that the present Comptroller-General? Yes.
742. Mr. Maclean? Yes.
743. Merely for speaking about the rations? Yes, I received a sentence of fourteen days.

R. Hanson. 6 July, 1878.

744. What for? Speaking about the rations—refusing to work because the rations were bad.
745 Then it was not for speaking of the rations but for refusing to work; but you say you refused to work because you considered the rations were not good enough? Yes.
746. And for that you received a sentence of fourteen days, and at the end of it were transmitted to Berrima? I was sent first to Darlinghurst.
747. How long were you there? Three or four weeks. While I was there I waited in the yard until they were ready to shift the prisoners to Berrima.
748. When was that? In 1866.
749. What time in 1866? Early in 1866.
750. And how long were you there that time? Seven months, within a week.
751. During that stay have you anything to complain of? No. I complain of being sent there without being tried before a Magistrate.
752. Did Mr. Small treat you harshly or unjustly? No; I do not complain of anything.
753. That brings you down to about 1867;—where did you go then? I went to Darlinghurst.
754. And how much of the sentence did you serve? Eight years and five months.
755. When were you released;—do you remember? Early in 1873.
756. When were you next convicted? In 1875.
757. What time? November.
758. That is the sentence you are now serving? Yes.
759. How long were you in Berrima then? Nine months.
760. Have you anything to complain of? Well, the rations were very bad, and whilst I was in the cells for talking there were only two blankets, which were not sufficient to lie on, let alone to cover a man. There were nothing but the boards and two blankets.
761. You were convicted of a breach of the regulations? Yes.
762. And you were guilty? Yes.
763. Have you anything else to complain of? Yes; that I am doing this ten years for a crime I know nothing about, and that if I had the opportunity I could prove that I am an innocent man.
764. Have you told us all you have to complain about at Berrima;—were the rations worse during the third period than during the two previous ones? The rations when I first went in 1864 were good; but Berrima was not a model prison at that time.
765. Then the result of making it a model prison was to make the rations not good enough? It looked very much like it—the rations were bad.
766. Then you have no complaint of the rations during the first and second times? No.
767. You knew of course yesterday that you were to be examined here, and you knew for what object? Yes.
768. And you have told us all you wish to complain of? Yes.
769. Now you can state anything you wish about your being innocent? I could prove beyond a doubt that I am undergoing this sentence innocently. I can prove that the man who convicted me was a thief and a forger, and I believe he did a sentence for perjury. He was a man named Molloy—a lame man. On his bare testimony I was found guilty and sentenced to ten years, whereas I can get five witnesses to prove that I never wore the clothes he said I robbed him in, and that I was in my own clothes at another place when he was robbed.
770. Where were you tried? In Sydney.
771. Before whom? Judge Faucett.
772. Well, your only course is to write to the Colonial Secretary. I am sure the gaoler will allow you to write according to the regulations, and if your friends are in a position to establish your innocence the Executive will take all the circumstances of your case into consideration. I have one other question: During the whole of the time you were in Berrima you were never gagged? No, sir.
773. Nor did you see anybody gagged? No, but I have heard men say that they were gagged.
774. You were never triced up to the ring-bolts? No.
775. And never saw anybody else triced up? No. It is rumoured in the gaol that Mr. Hussey said that the men who came up before Mr. Taylor to make a statement were the worst of prisoners; that they were despised by their fellow-prisoners; and that he had to keep them separate or the other prisoners would fall on them. I wish to ask if that is the case.
776. We are not likely to tell you if he did? If he said so it is not true.
777. Whatever Mr. Hussey says—if he should be a witness—his evidence will be taken for what it is worth.

Daniel Brenchley, confince in Parramatta Gaol, called in, sworn, and examined:—

D. Brenchley. 6 July, 1878.

778. *Chairman.*] What is your name? Daniel Brenchley.
779. What sentence are you serving? Five years.
780. Is that your first conviction? It is—for felony.
781. Have you had many other convictions? Three for misdemeanours.
782. It is under this sentence I suppose that you first went to Berrima? Yes, sir.
783. When did you first go to Berrima? On the 1st November, 1877.
784. How long were you there? Nearly five months altogether. I was three months and a half in separate treatment, and I was on the works for a short time. But I wish to mention how I was sent to Berrima. I was sent to Berrima for punishment, and never was taken before the Visiting Justice in Darlinghurst, but was sent without a trial.
785. When were you convicted? On the 1st June, 1875. I was not allowed to go to Berrima for the first nine months.
786. As a matter of special indulgence I suppose the rule was relaxed in your case? Yes; and I remained in Darlinghurst two years and nine months. I was put into the transit wing, and was told that I was going to Berrima.
787. Had you been accused of any offence? No.
788. Had you received any punishment at all in Darlinghurst? One—seven days.
789. When was that? Nine months previous to my being sent to Berrima.

D. Brenchley. 6 July, 1878.

790. What was that for? For amusing myself in the yard with gloves.
791. *Mr. Oatley.*] Sparring? Yes.
792. Where did you get the gloves? Somebody made them out of stuff that was disused.
793. *Chairman.*] Did you complain to Mr. Read or to the Comptroller-General? I have complained to the Comptroller since I have been here; but I had no opportunity to complain to him before I came here because he did not visit Berrima while I was there.
794. But in Darlinghurst? I had no time. I was called out at 7 o'clock, and put on transit.
795. What have you to complain of in your treatment at Berrima? When I arrived Mr. Small called me by name, and said to me, "You have come up here to be tamed." I replied, "I beg your pardon, sir—I have not committed myself in any shape or form." "Well," he said, "you will be six months in the separate cells and three months in the stone yards, and if you are quiet then we will get you shifted to another gaol." He said further, "You have been punished seven days for boxing." I replied, "But that is nine months ago," and he said, "Well, if you want any boxing I will give you some with my shut fists."
796. Was anybody present during that conversation? Yes, prisoners now in Berrima, who were on transit with me.
797. Any officers? Yes, I think the senior warder.
798. Do you know his name? Mr. Brayne.
799. Had you been at all impertinent or insolent in your manner? No, sir; I was holding another man who was getting his irons taken off at the time.
800. Then you were put in separate treatment? Yes.
801. Well, go on and state anything you have to complain of? I was put in a cell where there was a ring-bolt, and Small came to me next morning and said, "If you are not quiet we will tie one of your legs to that bolt and another to the window, and spread-eagle you." I said, "I intend to be quiet."
802. Had you been unruly? No, I was frightened. The way they talked in Darlinghurst frightened me.
803. There is no harm in warning a prisoner that if he transgresses a rule he will be punished? There is not, but I thought it would be hard if I were put that way.
804. We do not call it ill-treatment to point out to a prisoner that if he does certain things he will incur a certain punishment? Well, the warder would come and ask me to go to exercise while I was getting my dinner, and when I would come back the meat would be fly-blown. Then the hominy would be so thin that if you were not smart in taking it through the trap-door you would lose it altogether. But you had to eat it or go without. When on the works I asked some of the prisoners whether they could not complain of the rations, and they said it was no use, because the contractor was a friend of Mr. Small. The horses ate most of the hominy there.
805. What we want to know is, what injustice was inflicted on you? Well, the hominy was not fit to eat.
806. Was the meat always fly-blown? If I were taken out for exercise at 12 o'clock, while I was getting my dinner the meat would be fly-blown when I came back, and I would have to throw it away.
807. What time did they give you for dinner? About 5 minutes. After the dinner had been put into the cell they would come and open the door, but that did not occur always—only occasionally.
808. How often? Two or three occasions.
809. That is all you have to complain of? I have to complain of having been sent to Berrima on no charge.
810. Well, have you told us all that you want to tell us with regard to any ill-treatment at Berrima—you were never punished? No.
811. You never saw anybody gagged? No.
812. Nor spread-eagled? No.

Michael Minton, confinee in Parramatta Gaol, called in, sworn, and examined:—

M. Minton. 6 July, 1878.

813. *Chairman.*] What is your name? Michael Minton.
814. What sentence are you undergoing? Six years.
815. For what offence? Horse-stealing.
816. Was that your first conviction? No, the second.
817. When did you go to Berrima first? I beg to ask you one question first if you will allow me. I wish to ask whether you are going to hear complaints about this gaol or about Berrima alone. If I cannot say anything about this gaol I decline to say anything, because it will do me harm here.
818. Do you wish to be examined without any of the officers of the gaol hearing you? I wish to defend myself in this gaol as well as in Berrima. I have very serious complaints to make about this gaol.
819. Have you any complaints to make about Berrima? I have, but unless I can speak about this gaol I decline to say anything about Berrima.
820. Would you like the warders to retire? Yes, sir.
821. I may tell you that your evidence will be taken down and perhaps be published. [*The warders were then directed to withdraw, and received instructions not to remain within hearing.*]
822. I want to know when you first went to Berrima? I went there about the latter end of April, 1876.
823. During the sentence you are now serving? Yes.
824. How long were you at Berrima? Nine months.
825. During those nine months were you subjected to any treatment which you consider unjust, and of which you wish to complain? Yes. When I got to the gaol Mr. Small came up and said, "Which of these men is Minton?" The officer said, "This one," pointing to me. Mr. Small said, "You have given a great deal of trouble to the gaoler at Goulburn; I will see whether I can't straighten you here." With that I was taken into a room and put into a tub of cold water, and my socks and flannels, which I had been used to wear for fifteen years, were taken from me. After being in the water they gave me an old jacket of this description (*pointing to the one he wore*) and put me into a small cold cell. I asked for my flannels, and was told that flannels were not allowed. I saw the doctor, and complained to him about it, and he told me I would get grey coats when the time came. Through being without my flannels I caught cold. I complained of the bad smell of the cell, and was told that it was good enough for me and the likes of me. I complained of the hominy, which was not fit for pigs to eat. I asked to see the

doctor

M. Minton. 6 July, 1878.

doctor, but when I was brought before him Small charged me with insolence, because I told him that I would make a complaint when I got to Parramatta. He said, "I will have you punished for threatening to say anything about this place." He took me before the Visiting Justice, and I was put into a dark cell for twenty-four hours.

826. For speaking in that way to Mr. Small? Yes, for telling him that I would make a complaint when I got to Parramatta I got twenty-four hours dark cells, and was only allowed half a blanket. A morning or two after I had been put back into my own cell I asked for some chloride of lime, to put down a hole I had had to make water through, and I was put into the dark cell again for that.

827. *Mr. Oatley.*] Was there no tub? No, sir. There is a bell for the prisoner to ring, but he can ring as long as he likes, he will get no answer. If it happens to be meal times the warders will come and abuse him, and threaten to bring him before the Magistrate.

828. *Chairman.*] But you know it would be fine fun for prisoners to ring their bells for nothing, and to make the warders trot about to the cells? They are too frightened to do that in Berrima.

829. Did you never ring the bell without necessity? No, sir.

830. And they never answered the bell? No, it was never answered.

831. And did you have to evacuate as well as make water? Never in the cell. I have had to make water in the crevices of the cell, and try to hide it. If the warders happened to be in the corridor, they might come in when you rang.

832. But you were never driven to the strait of easing yourself in any other way? No.

833. Have you anything else to complain of? Yes, of the rations.

834. You have told us they were insufficient, and of bad quality? I was starved all the time I was there, and the rations were very bad.

835. Anything else? Yes, when I was coming away the senior warder said to me, "The best thing you can do when you get to Parramatta is to say nothing about this gaol, because you don't know but you may come back." He spoke to the men as if they were dogs, so as to irritate them to give him a chance to baton them.

836. Have you seen him baton any man? It is a common occurrence to hear men roaring there.

837. Have you ever seen him do it? No, I had no chance when I was locked up in my cell.

838. He has not used the baton on you? No, but I have been threatened with it.

839. Have you told us all you have to complain of about Berrima? About Berrima I have.

840. You were never gagged? No.

841. Nor spread-eagled? No.

842. And you never saw any man gagged or spread-eagled? No.

843. *Dr. Alleyne.*] Were you under the doctor's treatment? I was.

844. What was the matter with you? I complained of hunger most of the time.

845. *Chairman.*] No illness? Nothing, except a cold.

846. But you saw the doctor and he did not think it necessary to make any special order in your case about clothing? On one occasion when I went to the doctor about my flannels, he would have given them to me, but for Mr. Small, who said, "Oh! they don't want flannels; they will soon have good grey coats."

847. *Dr. Alleyne.*] How old are you? 34.

848. Do you know your height and weight? I was 12 stone 2 lbs. when I went to Berrima.

849. And how tall are you? 5 feet 9¾ inches.

850. Then you were a very robust man at one time? I weighed 12 st. 2 lbs. when I was first put on the scales at Berrima.

851. *Chairman.*] That is not your ordinary weight? I am 11 st. 6 or 7 lbs. now.

852. Were you ever sick before you went into the gaol? I am a strong and healthy man, and never had an hour's sickness until I got into gaol.

853. *Dr. Alleyne.*] But you never were sick in gaol? I have complained of rheumatism since I have been in gaol. The doctor here is a gentleman and a very good man.

854. *Chairman.*] Have you anything else to tell us? Nothing concerning Berrima; but I wish to make complaints of ill-treatment here. It is no use complaining to the Gaoler or the Visiting Justice because the Gaoler is visiting justice, doctor, and everything else.

855. Have you ever been ill-used here? Not by hands, but I complain of the quantity of the rations and the way they are served out.

856. How do you mean? We have no rules. We do not know what rations we are to receive. We do not get enough. I don't believe we get the proper rations allowed by the Government.

Daniel M'Kinnon, confinee in Parramatta Gaol, called in, sworn, and examined:—

D. M'Kinnon. 6 July, 1878.

857. *Chairman.*] What is your name? Daniel M'Kinnon, sir.

858. What sentence are you serving? Seven years.

859. For what offence? Shooting a man.

860. Was that your first conviction? No, sir.

861. How many times before that were you convicted? Once.

862. Only once? That is all.

863. What was that for? A charge of assaulting my wife.

864. When did you first go to Berrima? In 1876.

865. That was under your present sentence? Yes.

866. What time in 1876? In May.

867. How long were you there? Nine months.

868. That was till February, 1877, I suppose? Yes.

869. Well, during the nine months you were there was there anything you have to complain of as unjust treatment? Well, no, I have nothing to complain of hardship to myself, but I have seen them ill-use people there.

870. But you have nothing to complain of in regard to yourself? Not in regard to ill-usage; but I have in regard to rations, and I could not get out of the cell when I wanted to,—only once a day, sometimes twice.

D. M'Kinnon. 6 July, 1878.

871. You were only allowed out of your cell once, and sometimes twice, a day, when you wanted to go oftener; and you did not get quite enough rations? Yes, sir.
872. And are those all the complaints you have to make? Yes, that is all I have to complain of about Berrima.
873. For how long each day were you allowed out for exercise? An hour a day for six months.
874. Have you anything else you wish to say to us? No, not in regard to Berrima Gaol; but I have a great deal to say in regard to this gaol.
875. Well, you may tell us, generally, what it is you have to complain of in regard to this gaol? When I put my name down to see the Visiting Justice I am not allowed to see him; and when I put my name down to see the Comptroller I am not allowed to see him.
876. Have you ever put your name down to see the Visiting Justice, and not been allowed to see him? Yes; twice. I have put my name down to see the Comptroller, and the Gaoler has told me that he would complain to the Comptroller about me, and he has done so.
877. Is there anything else you wish to complain of? Yes, about rations. It is of no use to complain of the rations; you get no satisfaction.
878. Are the rations insufficient? Sometimes.
879. Are they good? No, sir; the hominy is very bad, and sometimes the bread is bad; and the tobacco, we can't smoke it.
880. Does not the Visiting Justice go right through the gaol and see every man and ask him if he has any complaints to make? No, sir.
881. Only those who put their names down? That is all.
882. And you say that you have put your name down and that you were not allowed to see him? Yes.
883. What gaols have you been in besides Berrima and this? Darlinghurst.
884. Any other? Goulburn.
885. Any other? No, sir.
886. Have you any complaint to make about Darlinghurst or Goulburn? No, sir.
887. How long were you at Darlinghurst? I was waiting about four months for trial.
888. And after? I was there four weeks after I was convicted.
889. And in Goulburn? I was twelve months in Goulburn.
890. Then you have nothing else to tell us? Yes, I want to know how often a man is allowed to write; I am only allowed to write once in eight months to my children. I have two in Randwick and two in Sydney.
891. What countryman are you? North of Scotland.
892. *Mr. Pinhey.*] Did you make any complaints here or at Berrima of the treatment you have alluded to, to the Chaplain? No, I never made any complaint.
893. *Mr. Voss.*] Nor to the doctor? No.
894. *Chairman.*] With regard to the number of times you are allowed to write from here, that is a matter of general gaol discipline with which we have nothing to do. This inquiry concerns Berrima Gaol? I would far sooner do my sentence in Berrima than here, because if I was quiet there I was let alone, which I am not here.
895. *Mr. Oatley.*] Then we are to understand that if you behave yourself in Berrima you are properly treated? I do; but I can only speak for myself. If I behave myself well here I am not properly treated. I have seen them ill-use a prisoner here far worse than ever they did at Berrima.

Edward Tansley, confinee in Parramatta Gaol, called in, sworn, and examined:—

E. Tansley. 6 July, 1878.

896. *Chairman.*] What is your name? Edward Tansley.
897. What sentence are you serving? Three years.
898. Is that your first conviction? No sir; I was convicted twice before, and served a month and eighteen months.
899. What was the offence for which you are now serving? Assault and robbery.
900. When were you convicted? On the 4th of April, 1876.
901. In Sydney? Yes.
902. At the Assizes? No, the Sessions.
903. When did you first go to Berrima? On the 26th of April in that year.
904. How long did you remain in Berrima? I completed nine months there.
905. And you left somewhere about the end of January? The early part of January.
906. Well, during the time that you were there was there anything that you wish to bring before us by way of complaint—anything that you consider ill-treatment? No, sir,. not actual ill-treatment, but language made use of to me by Mr. Small.
907. How often? On one occasion only, and that lasted about half-an-hour,
908. What occasion was that? When I was locked up on a charge of attempting to communicate, wishing to be brought before the Magistrate.
909. Do you remember the month? I could not say sir; it may have been August or September.
910. Well, tell us what was done? Mr. Small came into my cell and asked me what I was locked up for. I said I hardly knew; and he told me, making use all the time of dirty, beastly language. He called me scoundrel, and other names too numerous to mention.
911. Yes? Then he told me that if he had been there when the warder locked me up, he would have broken my jaw or knocked me down with a baton. He finished up by saying that he would justify any officer in the prison knocking a man down with a baton, or anything he could get hold of, for any breach of discipline whatever.
912. Well, anything else? Then I was brought before the Magistrate, but the offence was so light that he dismissed the case.
913. Who was the Magistrate? I think it was Mr. Wilshire.
914. Is that all you have to mention? That is all I have to speak of, except the rations. They were deficient, both in quantity and quality. The hominy was absolutely rotten at times. The potatoes also were mostly rotten, and the bread was generally bad. In fact, everything there in the ration line was the same.
915. Did you ever complain to the Visiting Justice? No, I made no complaint because I thought it would be useless to do so.

E. Tansley. 916. So you never asked to see the Visiting Justice? No.
917. Nor the doctor? I asked him once for more rations, but through the gaoler's interference I did
6 July, 1878. not get them.
918. How do you know? He asked me how long I had been there, and he said in a sarcastic manner that I had been there only a fortnight, but that I was getting a head on me as big as a bullock's. That, I think, induced the doctor not to give me extra rations.
919. Is there anything else you wish to complain of? I should like to speak about the tobacco in this prison. Here is a fig of the tobacco served out to us last Saturday. We refused to use it and it was taken away again, but we got no satisfaction. We asked to see the gaoler or the chief warder on last Wednesday or Thursday, but we heard nothing more about the matter.
920. Well, have you told us all you wish to say about Berrima? Yes.
921. *Mr. Pinhey.*] Have you ever seen the gag used in Berrima Gaol? No, sir, I have never seen one.
922. Nor seen a man spread-eagled? No.
923. *Chairman.*] You say you never saw a gag? No, sir; I do not know what it is like.
924. Then you do not recognize this *(showing the gag)*? No.
925. Well that is said to be a gag. You understand what it is now, and you see it for the first time. We have nothing to do with this gaol, but we will hear, generally, anything you wish to complain regarding your treatment here. Do you complain of the rations here? Well, at times they are not of the best.
926. What are you by trade? A tinsmith. We asked to see the Visiting Justice or the Gaoler about this tobacco but we were not allowed.
927. Who was the warder who took it from you? The senior warder, I think. He took our names at the same time. The tobacco was taken back to the store, and we have heard nothing about it since.
928. *Mr. Oatley.*] It was not returned to you? No. We declined it because we considered it was not up to that allowed by the gaol regulations. We are supposed to get the best Colonial tobacco, but what we got was nothing like it.
929. Do all the prisoners smoke? Nearly all.
930. If a man does not smoke does he get no indulgence in the place of the tobacco? No, sir, but I don't suppose there are two men in the gaol who don't smoke.

John Fox, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Fox. 931. *Chairman.*] What is your name? John Fox.
932. What sentence are you undergoing? Ten years, sir.
6 July, 1878. 933. For what offence? Horse-stealing.
934. Was that your first conviction? No; I had twelve months before this.
935. Were you convicted only once before? That is all, sir.
936. When where you sentenced to this ten years? In 1875.
937. Do you remember the date? I think it was the 26th of October.
938. Where? At Bathurst.
939. Bathurst Assizes? Yes, sir.
940. When did you first go to Berrima? I went to Berrima in the following December. There were three charges against me and I got three ten years concurrent; I was in Berrima until July, 1876.
941. Have you anything to complain of during the time you were there? Yes, sir.
942. Tell us what it is? I had not been there many days when Mr. Small took me over to the office to take my descriptions. While I was there he showed me a gag and told me that if I did not behave myself he would place it in my mouth and keep me in the cells from fourteen to twenty-eight days.
943. Had you been guilty of any misconduct? No, sir, up to that time I had not.
944. Go on, and tell us what you complain of? I complain that I was not let out of my cell for necessary purposes when I rang the bell. If I rang the bell at 12 o'clock I would be kept waiting till 1. The warders would not come in the dinner-hour, and many a time when I was not let out I had to use the cracks in my cell.
945. *Mr. Oatley.*] To make water I suppose you mean? Yes, sir.
946. *Chairman.*] Yes? On another occasion I went to fetch my bed from the lower end of the passage where the beds are all piled one above another. I was not going along very quickly, because I thought I had taken the wrong bed, and I was hanging back to explain this to the warder, when he came behind me, hit me on the back of the neck, and knocked me on my hands and knees.
947. Who was that? I believe it was Brayne.
948. Did he strike you with his fist? Yes, he struck me with his fist, and knocked me down on the stones. I told him I would complain to Mr. Small, and he said I had better mind what I was at or I would get something I had not bargained for. I did not complain to Mr. Small—I was too frightened.
949. Well? I used to complain of the way we had to bathe there too. I used to have to strip in my cell. A warder would come round and say, "Strip off, and get ready for the bath." I would strip off naked, and then I would be taken along a corridor where there were no prisoners in the cells and be made to get into a tub, in which a good many prisoners had bathed before. I think a bucketful of water was taken out and a bucketful of hot water put in for each prisoner. I do not think the water was ever changed, but I am not certain about it. Then I would be taken back without being allowed time to wipe myself until I got back into my cell, and all this on a cold raw morning.
950. Anything else? I used to have to whitewash my cell on a cold morning, and remain in all the time it was drying. It was very cold.
951. What we want to know is, if you have any ill-treatment to complain of. You have given us one instance—that about Brayne? That is the only instance of personal ill-usage that I have to complain of.
952. You were never gagged? No.
953. Were you ever chained to the wall? No. I received twenty-four hours solitary for talking in my cell—of course I was talking.

954.

J. Fox. 6 July, 1878.

954. And you knew that was contrary to the regulations? Yes; but while I was in the dark cell I had no bedding and only one blanket, and I was deprived of my usual allowance of bread.
955. What are you by trade? I am no tradesman.
956. Can you read and write? A little. I have learned since I came here.
957. Where were you born? At Mudgee.
958. How old are you? Twenty-four. I was born in 1854.
959. What employment were you in at the time of the horse-stealing? I was employed about a week before sinking a well on the Bogan.
960. Are your parents alive? My father is alive, and my brother and sisters.
961. I understand that you did not complain to the Visiting Justice at Berrima? No; I did not complain.
962. Nor to the chaplain? No.
963. Nor to anyone else? No. I threatened once to complain to the gaoler about Bryane; but I was frightened to do it by reason of Brayne's threat. I was very hungry all the time I was there; I received short rations all the time. I was never on full rations.
964. *Dr. Alleyne.*] How do you mean short rations? Short of what the regulations allowed. I had hominy in the morning, and for dinner 12 ozs. of bread and 4 ozs. of meat, with sometimes two little potatoes or one big one. Then there was soup, or rather not soup, but the water the meat was boiled in, for there was never any sign of vegetables. In the evening I had a plate of hominy and nothing else.
965. Why did you not complain to the Visiting Justice, or the doctor? I was not aware that I would have received any more if I had complained.
966. Was it made known to the men, in accordance with the regulations, what rations they were to get? I believe the chief warder did read the regulations when I went there.
967. But they were not hung up in the cells? There were regulations in the cells, but not about rations.
968. *Mr. Voss.*] Then how do you know what the regulations about rations were? They were read out to me by the chief warder.
969. Have you anything further to say? I wish to make a few complaints about this gaol; I wish to complain about the writing here. Men called "B" men are only allowed to write once every four months to their friends and relations.
970. *Chairman.*] You are a "B" man I see by the letter on your arm? Yes.
971. What is a "B" man? They are supposed to be locked up on all holidays, Saturday afternoons, and Sundays, and some of the men go through more punishment than the authorities are aware of, on account of being locked up on holidays, Saturday afternoons, and Sundays.
972. *Mr. Voss.*] Why do you not complain to the Visiting Justice? Because I believe I would not get any satisfaction. A few weeks ago I put my name down for special permission to write to my sister, and the gaoler sent for me and asked me on what grounds I asked for permission. I told him there were no particular grounds, except that I wanted to hear from my sister, and he refused then to let me see the Visiting Justice.
973. *Chairman.*] Have you on any other occasion asked to be allowed to see the Visiting Justice and been refused? No, sir. I asked to see the Visiting Justice one time about writing a statement. When I was in Bathurst Gaol Mr. Forbes gave another prisoner permission to write out a statement about my case. This man, Jones, wrote it pretty well, and I handed it to the Judge before I was sentenced. His Honor asked me if the signature was mine, and I thinking that he meant to ask if it was my name, said yes. The Judge took it for granted that I had written the statement, and so gave me credit for being a good scholar, and my friends gave me to understand that that was why I got such a heavy sentence; but I did not write that statement. I was not capable of doing so. When I came here I put my name down to see the Visiting Justice, and I told him what I have just stated to you. But the gaoler told the Magistrate that I had been in gaol before, and that I ought to consider myself very lucky, and they would not allow me to write the statement.
974. How many gaols have you been in? Parramatta, Bathurst, and in going to Berrima I passed through Darlinghurst.
975. Were you worse treated in Berrima Gaol than in the other gaols? Yes, sir, I was worse treated because I never got enough to eat.
976. Were you worse treated there than here? Yes, because the warders there would never speak civilly to you.

John Ambrose, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Ambrose. 6 July, 1878.

977. *Chairman.*] What is your name? John Ambrose.
978. What sentence are you serving? Five years.
979. For what? Horse-stealing.
980. Is that your first conviction? No, sir, my third conviction.
981. Of what offence were you convicted before? Horse-stealing each time.
982. Was it under this last sentence that you went to Berrima first? Yes.
983. When was your last conviction? On the 15th of January, 1877.
984. And when did you go to Berrima? On the 10th of February, 1877.
985. Was that the first time? Yes.
986. How long were you there? Nine months.
987. Have you any complaint to make of your treatment during that period? Yes, sir, I have.
988. Any injustice or ill-treatment? When I got to Berrima I was put into a cell, and an officer showed me what to do. There was a bell for me to ring when I wanted to go out; when I did want to go out I rang the bell as I had been told, but nobody came to let me out, and I was kept there half the day. I did not make any complaint. I was taken out the following day, and shifted to another cell. I rang the bell at 9 o'clock, but nobody come; I kept on ringing till 11, when I was taken out for exercise. After I had been put into the yard I knocked at the door, and a warder came and threatened to lock me

J. Ambrose. 6 July, 1878.

up for knocking; I said I could not help it—that I wanted to go and ease myself—that I had been ringing the bell all the morning, and that nobody had answered it. I did the same thing three or four mornings, but found it useless to ring the bell at all, so I had to use the cell as a closet. Sometimes they would let you go out, but on no occasion more than twice in the day. The usual times for going out were 9 o'clock and 1 o'clock. On other occasions I have gone to the closet, but before I have done what I wanted to do the warder has asked me if I was going to stop there all day, and I have had to come away.

989. Can you tell us anything else you have to complain of? There is the bath—the men are supposed to bathe once a week, but it is only a matter of form, because a man is scarcely in the bath before they sing out for him to come out again; they won't even give him time to dry himself.

990. Well, is there anything else? I have a complaint to make about this gaol.

991. Is that all you have to say about Berrima? No, sir.

992. What did you want to leave your complaints about Berrima for then to speak about this gaol? The gaoler came round to my cell one day, threatened to lock me up, and called me a damned scoundrel and a damned dog.

993. Who was that? Mr. Small.

994. What for? Leaving the lid of the closet up. I was in a hurry and forgot it, as they were calling out to me to come away.

995. *Mr. Oatley.*] What time of the day was that? About 4 o'clock.

996. Well is that all you have to tell us about Berrima? That is all.

997. Well, what complaint do you want to make about this gaol? We do not get our full allowance of rations here, sir.

998. Anything else? Yes, if a man puts his name down to see the Visiting Justice, the gaoler won't let him see him, and if he puts his name down to see the Comptroller, the gaoler wants to know what he wishes to see the Comptroller for.

999. How many gaols have you been in? Darlinghurst, Berrima, Parramatta, Bathurst, and Mudgee.

1000. Any other? Yes, Forbes Gaol.

1001. Any other? Coming through Orange I was in the gaol there for a night.

1002. Were you worse treated in Berrima than in any other gaol? Yes, sir, I was worse treated in Berrima.

1003. Worse than here? Yes, sir.

1004. You do not mean that the punishment or discipline was severer, but that they were more unjust to you? Yes.

1005. *Mr. Oatley.*] Were you ever punished for any offence in Berrima Gaol? Once; I got forty-eight hours for knocking at the cell of another prisoner.

1006. *Chairman.*] Only once? That is all.

1007. You know that was against the regulations, I suppose? Yes.

1008. Were you ever prevented at Berrima from seeing the Visiting Justice when you wanted to see him? No, I never asked.

1009. Nor the Comptroller-General, nor the doctor, nor the chaplain? No; I never asked to see them.

Joseph O'Neil, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. O'Neil. 6 July, 1878.

1010. *Chairman.*] What is you name? Joseph O'Neil.

1011. What sentence are you serving? Five years.

1012. What for? Arson, they call it, I think.

1013. Was that your first conviction? No, sir.

1014. How often were you convicted before? Once.

1015. What was that for? Obtaining money under false pretences.

1016. When did you first go to Berrima? In September, 1877.

1017. How long were you there? Ten months altogether, within a few days.

1018. And when did you leave? In June, this year.

1019. Well, during those ten months have you anything to complain of in the shape of ill-treatment or injustice? Yes; I have received every kind of ill-treatment—the worst kind.

1020. Tell us what it is you complain of? Three or four times I wished to see the doctor, but they would not let me see him, unless I had put my name down about a quarter to 6 in the morning. I saw the doctor after I had been there a week or ten days, and told him what I was suffering from; he gave me some medicine; I told him I was subject to frightful fits, and that I knocked myself about in my cell; and that I wished him to give me something to protect myself in the cell. Some three or four days after I had seen the doctor I had a very bad fit, which lasted about two hours a half—from about 4 o'clock in the morning till half-past 6. Senior warder Brayne and another warder, whose name I forget, came to my cell; Brayne remarked to the warder who was with him, "Oh, this is what he has been complaining to the doctor about—we will soon cure him of these bloody games!" He then got a bucket of water which he threw over me; he afterwards got a small hose with a pipe to it and fired cold water into my eyes and ears; I was in a very small cell, about 3ft. 6in. wide and 5ft. 6in. long; I had cut all my face and head.

1021. Could you lie at full length in the cell? No, unless I got in the doorway.

1022. Well, the warder fired the water into your eyes and ears you say? Then he left me for about an hour and a half. After that he came back with another warder and dragged me, knocking my head against the cell.

1023. Do you know the name of the other warder? I cannot tell his name. Mr. Brayne came into the cell and shut the door. The other warder was outside, and I do not think he could see.

1024. If it were the case that Brayne knocked your head against the wall, could the other man not have seen it? He could if he had liked. The door was 6 or 8 inches from being closed. There were 2 or 3 inches of water in the cell, and they made a hole to let it out. Then the doctor ordered me to be put into a large cell. Some few weeks after that my finger nails were long, and when I was in the fits I would tear my face. I used to tie my hands to keep them from my face, and one morning the chief warder, Mr. Everett, and a man of the name of Connelly, a warder there, came to me. The chief warder told

J. O'Neil. 6 July, 1878.

told me to get up, or he would knock my brains out. I told him I was not able to get up, and he said he would finish me off, and that a little underground work would do me good. So he sent for the gaoler, Mr. Small, and Mr. Small came with his slippers on. I had just been dragged up by the chief warder, and put against the wall. They dragged the bed away from me, and they told me to stand against the wall but I could not. Small said he would make me suffer for this, and he took all the books and things, including my Bible and my prayer-book, away from me, and left me nothing.
1025. *Mr. Oatley.*] Who dragged you up, and told you to stand against the wall? Everett.
1026. That was before Small came? Yes.
1027. *Chairman.*] And Small took the books away? No; Everett did so. After the books were taken away Small came in, and called me all sorts of names, such as I cannot remember.
1028. Cannot you remember any? He called me a bloody scoundrel. I remember nothing else, because he knocked me against the wall with his fist, and pulling off the hat that was made to protect my head, he threw it outside the door.
1029. What sort of a hat was it—padded? Yes, it was padded.
1030. Do you mean to protect you in your fits? Yes.
1031. He pulled your hat off your head, you say, and then knocked your head against the wall? Yes.
1032. Did Everett see that? Yes, Everett was there.
1033. Anybody else? Not that I know of.
1034. How long was that after you had been there; you got there on the 4th September? It was some time about the middle of October—six or seven weeks after I had been there.
1035. Had you been guilty of any misconduct? Nothing whatever.
1036. But you had the misfortune to have fits? Yes, I told the doctor that in the first instance.
1037. Have you anything else to complain of? The gaoler said to me, at the time I referred to, that only for the law he would break my skull.
1038. Did he say you were shamming? Yes; and they locked me up, brought me before the Magistrate, and charged me with attempting to hang myself.
1039. Had you in any way attempted to hang yourself? I could not tell what I had done in the fit. I had strips of cloth round me to confine my arms.
1040. Where did you get them—did you tear any clothes into strips? No, it was in strips when I got it. [*Witness described the manner in which he had bound his hands, and showed that a strip had passed round his neck.*]
1041. Was the cloth part of your prison dress;—how did you get it? It was in the closet; it had been thrown into the box there.
1042. *Dr. Alleyne.*] Who throws it there? The gaol authorities. That is the kind of stuff they give you instead of paper.
1043. *Chairman.*] And you had taken it from the closet for the purpose of securing your hands? Yes.
1044. Of course, you did not ask permission, and they asserted that you had done it to commit suicide? I suppose so.
1045. And what was the result of the charge? They gave me forty-eight hours.
1046. Who; the Visiting Justice? Yes.
1047. Any other Magistrates? No.
1048. What is the next thing you have to complain of? The Visiting Justice came frequently, and brought visitors. About a month after this the gaoler brought visitors round, and said, "This is so-and-so, who set fire to so-and-so," and used all kinds of language.
1049. Tell us what the language was? Well, of course I could not explain what he said to them.
1050. What was the language you heard? I heard him say, "This is the person that was convicted of setting fire to such and such a house in Sydney;" and he told them I attempted to hang myself. Then he went to one side and said things to them which made them laugh.
1051. And which you did not hear? No.
1052. And that is what you mean by all sorts of language? Yes.
1053. Is there anything else you have to complain of? There are lots of other things. My eyes were beginning to get bad then, and I could not see; but whenever I wanted to put my name down to see the doctor, Mr. Brayne or Mr. Everett would prevent me.
1054. Anything else? Then when I used to go to the doctor they would tell him I was only scheming—that the dark cells would do me a great deal of good. My eyes were beginning to get very bad, and I asked the doctor to give me something to save my eyesight. He gave me some lotion after I had gone to him three or four times; but the lotion seemed to make my eyes worse, and after about six or eight weeks, when I could not see at all, he put two setons in my eyes. I was taken up stairs, and a man by the name of Flynn ill-treated me frequently. When I wanted to go to the closet he would not allow me to go. I have rung the bell, and have sometimes had to wait three-quarters of an hour before I would be allowed to go. If I wanted to go between 11 and 12 o'clock he would follow me, using threatening language, and calling me all sorts of names.
1055. Say what the words were. Do not say "all sorts of names." You say he would not allow you to be let out? Three months and a half ago my eyes got worse again, and I put my name down to see the doctor on a Saturday. The doctor did not come, and I put my name down to see him on the Sunday. He did not come on that day, and I again put my name down on the Monday. Flynn then said it would be a caution to me this time. I wanted to go to the closet a little time before the doctor came, and Flynn rushed into the cell, and called me a "bloody low-lived scoundrel," and said that only for the law he would knock my brains out. Then he up with his fists, and called me a "low-lived coward," wishing me to lift my hands against him. As I was coming out I saw two warders at the top of the landing, apparently waiting to ill-use me, but they did not come near me.
1056. *Dr. Alleyne.*] But why do you suppose the other two warders were there to illuse you—they might have been there on duty—you think they came there to ill-treat you? Expressly.
1057. *Chairman.*] Is there anything else? Mr. Everett told the doctor that I had been putting lime in my eyes to blind myself. I told the doctor I had had no lime to use since I had been upstairs; but they locked me up on a charge of putting lime into my eyes to blind myself. When I came back from the doctor, Everett and Flynn stripped me naked.
1058. Were you charged before the Magistrate with putting lime into your eyes? Yes.

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1059. And what was the result? I got twenty-four hours.
1060. Did the doctor give any evidence? The doctor said he saw no lime, but Everett said he saw lime in the kit I washed myself in. I asked the Magistrate to go and see, but he said they would believe the warder sooner than me.
1061. Is that the last thing you have to complain of? No, sir.
1062. Well, go on. I have to complain of the treatment I received in not getting provisions there.
1063. You have told us of all the violence used towards you? Yes.
1064. And you complain about not getting proper rations? Yes; I got no rations at all that I could eat.
1065. What did you get? I told the doctor that I could not chew any kind of meat. He asked me why, and I told him that my face was crushed in a claim, that my under jaw was broken, and that I could not chew anything because my teeth go inside one another.
1066. When did that accident occur? Nine years ago, at Bendigo.
1067. Did they not give you hominy? Yes, a plate of hominy in the morning.
1068. Did they give you anything else? They gave me meat, but I could not eat it, and they would not give me anything else.
1069. Have you been unable to eat meat since that accident? Yes.
1070. What have you lived on? Such things as sago, rice, and oatmeal.
1071. Did you lose any weight up there? Yes.
1072. How much? I don't know.
1073. What weight are you now? About 11 st. 2 or 3 lbs.
1074. What weight are you generally outside? 12 st. 8 lbs.
1075. *Dr. Alleyne.*] How tall are you? 5 feet 6 or 8 inches.
1076. *Mr. Oatley.*] How long were you in Darlinghurst before you went to Berrima? Not long.
1077. Were you subject to fits there? I wanted to see the doctor there but they would not allow me.
1078. Do you eat any meat here? No, sir.
1079. *Chairman.*] Where did you serve your former sentence? In Darlinghurst.
1080. Had you any fits there? Yes.
1081. Were you ill-treated there? No; I was under the treatment of Dr. Aaron.
1082. Did they give you any special kind of food there? Yes, anything that I required. The prison doctor, when I was sent up to Berrima, said I was in good health, and the doctor at Berrima sent word to the doctor here that I was in good health.
1083. And what does the doctor here say? I have asked him to examine me, but he has not done so.
1084. Have you had any fits here? Yes.
1085. And have you told the doctor that? Yes; and he has put me into a cell with two other men.
1086. What fits are they—epileptic? I am sometimes in them an hour—sometimes 10 minutes.
1087. What gaols have you been in in this country? Only Darlinghurst, and this and Berrima.
1088. You are not a native of this country? Not exactly. I have been here about thirty years.
1089. How old were you when you came? Five years.
1090. *Mr. Oatley.*] Were your eyes ever bad before going to Berrima? They were a little weak, but never bad. Since I was at Berrima I can scarcely see at all.
1091. *Chairman.*] Where did you commit the offence for which you were last convicted? In Victoria-street, Woolloomooloo.
1092. You kept a shop there? Yes, opposite the 'bus stand.
1093. I suppose now you have told us all you want to tell? I wish to complain of the rations here. I wish to state that I am not getting provisions that I require. I get nothing but a drop of milk, and about 4 ounces of rice.
1094. *Mr. Oatley.*] No hominy? No; the doctor does not allow me hominy.
1095. *Dr. Alleyne.*] Does the doctor not allow you to have hominy? Well, it is not supposed to come into the yard for me.
1096. *Mr. Oatley.*] Supposed! but does it come? No, I am on hospital rations—a pint of milk and 4 ounces of rice. I am suffering from heart disease and lung disease, and I want all kinds of medicines, but they won't give them to me.
1097. *Dr. Alleyne.*] Does anybody prevent you from getting the medicines the doctor orders? No, sir; but I mean the medicines that I received while treated by doctors in Sydney, and I wanted to know whether I could get them here. At the latter end of January last I saw Mr. Brayne and Mr. Everett drag a man named Cunningham through the corridor, one holding him by the hair and another by the neck.
1098. *Mr. Voss.*] You do not know what he had done? No; I heard him screaming.
1099. *Chairman.*] You were never gagged, I suppose? No.
1100. Nor spread-eagled? I was chucked on the floor.
1101. I suppose you do not know the meaning of spread-eagling—do you? No.

George Richard Preston, confince in Parramatta Gaol, called in, sworn, and examined:—

G. R. Preston. 6 July, 1878.

1102. *Chairman.*] What is your name? George Richard Preston.
1103. What sentence are you serving? Seven years.
1104. For what offence? Horse-stealing.
1105. That was your first conviction? No, my second conviction.
1106. What was the former offence? Cattle-stealing.
1107. When did you first go to Berrima? In 1875.
1108. Under this sentence? Yes.
1109. What time? About the 20th April.
1110. How long were you there? A little more than eight months.
1111. That is until the beginning of 1876? No, I left about Christmas time.
1112. Well, have you any complaints to make of ill-treatment or injustice while you were there? I have, of injustice.
1113. How? Well, on the day after I arrived there, I was taken over to the office, and Mr. Small showed me a gag, and said, "If you begin playing any of your tricks, or speaking up here, this will be put in your mouth, and we will feed you with pap through here," pointing to the hole in the gag. I said, I did not wish to be punished, and that I thought it was impossible for a man to live with such a thing in his mouth. He replied,

G. R. Preston. 6 July, 1878.

replied, "I have taken the flashness out of a good many of them with that," pointing to the gag, and said that it would be applied four or five hours for the first offence, and gave me to understand that for the second or third offence it would be applied for a week or more. But it was never used on me.
1114. That was all talk then? It was to intimidate me.
1115. But you did nothing to require the gag? No, I never did.
1116. Tell us what you call injustice? Small used to come round and pretend to sympathise with me, talking with me about my case and various other things, and then he used to clench his hands and use threatening language.
1117. What do you call threatening language—tell us the language he used? Well, I could not tell you the exact words.
1118. Tell us the substance of them? Well, on one occasion, I got sentenced to forty-eight hours in my own cell for attempting to communicate, and while I was undergoing that sentence Small came round and said, "You have done a nice thing for yourself." I replied, "It cannot be helped," and he said, "No," and talked in a sympathising way for some time. Then he said "Tell me the truth," and I replied that I had told him the truth in the office. He wheeled round very sharply, and said, "I have a good mind to lay a charge against you for making a false charge against the principal officer." I said I did not make any charge, but that he could charge me if he thought proper, as the Visiting Justice had heard what I said. I told Small the same as I had told the Visiting Justice, and the Visiting Justice did not consider it a false charge. Small ground his teeth and clenched his fists.
1119. Tell us anything he did. Did he ever strike you? No; I never deserved it.
1120. And you were never punished except on this one occasion? No, only the once.
1121. And then you were guilty? I was.
1122. Is there anything else you wish to complain of? I do not wish to complain of anything further against Mr. Small, but I wish to complain of the treatment with respect to bathing.
1123. Well, what about bathing? A large number of men used to bathe in the same water.
1124. Anything else? The water was never renewed except when it was necessary to keep it warm and supply what had been spilled.
1125. Did you have any soap? Yes, the water was always white with soap, with the exception of the time when it came to be my turn to be first washed.
1126. Then the first man was the only one that got a clean bath? Yes.
1127. *Mr. Oatley.*] How many men used the bath? I do not know how many—the whole wing.
1128. *Chairman.*] How many buckets of water would be in the tub? About two and a half.
1129. And one bucketful would be taken out and another bucketful put in for every man? No, none would be taken out; only the slopping would be made up.
1130. What size was the tub? It was a small tub; your chin would be up to your knees when you were in it, and the body of the person bathing would spill out half the water.
1131. Is there anything else you have to complain of? I wish to complain of the rations; they were not fit for a person to eat. Under other circumstances, in fact, he could not eat them.
1132. What do you mean by "under other circumstances"? I mean if he could get better, or if he were in a position to complain; but no one could complain. I was three days once without seeing the doctor.
1133. Were you ever prevented from communicating with the doctor? I was once three days with my name down to see him.
1134. Were you ever prevented from seeing the Visiting Justice? I never wished to see him.
1135. Nor the Comptroller-General? I was once prevented from writing to him.
1136. What gaols in the Colony have you been in? Darlinghurst, on transit for Berrima.
1137. Is that all? That is all, except this one.

TUESDAY, 9 JULY, 1878.

The Commission sat at Parramatta Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, Esq., M.D.,
WILLIAM TOWNLEY PINHEY, Esq., J.P.,
JAMES OATLEY, Esq., J.P.,
HOULTON HARRIS VOSS, Esq., J.P.

George Richard Preston further examined:—

G. R. Preston. 9 July, 1878.

1138. *Chairman.*] Have you anything to tell in addition to your evidence on Saturday? I have another circumstance to state concerning Mr. Small that I have remembered since. A visitor came round with Mr. Small one day, and taking up a book in my cell made some inquiries concerning it. I said, "Were it not for books we should go mad here," and Small replied, "We have had them try that on here too. When they go mad here we shave the back of their heads and put a blister on. If they are mad it does them good, and if they are not it soon fetches them to."
1139. Who was the visitor? I do not know.
1140. When was it—was it near the beginning of your confinement? It was about the middle of the time.
1141. Very well, go on? I wish to speak about the bath. Ten or twelve men used to bathe in the one water; every man was compelled to strip off in his cell, and in going to the bath they would have to cross one another in the passage. When I first went I wanted to take my clothes or at least my shirt to the tub, but the senior warder said, "Strip off," and I was compelled to take my shirt off. Then I wished to take my towel, but the warder said, "Leave that too." The men used to run from one end of the corridor to the other stark naked.
1142. Yes? That is all I have to say against the bathing.
1143. *Mr. Voss.*] Did you do this by compulsion? Yes, they used to make me strip. When I desired to wear my shirt the warder told me to strip it off, but not in the language I am using. He used very harsh language.

G. R. Preston. 9 July, 1878.

1144. How long were you allowed to bathe? I had not time to wash myself well. One morning the warder told me to splash myself over, but that morning I had a fresh water bath.
1145. *Chairman.*] How often did you bathe? Once a week.
1146. Have you anything else to say? On one occasion I complained about my bread being under-done and sour, and the chief warder taking it up actually wiped his nose with it.
1147. Do you know his name? Yes, Mr. Everett.
1148. Was anyone else present at the time? Yes, the warder that let him into the cell.
1149. Do you know his name? I think it was Mr. Peabody.
1150. Did the chief warder return you the bread? He threw it down on the table.
1151. Now, do you mean to say that he wiped his nose with it as he would use a pocket-handkerchief, or that he smelled it? He did not merely touch his nose, but he rubbed his nose with it. He did it, I believe, to offend me or to show me how useless it was to complain of bad rations.
1152. Well, is there anything else? Yes, the men could not get to the closet whenever they wanted to go.
1153. You told us that on Saturday. Have you anything in addition? Yes, I had not enough food; I was hungry from the time I went until I left.
1154. Did you get more food at any time during your confinement, or was it the same all through? It was the same all through. On Fridays we were supposed to get baked mutton, but it was more bone than mutton.
1155. Baked bone? Yes, baked bone. It was the neck bone.
1156. Then there was no improvement in the rations on Fridays? No, it was worse on Friday than on any other day.
1157. What I want to know is whether your rations were less in quantity at first, and increased gradually? They never seemed to increase.
1158. Have you told us now everything you want to tell us? I wish to mention about the horse getting hominy. Mr. Small used to feed his horse on the hominy. I used to see the bucket being taken to the stable in the morning, and I used to hear the horse neigh when the hominy was given to him.
1159. *Mr. Oatley.*] Did you get as much hominy as you could eat? I did not; nor nearly as much. I was hungry enough to eat the hominy out of the bucket.
1160. *Chairman.*] Well, is there anything else? No, unless you will hear anything concerning this gaol.
1161. Well, we will hear generally any complaints you have to make concerning this gaol? I wish to complain that here we are not allowed to see the Magistrate.
1162. Have you ever put your name down to see him? On one occasion; but it was objected to.
1163. By whom? The authorities.
1164. Who are the authorities? We were told by a warder that the gaoler would dispense with whatever we wanted to see the Magistrate about.
1165. Has Mr. Hussey ever told you he would not allow you to see the Magistrate? No. We have no regulations in the gaol. I was punished, and my indulgence was stopped for having a pair of slippers. Mr. Hussey did that.
1166. You should make these matters of complaint to the Visiting Justice; our mission is to inquire into the alleged ill-treatment of prisoners in Berrima Gaol? We never get any redress; never see a Member of Parliament, nor anyone to whom we could complain.
1167. Are you not allowed to see the Comptroller-General? Yes; but I would not dare to make a complaint to him about Mr. Hussey.
1168. Why not? Because I would be punished.
1169. But you have never tried it? No.
1170. Well, I would advise you to try it? I want to know if I shall be punished for what I have said?
1171. No.
1172. *Dr. Alleyne.*] Has any one told you that you would? No, sir.
1173. *Chairman.*] You may speak here with the most perfect freedom? A man is punished either directly or indirectly for what he says. Since Mr. Taylor took down some statements here concerning Berrima, one of the men, named Callaghan, was chastised for making a statement.
1174. Did you see it? No; but he told me he was.
1175. What chastisement did he get? He was told by the Comptroller that he ought not to have made any statement; that he ought not to have complained about the authorities.
1176. Is that the chastisement you mean? Yes.

Henry Johnson, confinee in Parramatta Gaol, called in, sworn, and examined:—

H. Johnson. 9 July, 1878.

1177. *Chairman.*] What is your name? Henry Johnson.
1178. What sentence are you serving? Three years.
1179. For what offence? Horse-stealing.
1180. Was that your first conviction? No, sir; the second.
1181. What was your first offence? Horse-stealing.
1182. When did you first go to Berrima? In the latter end of February, 1877.
1183. You did not go under the first conviction, I suppose? No.
1184. How long were you there? Eight months and a few days.
1185. During the time you were there did you experience any ill-treatment or any injustice of which you wish to complain? I experienced injustice in regard to not being allowed to go to the closet. I was put into a small cell when I first went there, and my tub was taken out at 5 o'clock in the morning, and I did not get it again till the evening. I was told to ring the bell if I wanted to go out.
1186. Were you allowed a tub at night? Yes; but in the day-time you have to ring the bell if you want to go out. In the morning about 9 or 9·30 o'clock it was the usual thing for a man to ring his bell; but when I have done it they have refused to let me out. If it were not for the cracks in the cell to make water through I do not know what I should have done. I spoke to Mr. Small, but he gave me no satisfaction. I spoke to Mr. Brayne on another occasion, but he stood at the door of my cell and bully-ragged me.

H. Johnson. 9 July, 1878.

1187. What do you call bully-ragging? Calling me a "scoundrel," and a "cur," and a "thing."
1188. For no other reason than asking to go to the closet? Yes.
1189. When you had occasion to go? Yes.
1190. Did that occur often? It occurred only once with Brayne.
1191. That is the senior warder? I do not know; he is the man with two stripes.
1192. Have you anything else to complain of? Yes, the dark cells; I was there two days without sufficient covering.
1193. What were you sent there for? Talking.
1194. But you knew talking was against the regulations? Yes.
1195. But being punished for that you complain that you had not sufficient bed-clothes? I had only a piece of blanket.
1196. Is the cell so dark that you cannot see at all? Yes, and it was in the depth of winter. I feel the effects of it yet.
1197. Did you complain to anybody about it? No.
1198. Did you never see the doctor? No, not when I was in the dark cells.
1199. But when you came out—you say you feel the effects now? No, I never asked to see the doctor.
1200. Did you ever complain to the Visiting Justice? No, I never saw him.
1201. Did you ever ask to see him? No.
1202. Did you complain to the Comptroller-General? No, I do not think I should have got any satisfaction.
1203. Have you anything else to state now? No, I have nothing to complain of except with regard to not being allowed to go to the closet, and to being put into the dark cell without sufficient clothing.
1204. You were never gagged? No.
1205. Nor spread-eagled? Nor spread-eagled.
1206. Nor harshly treated in any other way than you have mentioned? No, except getting bad rations—bad hominy and doughy bread.
1207. Was there enough hominy? No, I could eat four times as much as I got, and that was often so bad that I could not eat it.
1208. Did you fall off in weight? I did not.
1209. Can you read and write? I can a little.
1210. Could you read and write when you were in Berrima? Yes, I could read and write a little. There were words I could not understand.
1211. That is the way with all of us. Could you write your name? Oh! yes.
1212. You say you never made any complaint? Mr. Small never gave me any satisfaction. He seemed to be gaoler and magistrate also. When I went before the Magistrate he (Mr. Small) said "Here is a man brother to a bushranger; we had his brother here and could do nothing with him, and this man would be the same if he had some one to edge him on."
1213. Have you a brother in gaol for bushranging? Yes, but I do not think Mr. Small had any right to mention that against me.
1214. Who was the Magistrate? I do not know his name.
1215. Was it Mr. Wilshire? He was a slight man.
1216. Was he the regular Visiting Justice? Yes.
1217. Are you a native of the Colony? Yes.
1218. Where were you born? At Mudgee.
1219. Were you convicted at Mudgee? No, at Dubbo.
1220. Was your second conviction at the Assizes? No, Quarter Sessions.
1221. Both convictions were at the Sessions? Yes—both before Judge Josephson.
1222. Have you any occupation? No, sir, I have been on cattle stations all my life, stock-keeping; that is all the profession I have.
1223. You never were punished for an offence of which you were not guilty while a prisoner at Berrima? No, sir, I was not. They called me as a witness once at the trial of a man who was talking. I told them it was I who was talking, and they gave me forty-eight hours in the dark cells, and punished the other man as well.
1224. *Mr. Voss.*] You say you never complained at Berrima to the Comptroller-General, Magistrate, or Chaplain. Have you, since you have been in this gaol, complained to the Visiting Justice or the Comptroller-General about the matters you are now speaking of with regard to Berrima? No.
1225. You never made a complaint until now to anybody in authority? No, none; I did not think I should get any satisfaction or I should have done so.

William Burgess, confinee in Parramatta Gaol, called in, sworn, and examined:—

W. Burgess. 9 July, 1878.

1226. *Chairman.*] What is your name? William Burgess.
1227. How old are you? I was twenty-three last May.
1228. What sentence are you serving? Five years.
1229. Is that your first conviction? No, sir, the third.
1230. What were your previous convictions? Once for petty larceny, and another fourteen days for obscene language.
1231. What was the offence for which you are now serving? Attempt at rape.
1232. You have been at Berrima, I suppose, on more than one occasion? No sir.
1233. When did you go? On the 7th April, 1874, I think.
1234. That is more than four years ago? Yes.
1235. How long were you there? I was there nine months to the day; I came away on the 7th January, 1875.
1236. Have you anything to complain of while there—any ill-treatment or injustice? I was locked up several times for talking. I was put into the dark cell, and received no bedding, and only half a blanket.
1237. How long were you in the dark cell? Twenty-four hours.
1238. With no bedding except half a blanket? Yes, sir.
1239. Had you to lie on the floor? Yes, on the boards.
1240. It was not a stone floor? No.

W. Burgess. 9 July, 1878.

1241. Anything else? No, except that when you used to ring your bell to go to the closet you had to wait a long time for an answer. Sometimes you would not get an answer for an hour, and I have often had to make water in the cell. The solitary cells here are very bad—not fit for a man to be in; they are very close.
1242. Have you been punished here? Several times.
1243. What for? Sometimes for fighting, and sometimes for other things.
1244. Then you are not a well-conducted prisoner? Well, not well-conducted, sir. I always try to keep the rules as well as I can, until somebody insults me, and then I cannot help myself. I have been insulted by several prisoners that I have been locked up with.
1245. What did they insult you about? Oh, one word and another generally leads on to a row. But when you have been in the solitary cells here for a time you can hold out your hand and feel your breath, and you can put your hand on the wall and smear it down.
1246. Then they are very close? Yes.
1247. Were the Berrima cells well ventilated? They were ventilated better than these.
1248. Have you told us all you have to tell us about Berrima? Yes.
1249. What else is there you wish to say? I have been convicted three times I told you. There are men here who have done much longer sentences than I have, and they have got their remission, but mine is stopped.
1250. Why? Because I had a conviction before.
1251. Did you say you have been punished both in Berrima and here? Yes, but I have had time stopped for that, three days each week, and I have understood that the gaoler's punishment does not count against remission.
1252. Well, you had better lay that matter before the Comptroller-General? I have complained to him, but all that he told me was that I had done no special service for the prison, or he would do it for me. That is, I had not given any special information about other prisoners.
1253. That is all you wish to tell us, I suppose. We have no power to give remission of sentences? Here, if a man is sick, and goes before the doctor, the doctor might attend him for three days, but during that time he gets no tea nor sugar.
1254. *Dr. Alleyne.*] But the doctor orders what you are to have I suppose? You get rice and milk; that is all.
1255. Have you been under the doctor's treatment? Yes.
1256. What for? A pain in the right side.
1257. You have never been a fleshy muscular man, I suppose? No.

Charles Ryan, confinee in Parramatta Gaol, called in, sworn, and examined:—

C. Ryan. 9 July, 1878.

1258. *Chairman.*] What is your name? Charles Ryan.
1259. What sentence are you serving? Three years.
1260. For what offence? Horse-stealing.
1261. Is that your first conviction? Yes.
1262. Never convicted before? No, I never served a sentence before. I have been brought before Magistrates.
1263. More than once? Yes, twice.
1264. And not punished on either occasion? I have been fined.
1265. When did you go to Berrima? In 1876.
1266. What time in 1876? 19th May.
1267. How long were you there? I served nine months' separate treatment. I came away, I think, on the 16th February.
1268. During the nine months you were there did you experience anything you considered to be ill-treatment, or injustice, and of which you wish to complain? Yes; I have been ill—confined to my bed, and have been pulled out by one of the officers. I never committed myself by breaking the rules of the prison, and never got punished in any way.
1269. Is that the only thing you have to complain of? That is all.
1270. *Dr. Alleyne.*] Were you ill in the hospital? No; in my ordinary cell. I took ill with a bad cold on a Saturday night. I felt very bad, and on the Sunday morning I was not able to get up.
1271. *Chairman.*] Well, tell us who the officer was, and all about it? It was Warder Brayne.
1272. What did he do? He took the bed from under me, and left me there to put my clothing on; and I was hardly able to dress myself.
1273. Did you tell him how ill you were? I told him I believed I had the fever, and he said "Yes, you have the fever of roguery."
1274. Anything else? He bounced me a bit.
1275. Did you complain of this to the doctor? I was not taken to the doctor that day.
1276. Did you ask to see him? I did, but he could not come; he had to attend some sick call in the country.
1277. When did you see him? This was on the Monday morning. I lay in bed all Sunday, and I saw the doctor on the Tuesday.
1278. The day after Brayne had treated you as you say? Yes.
1279. Did you complain to the doctor? No, because I knew it was no good. I told Mr. Small about it.
1280. What did he say? He said it was nothing to be pulled out of bed there.
1281. Did you ever make a complaint and receive ill-treatment for complaining? No, I did not.
1282. Did the doctor do anything to you when you saw him on the Tuesday morning? Yes, he told me I had a bad cold, and gave me some stuff for it.
1283. Were you put into the hospital? No, I was put back into my ordinary cell.
1284. Did you go on with your work? No, I stopped for a day or two.
1285. Have you anything else you wish to tell us? No, sir.

Japhet Martin, confinee in Parramatta Gaol, called in, sworn, and examined :—

J. Martin. 9 July, 1878.

1286. *Chairman.*] What is your name? Japhet Martin.
1287. What sentence are you serving? None, at present.
1288. How come you to be a prisoner then? That is what I have come here to speak about.
1289. Tell us then what your case is? I am one of those unfortunate men who were exiled. I suppose I must go through the whole case, from the beginning to the end.
1290. You may go on and tell your story? I received a sentence of 15 years at Goulburn on the 9th April, 1867.
1291. You know what year this is? Yes, this is 1878.
1292. That is 11 years ago. What did you receive a sentence of 15 years for? Highway robbery I was found guilty of.
1293. Under arms? Under arms I was charged with.
1294. With any others? Yes, one.
1295. Now go on with your statement? I came here and remained until 1873. On the 18th December the gaoler called me into his office, and said that the Government had taken my case into consideration, and that I could leave the colony if I could find the means, and if I would apply in January, 1876, for my pardon. On the 23rd January he called me in—but I go before my story; my memory is very bad; it has been quite destroyed. I think it was on the 20th that the gaoler had told me I could leave. The Comptroller came to the gaol and I told him that I had no means, but that I could work my passage if anyone could find me a vessel, as I was an ordinary seaman. He gave me permission to make out a statement of my capabilities, which I did; and it was forwarded down to him. After that the gaoler read me a letter, stating that a vessel was going to Hongkong, and that the captain had agreed to take me if I would work my passage. The gaoler asked me if I agreed to do that, and I said, "Yes." Well, on the 26th, I was taken away from this gaol, put on board the vessel, and went to Hongkong. The passage took about 45 days. I received £3 or so, on going away from here; but I had to spend that in getting a rig-out, and I landed without any money. I met with a Frenchman who could speak a little English, and he telling me that there was a French barque wanting men, I went with him to the skipper. The vessel was the "Dolphin," and she belonged to Nantes. I went on board of her, and sailed from Hongkong to Shanghai, and from Shanghai to Japan, Yokohama, and back to Shanghai again. From Shanghai we went to Swatow, and then the vessel had the misfortune to go back to Newcastle, where I left her and went up the country.
1296. Were you discharged from the vessel? Yes.
1297. Did you not desert? No; I was paid off.
1298. Where was the vessel bound to afterwards? I do not know; she afterwards went for orders.
1299. What do you mean by going for orders? She never went to any particular place.
1300. You do not know where she was bound to from Newcastle? No.
1301. However, you left her there. You knew Newcastle was a part of New South Wales, I suppose? Yes.
1302. And you went up the country. What happened there? I was two months on the roads at a shilling an hour, and when I had finished the job I was at I went to Glen Innes, where I got a drop to drink, was given in charge for assault, and found guilty. While I was doing six months for that they found out that I was one of the men who had been exiled, and when I was discharged, after doing the six months, they arrested me as a convict illegally at large, and I was remanded to Sydney. That was on the 23rd February, 1875. I think it was in March that I was taken before the Central Police Court. Some people were brought to identify me; there was no warrant or anything of the kind, and I protested against what the Magistrates were going to do in remanding me back to gaol without any legal document.
1303. Then you complain that you are illegally detained. Well, we have nothing to do with that? But I wish you to mention it to the Government.
1304. It will be published and will go before the Government. What we want to know is whether you were ever at Berrima? I was, in 1873.
1305. That is before you were exiled? Yes.
1306. What were you sent there for? At that time you had to do a month for each year that you received from the Judge, but not to exceed twelve months.
1307. *Mr. Pinhey.*] You were convicted in 1867, and not sent to Berrima until 1873;—how was that? I made a mistake; I told you my memory was destroyed.
1308. *Chairman.*] Then you mean that directly after you were sentenced you were sent to Berrima? Yes, the same month.
1309. How long were you there? Somewhere about nine months.
1310. Did you experience any treatment of which you wish to complain? There is this I can speak of: When I went there the gaoler showed me, what they called a gag, and asked me if I had seen it before. I said, "No," and with that I smiled; when he rushed up to me, and was going to thrust it down my throat because I smiled.
1311. Did he touch you with it? No.
1312. Did he touch you at all? He laid his hands on my shoulder; that is all.
1313. But not to hurt you? No.
1314. Was the gag ever used on you at all? Never.
1315. Is that all you have to complain of? No, there is something else. When you wanted to get out to go to the closet you could not get out. If you rang the bell two or three times in succession the warders would come, and unless you were very civil, you would be maltreated.
1316. Were you ever maltreated? No.
1317. Not in any shape or form. Have you told us all you wish to tell us? I wish to say that when I left the Colony I was not aware of any conditions about my not coming back again.
1318. Do you mean to say that nothing was said to you about returning? I was never given to understand that I was not to return.
1319. Do you think it would have satisfied your conditions of exile if you had gone to New Zealand and come back again? Yes, sir. We as prisoners reasoned on the matter, and we agreed that you could go there and land, and come back when you liked, because the word "back" was never mentioned. From what I learn, I believe there were other instructions intended by the Government, but I never received them.

Michael M'Grath, confinee in Parramatta Gaol, called in.

[Before being sworn, the witness said:—"I wish to know what I am going to take this oath for. Is it about complaints of Berrima alone, or is this gaol included?"]

M. M'Grath. 9 July, 1878.

1320. *Chairman.*] This inquiry has reference principally to Berrima, but if you have anything to say about this gaol you may say it incidentally. Do you wish to give evidence? Yes, if I am to give evidence of grievances in this gaol.
1321. You may, but the inquiry is mainly about Berrima. You understand that you have the opportunity of stating unreservedly what you wish to say. [*The witness was then sworn.*]
1322. What is your name? Michael M'Grath.
1323. What sentence are you serving? Ten years.
1324. For what offence? For being accessory to a mail robbery that was committed by two men, though I was never seen with the two men.
1325. Do you wish us to understand that you are innocent of the crime of which you were convicted? Yes, sir, I do.
1326. Was that you first conviction? I never was in a gaol before in my life.
1327. When were you convicted? In January, 1872, at Mudgee.
1328. At the Sessions? Yes, at the Quarter Sessions.
1329. Before what Judge? Judge Josephson.
1330. Where was the robbery? At a place called the Cherry Tree Hill, on the Mudgee and Sydney road.
1331. Were you defended? I was undefended. If I had been defended I should not have got into trouble.
1332. You were charged with being accessory before the fact, I suppose? They charged me with receiving part of the money. The two prisoners pleaded guilty to the robbery, and they stated that I received part of the stolen property.
1333. And you were not present at the robbery, knew nothing about it, did not know it was going to be committed, or that it had been committed? No, there were only the two men.
1334. Well, we have nothing to do with that. As there have been complaints about the gaol at Berrima, the Government has appointed this Commission to inquire whether there is any truth in these complaints. How long were you at Berrima? About 7½ months. I went there in July, 1872.
1335. Shortly after your conviction? A month or six weeks.
1336. Did you experience any ill-treatment or injustice of which you wish to complain? Not by Mr. Small; but I was greatly annoyed by the warders. All the men in the gaol have the same complaint.
1337. However, you did not receive any ill-treatment from Mr. Small at any time? No.
1338. What are the names of the warders who annoyed you? One was Gately, who was over the wing I was in.
1339. What wing were you in? I was from time to time in all the wings.
1340. Can you name any one else? There were some others, but I did not know their names.
1341. Do you know them now. Tell us what annoyance Gately caused you? In respect of not letting me out of my cell to go to the closet, as I had the dysentery, brought on by starvation and cold. I used to suffer great pain, more than was sufficient for any man to bear. I have rung my bell seven or eight times, but nobody has come to my relief.
1342. Were you not in hospital? No; the doctor gave me some medicine for the dysentery.
1343. Did you ask to be allowed to go into the hospital? No; I did not think I would be allowed.
1344. Then your complaint is that they would not attend to you when you rang the bell? Yes.
1345. *Dr. Alleyne.*] How often did the doctor come to see you? Very seldom; I do not think that I saw him more than two or three times.
1346. *Chairman.*] Were you ever punished in Berrima for disobedience or breach of the regulations? Never, I never had a black mark against me that I know of.
1347. Is there anything else that you wish to tell us of what Gately or others did to you? Sometimes a warder would give me a great shove as I was going into the yard.
1348. Was that when you were loitering? No, I gave no occasion for it.
1349. Who did that—Gately? Yes, and others. I believe Warder Colvin has done it too.
1350. Is there anything else about Berrima you wish to tell us? That is all.
1351. You never experienced any ill-treatment from Mr. Small? No; but I fell away in weight. They would not give me sufficient rations; I was very hungry all the time I was there.
1352. You have served all these years of your sentence you say for a crime of which you are innocent—Did you try to get your priest to speak for you? No, I did not.
1353. Who was the clergyman who visited you? The Rev. Father M'Guinn.
1354. Did you never tell him you were innocent? I did.
1355. What are the names of the men who committed the robbery? Stapleton and Rose. I believe they are now at liberty.
1356. What reason had they for accusing you? There were inducements held out to them—they were told they would get some of their time off.
1357. Who gave them inducements? I was told Mr. White, the banker, did.
1358. Was any of the stolen property found in your possession? No, sir; they had no evidence, except what those men gave, and I was never seen in their company. Stapleton had done a lagging before.
1359. What were you doing? I was living with my father and mother.
1360. Where did they live? At Campbell's Creek, about 20 miles from Mudgee.
1361. Is there anything else you want to tell us? I think it is very hard that I am not allowed to write to the Comptroller or to any other gentleman to make my complaints known. I asked the Comptroller's leave to write a statement, and he gave me leave, but it was made out in the office here, and all I wished to be put in was struck out.
1362. You can read and write? I can read print, but I cannot write.
1363. Then who wrote your statement for you? A prisoner in Mr. Watt's office.
1364. What is it you want to complain of;—is it the injustice of your sentence? Yes. I think if I were allowed to make a proper statement to any honorable Member I could get out.

M. M'Grath. 9 July, 1878.

1365. *Mr. Oatley.*] Do you mean to say that your statement was written out at your dictation, and that it was altered by the authorities? Yes. I had an answer back in a few days, stating that there were no grounds for my application.
1366. *Chairman.*] You say you made a statement in writing, that it was taken down, and that the portions you wished to be left in were taken out before it was submitted to the Comptroller? Yes, a great deal of it.
1367. By whom was that done? I do not know.
1368. How do you know it was done? The statement was read over to me before it left the gaol.
1369. Did you not point that out? I did not, because it would be no use pointing it out.
1370. Well, is there anything else you wish to tell us about? Yes, I was punished in this gaol a week or a fortnight ago. They shifted me out of the yard where I had been for five years, and where we were all very pleasant and comfortable together, and put me into another yard with strange men. I complained to Mr. Watt. I think I said very little, but he laid a charge against me. He said I was one of the worst characters in the gaol. I said to him, "How can you prove me such a bad character; I have never been before the Magistrate or the gaoler?" and I think I never was.
1371. What charge did he make against you? That I very often complained of my rations being bad—which they always are—and of their weight. Sometimes there are not more than two or three ounces of meat, and sometimes it is under cooked. On one occasion it was not cooked at all.
1372. Well, we cannot investigate these matters here. You have told us everything I suppose? I feel very much agrieved at getting three days. That causes me to stop in gaol nine days more. If I had been a bad character I would not have thought so much about it.
1373. Who was the Magistrate? I think his name is Mr. Stewart.
1374. He investigated the charge, and sentenced you to three days? Yes.
175. There is nothing else? No, sir.

Robert Smith, confinee in Parramatta Gaol, called in, sworn, and examined:—

R. Smith. 9 July, 1878.

1376. *Chairman.*] What is your name? Robert Smith.
1377. What sentence are you serving? Three years' hard labour.
1378. For what offence? Assault and robbery.
1379. Was that your first conviction? Yes, sir.
1380. Where was the offence committed? In Sydney.
1381. Were you at Berrima? Yes.
1382. When did you go there? On the 16th January, 1877.
1383. How long did you remain? Eight months and a week.
1384. During that time is there anything that you wish to bring before us in the way of complaint of injustice or ill-treatment? I have been in the cell and have been an hour ringing, and no one has come to my assistance; and I have had to make water in my cell.
1385. Are these cells cold places? Yes, very cold and very small.
1386. Those are the ordinary separate treatment cells? Yes.
1387. Were you ever punished while in Berrima Gaol for misconduct? No.
1388. Is there any matter that you wish to complain of? When I first arrived there I went over to the office to have my description taken; and, having a sash round my waist, Mr. Small said, "What is that you have got round your waist?" I replied, "It is a sash, sir"; and he said, "I suppose you are a flash man?" I said, 'I am not"; and he replied "If you are a flash man we will soon take that out of you," continuing by saying "every man that wears anything like that I consider to be a bushranger." Then he called a warder who took away my sash, and gave me a belt instead. I got my sash back afterwards. The hominy was bad and scarcely fit to eat.
1389. Do you consider the rations were insufficient? I was half starved the first seven months.
1390. What is your weight now? About 11 stone 4 lbs.
1391. You seem in very good condition now? I have been under the doctor ever since I have been here. I had my testicles hurt in the tank here through lifting, and I had to wear a suspender.
1392. Are you suffering from cold or anything—I see you wear a comforter? I have been under the doctor for the last three weeks with a very bad cold in the chest and head.
1393. Is there anything else you have to complain of concerning Berrima? I have something to say about Mr. Flynn, a warder.
1394. What did he do? He was going to knock me down in the cell, after coming from chapel, and I took a shoemaker's knife to him. While at chapel a man sitting opposite to me was talking in a low voice so as he could not be heard but in a jocular way, and I smiled. When I returned from chapel the warder came to my cell, and standing just inside asked me what I had been talking for; I denied that I had been talking, and said "Do you accuse me of talking?" he said "No, but you were smiling; I know it was all M'Grath's fault." Then he rushed at me, and I picked up the knife. He said then that he did not blame me, and told me to put the knife down. Then he said he would go and tune M'Grath up.
1395. However, he did nothing to you? No, sir.
1396. Was any charge brought against you for taking up the knife against him? No.
1397. Is there anything else you have to complain of? No.
1398. How often had you to make water in your cell? During the time I was in No. 38, one of the small cells, I dare say it was about a dozen times.
1399. *Mr. Voss.*] Did you never complain to the Visiting Justice or to the Chaplain? No, sir.
1400. Why did you not? I did not think I would get any redress.
1401. But why have you not complained to the Chaplain or to the Visiting Justice here? They are people that I very seldom visit.
1402. You never asked to see them to make a complaint? I have asked to see the Visiting Justice here to make a complaint, and have not been allowed to do so.
1403. *Chairman.*] To complain about what? The manner in which the rations are served to the prisoners.
1404. Is that all you wish to tell us? That is all about Berrima. But I wish to complain of the rations here.

1405.

R. Smith. 9 July, 1878.

1405. Are the rations here as good as the rations at Berrima? Very far better; there is nearly twice the quantity.
1406. And the quality—is it better here? It is better on an average, but there are times when it is very bad. The bread is sometimes very bad. I have seen it remain piled in the yards; it could not be eaten because it was sour and doughy. There was a Board called upon it, and the Board said, I believe, that the bread was bad.
1407. Did you get better bread next day? Yes, there were no complaints about it.
1408. Is that all you have to tell us? I have a few words to say respecting the classification of this gaol.
1409. We are not here to deal with matters of that kind. If we were to go round and hear the complaints of every prisoner in the gaol it would occupy more time than we could spare. Have you been prevented from seeing the Visiting Justice? Yes.
1410. By whom? Mr. Hussey.
1411. Does he question you as to what you wish to see the Visiting Justice about? Yes; he asks me what I want to see the Visiting Justice for, and when I have told him, he will say "Then you won't see him here."
1412. When was this? About four months ago.
1413. Where were you convicted? In Sydney, for assault and robbery in York-street.
1414. Were you in company with any other man at the time of the robbery. It was supposed that there were two men, but that was not correct. I committed the robbery, but did not assault the man; he was assaulted by two men afterwards. It was alleged against me at the trial that I was twice sentenced in Victoria.
1415. You told us just now that you had no other conviction? This is the first time in this gaol.
1416. But you led us to believe that you had no previous convictions at all? Not in the Colony.

Alfred Victor, confinee in Parramatta Gaol, called in, sworn, and examined:—

A. Victor. 9 July, 1878

1417. *Chairman.*] What is your name? Alfred Victor.
1418. What sentence are you serving? Three years.
1419. For what offence? Horse-stealing.
1420. Is that your first conviction? I received one month or a fine.
1421. Did you undergo the imprisonment? Yes.
1422. Was that your only previous conviction? That is all.
1423. When did you go to Berrima? About the 18th May, 1877.
1424. How long were you there? A little over eight months.
1425. During the eight months you were there were you subject to any ill-treatment or injustice of which you wish to complain? Yes. The warders used to behave in a way that would cause men to commit themselves; in fact, I committed myself by communicating with prisoners in the yard, and by the language the warders have used to me they have tried to make me commit myself again.
1426. Has Mr. Small ever ill-treated you? No, Mr. Small has never to say brutally ill-treated me. Once he threatened to hit me on the nose.
1427. Did he ever strike you? No.
1428. Did he ever use any improper language to you? Well, he told me when he threatened me that if I came that game again he would hit me on the nose.
1429. What game? Putting my plate out of the cell when he was coming round visiting. I was not aware that he was coming round.
1430. He never did strike you or personally ill-use you? No.
1431. Were you ever gagged? No, but I was in the dark cells for punishment.
1432. How often were you punished for misconduct? Three times.
1433. Were you ever punished when you were not guilty of misconduct? Yes, once; and the Magistrate told me I might just as well plead guilty when I came there. That was the language he used after giving me forty-eight hours.
1434. Is that the time you say you were innocent? Yes, I was brought up by the chief warder for attempting to communicate.
1435. When was that? On the 21st December last.
1436. Who was the Magistrate? I am not acquainted with the name of the Visiting Magistrate.
1437. Well, can you specify any occasion on which anybody in Berrima Gaol ill-treated you? Well, not brutal treatment. It was more to cause me to commit myself in order to get ill-treatment afterwards.
1438. Can you specify any instance? One time I got forty-eight hours from the Magistrate, and one of the warders shoved me along the passage to my cell and tried to throw me down.
1439. Did he throw you down? No.
1440. Did he hurt you? No; he did the best it was possible for him to do.
1441. Who was it? The senior warder, Mr. Breen.
1442. What reason had he for shoving you? That I do not know.
1443. Were you loitering on the way? No, sir.
1444. You were walking briskly? Yes.
1445. Had you offended him in any way? No.
1446. Had he any spite or ill-feeling against you? Not that I am aware of. I was nearly committing myself with him; and if he had not shut the door quickly I would have struck him, and put myself in for some punishment.
1447. Why would you have struck him? Because of the way he pushed me. He tried to knock my feet from under me.
1448. Are you sure you were not hanging back? Yes; he kept pushing me along and using his feet at the same time.
1449. Did he do that often? No, that was the only occasion.
1450. Is there anything else that you wish to complain of? Yes; the chief warder.
1451. What is his name? Mr. Everett, I think.
1452. What did he do? He accused me of trying to communicate. He locked me up, and told me that he would learn me that there were people there who knew as much as myself. But it was his manner more than his language, trying to get a man to commit himself more than the case against him would.

A. Victor. 9 July, 1878.

1453. Well, have you stated all you wish to say? No, sir. This gaol ——
1454. But about Berrima? Yes. In this gaol, I believe, the regulations state we are to get a pound of roasting beef uncooked every day.
1455. Do the prisoners cook their meat themselves? No; a cook is here for that purpose; but instead of getting a pound, we get 4½ lbs. among six men. On Sunday last the chief warder here threatened to bring the delegate, Frederick Macintosh up, for speaking of it.
1456. What is the delegate? The man who sees that the rations are in good order. The hominy comes in sometimes not fit to eat. It is musty, bad meal.
1457. How long have you been here? Since the 1st February.
1458. Of this year? Yes. In writing here, I am given to understand that we are allowed to write to a relative only once every six weeks, and to everybody also once every three months.
1459. *Mr. Oatley.*] Are the regulations not posted up? No.
1460. *Mr. Voss.*] Have you asked the Visiting Justice about writing? No.
1461. *Chairman.*] Well, this is the regulation: "Prisoners will be allowed (unless otherwise provided as regards their class in these regulations) to communicate in writing with their relatives and friends under the following conditions, viz:—(1) To write one letter every three months, and to receive such letters as may have been sent for them once in six weeks. (2) In cases of near relations—husbands and wives, or parents and children—the time required to elapse as above will be reduced (both as to sending or receiving) to one-half.
1462. *Mr. Voss.*] All that information you can get by asking the Visiting Justice? I put my name down to see the Visiting Justice, but I am not allowed to see him.
1463. *Chairman.*] Who prevents you? The gaoler.
1464. How often has that happened? I put my name down once to see him.
1465. How long ago? Eight or ten weeks ago.
1466. And what took place? I was called in, and the gaoler told me he would not allow me to see the Magistrate.
1467. Did he ask you what you wanted to see him for? Yes.
1468. Did you tell him? Yes; I told him I wanted to see him about writing, and he told me he would not let me see him.
1469. Did the gaoler tell you that you were allowed to write? He told me I could write to a relative only once in six weeks, and that if I wanted to write to a friend it would be three months after writing to a relative.
1470. We cannot go into these matters of regulation. Your proper course is to see the Visiting Justice or the Comptroller-General. But you complain that you are not allowed free access to the Visiting Justice or Comptroller-General—that the gaoler interposes? Yes.
1471. *Mr. Pinhey.*] Have you been allowed to see the Visiting Justice at any time? I was allowed to see him the second time.
1472. *Chairman.*] Where were you born? In Melbourne.
1473. Is there anything else you wish to tell us? No.

John Corcoran, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Corcoran. 9 July, 1878.

[The Gaoler informed the Commission that this witness had been under surveillance on suspicion of being of unsound mind.]

1474. *Chairman.*] What is your name? John Corcoran.
1475. What sentence are you undergoing? Five years.
1476. What for? For an attempted assault upon a female child.
1477. Was that your first conviction? The first that ever I received in the colonies.
1478. Where you ever convicted before? I was exiled from Home; not sent out as a convict.
1479. How long ago? In the year 1849 I arrived in the Colony.
1480. What was your offence at home? It was the year of the famine, and the country was disturbed and—I could not tell the nature of the offence now, it is so long ago.
1481. What was it brought in as? Taking firearms—that is what I was sentenced for.
1482. Then you were never in trouble in this country until you received your present sentence? No.
1483. When did you go to Berrima? In 1875.
1484. What time? At the latter end of May, or the beginning of September.
1485. When was your conviction? In April, 1875.
1486. And you were sent to Berrima forthwith? Yes.
1487. How long were you there? Something over eight months.
1488. During the time you were there were you subjected to any ill-treatment or injustice? I did not come here with the intention of complaining of the Berrima treatment, but in hopes that I should be protected from the treatment I receive here.
1489. Then you have nothing to complain of regarding Berrima? Nothing that I wish to tell you. There were little affairs that I won't trouble you with.
1490. And what is the matter that you wish to complain of here? There was an attempt made on my life here, and the case was not investigated.

[The witness then entered upon a rambling and incoherent statement in reference to some property which he said had been bequeathed to him by a cousin. The Commission were of opinion that the man was not of sound mind.]

Thomas Duncan called in, sworn, and examined:—

T. Duncan. 9 July, 1878.

1491. *Chairman.*] What is your name? Thomas Duncan.
1492. What sentence are you serving? Ten years.
1493. What for? Robbery.
1494. Under arms? Yes.
1495. With anybody else? Yes.
1496. Was that your first conviction? No, the second.
1497. What was your first offence—the offence for which you were convicted? I was charged on two charges at the same time—horse-stealing and house-breaking. 1498.

T. Duncan. 1498. And you were convicted? Yes.
1499. What sentence did you serve? Three years.
9 July, 1878. 1500. Have you been to Berrima? Yes, during this sentence; not during the first.
1501. When did you go there? On the 15th June, 1877.
1502. How long were you there? I completed nine months from the time I was sentenced.
1503. During the time you were there were you subjected to any ill-treatment or injustice of which you wish to complain? Yes.
1504. Specify what it was? I was locked up the first time for attempting to communicate with a fellow prisoner, and received 48 hours dark cells. I turned away to go to my cell, and being excited I said I would be locked up for something next time. Small then dragged me back and the Magistrate gave me 24 hours extra in the dark cells. I was taken to the dark cells and stripped, and my clothes were thrown in after me. I had nothing but an old blanket to cover me, and a pound and a half of bread and water to eat and drink. This I got as rations. The second time I was locked up I got three days for talking. The dark cells are situated right under the building, and they are very cold both in summer and winter. After I went back to my cell the second time, I took bad with diarrhœa, and the doctor ordered me medicine. The next morning I lay in my bed, and the warder came to take my bed out. He asked me why I was not up. I said I was ill, and he told me I would have to get up. Being afraid I got up, although I was not well, and I was sick from 5 or 6 in the morning until 11 in the day, when the doctor came and took me to the hospital. When the doctor went away, Small said to me, "If you were to die now no one would care; in fact it would be a good job for the public, for what you have done lately." I remained in the hospital six days. Mr. Small's remark was made while I was in the surgery, and before I went into the hospital.
1505. About what month was this? I do not recollect exactly.
1506. How long after you went there? I cannot say.
1507. Was it shortly after you came away from or long after you left Berrima? It was six or eight months before I came away.
1508. Who was present? I do not think there was anybody but myself and Mr. Small.
1509. Is there anything else you wish to state? I was six days in the hospital, and while I was there the doctor certainly was not very attentive. He only came four times during the six days I was there. I was taken back to separate treatment afterwards. Up to that time I had received a very small ration; in fact I was half-starved. I was that way that I actually used to dream about it in the night.
1510. Is there anything else you wish to complain of? Yes, from the time I was locked up twenty-four hours for using threatening language, I was kept four months in my cell with no amusement and nothing to pass the time away with—nothing but reading a book.
1511. Had you no occupation all the time? No, on account of what I said before the Magistrate they took my work away.
1512. That was because they could not trust you with any knives or weapons? I suppose so. When I asked the reason I was told it was because I had made use of threatening language.
1513. *Dr. Alleyne.*] Were you cured during the six days that the doctor was attending you? I was not exactly cured. I was very ill when I went back; I was troubled with pains in my inside, and my bowels were loose. When the doctor came to the hospital and asked me how I was I said I was a little better; and I suppose he thought I meant that I was better altogether, so I was taken out of the hospital. He said I could go back to separate treatment.
1514. Did this diarrhœa trouble you afterwards? The doctor gave me more rations, and medicine to take regularly. I was greatly troubled with it. I was several nights on the night-tub, and had to go out often during the day. I have had it slightly here since.
1515. *Chairman.*] Have you anything else to complain of? I have frequently had to make water in my cell, on account of the warders not coming when I rang the bell. I have been in such pain sometimes that I have had to sit down in the cell.
1516. Well, go on; tell us about anything else that you consider ill-usage? It is sometimes a good while before I can make water here, and I believe it is through having had to wait so long when I wanted to go out.
1517. Where were you tried? At Sydney.
1518. Were you defended? Yes. I wish to say a few words more. Shortly after I went to Berrima Small came and asked me how long I was doing, and when I told him he said it was strange that I received three years more than my mate—that there must be something bad in my case—and that the likes of me ought not to be at large—trying to irritate me to commit myself. On one occasion, when I went to put out my hominy plate, he shoved me back against the wall; and on another occasion threatened to job me.
1519. Was anybody present? There was a warder but I do not know his name. There was a warder present both times. No doubt if I had been hot-tempered I would have committed myself. As far as I could see, Mr. Small was in the habit of ill-treating men for the purpose of making them commit themselves. Of course, had I done or said anything, I would have been severely punished.
1520. How often were you punished? Twice; and I received three days each time. The senior warder used to come down to the cells to put in the rations, and if I was not there at once to receive them he would drop them into the cell.
1521. And why did you not take them? I might be sitting down or I might not hear him. On other occasions, when I have been taken to my cell by Mr. Breen, who seemed to have some ill-feeling against me, he has jammed the door on me so that I have had to jump in to escape being jammed by the heels.
1522. Is that all now? I think that is all. I have a few words to say about this gaol.
1523. What is it you complain of generally? In regard to Mr. Hussey interfering with me and other men when we want to see the Visiting Justice about writing letters. I have put down my name on two occasions, and Mr. Hussey has come and decided the case without allowing me to see the Visiting Justice. He would tell me that he would oppose me if he allowed me to see the Visiting Justice.
1524. *Dr. Alleyne.*] Did he let you see the Visiting Justice? Yes, but he said he would oppose me, and I believe he did because I did not get permission to write.

John Fitzgerald, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Fitzgerald. 9 July, 1878.

1525. *Chairman.*] What is your name? John Fitzgerald.
1526. What sentence are you serving? Seven years.
1527. What for? Assault and robbery.
1528. Is that your first conviction? No, sir.
1529. How often were you convicted before? To the best of my belief eight or nine times.
1530. When was your last conviction? On the 11th of May, 1873.
1531. And when did you go to Berrima first? On the 21st of June in the same year.
1532. How long were you at Berrima? Till the 23rd February, 1874.
1533. Well, during the eight or nine months you were there were you subjected to any ill-treatment or injustice of which you wish to complain? Yes, very often when I wanted to go out of my cell I rang the bell as the regulations required me to do, but the warders never attended to me properly, and when they have come they have abused me and told me that if I rang the bell so often they would put me in the dark cells.
1534. Anything else? The hominy on most occasions was inferior, but I was compelled to eat it because I had no other food to eat.
1535. Anything else? I was suffering from a chronic disease—stricture—and one day I was taken to the dispenser, who tried to insert a catheter. Then I was sent back to my cell, and on that and the next night I could not make water. The doctor came and I told him that I had a stoppage of water and he gave me some medicine. On the last occasion that I have anything to complain of I was in the yard and the water had stopped on me all night. The doctor came and gave me some medicine but I did not pass any water that night again, and in the morning ——
1536. Tell us something that you have to complain of? The only complaint I have to make is that I was kept in the cell when I wanted to make water.
1537. Is that your sole complaint about Berrima? I was often for twenty-four hours in the dark cells without any bed and only half a blanket—a piece about 2 feet square, just sufficient to wrap round my feet.
1538. Was that for a breach of the regulations? Yes.
1539. Is there anything else? No; nothing in regard to Berrima.
1540. Mr. Small never treated you harshly? No, sir. I wish to speak about my present sentence, sir, if you will allow me. I and two other prisoners were tried for assault and robbery. The two other men received five years and I received seven years. The same evidence convicted us all. When I got down to Berrima I asked to see the Visiting Justice to ask for permission to write to the Comptroller-General. I put my name down to see the Comptroller and I saw him, and he gave me permission to write to two of the witnesses.
1541. Do you mean to say you are not guilty? Yes, sir; I am undergoing a sentence now but I am innocent of the charge made against me.
1542. Were you not there? There was no robbery committed. I admit being at the place.
1543. Then you know all about it? Yes, but there was no robbery.
1544. And no attempt at robbery? No.
1545. *Mr. Pinhey.*] Who tried you? Judge Hargrave.
1546. Were you defended? No.
1547. *Chairman.*] Did you call any evidence? Yes, but my principal witness did not appear.
1548. Who was the prosecutor? Richard Jones; he called himself a seaman. The Comptroller-General refused to allow me to petition for clemency, and would not allow me to write to the Judge.
1549. Well, we cannot interfere in that matter.

George Hunter, confinee in Parramatta Gaol, called in, sworn, and examined:—

G. Hunter. 9 July, 1878.

1550. *Chairman.*] What is your name? George Hunter.
1551. What sentence are you serving? Five years.
1552. What for? Forgery.
1553. Was that your first conviction? No, sir, my third. It is the second under this Act.
1554. What were your previous sentences? One five years and one three years. Three years for stealing and five years for forgery.
1555. And this one is for forgery too? Yes.
1556. When did you first go to Berrima? On the 8th of May, 1869.
1557. How long were you there? Four months and a half.
1558. During that time were you subjected to any illtreatment of which you wish to complain? No personal illtreatment any more than other men, such as being compelled to jump into a tub of cold water in the winter time, and to run along a passage naked; and also short rations.
1559. Did Mr. Small ever treat you cruelly? No, sir, never.
1560. I suppose he told you of certain consequences that would ensue upon misconduct? He did something of that kind. But I was very quiet while I was there.
1561. When did you go to Berrima again? In June, 1876.
1562. How long were you there that time? Eight months, all but four days.
1563. Were you subjected to any ill-treatment or injustice, except such as you have mentioned? No, sir.
1564. Then your complaints are against the gaol regulations—you think they are severe? Yes; and the rations are too short. The rough way the warders speak to you is enough to make a man commit himself.
1565. Can you single out any particular man? No, they are very much alike. But I came here, not to complain of Berrima Gaol, but to represent matters in this gaol. There are certain regulations by which we are supposed to be guided, but with the exception of two sheets—one referring to rules of general conduct, and the other remission of sentences—there is nothing to tell a man what he is to do.
1566. Then your complaint is that the prisoners are not made acquainted with the regulations they are expected to obey? Exactly so. There are no regulations as to indulgences or permission to write. Then it

G. Hunter. 9 July, 1878. it is a very difficult matter to have access to the gaoler or Visiting Justice; and if you get to the Visiting Justice the chances are that you get no satisfaction. Before you can open your mouth the gaoler says, "This man is here for so and so," and the case is decided before you can say a word.

[Mr. Hussey, the gaoler, here produced a quantity of tobacco, which the witness, on its being shown to him, said was the same as that which had been refused by the prisoners.]

1567. *Mr. Voss.*] You were telling us that the Visiting Justice would not listen to you? I knew that some of the men intended to complain about the tobacco, and as I had been smoking it, and had had my tongue blistered, I put my name down to see the Visiting Justice about it. Yesterday the gaoler asked us why we had rejected the tobacco. We told him, and he said, "You should have smoked it before you returned it. If you are not satisfied," he said, "you can see the Visiting Justice." I and another man were called up before the Visiting Justice. The gaoler explained what we were there for, and the Visiting Justice said, "You can't get your tobacco back" before either of us had opened our mouths. I want to know whether it is lawful for a prisoner to communicate with the Minister for Justice.

1568. *Chairman.*] I do not think you can, except through the Comptroller-General? But our statements get warped.

1569. Do you know of any instance in which a statement has been warped? Only by the results; they have been returned with the words "no grounds" on them.

1570. How many gaols have you been in—serving sentences? I have only served a sentence in this gaol, and a portion of one sentence on Cockatoo Island, besides being in Berrima.

John Davis, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Davis. 9 July, 1878.

1571. *Chairman.*] What is your name? John Davis.

1572. What sentence are you serving? Three years.

1573. What for? Larceny.

1574. Is that your first conviction? It is before a high Court.

1575. How many times have you been convicted before any Court? Several times for drunkenness, and three times for petty larceny.

1576. Anything else? Habitual drunkenness, being three times drunk in the year.

1577. And your last offence was a more serious affair;—what was it? Larceny.

1578. Was it robbery? It was supposed to be connected with it.

1579. With arms? No, stealing from the person.

1580. When did you go to Berrima first? On the 15th of June.

1581. Last year? Yes.

1582. How long were you there? Nine months.

1583. Were you subjected to any ill-treatment? Very trifling. The prisoners are in the habit of putting their plates out before they bring their bedding in, and one day when the door opened I went to put my plate out but I was thrust back.

1584. Is there anything you wish to complain of? Nothing particular, except about making water. They would not allow me out to make water when I wanted to, and I had to do it in my cell. I did it until the chief warder smelt it, and then I told him.

1585. Is there anything else? I want to speak about my own trial.

1586. Do you wish to tell us that you are innocent? I do.

1587. We have nothing to do with your trial; but we will put down that you complain that you have not a proper opportunity for laying your complaint before the Minister for Justice? That is what I complain of, and also that I got a heavier sentence than the actual perpetrator of the crime. I complain also of Judge Dowling's partial summing up.

John M'Ginty, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. M'Ginty. 9 July, 1878.

1588. *Chairman.*] What is your name? John M'Ginty.

1589. What sentence are you serving? Seven years.

1590. For what offence? Stealing from the person.

1591. Was that your first conviction? No, sir.

1592. How often were you convicted before? Four or five times.

1593. When did you first go to Berrima? In 1871.

1594. Under this sentence? No, the last sentence.

1595. Have you been there more than once then? Yes.

1596. When did you go the second time? In 1877.

1597. Do you want to complain of anything there? Simply of being kept in the cell, and not being let out to make water.

1598. Did that happen on both occasions? Yes.

1599. Did you ring the bell? Yes, repeatedly.

1600. Is that all you have to complain of? That is all. But I have another matter—concerning my case.

1601. What do you want to say? I received seven years for picking pockets, and my mate two years. I received five years, on account of my former convictions.

1602. Well, we cannot do anything in reference to that. That is a matter left in the discretion of the Judge, and we cannot interfere.

John Finnerty, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Finnerty. 9 July, 1878.

1603. *Chairman.*] What is your name? John Finnerty.

1604. What sentence are you serving? Seven years.

1605. For what offence? Highway robbery.

1606. With arms? Yes.

J. Finnerty. 9 July, 1878.

1608. With others? A couple of others.
1609. Was that you first sentence? Yes.
1610. You were never convicted before? No.
1611. Where were you convicted? At Tamworth.
1612. Before what Judge? Judge Meymott.
1613. Do you complain of your conviction? I had a promise from the Judge that I would be released after three years if my conduct was good.
1614. Do you complain that you were unjustly convicted? No; I pleaded guilty.
1615. When were you tried? In August, 1874.
1616. Did you go to Berrima? Yes.
1617. Directly after your sentence? Yes.
1618. How long did you remain there? Eight months and a fortnight.
1619. Were you subjected to any ill-treatment there? Yes, on one occasion.
1620. When was it? I cannot recollect the month, but I think it was in April, 1875.
1621. Near the completion of your time there? Yes.
1622. What was the occurrence? I was walking in the exercise yard, when the senior warder came, called me out, stripped me naked, and examined my clothes. Then he charged me with attempting to communicate with another prisoner by writing to him. He told me he had found a piece of lead in my cell, and I replied that it must have been left there by another prisoner. He said a piece of writing had been found on another prisoner, and that he would make it hot for me. He took my books out, and locked me up. Sometime after, as I was walking about my cell, Mr. Small came in, looked at me, then caught hold of me by the back of the neck, pulled my shirt as tight as he could, and pushed me about the cell, keeping the collar of my shirt tight all the time. Then he put his other hand to my trousers, and ran me down-stairs to a small cell, and when he got me there he slewed me, and said, "I will never let you go away from this gaol to disgrace me; I will keep you here all the time." He called me a rascal, and put his fist up to my face, and butted my head against the wall.
1623. Mr. Small did all this? Yes.
1624. In the presence of anybody? There were warders outside.
1625. Did you cry out? No, I could not; he had me nearly strangled.
1626. He had not hold of you by the throat then, had he? No. I asked him not to do it. He knocked my head against the wall a second time. I was brought before the Visiting Justice, and the senior warder charged me with communicating with another prisoner, and with destroying a library book. But I am before my story: When Mr. Small knocked my head against the wall of the cell he said:—"If you deny it I will gag you." I said, "I did not do it," and he said, "If you deny it again I will gag you." I then kept silent. When I went before the Magistrate I pleaded guilty, because I knew then that I would get sentenced, and be done with it, although I was not guilty. I knew I would get off with seven or fourteen days.
1627. How many punishments did you receive at Berrima, whether you were guilty or not? I got three days one time for rapping on the floor.
1628. Were you guilty? Yes. After that I was locked up seven days for communicating; but I was never brought before the Magistrate. The third time, that I have just been speaking of, I got thirty-six hours dark cells, and seven days solitary.
1629. Did you serve the seven days solitary? No, sir.
1630. How was that? When I had done twenty-four hours in the dark cell Mr. Small noticed tears in my eyes, and I was let off the rest of the time.
1631. Do you swear that Mr. Small came to you in the way you have described—that he nearly strangled you, and that he put his fist against your face, and butted your head against the wall? I do.
1632. Did he hurt you? Yes; but not very much, though it pained my head at the time.
1633. You say that was the only time he was guilty of any ill-treatment towards you? Yes, only the one time, and that time I was not guilty of what I was charged with.
1634. But before you pleaded guilty he committed the violence you speak of? Yes.
1635. *Dr. Alleyne.*] What made him run you down that way? I do not know.
1636. Had you refused to walk? No.
1637. *Chairman.*] Were you in your separate cell then? Yes.
1638. Mr. Small did not put you in a dark cell then before taking you before a Magistrate? No, but he put me into a small cell.
1639. When you were before the Visiting Justice did you say anything about Mr. Small having used violence to you? No, I was afraid.
1640. Did you complain to anybody? No, I never complained to anybody except to Mr. Taylor when he came here.
1641. Is that all the complaint you have to make about Berrima? Yes, but I wish to say a few words about my case. The Judge gave me seven years, and told me that for good conduct I would only be in three years, and that I might consider three years my sentence. The Comptroller gave me leave to petition at the end of the three years, and I got an answer telling me that my petition had been refused.
1642. Have you been punished here for misconduct? No, my conduct has been good here.

William White, confinee in Parramatta Gaol, called in, sworn, and examined:—

W. White. 9 July, 1878.

1643. *Chairman.*] What is you name? William White.
1644. What sentence are you serving? Five years.
1645. What for? Stealing from a dwelling.
1646. Was that you first sentence? No, sir.
1647. How often were you convicted before? Two or three times.
1648. For serious offences? No, sir, smaller offences.
1649. When did you go to Berrima first? In 1874.
1650. Under this sentence? Yes, sir.
1651. How long were you there? Till nine months from the time I was sentenced.

W. White. 9 July, 1878.

1652. Were you subjected to any ill-treatment of which you wish to complain? I cannot say that I was subjected to ill-treatment, but I received very bad language from the Gaoler.
1653. How often? On two or three occasions.
1654. Tell us the first? It was about three months after I went there.
1655. How did it happen? It happened this way: He threatened to have me brought before the Visiting Justice and severely punished. He also used bad language, and called me bad names, such as a scoundrel and vagabond.
1656. Where was this? In the cell.
1657. Was there any one there besides you and Mr. Small? There was not, but the clergyman came in some time afterwards.
1658. Did you complain to him? Yes.
1659. Who was he? Mr. Langley.
1660. What did he say? He told me I had best go along as quietly as I could.
1661. Had you been doing anything wrong? No, sir.
1662. Was there any cause for Mr. Small's making use of bad language? It was solely on account of some convictions sworn against me at my trial. I asked for permission to write to the Sheriff about it. At the time of my trial an officer went into the box and swore that there were several convictions against me. Those convictions are now on my warrant, but the records will prove that I never served them. One is for rape, and another for sticking-up, under arms.
1663. And you were never convicted of any such offences? No, sir.
1664. They made a mistake as to the person? Yes, sir. I wrote a letter, which Mr. Small forwarded to Mudgee, and the Mudgee gaoler wrote back to say that he was in Court when those convictions were sworn against me. Mr. Small then said to me, "You scoundrel—what have you to say against that?" I said that it corroborated my statement. Then he said he had a good mind to bring me before the Visiting Justice for causing so much trouble.
1665. You say the Mudgee gaoler wrote that he was in Court when those convictions were sworn against you? Yes, sir.
1666. Not that you were the person convicted? No, sir.
1667. Well what is the next occurrence you have to complain of? The next was wanting to go to the closet. I rang my bell once or twice, but it was sometime before anybody came. Finding that I got no answer by ringing the bell, I kicked against the door, and Mr. Small who it appears was somewhere handy came in with a warder and ran at me as if he was going to take hold of me and ill-use me.
1668. He did not catch hold of you then? No, sir.
1669. What is the next thing you complain of? On another occasion, whilst in the yard, I knocked at the door to get out to make water, and Mr. Small, who happened to be close by, sang out to the officer on duty and asked him who it was that was knocking. The officer told him and he replied, "Let the scoundrel stop there."
1670. Mr. Small said so? Yes.
1671. Is that all that happened then? Yes.
1672. Is that all you have to complain of in regard to Berrima? That is all in regard to Berrima. But I wish to say something relative to those convictions sworn against me at my trial.
1673. You wish to represent that they made a mistake and that the Judge, in consequence, passed upon you a more severe sentence than he would otherwise have passed? Yes, sir.
1674. Who was the Judge? Judge Josephson.
1675. Did you deny the convictions? Yes, sir, but my word went for very little against the officer in the box swearing against me.
1676. Is that all you wish to state? No, sir; I wish to state that I went to the Magistrate relative to those convictions two months after I came here. He told me that I had better see the Comptroller. I saw the Comptroller in the presence of the gaoler in this office, and stated my case to him. He told me that I could write a statement to him and that if my statement was correct I would receive the benefit of it. The next day Mr. Watt and Mr Flaherty advised me not to write the statement, because I would get half mitigation as the case stood, and that if I raked it up, I might have to do all my sentence. Now the Gaoler told me here in front of the Comptroller that there was only one conviction against me, but a month previous to my returns going in he told me that there were two convictions against me.
1677. Did you, in consequence of what was said to you, not write your statement? No, sir, I did not write it. I did afterwards write a statement; but judging from the answer I got from the Comptroller I have my doubts whether he ever saw it.
1678. These are matters which you wish us to bring before the Comptroller-General? Yes, sir.
1679. Very well, that will be done.

James M'Grath, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. M'Grath. 9 July, 1878.

1680. *Chairman.*] Your name is James M'Grath? Yes, sir.
1681. What sentence are you serving? Three years.
1682. You have been previously convicted, I suppose? Yes, sir.
1683. How often? Twice. I got five years and ten years.
1684. What were the offences? Five years for horse-stealing, and ten years for sticking-up.
1685. Highway robbery? Yes.
1686. Under arms? Yes.
1687. In company with others? One man.
1688. And what is your present sentence for? Attempting to take a cash-box from a public-house bar. I was convicted of larceny.
1689. When did you first go to Berrima? In the beginning of November, 1868.
1690. And how long were you there? A little better than seven months.
1691. While you were there were you subjected to any ill-treatment or injustice of which you wish to complain? Once, and once only.
1692. How long after you went there? It may be nine or ten days. It was a short time.

1693.

J. M'Grath. 9 July, 1878.

1693. Now just tell us fully the whole circumstances of the case? I was locked up some few days after I went there for talking to another prisoner while in the yard.
1694. Were you guilty? I was. I was locked up, and was not allowed out for two days. The night after I was locked up there were some men talking, and Mr. Small came and opened the door of my cell. Warder Hill, I believe, was with him. The warder had a bull's-eye lamp in his hand, and Mr. Small said to me, "Get up; you are not satisfied, it appears, with being locked up." He called for a gag and handcuffs. My hands were handcuffed behind my back, and then he tried to put the gag into my mouth. I did not like the appearance of the gag, and I shoving my head away from it as he tried to put it in, he got the gag about half-way in, and then struck it with the heel of his hand, breaking one of my teeth and splitting the next one to it.
1695. Had you been guilty of talking? Not then. I had been locked up for talking.
1696. But you were not guilty immediately before this occurrence? No.
1697. Did you try to get away from him? No, I only moved my head to prevent him from putting the gag in my mouth.
1698. Did you attempt to strike him? No.
1699. Had you the handcuffs on? Yes.
1700. Did you try to kick him at all? No, I was too frightened.
1701. Then you merely tried to avoid the gag? That is all. I half-opened my mouth, and he then put the gag in and struck it with the heel of his hand. One tooth on the left side near the centre was knocked out, and the next one, which was splintered, has decayed since.
1702. Is that the only tooth you have had out? No; I had lost one on either side before I went there.
1703. Did Mr. Small say anything to you then? I do not recollect. He passed some remark, but I don't know what it was.
1704. Hill, you say, was holding the light? Yes.
1705. And he must have seen all that took place? He must.
1706. Where is he now? I believe he is at Newcastle.
1707. Did they leave you then? Yes.
1708. How long were you left in the condition you have described? I think it must have been close on three hours.
1709. What time of the day was it? It was after 7 o'clock at night.
1710. How did you get rid of the gag? Mr. Small and Hill came back, and Hill took it out.
1711. In Small's presence? Yes.
1712. *Mr. Pinhey.*] Do you mean to say the gag was in your mouth three hours? I think it was; but I was suffering great pain, and I may have thought the time longer than it was.
1713. You are sure it was more than one hour? Yes.
1714. *Chairman.*] Had you suffered great pain while the gag was in your mouth? Yes. The first sensation I felt was one of vomiting, and after a time I got parched with thirst and my tongue began to swell. In fact it was the worst pain I ever suffered in my life.
1715. Were you ever gagged on any other occasion? No.
1716. Did Mr. Small say anything when the gag was taken out? No.
1717. They left you then for the night? Yes.
1718. When did you see Mr. Small next? Next morning.
1719. Was he alone? No, Warder Welsh was with him.
1720. Did Mr. Small speak? Yes.
1721. What did he say? He said, "Well, don't you think you had better keep quiet," or something to that effect. I said, "Well, sir, I was not talking." He said, "Well, I believe I made a mistake last night; I believe it was the man next you who was talking, and I am sorry for it. You can go to your exercise." He did not bring me before the Magistrate, not even for the talking for which I was locked up the two days before I was let out for exercise.
1722. Were you ever punished afterwards? Never, sir. Mr. Small gave me a first-class character.
1723. Welsh was there when Small said that he had made a mistake and that he was sorry for what he had done? Yes.
1724. Where is Welsh now? I don't know, sir.
1725. Is that all you have to complain of during the first time you were at Berrima? It is hardly worth mentioning, but I forgot what Mr. Small said the first evening I went there. After he had taken my descriptions he said, "Do you know the regulations of this gaol?" I said, "No," and he read them to me. Then he asked me did I know what the punishments were for breaches of the regulations? I told him I did not, and he said, from twenty-four hours to twenty-eight hours in the dark cells. Then he took down the gag and said that that would be put into my mouth if I talked. Then he got a baton and said every warder had one of them, with authority to use it if required. He said, "You have been sent here to be cured and cured you will be if I should kill you. I would sooner cut my arm off here (touching his right arm near the shoulder) than send you to any other gaol without being tamed."
1726. Was anybody present then? There was the clerk who was taking the descriptions down, and I believe Mr. Everett.
1727. I suppose you are not aware that the discipline of Berrima Goal is necessarily very severe? I never complained of being punished for committing myself.
1728. Did you see the Magistrate at any time after this? No, not all the time I was there.
1729. Did you ever ask to see him? No.
1730. Did you see the Chaplain? Yes.
1731. Who was he? Father M'Guinn.
1732. Did you speak to him about the occurrence you have mentioned? Yes.
1733. What did he say? He told me that it was useless to make complaints; that he had complained to the Magistrate himself about a man who was ill-used to such an extent that he was left for dead, and had to be carried to the hospital; and that the Magistrate took the gaoler's part. Small said, "If I had had my revolver in my hand I would have shot him, because he lifted his hand to me;" and the Magistrate said, "You would be quite justified Mr. Small."
1734. Where is Father M'Guinn now? I do not know.
1735. You still adhere to your statement on oath, supposing that Mr. Small says it is untrue? Yes, I swear it is true.

1736.

J. McGrath. 9 July, 1878.

1736. How long after the occurrence was it that you reported it to Father M'Guinn? It was a good while, because he came round the cells very seldom.
1737. Did you ever complain to anybody else? No sir, I did not. I was thinking of complaining to the Sheriff; but when he came I heard him, and the priest, and the parson, and the magistrate, go into the cell of a prisoner they called Drynob, who had been two years in separate treatment. The priest and others had entreated for him. Mr. Maclean said, "I am determined to give you another chance."
1738. *Mr. Oatley.*] Did you hear this? Yes, I was in the next cell. Drynob said, "I think it is near time, but before I go I have complaints to make about the ill-usage I have received in this gaol." Mr. Maclean said, "Oh, is that it; I see you are not tamed yet. If you have any complaints to make I will keep you here." Drynob said, "Won't you hear any just complaints. You are the proper party to hear them?" The Sheriff said, "I would have sent you down long before, only for your attempt on the gaoler's life. I will hear you to-morrow at 11 o'clock; but I tell you beforehand that if you intend to make complaints I will keep you here." Drynob had a conversation with some other prisoners, and they advised him to withdraw his complaints, and make them when he got to Sydney; and I believe he did so.
1739. *Chairman.*] Where did you hear Drynob and the other prisoners talking about this? In the cells.
1740. Were they not in separate treatment? Yes.
1741. And they were committing a breach of the regulations then? Yes, but they chanced it.
1742. What was Drynob's offence? Sticking-up a public-house, I believe.
1743. And you say Mr. Maclean said all this? Yes.
1744. Did he not say, "If you make any complaints and I find them groundless, you will be kept here"? No, nothing of the kind.
1745. Do you mean to say that Mr. Maclean was so unjust as to say that if a man made just complaints he would keep him there? I believe the Sheriff thought that whatever ill-treatment Drynob received he had brought it on himself, and so he said, "If you attempt to make any complaints I will keep you here."
1746. Did this man get out? He was sent down immediately. When I was taken down to Sydney, Mr. Small was with me, and he said, "What do you think of Drynob? He had no sooner got to Sydney than he made complaints."
1747. You have told us all you have to complain of during your first stay in Berrima? Yes.
1748. When did you go again? In April, 1874.
1749. Under a different sentence? No, the same sentence.
1750. Why did you go? I was sent from Darlinghurst to Port Macquarie as an invalid, and I got His Excellency's free pardon, on condition that I left the Colony. I came to Sydney to go into exile, and while in Darlinghurst waiting to go away, Mr. Carroll, now in Darlinghurst, and Mr. Flaherty, senior-warder here, came to the table where three or four of us were sitting, and said that we were playing cards. Mr. Flaherty stripped and searched me, but no cards were found on me, though Mr. Carroll had said that he saw them in my hands. I was locked up, and about half-an-hour afterwards, Carroll came and asked me where I got the fig of tobacco from that I had left on the form. I told him I had left none.
1751. Had you left any tobacco there? No. We were taken before the Magistrate, and Warder Carroll said he had seen us playing cards, though he had none to produce. We got seven days each, and I was sent to Berrima, and the promise of exile was rescinded.
1752. Had you been playing cards? Yes.
1753. How was it that the cards could not be found? Because they were handed to a man who had not been playing and so got passed away.
1754. Well, when you got to Berrima the second time, how long were you there? About six months.
1755. During that time were you subjected to any ill-treatment? No, I only got twenty-four hours dark cells while I was there.
1756. And you were subjected to no ill-treatment? None whatever.
1757. While you were there did you find any difficulty about getting out for the purposes of nature? No, sir; but the last nine months I was there it was horrible.
1758. Have you been there three times? Yes.
1759. When did you go the third time? On the 3rd of March, 1877.
1760. Then you have been free? Yes.
1761. When did you get your liberty? In February, 1875.
1762. And you were free from that time till March, 1877? Yes.
1763. What did you do during that time? I worked in Sydney, and went up the country, droving.
1764. The third time you were at Berrima did Small ill-treat you? No.
1765. What do you mean then by saying that the place was horrible? In the first place the blankets were horrible; they are continually changing the prisoners from one cell to another, and one man gets another's bed and blankets without knowing who it is that has used them before him; then they never let you out unless they choose.
1766. Did you find that so before? No, sir.
1767. What did you get the twenty-four hours for that you have mentioned? For communicating with another prisoner while in the cells.
1768. What sort of communication was it? What we call telegraphing.
1769. Had you a system of telegraphy there? Yes, sir, but the authorities are as well acquainted with it as we are.
1770. These matters of complaint that you have against Small occurred, you say, eight or nine years ago? Yes, sir.
1771. And you have never complained? No, I thought it would be useless.
1772. When did you first complain? When Mr. Taylor came round.
1773. *Mr. Voss.*] How was it that you did not complain when you were out of gaol? I understood by a regulation at Port Macquarie, that complaints must be made within fourteen days or they will not be listened to.
1774. That is in prison. But did you not complain when you were free? Well in fact, when a man is out of prison he does not think he will go back again, and he does not care to say anything about it.
1775. *Chairman.*] In fact, the less he says about it the better, I suppose? Yes, a man is afraid to go and say he has been in gaol.
1776. You adhere to your statement, notwithstanding that Mr. Small and Mr. Welsh say it is untrue? Yes,

J. M'Grath. 9 July, 1878.

Yes, I am suffering from disease, so that I don't know when I may drop dead, and I am not going to tell a lie for anybody.
1777. Is there anything else you have to complain of? Yes, a warder named Flynn had a system of letting men out twice a day and would not let you out any other time, however much you wished.
1778. Are you aware of this regulation:—"Any prisoner will be permitted, if he desires, to complain of the treatment to which he is subjected, or to address in writing the Sheriff or the Colonial Secretary; and such communication shall forthwith be forwarded by the gaoler with his report thereupon to the Sheriff"? Yes, I am aware of that.
1779. Do you not know that one of the main objects of the Visiting Justice's going round is to hear complaints. Why did you not bring Flynn's system under his notice? Well, when a man is in gaol he is frightened to say anything. He thinks the less he says, the better.
1780. Was the manner generally of the warders harsh and over-bearing, or was it to some extent considerate to the men? There are some warders who speak in a kind and considerate manner, but there are others who are always "barking" at you as it is called.
1781. Were you at Berrima when Colvin was there? Yes.
1782. Have you anything to complain of about him? Not regarding myself.
1783. Did you see him ill-use anybody else? I saw him once pull a Chinaman off the closet by the neck a minute or so after he had gone in, saying, "Come out of that—are you going to stop there all day." But that is the way with nearly all of them. In fact it was so disagreeable that I preferred to go all the day without troubling them, and used to relieve myself at night in the tub in my cell. I have often had to make water in my cell.
1784. Is that all you have to tell us about Berrima? There is one other matter, but I do not know whether it is of any consequence: The hominy used to be very bad, and I have seen the horses fed on it. I have seen two and four buckets go to the horses.
1785. *Mr. Voss.*] Did you see the horses eat it? Yes.
1786. *Chairman.*] That was the refuse hominy? I cannot tell you whether it was the refuse hominy or not.
1787. How long have you been in this country? Since 1854.
1788. You came free, I suppose? Yes.
1789. In what part of the country did you go to live in? Wollongong.
1790. *Mr. Voss.*] How long have you been suffering the way you are now? The first attack I got was about three months after I had come from Berrima the first time.

THURSDAY, 10 *JULY*, 1878.

The Commission sat at Parramatta Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

WILLIAM TOWNLEY PINHEY, ESQ., J.P., | JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

Thomas Gleeson recalled, re-sworn, and further examined:—

T. Gleeson. 10 July, 1878.

1791. *Chairman.*] When you were here before, there were two officers of the gaol present with you. We desire to give you an opportunity, in the absence of any of the officers of the gaol, to state anything that you may have left unsaid the other day. Is there anything? Yes; there was a lot left unsaid.
1792. Were you deterred by the presence of the officers? No, sir.
1793. Well, what is it you wish to add? On one occasion when I was down in the dark cells I rang for water.
1794. What was the occasion? I was put down waiting for trial. I do not know whether I got tried or not; but I had not been tried then.
1795. And when was it? It was about September or July, 1869. I went to my liberty on the 15th January, 1870. It was while I was there the first time—I went in August, 1869.
1796. Well? I had rung for water, and the warder came down and asked me what I had rung for. When I told him, he struck me, knocked me down, jumped on me, and said "There is water for you." There was another warder present; but the warder that struck me was named Flanagan. A few evenings after when I complained to Mr. Small, as he was going his rounds, he told the warder who was with him to hit me with the lamp or the candle-stick he had in his hand if I did not stand at attention.
1797. And you were doing nothing whatever contrary to the regulations? No; I was standing at attention in the cell. When the door opened, I turned round and said to Small such and such is the case, telling him what I have told you now—that I had rung the bell, and that the warder had struck me. Small was walking about the cell; and as I turned round I saw him point to the warder to tell him to strike me with the candle-stick if I did not stand at attention.
1798. Were you assaulted? No; the warder did not strike me. He said, "Stand at attention," and I did so.
1799. Do you not know that the rule is always to stand at attention when an officer enters? Yes; but in the dark cells the first thing they do is to bring in a light, and you have to turn your eyes away from it.
1800. You were in the dark cells then? Yes.
1801. When Warder Flanagan assaulted you? Yes.
1802. Why were you there? I do not know that I was ever in for anything but talking. I had been in the dark cells at other times without being brought before the Magistrate, and got no satisfaction.
1803. What do you mean by talking? Talking to a fellow prisoner while in the cell or at exercise.
1804. Had you any system of telegraphing to them, by any particular code of knocks? No. I have merely knocked at the cell of the man next to me.
1805. Do you not know of any system of telegraphing by knocking? To a certain extent I understand the system of knocking at a man's cell, but I would not know how to ask him anything.
1806. Do you know what I mean—so many knocks meaning something, and so many pauses meaning something? No, sir, I do not.

T. Gleeson. 10 July, 1878.

1807. Did you ever hear of any such system being in vogue in Berrima? No. The most I have done has been to knock on the wall of the cell.
1808. Do you know of any system of communication of that kind? No, sir, nothing intelligible.
1809. *Mr. Oatley.*] Why did you tell us that you understood the knocking, but could not answer it? The most I mean is that if a man knocked at my cell I would answer him back.
1810. How? Just by the knocks. They have no intelligible meaning.
1811. *Chairman.*] Just to let the other man know there was somebody there? That is all.
1812. Is there anything else you forgot, and that you wish to tell us of? No, sir; only concerning the standing at attention.
1813. *Mr. Oatley.*] You say this warder knocked you down;—did he cut you? Yes, he bled my nose. I knocked to the man next me, and sang out to him. He was a man named Carr.
1814. *Chairman.*] How do you know his name? I believe we were taken down to the cells together charged with talking.
1815. Then you could hear one another talking in the different cells? Yes.
1816. Where is Carr now? He went to his liberty some two or three years ago.
1817. Did you tell him that the warder had struck you? Yes.
1818. In the hearing of the warder? No; after he had gone away—the night after he had gone away. If I had told him in the presence of the warder I should have been punished again.
1819. Then you mean to say you had plenty of opportunity for speaking when the officers were not present? Yes; but it was a hundred chances to one that you would be found out. On this occasion Carr and I were taken down together from the light cells.
1820. Well, what else is there you wish to tell us, and that you have not already told us? I have known as many as twenty men to bathe in the one tub of water in the passage. That has been altered only since I was there the last time.
1821. *Mr. Oatley.*] How many bathe now in one tub? I could not say. I have gone down to bathe with four men, and we have gone into different baths. Whether that water has been thrown out or not after we went away, I could not say.
1822. *Chairman.*] Since you were here the other day have you been talking to any of the men who have given evidence? Yes, but not concerning what evidence they gave. I have not asked them any questions concerning their evidence.
1823. Have you had any opportunities of communicating without the warders hearing you? Oh, yes.
1824. And you mean to tell us on your oath that you never spoke to a single witness about what he said or what you said? Yes, the most I have asked them has been how they got on. I may have asked them one or two other questions, but not "did you say this or that." We were put into the same yard after we had given our evidence, but I never asked them any particular questions.
1825. But without your asking a question did they tell you what they had said, or did you tell them what you had said? No. There may have been some things that they asked me, such as whether I had spoken about certain matters which they knew I had complained of.
1826. When was the last time you ever saw the gag? There is always one hanging up in the office at Berrima, when you go to be tried.
1827. And those were the only opportunities you had of seeing it, except when it was used on you? I was never gagged at Berrima; it was in Darlinghurst.
1828. It has never been used on you here? No.
1829. How long have you been here? Five months. But they threatened me before.
1830. Did you speak to Mr. Taylor and the other gentleman when they came here? Yes.
1831. Is it known in the gaol whether there has been any alteration made in the regulation as to the use of the gag? I never heard that there was any alteration made.
1832. Then you still think that the gaolers have a right to use the gag? Years ago I always thought it was arbitrarily used by them.
1833. But you have heard nothing within the last three months to make you think differently? Not in the least.
1834. Is there any idea of that in the gaol? Not that I know of. I never heard anything about it not being used.
1835. How many men are there in the ward you are in? I am in a cell by myself.
1836. Well, in the yard? There may be about forty.
1837. Is there any restriction upon their conversation? No.
1838. You can talk among yourselves about what you like? Yes.
1839. And you have never heard anybody in the yard say that the use of the gag has been prohibited? No, sir, I never have.
1840. *Mr. Oatley.*] Is the gag at Berrima the same as the gag at Darlinghurst? I have had two different sorts of gags in my mouth in Darlinghurst; one was the same as that at Berrima, with a reely-boly kind of thing that went into the mouth, and the other was like a square piece of wood that came over your tongue.
1841. *Mr. Voss.*] You wanted twice to complain that the gaoler had put you in close confinement for six or seven days without bringing you before the Magistrate;—are you aware that he has the power to do that? I am not aware.
1842. Well, he has the power by the regulations of the gaol to put you in close confinement seven days for breaches of the regulations? I have been put in two, three, seven, and as many as twelve or thirteen days; and Mr. Small has never told me what it has been for though I have asked him.
1843. *Chairman.*] Are you aware that the gaoler has power when there is any breach of the regulations to put you into the dark cells for seven or eight days? No, sir.
1844. Is that the kind of thing that was used on you in Darlinghurst [*showing the gag*]? Yes.
1845. How long is it since you were gagged? In 1870.
1846. Eight years ago? Yes; the gag in Berrima was of the same description as one of those used on me in Darlinghurst.
1847. Are there any men in the gaol here who are kept from associating with their fellow-prisoners? Not that I am aware of.
1848. Are there any men whom the prisoners object to associate with? There are men whom the authorities call reformed men that the other men will not associate with—men who are always running up here complaining, and putting a key or something else into men's beds, and trying to get them into it.

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T. Gleeson. 10 July, 1878.

1849. What the other prisoners call sneaks, I suppose? Yes; but even they can find plenty to associate with them.
1850. There is no man whom the other prisoners will not associate with because of his crimes? No; except in Darlinghurst, where they put me and another young man with a prisoner named Hughes: that was Mr. Read's doing.
1851. Why did you object to associate with him? On account of the crimes we heard attributed to him by the officers of the gaol.
1852. What were the crimes? They said he was guilty of unnatural offences. I complained to Father Petre about it.
1853. And were you and this young man the only ones in the same yard with this prisoner? There was a madman, an American blackfellow, there.
1854. How long is that ago? It was in 1859; they put me into the dark cells without being sentenced by a Magistrate. I complained to Father Petre, and he said he would see Mr. Read. I asked to be put out on the works, or to be put back to separate treatment.
1855. Is that the only case in which you have known prisoners to object to associate with other prisoners except informers? Yes, but even they can get men to associate with them.
1856. Just tell us what it is you want to complain of—you will keep us here all day? I have a lot more complaints to make about this gaol and Darlinghurst.
1857. We have heard enough about this gaol and Darlinghurst—just state generally what it is you wish to complain about this gaol and Darlinghurst? What I have to state about this gaol is that if a man wants to see the gaoler, and puts his name down, there are ten chances to one against his seeing him. Another man and I put our names down to see him about the hominy, but we could not see him; and I put my name down to see the Magistrate, but could not see him. Some few days after I had given evidence on the former occasion I was told I would have to do all my time; I said, "All right," and I was called back and told that for what I said to the gaoler I would forfeit my indulgences.
1858. You have told us that;—is there anything else? Last Saturday I asked to put my name down to see you gentlemen, again. There were two other men, Victor and Ward, who also wanted to go; and Mr. Watt said to me "Did not the Committee turn you out?" He only said that to try and intimidate the other men. Mr. Watt at another time refused to let me go into the cook-house to inspect the rations as delegate; he asked me what I wanted to go for, and I told him "To look at the rations;" he said "If you do you are supposed to know knothing about them." So the men get no redress whatever.

Michael Slattery re-called, re-sworn, and further examined:—

M. Slattery. 10 July, 1878.

1859. *Chairman.*] Are you in hospital still? Yes, sir.
1860. We have sent for you because when you were here before there were two officers of the gaol present, and it has occurred to us that possibly you might have been deterred by their presence from stating as fully as you wished any complaints you had to make, and we want to give you an opportunity now of stating anything which you might have left unsaid? No, sir, the presence of the officers did not deter me, but I have something further to say. In the latter end of April, or the beginning of May, 1875, I was in a very ill state of health, unable to get out of my bed.
1861. Where were you? In Darlinghurst Gaol. The doctor there told me that he could do nothing more for me.
1862. Who was the doctor? Dr. Aaron. He said that he had done all in his power for me, and he advised me to apply to the Government for a remission of my sentence, promising that he would back it. Next morning I spoke to the gaoler, Mr. Read, and he told me that the Comptroller-General would be there that day and that he would allow me to see him, and that in case the Comptroller would not see any prisoners he would allow me to write immediately. When the Comptroller came, Dr. Aaron laid my case before him, and he said that there was no occasion for me to petition as a petition had already been sent in for me by my friends, and that the doctor had better send in his report. What I complain of is that I had no petition in. There was a petition from one William Slattery at Port Macquarie Gaol, and sometime about the beginning of June Dr. Aaron came up to the hospital and asked me if I knew of any William Slattery in prison. I told him I did, and he said "Well, he has received the benefit of my report; at any rate I have been given to understand so." I asked him what I could do in the matter, but he said he could do nothing more. When the Comptroller came I told him I thought there had been a mistake, but he said there had been no mistake—that there had been some confusion among the papers, but that they had been set right. Time passed on, and the Comptroller then told me that my case was under the consideration of the Government. I saw him again a few months after, and he told me that it was in the hands of the Minister of Justice. Month after month passed, and for seventeen months I got no answer. At the end of that time I was very bad, and Dr. Aaron again told me to apply for remission of sentence, as I wanted change of scenery and change of diet. I obtained permission to write again, but said nothing about the former petition. I want to know what has become of Dr. Aaron's report? I never received any benefit from it nor heard anything more about it, and the Comptroller kept me in the most wretched suspense all the time.
1863. Do you know where Dr. Aaron is now? He is dead, I believe. But the dispenser there now was in Darlinghurst all the time. When Dr. Aaron recommended me the second time a Board of doctors was sent in to examine me, and I got an answer stating that the report of the medical Board was not sufficient to allow them to make any distinction between me and the men who were convicted along with me.
1864. Is that the complaint you wish to make? That is a portion of what I wish to say. Before I left Darlinghurst this time I saw the Comptroller, but he said that he could do nothing in my case—that it was before the Government. There is a petition in from a man who was tried along with me, but there has been nothing heard of it for thirteen months. There is also a petition in from my friends outside. The suspense we are kept in is dreadful. One month is more than six to us.
1865. Is that all? There is something else I wish to bring before your notice which will enable you to judge between prisoner and warder. An affair occurred here a little while ago: A man named Thomas, a slight miserable man, who had been reduced to 6 or 7 stone in weight by severe punishment, struck the medical officer who was in Dr. Brown's place, and a prisoner told me he had read an account in the paper about a great brawny ruffian who had assaulted the doctor.

M. Slattery. 10 July, 1878.

1866. You did not see the report? No, I heard from a prisoner that such a report was in the paper.
1867. And you say that if it were in the paper it was incorrect, because the man, instead of being a brawny stalwart fellow, was a weak man? He was a miserable, thin, weak sort of man.
1868. Was the William Slattery of whom you spoke a relation of yours? Yes, he was a brother.
1869. Had he been convicted with you? No.
1870. Is that all you have to say? I have something more to say about Mr. Small. My memory has greatly failed me in many things. There are a good many things I do not remember. Whilst in Berrima I was kept in a cell like a show for all visitors, male and female, that used to visit the prison.
1871. *Mr. Oatley.*] Do you mean visitors who came out of mere curiosity? Yes. Mr. Small used to point me out as one of those notorious Bargo Brush murderers.
1872. *Chairman.*] Used visitors of that character to come often—out of mere curiosity? I would not attempt to say that they came out of mere curiosity.
1873. But they were people who had no official business with the gaol? Yes. Mr. Small has told them in my presence that I was one of the scoundrels who murdered poor Constable Raymond. Once when I was in the hospital he brought round four young ladies—two of them, I believe, were daughters of the Visiting Justice. There were no males with him; there was only himself and the four young ladies. I was bound up in a straight-jacket in a miserable wretched state, and he told them who I was. I let out a shout purposely, and the young ladies ran out. He grasped me by the neck and tried to induce the young ladies to come back, but they would not come.
1874. You were not very mad, I suppose? No, sir, I was not.
1875. There was a little method in your madness? Well, to tell the truth, there was at that time. I used to be reckless, and did not care what became of me.
1876. Does that finish the catalogue of your accusations? No, sir, there is something more. While I was in Berrima I used to see buckets of hominy go every morning to feed poor miserable half-starved horses that he had bought. Whenever he got a flash horse he used to get a prisoner who was a good rider to ride it for him up and down the yard. The hominy was actually taken out of the prisoners coppers before it was served out to the men.
1877. *Mr. Pinhey.*] What years are you alluding to? 1864, 1865, and 1866.
1878. *Chairman.*] Did you ever make complaints about that? No, sir.
1879. Well, anything else? Our hominy would be left standing at the door of our cells of a morning until it became as cold as ice. I did complain about that, but all the satisfaction I got was "that it was good enough for me." I told Mr. Small I would make a complaint to the Comptroller, and he said to me, "Your bush-law won't do here." He did nothing more than pass that remark.
1880. Well, have you finished? I did not tell how I was ill-used by Mr. Small at the time I struck Warder Clemens.
1881. Was that the time you got hold of the baton? No, sir, at the time I struck Clemens in the yard After I had struck him I went into the middle of the yard and stood with my arms folded. Small came up and caught me by the neck and the seat of my trousers, pitched my head against the wall, and threw me down as if I had been an infant.
1882. Who saw that? Warder Colvin was there at the time.
1883. *Mr. Pinhey.*] Could he see? Yes, and Warder O'Connell saw it too.
1884. *Chairman.*] Were you violent at all? No, sir, I made no resistance whatever. I was standing in the middle of the yard with my arms folded. Warder Flanagan also saw it, and so did the Chief Warder now in Berrima—Mr. Everett.
1885. Well? On that night, after seeing the Visiting Justice, we were placed in bar-irons. I do not complain of any sentence I ever received from the Visiting Justice there. I only complain of the ill-treatment of Small, both before and after I committed myself. My conduct was bad, but on many occasions what made it worse than it would have been was the manner in which he used us. He used to scruff hold of me and run me into the cells without my knowing what for. When I inquired, and got no satisfaction, I might kick up a row, and then a charge would be brought against me. It is never what a man is, gentlemen—it is what he is represented.
1886. Anything else? I think that is about all.
1887. When were you last gagged? In January, 1870. I beg pardon, I think I have made a mistake. I am not positive whether I was gagged in January; but there is one occasion when I was gagged that I have forgotten to mention. It was the morning after I had been on the ring-bolt for four hours; I was gagged and handcuffed, but not put on the ring-bolt. I was telling some of the prisoners what had happened the night before, and Small came down and put the gag in my mouth, and handcuffed me, but let me walk about the cell. I am not certain whether I was gagged when I struck Clemens or not; that was in July, 1865.
1888. You told us the other day that it was in September or October? I am not positive about that.
1889. That was in 1865? Yes.
1890. You have not been gagged since then? I am not sure whether I was gagged in January, 1870; I had the senses knocked out of me, and I was put into a dark cell.
1891. When was that? It was when I go to separate treatment.
1892. Do you know that the use of the gag has been spoken about outside? Yes, I have heard so since Mr. Taylor has been here.
1893. Is there any talk about a new regulation? Yes, I have heard that the gag has been done away with.
1894. That is common talk in the gaol? No, they do not think much of it. The gag is so seldom used that they do not think much of it one way or another. They did not look upon it as much of a grievance because they knew it was never in more than an hour or so at once.
1895. Do you not think they fear the gag? I never knew any prisoner to fear the use of the gag.
1896. Then they do not care whether it is in or not? Yes, they do, because it is very painful when it is in.
1897. Do you not think it would deter them from misconduct? It is not so bad as seven days in the dark cells, on bread and water.
1898. And that is the general opinion in the gaol? That is the opinion of everyone I have heard speak of it.
1899. Then they do not care particularly whether it is abolished or not? Oh, I suppose they do care.
1900. I suppose they would like all punishment to be done away with? No, I don't think so. I am not a man that upholds crime or doing away with punishment.

M. Slattery. 10 July, 1878.

1901. *Mr. Oatley.*] Would you rather have the gag in your mouth for an hour than have three days' solitary confinement? I would.
1902. *Chairman.*] But you told us that you were an expert in the use of it. Are the other prisoners well up to that too? I don't know.
1903. At all events it is well known in the gaol that there has been a regulation prohibiting the use of the gag? Yes.
1904. How many men are there in the yard in which you are generally at work. How many men have you an opportunity of associating with? All the men in the gaol.
1905. Is that the case with Gleeson? Yes.
1906. Are you and Gleeson often in the same yard? We are in the same yard.
1907. Do you talk together? Yes, but I have not been in the yard for the last fortnight.
1908. Have you heard the matter of the new regulation being discussed in Gleeson's presence? I am not sure; but I know it is generally known through the gaol that the present Ministry has done away with the gag.
1909. Since Mr. Taylor was here? Yes.
1910. *Mr. Oatley.*] Have you heard Gleeson say that? No, but I believe he knows it as well as I do. He has had the same opportunity for knowing it.
1911. *Chairman.*] In your prison experience have you known instances of men refusing to associate with particular prisoners because they were desperate characters? No, sir—never.
1912. *Mr. Oatley.*] For any other reason? There are some men—informers and sneaks—who are called "dogs," that the other prisoners won't associate with.
1913. *Chairman.*] But they do not refuse to associate with a man because he is an out-and-out criminal? I have seen cases where a man's crimes were so bad that scarcely anybody but an old crawler would associate with him. There was Bertrand; scarcely any man cared to associate with him.
1914. Is there any man here whom the prisoners will not associate with? Yes.
1915. Who is he? Johnson.
1916. For what reason? He has had the name of a "dog" for many years.
1917. What is his Christian name? Charles Johnson.
1918. Not Henry Johnson? No.
1919. Is there any man in this gaol called the "Derwent Nugget?" There was, but he has gone to Berrima.
1920. How long ago? Four or five weeks.
1921. Do you know his name? I did hear it, but I forget it.
1922. Do you know him? Only just by seeing him. He was a man that nobody associated with much.
1923. Why? Because he was one of those cantankerous fellows that would fight with his own mother, and if you said anything to vex him he would tell the authorities. He was in the same yard with me and some one had taken his allowance of tea and sugar from him. He kicked up a row and went about the yard cursing the man who had taken his tea and sugar, and saying what he would do to the bloody dog if he had him. He got twenty-eight days and was recommended for Berrima.
1924. That is what he was sent to Berrima for? Yes.
1925. When men go into gaol for the first time and associate with other prisoners do they generally get worse by the association. I should like an opinion on that from a prisoner's point of view? I believe that they do; one and all. There are exceptional cases when it is a lesson to them.
1926. But those cases are very exceptional? They are. Whatever good qualities a man has he generally loses them gradually.
1927. I suppose prisoners dislike solitude more than anything else? Yes, sir, they do. I have often heard prisoners who have been flogged say that they would sooner take fifty lashes any time than do twenty-eight days in the dark cells.
1928. Then you think solitary confinement, with shorter sentences, would be more deterrent than longer sentences in association with other prisoners? I think so.
1929. You think there would be more chance of reformation? Yes. To reform a man and keep him out of prison again he ought never to be allowed to associate with other prisoners at all. A prisoner may get into a cell with men who have been convicted several times, and who talk of their crimes, and the best way of breaking into this place or that place, so that it becomes instilled into the mind of many a young fellow, and he says, "Well, when I go out, I'll be damned if I don't try that; it's a good game." A few years ago I was of that opinion, and I said, "I'll be damned if I do any more work; I'll try it on, or go to gaol again." But that is not my opinion now; I have altered it. I have determined that wherever I have the good luck to go I will keep all my former associates at a distance, if ever I get out again.
1930. *Mr. Oatley.*] Have you ever heard any conversations among prisoners about meeting after they got out? Yes, very often.
1931. *Chairman.*] I suppose robberies are often projected in gaol to be committed when the prisoners are at liberty? Yes, I have heard them planned often. I have heard a man say, "I know a good place," and then they would talk about how it could be done, and make it all up.

James O'Mara called in, re-sworn, and further examined:—

J. O'Mara. 10 July, 1878.

1932. *Chairman.*] When you were here the other day there were two warders present, and it has occurred to us that you might possibly have been deterred from saying all that you wished to say? No, sir, there was nothing else that I wished to say.
1933. You were not deterred by the presence of the officers? No, sir, but I forgot something.
1934. What is it? I was locked up five days in my cell by Mr. Small and did not know what it was for. On the fifth evening the gaoler came in and said, "You have been talking to a prisoner in the yard?"
1935. When was this? Shortly after I went to Berrima.
1936. Well? I said "No, sir, I have not." Mr. Small said, "The warder heard you." I said, "I beg your pardon, I was not sir; and I have no right to be locked up for what I did not do." He said, "I will let you off this time, but don't do it again." I said, "I have never spoken to any prisoner since I have been here."

J. O'Mara. 10 July, 1878.

1937. Yes? That is the only thing. I was quite innocent, and I was locked up five days without being allowed to go to my exercise.
1938. Did you complain to anybody? No, sir.
1939. Why not? I did not know that it would be of any use; I thought the gaoler had power to lock me up any time he chose to do so.
1940. You were not locked up in a dark cell? No, I was never locked up in a dark cell.
1941. And you were never gagged? No.
1942. Have you heard any talk here about the gag? I have heard the prisoners speaking about it.
1943. Have you heard them speak of any new regulation doing away with it? Yes, I have heard them say that the gag had been done away with lately.
1944. That is the general talk in the gaol? I have heard it.
1945. Very well, that is all? There is another thing I want to speak of: It was a general thing for Mr. Small to come round to my cell, bringing visitors with him, and ask me what I had been charged with, and what sentence I was doing. I thought that very wrong. I felt the position I was in keenly, and I did not want to be shown up before the public.
1946. Since you were here the other day have you been speaking to other prisoners about the evidence you gave? I never spoke to anyone. A man named Poole asked me if I had mentioned about those five days.
1947. Have you been talking about Mr. Small bringing visitors to see you? Yes, sir, I have.
1948. *Mr. Pinhey.*] You did not complain of that before? No, sir; I forgot it.
1949. *Chairman.*] And somebody outside reminded you of it? I thought of it myself, and spoke of it to the two men who sleep in the cell with me.
1950. Have you had any conversation with Slattery about people visiting you in your cell? No, I have never spoken to Slattery about it, to my knowledge. I wish to tell you that no one incited me to come forward again. I did not know I was coming back.
1951. You did not make any request to be examined again? No, sir.

John Wright recalled, and further examined:—

J. Wright. 10 July, 1878.

1952. *Chairman.*] You have been already sworn, you understand. When you were here the other day there were two warders present;—did their presence deter you from saying anything? No, sir.
1953. You said all you wished to say? Yes, sir.

Henry Williams recalled, and further examined:—

H. Williams. 10 July, 1878.

1954. *Chairman.*] You have been already sworn. When you were here before there was a warder on each side of you;—did their presence deter you from saying anything you wished to say? No, sir.
1955. You told us all you wished to say? Yes, about Berrima, but I want to complain about this gaol. I got no mitigation on account of being three times convicted, but the regulations say that your case will be taken into consideration. I have never received any indulgence since I came here, though I work as hard as any other man.
1956. You must speak of those matters to the Comptroller-General.

Daniel Brenchly recalled, and further examined:—

D. Brenchly. 10 July, 1878.

1957. *Chairman.*] When you were here the other day there were two gaol warders present;—did their being here deter you from saying anything you wished to say? No, sir.
1958. You told us all you had to say? Yes, sir, except that the Comptroller said my conduct was bad. I am entitled to two months a year remission, and by my being sent up for bad conduct I may lose those two months a year.
1959. Very well, you must see the Comptroller about that.

Edward Callaghan recalled, re-sworn, and further examined:—

E. Callaghan. 10 July, 1878.

1960. *Chairman.*] When you were here the other day there was a gaol warder on either side of you;—did their presence deter you from saying all that you wished to say? No, sir, not in the least.
1961. You told us all you wished to say? Yes, sir.
1962. I think you said you had been gagged? Yes, sir.
1963. And you are one of the men who spoke to Mr. Taylor? Yes.
1964. Well, since Mr. Taylor was here has there been any talk among the prisoners about a new regulation prohibiting the use of the gag. Have you heard any? I think I have.
1965. You think you have? I am almost sure of it.
1966. Are you not positive? There are a good many yarns going about.
1967. Was that not one of them? Well, I speak to very few men myself, but I have heard the prisoners say they had heard it was done away with.
1968. Do you know the prisoners Slattery and Gleeson? Only since I have been here.
1969. Are you in the same yard with Gleeson? No, sir.
1970. Do you ever see him or speak to him? Sometimes.
1971. Has that matter been talked of in his hearing do you know? No, he has never spoken to me about the gag at all.
1972. Nor have you heard anyone speak in his presence about a new regulation having come out doing away with the use of the gag? No, sir.
1973. Do the men fear the gag much? Well, I believe they do.
1974. Do you think the knowledge that it can be used deters them from transgressing the regulations? I don't know. Speaking for myself, I would not care what they did to me. If I made up my mind to do a thing I would do it.
1975. Gagging or no gagging? Yes.

1976.

E. Callaghan. 10 July, 1878.

1976. Flogging or no flogging? I don't know about flogging; I never was flogged.
1977. *Mr. Pinhey.*] Is it your opinion that the men fear the gag more than they do the lash? I can't say, sir. I never saw anyone flogged. I have heard some men say it was very severe.
1978. *Mr. Oatley.*] Speaking for yourself, which would you rather—be gagged for a short time or take two or three days solitary confinement? I would sooner do three months solitary than be gagged for half-an-hour. While the gag is in your month you are nearly choking and inclined to throw up.
1979. *Chairman.*] You say you speak very little in the gaol? I do not make it a practice to talk to everybody in the gaol.
1980. You are a man of reserved temper? I pick my own company to tell you the truth. I do not intend to be in gaol in future if I can help it.

Richard Hanson recalled, and further examined:—

R. Hanson. 10 July, 1878.

1981. *Chairman.*] When you were here the other day there were two warders with you;—did their being here deter you in any way from saying all you wished to say? No, sir.
1982. You told us all you wished to say? Yes, sir.

Joseph Armstrong, confinee in Parramatta Gaol, called in, sworn, and examined:—

J. Armstrong. 10 July, 1878.

1983. *Chairman.*] What is you name? Joseph Armstrong, sir.
1984. What sentence are you serving? Life.
1985. For what offence? Murder on the high seas.
1986. Were you the captain of the brig "Carl"? I was the sailing-master, sir.
1987. Who was superior to you? Dr. James Patrick Murray.
1988. You were under his orders? Yes.
1989. When were you convicted? On the 20th of November, 1872.
1990. Did you go to Berrima shortly after your conviction? Yes, in the month of December.
1991. How long were you there? Nine months—until the 1st of September.
1992. Have you any complaints to make of ill-treatment or injustice on the part of Mr. Small during the time you were at Berrima? No, none whatever. I was treated very kindly by him.
1993. Did you ever witness any injustice to other prisoners? No, nor ever heard of any.
1994. While you were there did you associate with any of the other prisoners? Yes, I was in the hospital twice.
1995. For how long? Fifteen days one time, and ten days another, as nearly as I can remember.
1996. And had you opportunities of talking to the other prisoners who were in the hospital? Yes.
1997. How many other prisoners were there? Four.
1998. And you say you never heard any complaints of harshness or cruelty on the part of the gaoler? No, sir, I never heard of any.
1999. Were you in any of the yards among the men? No. When I went there Mr. Small told me that if I broke the rules I would be punished. The rules were hanging up in the cell, and Mr. Small told me that any man going against them would be taken before the Visiting Justice, and would be put into the dark cells.
2000. Did he show you the gag? No.
2001. Were you ever punished for misconduct whilst there? No, I never broke the regulations.
2002. Did Mr. Small ever threaten you? No.
2003. How often did you see him? He used to visit the cells once a day.
2004. Did you ever observe any partiality on his part? No, I saw none. He only spoke to me twice. He asked me if I had ever been to the Islands before. He said that he had been down there once himself in a whaler.
2005. Did you ever hear the men talk about his character, or say what kind of a man he was? Yes, they spoke very highly of him.
2006. Had he the character of being a very strict disciplinarian? No, they gave him a very good character. He was very kind to them. They had a great many privileges in Berrima.
2007. While you were in the cell what means were there for getting out for the purposes of nature? I rang a bell.
2008. And when you rang the bell, was your ringing attended to? Always. It was never more than twenty seconds. Perhaps the warder would be eating his dinner, but he would not stop to finish it.
2009. Did you ever hear the men complain about not being let out for the purposes of nature? No; during the nine months I was there, never more than a minute and a half elapsed after a bell had been rung before I heard the cell-door open.
2010. How many cells were there in the wing? A good many.
2011. Did you hear any complaints about the rations? No.
2012. Did you think them sufficient? The rations I received when I first went there were small enough. I asked the doctor to allow me full rations, and he said, "You had better wait until I see how much you fall away." I said, "Very well," and shortly afterwards he said he would allow me full rations, as I was perhaps a hearty eater.
2013. Did you fall away? I had fallen away about 2lbs.
2014. How long were you there before you fell away? About a fortnight.
2015. And after you had represented it to the doctor he allowed you full rations? Yes.
2016. What sort of food was it—was it fit to eat? Yes, I came out weighing 17 stone 6 lbs.
2017. Did anybody ever say you were a favourite of Mr. Small's? No.
2018. Have you heard the men here speak of Mr. Small? Yes.
2019. What kind of a character do they give him? A very good character.
2020. *Mr. Pinhey.*] What weight were you when you went to Berrima? 15 stone.
2021. What weight are you now? A few pounds less than 16 stone. I have been 19 stone 3lbs. I fall away in the winter.
2022. Was this your first conviction? Yes.

J. Armstrong. 10 July, 1878.

2023. Were you ever charged with anything before? Never, sir.
2024. Was anybody convicted with you? Yes, a man named Dowden. He is in the Lunatic Asylum.
2025. Is there anything else you would like to say in regard to Berrima or anything else. How have you been treated in this gaol? Well, fairly. I don't like the rules, but I do the same as any other prisoner.
2026. Have you been punished for anything here? I was shaking two pieces of bone in a tobacco-box, and they called them dice.
2027. Were they dice? Yes.
2028. Were you alone? No, there were two others. I got forty-eight hours dark cells.
2029. Either at Berrima or here have you had occasion to complain of the Visiting Justice or anybody else? No.
2030. Is there anything else you wish to say? I want to know if I can get remission of sentence at any time.
2031. We have nothing to do with that. You can petition the Executive. Have you petitioned? The Chaplain, Mr. Garnsey, is going to try what he can do for me.
2032. Where were you born? At Bathurst, New Brunswick.
2033. Were you in the Colony long before you were convicted? I came here in 1864. I was well-known in Victoria. I was mate of vessels out of ports there and also out of Newcastle.
2034. You do not complain of having been unfairly tried? No, sir, but others got away. There were other men—Mount and Morris—in Victoria, who were tried for a similar offence.
2035. Who else were engaged in it besides them? Wilson and Dr. Murray, who gave evidence against me.
2036. And you say you were under Dr. Murray's orders? I was at the time this affair took place. I went away from Melbourne as mate of the vessel, and they induced me to go as sailing-master to the Islands. They did not tell me they were going after labor. They said that whatever they got they would get themselves.
2037. Were you engaged yourself in the kidnapping? Dr. Murray and Wilson both said that I did not go in the boats after the natives.
2038. You can read and write, I suppose? Yes, sir.

Thomas Isbister, confinee in Parramatta Gaol, called in, sworn, and examined:—

T. Isbister. 10 July, 1878.

2039. *Chairman.*] What is your name? Thomas Isbister.
2040. What sentence are you serving? Seven years.
2041. What for? Arson.
2042. Is that your first conviction? Yes, sir.
2043. Were you never convicted of anything before? I once got a week for beating my own child, but it was a made-up charge to get my boy away from me.
2044. When did you go to Berrima? It is about three years and a month ago since I went there.
2045. How long were you there? Seven months.
2046. Is there anything you wish to complain of? I got a severe cold in my lungs through my flannels being taken away from me.
2047. Did you ask to be allowed your flannels? I did, but I did not get them for some time.
2048. Is there anything else you want to tell us? I want to tell you about my case, if you will be so kind as to do something for me. I have been put away through false evidence.
2049. Do you say you are not guilty? As God is my Judge, I am not guilty.
2050. What were you charged with setting fire to? It was a little wheat stack, about a mile from my place.
2051. Where was your place? At Gulgong.
2052. Where were you convicted? At the Mudgee Assizes.
2053. Before whom? Sir William Manning.
2054. Were you defended by counsel? Yes. I blame my lawyer for trapping me.
2055. Who was he? Mr. Davidson.
2056. Who was your counsel? Mr. Buchanan; but I do not blame him.
2057. Have you petitioned at all? No, I have not had a letter from any of my family.
2058. What were you? A farmer.
2059. Did you live long in Gulgong? I had been a resident of Mudgee ever since I arrived in the colony.
2060. Did you call witnesses as to character? No, my lawyer said it was not required. Mr. Blackman, Mr. Rouse, Mr. Foreman, and others, were ready to give me a character.
2061. Where did you live? Near, Guntawang, close to Mr. Rouse's paddocks.
2062. And Mr. Rouse knew you well? Yes.
2063. Are you a married man? Yes, with nine children, and they have been starving ever since I have been in gaol.
2064. Were you punished for misconduct at Berrima? I never spoke nor did anything.
2065. And they never punished you? No.
2066. Have you been punished here? Yes, three times, unjustly.
2067. What did they charge you with? The bad prisoners got hold of me; I was punished last time because a man got hold of me; they said I was skylarking. The same warder has put me away three times.
2068. What is his name? Colvin.
2069. Were you punished by the Magistrate on that occasion? No, by the gaoler. I have been punished by the Magistrate twice.
2070. Have the prisoners here a down upon you? Yes, for speaking the truth in the case of that Chinaman who was hanged.
2071. Are you what they call a "dog"? Yes. I ought to have got my liberty then if anybody ought.
2072. You are not a native of the Colony? No; a native of Orkney.
2073. How old were you when you came here? Scarcely eighteen.

Neils Tobias Jacobson, confinee in Parramatta Gaol, called in, sworn, and examined:—

N. T. Jacobson. 10 July, 1878.

2074. *Chairman.*] What is your name? Neils Tobias Jacobson.
2075. What are you? A Norwegian.
2076. What sentence are you serving? Three years.
2077. For what offence? I was charged with receiving goods by means of false pretences—by giving a valueless cheque.
2078. Was that your first offence? No, it was not, I am sorry to say.
2079. How often have you been convicted? This is the third time.
2080. What were your offences before? False pretences.
2081. When did you go to Berrima? In May, 1876.
2082. How long were you there? Nine months.
2083. During that time were you subjected to any ill-treatment or injustice of which you wish to complain? No, sir, I was not; none whatever.
2084. You were not ill-treated by Mr. Small or any of the officers there? No.
2085. What means had you of getting out to make water? I had to ring a bell.
2086. When you did ring the bell, was it answered? Yes; sometimes I got a little insolence, but it was not worth talking of. (*The witness here entered upon a long statement, in detail, about the circumstances of his case and his trial.*)
2087. Were you defended? Yes; I had Mr. Windeyer and Mr. Gannon.
2088. And your complaint is that the jury brought you in not guilty three times, and that they retired a fourth time, and brought you in guilty? Yes, sir.

FRIDAY, 12 *JULY*, 1878.

The Commission sat at Darlinghurst Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

William Lee, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

W. Lee. 12 July, 1878.

2089. *Chairman.*] What is your name? William Lee.
2090. What sentence are you serving? Life.
2091. For what offence? I was one of those Bargo men. I was formerly under a sentence of ten years.
2092. At the time of the Bargo Brush murder? Yes, sir.
2093. Was that sentence of ten years your first conviction? Yes, the first in the Colony.
2094. Had you been previously convicted elsewhere? In England I was.
2095. Were you sent out here under sentence? Yes.
2096. What for? Petty larceny.
2097. What was the sentence of ten years for? The Deniliquin Bank robbery.
2098. When did you first go to Berrima? On the 30th June, 1866. There was no separate treatment when I got my ten years.
2099. When was the Bargo Brush affair? On the 14th April, 1866. On the 16th May I was tried at the Central Criminal Court here.
2100. It was coming from Berrima that the Bargo Brush affair occurred? Yes.
2101. Then you must have been there before. When did you first go there? In May, 1863.
2102. How long were you there then? I came away I think in August or September.
2103. Of what year? The same year.
2104. During that time have you any complaints to make of ill-treatment or injustice? I have.
2105. What complaints have you to make within that period? On the 24th August a Board sat there to inquire respecting some ill-treatment which took place on the part of Mr. Small towards a prisoner of the name of Thomas Jones. Mr. Uhr was Sheriff at the time. Mr. Hassall, the clergyman, Mr. Hatchett of the Telegraph Office, and some others whose names I forget, were on the Board.
2106. Well? This man Jones had had his head cut open and the men refused to go out of their cells until the matter was reported to the Sheriff. The Sheriff sent a telegram up to the gaol saying he would be there the next day at 4 o'clock.
2107. Tell us what complaints you have to make yourself; we do not want to hear of any idle rumours? The complaints I have to make are concerning 1865.
2108. Then you have nothing to complain of till 1865? No; from 1865 up to 1868. I was under the impression that you wanted to know what ill-treatment I was in possession of regarding other people.
2109. Tell us anything you know yourself. You left Berrima in August, 1863? Yes.
2110. When did you next go there? In 1865—somewhere about June.
2111. How long did you remain there then? I remained until the 14th April, 1866.
2112. How came you to go to Berrima the second time? I was sent up on medical grounds—on account of ill health.
2113. Well, from June, 1865, to April, 1866, did anything occur that you wish to complain of? Yes; I have a number of things.
2114. State the first? The first I have against Mr. Small is that there was a body of sixteen men tried for insubordination, and I was one of them. At the time I was at the block getting on a pair of irons he came in a most excitable manner and held a revolver to my head.
2115. What time of the year was this? It was in December, 1865.
2116. Well? He held the revolver to my head, and in the most excited manner said he would blow my brains out. The blacksmith who was putting my irons on said, "Oh! Mr. Small, don't shoot him"; and I said, "If you shoot me, they will hang you for it." He grinned in my face, and then put the revolver in his belt, saying nothing further.

W. Lee. 12 July, 1878.

2117. Who was the blacksmith? I do not know who he was. Sometimes there was a prisoner blacksmith, and sometimes a free blacksmith.
2118. Do you know who this blacksmith was? I do not recollect his name; if I did, I would state it.
2119. Is that all that took place at that time? Yes.
2120. What is the next complaint you have to make? The next is in 1868.
2121. When did you go again to Berrima after leaving in April, 1866? On the 30th June, 1866. I was tried for the Bargo affair in May, 1866, and on the 30th June I went up there—doing two years and four months in separate treatment. I came down in 1868.
2122. Well, what have you to complain of during 1868? On the 8th April I was taken over to Mr. Small's office, and charged by Mr. Small with having written a note. I promptly denied having written it.
2123. Had you written the note? No. He said that I did write it. I said to him, "I know you would sooner oppose me than assist me"; and jumping off his chair he exclaimed, "What do you say, you scoundrel?" Then telling Mr. Hill, the chief warder, who now lives at Newcastle, to "handcuff him", Small brought the gag. I did not open my mouth; so Small jobbed me in the mouth and knocked out these five teeth. He got my head against the wall and said, "You wretch, I will gag the tongue out of you." Dr. Williamson said, "Don't choke the man." The blood flowed out of my mouth, and down my clothes, and Dr. Williamson ran out of the office. After I had come out of the office I told the doctor that the gaoler had knocked my teeth out, and he said, "I cannot help it; I cannot put them in again." This was said two minutes afterwards, at the door. Small had taken out the gag by that time. When he had put the gag in my mouth he got my head against the wall, my hands being handcuffed behind me, and he jagged the gag about. Warder Hill came up to my cell that day, while my mouth was tied up, and he said, "Lee, I don't like such treatment as that." I replied, "I wish to make a complaint about it," and I asked the chief warder to send for the priest, but he was not at home. When he did come I saw him, and told him what had occurred.
2124. What was his name? Father M'Guinn. It is only the other day that I jogged his memory about this.
2125. When did Small knock out the five teeth? My head was against the wall, and as I would not open my mouth he jobbed me in the mouth, and knocked out my teeth by wrenching the gag about.
2126. Where were the teeth? One front tooth, and two on each side.
2127. Yes; is that all about that occurrence? Yes, that is all about that occurrence.
2128. Did you see the doctor on this occasion? I spoke to him outside the door of the office.
2129. Who was there who saw this? Mr. Hill, the chief warder, and Dr. Williamson.
2130. Hill did not use any violence, but simply obeyed the order of the gaoler in handcuffing you? That is all.
2131. And this was on the 8th April, 1868? Yes, sir.
2132. Had you been guilty of writing the note? No, sir; I was charged with writing the note, but the moment the Magistrate heard the evidence of the warder, Mr. Buckley, he said, "This man ought not to have been brought here." He told Mr. Hill that I ought not to be there, that Berriman was the man, and that I was discharged. He told Mr. Small that when he came into the office. The Magistrate said to Small, "Do you know anything about this note?" and Small said, "Yes;" that he wrote it. "Well," the Magistrate said, "recollect I am trying this man according to law, and unless you saw him write it, or can produce anyone who saw him write it, it is no good, for he stands there discharged." So I was discharged.
2133. Then you were acquitted on that charge? Yes, sir; all the evidence was against Berriman.
2134. Who was the Magistrate? Mr. Rowley.
2135. Was any other Magistrate sitting with him on that occasion? No, sir.
2136. And it was after you had been acquitted by Mr. Rowley that Mr. Small came into your cell? No, it was before I was tried that my teeth were knocked out.
2137. And after you were acquitted you were not in any way punished for that offence? No, sir, I was considered not guilty.
2138. Did you know anything whatever about that note? No, sir; I was down-stairs, and the man who is supposed to have written this note in the watercloset was up-stairs.
2139. But you knew nothing about it? No, sir.
2140. And what you have related was done in the presence of Dr. Williamson and Warder Hill? Yes.
2141. When you went before Mr. Rowley were you in the condition you have described—with your teeth knocked out? Yes.
2142. Did you complain to him about Mr. Small's treatment? Yes; he told me to make a complaint to the Sheriff.
2143. Who was present during the investigation? Two visitors who came to see the gaol. Buckley was the officer who charged me with writing the note.
2144. Where is Buckley now? I was informed that he was working somewhere in the vicinity of Sydney.
2145. Is that the last act of ill-treatment you have to complain of? No, sir, I have several.
2146. Tell us the next. You were not offending in any way against the rules or against Mr. Small, were you? Not in the least.
2147. And you were guilty of no insubordination? I was never guilty of an insolent word.
2148. What is the time of the next occurrence of which you complain. Have you anything more to complain of before you left in 1868? Yes, I went up again nine months after.
2149. Well, but did you wish to say more about your treatment in 1868? No, sir.
2150. Before you left in 1868 did you complain of this outrageous conduct of Mr. Small to the Comptroller-General? I do not remember. I complained in Parramatta when I came down. I complained to Mr. Rowley also, and he told me to make a complaint to the Sheriff. Well, when I came to Parramatta I made a complaint to the Sheriff.
2151. But did you never complain to him at Berrima? No, I never saw him there. I saw him in Parramatta when he visited the gaol; this was in 1869.
2152. Do you remember the month? I will not be sure whether it was in January or February that I went there.
2153. Well, when you complained of Mr. Small's conduct, what did the Comptroller say? He told me I had better be careful of what I was saying.
2154. Is that all he said? That is all he said. But I told him that my brother was in Melbourne, and that

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that the moment he came here I would get him to go to Judge Stephen and see if Small could not be tried for the way in which he had ill-treated me.
2155. What did the Sheriff say? He said he would allow me to petition in reference to the Bargo Brush affair; he had refused to allow me to petition before.
2156. Have you told us all that passed between you and the Sheriff respecting the ill-treatment you have described? Yes.
2157. Were you always respectful to Mr. Maclean? Yes.
2158. And he gave you no redress? Not the slightest.
2159. In point of fact he refused to listen to your complaint? Yes; he just said the words I have made use of.
2160. Well, now, when did you next go to Berrima? In 1876—for six months.
2161. What time in 1876? I think it was in June.
2162. Why did you go then? I was tried for insubordination in Parramatta, and received thirty days' solitary and Berrima; but I did not do my time.
2163. What was the insubordination? It was merely giving insolence to a warder.
2164. Then from June, 1876, till near the end of 1876, you were at Berrima? Yes.
2165. Have you anything to complain of during that time? No, nothing but threatening language. Mr. Small is accustomed to go round the gaol every evening; and one evening he came round to my cell about 3 or 4 o'clock—as it was late I was going out to fetch my bed in.
2166. Can you fix the date? It was somewhere about August—I am not positive; but it was during my stay there in 1876.
2167. Well, tell us what happened? He came into my cell as I was going out to fetch my bed. It was rather unusual for him to come round at that time; he generally came round earlier—about half-past 2 or 3.
2168. Well, what happened? I was going out for my bed, and he asked me where I was going, and then said, "Stand in the middle of your cell and do not go out until you see who is coming. It is only the other day I stretched a fellow for what you have done." I said, "I do not want you to stretch me." We got into a line of conversation, and he told me he had not forgotten what I had been twelve years back. I told him I wanted to do my time quietly, and get away; and he replied that it would be many a year before I got away. When the Comptroller came up I spoke to him, and asked him to remove me to Darlinghurst, to the tailors' shop, which he did.
2169. Are you a quiet-tempered man? I do not know; if I am aroused I have an excitable temper, but I never fell out with my fellow prisoners, and there is nothing against me.
2170. How many gaols have you been in? Goulburn, Darlinghurst, Cockatoo Island, Parramatta, and Berrima; those are the only gaols I have been in.
2171. Have you been punished in any other gaols than those of Berrima and Parramatta? I was some years ago punished in this gaol slightly. I got three or four days on one occasion from Mr. North.
2172. What are you doing here? I am gardening. I was taken out of the tailors' shop by the doctor, on account of ill-health through long imprisonment. I have been eighteen years and nine months imprisoned without any freedom, and I have no friend in the colony to speak to the Government about me.
2173. How old are you? I was fifty last October.
2174. How old were you when you came to the country? Seventeen. I have never had any sickness since I have been in gaol; in fact I have worked right through my sentence.
2175. Well, have you told us now all you wish to bring before us? I have told you all that happened to myself.
2176. Is there anything else that you have seen? Yes; it refers to the Board of Inquiry. I would have stated it in the former part of my evidence but you informed me that you only wanted to hear about myself.
2177. We wanted to hear first all that you had to say about yourself. If there is anything else that you are aware of from your own knowledge, and not from what someone else has told you, you may state it? Well, I have seen a great deal of ill-treatment on Mr. Small's part. I know Mr. Small so well that I know he will deny everything which is stated by any man who will come before you.
2178. Mr. Small may say that your statement is not very reliable. However, we want to learn facts that you will swear to? Well, I can give day and date for this affair that happened in June, on the 16th, 17th, and 18th. I kept a memorandum against Mr. Small for eleven months.
2179. Of what year was it? 1866. I beg pardon; for a moment I forgot—it was when I went up in 1863.
2180. Well, what is it you wish to tell us? There was a female prisoner in the gaol waiting for trial, and Mrs. Small used to take her down into the kitchen and other parts of the house, and used to give her sewing and other work to do. On one occasion, on the 15th, when she was down in the kitchen Mr. Small allowed five male prisoners to be there, and Mrs. Small was not present.
2181. Were you one of the men? No, but I was down at the steps, almost inside the door.
2182. And you could see inside? Yes; I saw this woman in the kitchen with these five male prisoners. Mr. Small came down but never attempted to remove the male prisoners, and it is a well known fact that prostitution was carried on to a great extent there through Mr. Small's neglect of duty.
2183. Tell us what you saw? I saw the women in company with these male prisoners with no one in charge of them.
2184. Is that all? Yes.
2185. *Dr. Alleyne.*] Did you see anybody committing prostitution? No, it was rumoured in the gaol.
2186. We told you to tell us only what you saw yourself.
2187. *Mr. Pinhey.*] You are taking up a great deal of time unnecessarily. This last conversation that you have been making a great deal of comes to nothing? Well, I saw the woman in company with the male prisoners in the kitchen.
2188. *Chairman.*] Is that the kind of gag used on you at the time your teeth were knocked out [*showing the gag*]? It is something similar, but I would not swear it was the actual gag.
2189. Is it the same kind of instrument? Yes.
2190. How long was the gag in your mouth? About two hours.
2191. And you say it was so violently used that several of your teeth were knocked out? Yes.
2192. *Mr. Oatley.*] Were you ever gagged after that? No; I never knew anybody to be gagged in any other gaol, neither here nor in Parramatta.

George

George Franks, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

G. Franks. 12 July, 1878.

2193. *Chairman.*] What is your name? George Franks.
2194. What sentence are you serving? Three years.
2195. Is that your first conviction? Yes, in New South Wales.
2196. When were you convicted? In 1876.
2197. How long had you been in the country? A great number of years. Not in New South Wales—I only came here in 1876.
2198. And where were you before? In Victoria.
2199. Were you ever convicted in Victoria? Yes.
2200. How often? Twice.
2201. How often have you been convicted in your life? I was convicted in Tasmania once.
2202. Was that your first conviction? Yes.
2203. What age were you? I forget; I was young.
2204. What offence are you serving your present sentence for? I was charged with burglary at Windsor in 1876, but I knew nothing more about it than you gentlemen here present; I was hawking at the time.
2205. You say you were perfectly innocent? Yes; nothing was found on me nor in my possession.
2206. Where were you tried? At Windsor.
2207. Before what Judge? Mr. Dowling.
2208. Were you undefended? Yes.
2209. When did you first go to Berrima? In 1876.
2210. How long were you there? I was there nine months.
2211. When did you go? On the 23rd October, I think.
2212. Then you were there until June the following year? Until July.
2213. During these nine months were you subjected to any ill-treatment of which you desire to complain? The day after I arrived there I underwent an examination by the gaoler; he asked me my name, where I had been, and whether I had been convicted before in New South Wales. He said, "You have been convicted in New Zealand, have you not?" And I said, "No." Then he asked me whether I had been to Melbourne, and I said, "Yes." he asked me if I knew a man there called Mr. Gordon, and I said "No." After a little more talk he told me to strip off, and inquiring of me, "Do you know anything about this portrait?" he opened my shirt, looked at my back, and said, "There are marks of castigation on you. Now," he continued, "look here; I won't let you away from here while you are alive; I will keep you here all your life; I will punish you myself, and that severely."
2214. Who was present? The chief warder.
2215. Do you know his name? I think it was Everett.
2216. He heard all that Mr. Small said? He must have heard.
2217. Well, go on? About ten days after I was shifted from one cell to another, and I heard Small say he could give me ten days or a month in the cell, "but," said he, "I won't do that, I will physic him." He had just passed my cell-door, and I heard him talking outside.
2218. But you do not know whom he was talking about? No, sir; but I think it was regarding the threat I received in the office.
2219. But there were no threats used towards you? Not then, but there were previously, and I could see that Mr. Small had an ill-feeling against me.
2220. What is the next thing of which you wish to complain? Afterwards I found I was taken with purging and vomiting, and I said to myself "This must be what the gaoler alluded to." I spoke to the priest on the subject, and he said, "Look here, if anything does happen I will see into it." I said, "I am sure there is something the matter; I have never been taken this way before."
2221. What do you suppose was the matter? Something had been put into my food.
2222. Poison? I cannot say; I won't say that. I have never been taken with the like since I left Berrima. It stopped then for a while, and then went on again. I spoke to the priest about it again, and said, "Perhaps if you would speak to the officers outside it would stop." He spoke to Mr. Brayne who came to me and asked what I had been saying. I told him there was something in my food that did not agree with me, and that I was not subject to anything of the kind.
2223. What was done; don't give us your idle suspicions—did you go into hospital? I asked the priest to see the doctor about it, and the doctor said, "If you find this taking place again don't you eat the hominy."
2224. Did he order you into hospital? No. Mr. Watt came to take charge of the gaol while Mr. Small went away, and when the men were mustered before him Small said, pointing to me, "That man is troubled with indigestion and disease of the heart," although I never suffered from anything of the sort in my life.
2225. Will you tell us something that you have to complain of—we are not going to listen to such nonsense as that. I suppose your complaint is that something was introduced into your food which had the effect of making you ill, and brought on vomiting and purging? I won't say that, sir.
2226. You said distinctly that you heard Small say "I will physic him"; you do not know whom he was speaking of, but inasmuch as you got sick afterwards, you think the threat was uttered against you? Supposition is not fact; I merely state what occurred; but what Mr. Small in my presence said to Mr. Watt was no supposition.
2227. *Mr. Oatley.*] Did Mr. Small do anything else to you while you were there? No, but I wish to remark that he brought people round to see me, and to identify me.
2228. *Chairman.*] You were never gagged? No.
2229. Never spread-eagled? No.
2230. Never struck? Never struck. I want to know if Mr. Small has any power to bring people round to a prisoner, and say to them, "Do you know this man?" There were several people brought round to me, and once I heard Small say, "I know that he was about there at the time the robbery took place."
2231. Where were you born? In Bristol.
2232. Were you ever convicted in England? Yes.
2233. How often? Once.
2234. Were you sent out here? Yes.
2235. Where did you go? To Tasmania.
2236. Where did you go then? To the diggings in Victoria.

G. Franks. 12 July, 1878.

2237. Were you convicted there? Yes.
2238. Were you convicted in any other place than England, Victoria, and New South Wales? I was convicted in Tasmania.
2239. Have you been to New Zealand? Yes.
2240. Were you convicted there? No.
2241. You see we are obliged to ask these questions because we have to determine what amount of credibility is to be attached to what you say? Will any advantage be taken of me for what I have said here?
2242. None whatever; you may be assured of that.
2243. *Mr. Oatley.*] Were you ever punished in Berrima Gaol for any offence? Yes, I got twenty-four hours.

Ambrose Blackford, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

A. Blackford. 12 July, 1878.

2244. *Chairman.*] What is your name? Ambrose Blackford.
2245. What sentence are you serving? Four years.
2246. For what offence? For uttering forged £5-notes.
2247. When were you convicted? In 1876.
2248. Was that your first conviction? No.
2249. How often before had you been convicted? Twice.
2250. For what offence? Cattle-stealing.
2251. On both occasions? Yes.
2252. Have you told us of all your convictions? I did a sentence of ten months besides, for stealing from the person.
2253. Was that your first conviction? No; my first was for seven years.
2254. For cattle-stealing? Yes.
2255. How old are you now? I will be 34 years next October.
2256. When were you first convicted? In 1866.
2257. When did you first go to Berrima? I think it was in 1871—1870 or 1871—I am not sure which.
2258. How long were you there on the first occasion? Ten months.
2259. Have you anything that you wish to bring before us in the way of complaint of ill-treatment or injustice? I was very hungry all the time I was there.
2260. You did not get sufficient rations? They would have been nearly sufficient if they had been good; but the greater portion of the time you could not eat the hominy. You had no sugar, but just the mere hominy.
2261. No sugar nor salt? There used to be salt in the hominy.
2262. Is there anything else you wish to complain of besides the badness of the rations, on the first occasion? No, only that I was kept a month in the cells over my time, waiting to come away.
2263. Were you ever punished at all for misconduct? I only got twenty-four hours the first time I was there.
2264. Were you only punished once? Yes.
2265. Have you told us all you wish to complain of on that first occasion? That is all.
2266. When did you next go? In June, 1876.
2267. Just after your last conviction? Yes.
2268. How long were you there then? Very nearly eleven months.
2269. During those eleven months was there anything which you wish to bring before us? I was hungry all the time.
2270. The same complaint? Yes.
2271. Have you any other complaint? Yes; when I had served my nine months—that is, my model treatment—I was put into the stone-yard, and kept there for six weeks waiting on transit. There were men sent away six weeks before their time, but the gaoler kept me there six weeks after my time; and one day when I was talking to a fellow-prisoner, Small came, and opening my cell, asked me what I was doing. I told him I was talking. I do not recollect exactly the words he used, but he went on at me frightfully.
2272. Do not tell us that—tell us the words he used? He said I would be flogged, and that he would be my flogger. Then he said I ought to be hung, and used several words of that description, which I cannot recollect. I was in bed, and telling me to get out, he took me down and put me in a dark cell.
2273. Were you in separate treatment all this time? No.
2274. You were associated with other prisoners? No, I was in a cell by myself at the time, and was talking to a man in the next cell; he was a man called "Jack-in-the-boots."
2275. Was he undergoing separate treatment? No, sir.
2276. You know of course that it is against the rules to speak to men under separate treatment? Yes, but this "Jack-in-the-boots" was on the works, and I was in the stone-yard.
2277. And neither of you were under separate treatment? No.
2278. But did you not know that it was against the regulations to speak to men in the cells? Well, I have heard men singing sacred—not blackguard—music in their cells. I have heard them singing hymns.
2279. What else have you to complain of? One morning I complained of the hominy being bad, and they took it away from me. The bread was very bad too; it was doughy. They took me before the doctor, and he asked me did I say the hominy was bad. I replied, "Yes." He had a long knife which he used for making up the medicine, and he poked the knife on the top of the hominy, looked at me, and said, "I say it is good." He neither smelt it nor tasted it, nor did anything else.
2280. What was the doctor's name? I do not know sir.
2281. Is that all you complain of? That is all.
2282. Then your complaint is mainly that you were kept there longer than you ought to have been, and that the rations were not good? Yes.
2283. Is there any greater hardship in the stone-yard at Berrima than in that at Parramatta? Yes, you are kept in a small yard by yourself. There are six or seven small yards kept for prisoners waiting to go away.

A. Blackford. 12 July, 1878.

2284. But you know, of course, that Berrima is a model prison on the separate treatment system, in which communication between prisoners is not allowed? I know that; but I had done my model treatment; I was only in the yard waiting to go away. But they kept me there while they sent away other men before their time was up.
2285. Did you fall away in weight while you were there? I was 12 stone 7 lbs. when I went to Berrima, and when I went from there to Parramatta I weighed 11 stone 2lbs. with my clothes on.
2286. What weight are you now? About 12 stone 7 lbs.; I was weighed in Parramatta before I came here.
2287. *Mr. Oatley.*] How long were you kept in the dark cell at the time you have mentioned? Twenty-four hours; but I was not taken before the Magistrate.

William Thomas, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

W. Thomas. 12 July, 1878.

2288. *Chairman.*] What is your name? William Thomas.
2289. What sentence are you serving? Three years.
2290. For what offence? Robbery.
2291. With arms? No.
2292. Were you alone when the robbery was committed? No.
2293. Was that your first conviction? No.
2294. How often were you convicted before? Four or five times.
2295. For what offences? Two house robberies and two street robberies, and this last that I was tried for.
2296. When did you first go to Berrima? It is close upon four years ago.
2297. How long were you there then? Ten months.
2298. During the ten months you were there was there anything of which you wish to complain? All I have to complain of is that one day I was working with a Chinaman who had a bucket to clean, and who came into the shed and began abusing me and kicking up a row; and that Small came over, grabbed me by the back of the neck and ran me into a cell. Half-an-hour afterwards he found out that it was the Chinaman who had been kicking up the row and he came and released me.
2299. Is that all you have to complain of? That is all.
2300. Are you near your liberty now? I have three weeks more to serve.
2301. That is why you are allowed to grow your whiskers? Yes.
2302. What are you? I was shoemaker when I was a boy, but I never work at the trade; I work at stonecutting now.
2303. Where did you learn that? In the gaol.
2304. Can you get employment at stonecutting when you go out? Yes.
2305. Are you an Englishman? No, I am a native of Sydney.

John Owens, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

J. Owens. 12 July, 1878.

2306. *Chairman.*] What is your name? John Owens.
2307. What sentence are you serving? Life.
2308. For what offence? The murder of Constable Raymond; I am one of the Bargo Brush men, sir.
2309. You were under escort from Berrima then? Yes, I was doing a sentence of fourteen years.
2310. What for? Bushranging.
2311. Was that your first conviction? Yes.
2312. And when did you receive that sentence? In June, 1863.
2313. Where? At Mudgee.
2314. Quarter Sessions? Yes.
2315. And you have been in gaol ever since, I suppose? Yes.
2316. How often have you been to Berrima? I went there in August or September, 1864, first, and was brought down on escort.
2317. How long were you there? Sixteen months.
2318. During these sixteen months were you subjected to any treatment of which you wish to complain—any cruelty or injustice? After I had been there about four months there was a disturbance in the gaol, and the men broke their tubs in consequence of the chief warder wishing to gag a man.
2319. Was that the mutiny? Yes, they called it mutiny; we were charged with mutinizing. I received a sentence of fourteen days.
2320. Were you engaged in that mutiny as it was called? Yes, sir, I was.
2321. Well? I was placed in chains, and after the completion of the fourteen days I was let out into the yard with the other men who were charged with the same offence. They also were in irons. I was kept in chains for two months. I broke the first set of chains, and there was another set put on.
2322. How did you break them? By rubbing the middle link on the flags.
2323. And so cutting it through? Yes.
2324. Then another set was put on you? Yes, over those.
2325. Were they double irons they put on you? Yes.
2326. Was that by sentence of a Magistrate? I was not taken before a Magistrate. While I was on transmission to Sydney this Bargo Brush affair took place.
2327. How many were in that affair? There were eleven altogether. Six were tried, one was executed, and the rest are in for life.
2328. Crookwell was hanged;—was he not? Yes.
2329. What are the names of the five? Slattery, Lee, Berriman, Weavers, and myself.
2330. There were five men who were not tried? Yes.
2331. When did you go back to Berrima? When I received sentence of life.
2332. Were you not sentenced to death? Yes, and reprieved. I was two years and two months in separate treatment in Berrima.

J. Owens. 12 July, 1878.

2333. Well, during those two years or more, were you subject to any ill-treatment of which you wish to complain? No, sir, I was not.
2334. Was that your last visit to Berrima? No, I went in 1876 for my health.
2335. How long were you there then? I was there ten months.
2336. During that time were you subject to any ill-treatment of which you wish to complain? Yes. I was charged with holding correspondence with prisoners who were doing separate treatment, and I was placed in separate treatment myself, and kept there four months, after which I was placed in special treatment for two months.
2337. Were you endeavouring to communicate at the time you were convicted of it? No.
2338. Was anybody trying to communicate with you? One man was, but I knew the risk I ran in communicating, and I did not answer his letter.
2339. Did you get a letter? I got a note from him.
2340. How did you get it? It was transmitted by one of the wardsmen.
2341. What is a wardsman? That is what they call the prisoners who do the work for the men in separate treatment.
2342. Was he punished? No, sir, I did not implicate him.
2343. Then you declined to say how you got the note? Yes.
2344. You knew it was against the regulations to receive a note from a prisoner in separate treatment, or to decline to say from whom you got it? I knew it was contrary to the regulations, but I do not know whom I got the note from.
2345. Was that case brought before the Magistrate? At my own desire I was brought before the Magistrate. I was kept in the cells for a week, and was not told what I was there for until I was brought before the Magistrate.
2346. Did you know who wrote the note? Mr. Small said I ought to know, but I was in total ignorance.
2347. But you had received the note and you had been asked, I suppose, where you got it? No, this was not the note. I was charged with corresponding, and there was a note found in the corridor.
2348. Not in your possession, and not addressed to you? No.
2349. But as a matter of fact you had received it? No, sir.
2350. You told us a little while ago that you received it from a wardsman. Were there two occasions on which a note was written? Yes.
2351. Well, on one occasion you received the note, and were guilty of a breach of the regulations in not saying how you got it, and on the other occasion you did not receive the note at all and knew nothing about it? Yes, I knew nothing about it; I was perfectly innocent of that one.
2352. What punishment did you receive, if any? I was placed in separate treatment.
2353. For the note found in the corridor? Yes.
2354. Did you complain about that? I complained to the Magistrate about it, and he told me he could not help it—that I was not to consider myself up there for punishment, but for safe keeping. The purport of the note was that I was in correspondence with prisoners in separate treatment to aid them in making their escape.
2355. And then you were put in separate treatment for safe custody? Yes.
2356. And this was after you had been found in possession of the note? I was never found in possession of a note.
2357. We are evidently misunderstanding one another; perhaps there is some mistake. You told us that on one occasion a note was passed to you by a wardsman, and that it was found on you? No, sir, pardon me. There was a note which came from a prisoner under treatment, and I got that note, but it was not found on me.
2358. Was it found at all? No, I destroyed it.
2359. Then you were never punished for that? No, sir.
2360. Is there anything else you wish to complain of? No.
2361. Did your health improve at Berrima? Yes, very much.
2362. What were you suffering from when you went from here? Dyspepsia.
2363. Were you in hospital at all in Berrima? No.
2364. Were you at work? Yes.
2365. In the yard? No, in the shop.
2366. What sort of work? Shoemaking—attending on the overseer.
2367. Are you a shoemaker by trade? No, sir, but I can make a boot.
2368. Have you told us all you wish to tell us? Yes.

Henry Faulkner, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

H. Faulkner. 12 July, 1878.

2369. *Chairman.*] What is your name? Henry Faulkner.
2370. What sentence are you serving? Fifteen years.
2371. Are you not in good health? No, sir, I am in very bad health.
2372. Are you in hospital? No, but I am on the doctor's list every day. Before I give my statement I wish to say a few words. I have got very bad health, and I have a petition in. Will it do me any harm if I tell the truth to you; if it will, I decline to state anything?
2373. No harm whatever will happen to you if you state the truth. What are you serving fifteen years for? Robbery under arms.
2374. When were you convicted? On the 4th October, 1873.
2375. Was that your first conviction? No, sir, the second.
2376. What was your first conviction? I was tried for a similar offence.
2377. Another case of robbery? Yes—mail robbery.
2378. When was that? In July, 1868.
2379. What sentence did you get? Ten years.
2380. Then the larger portion of that sentence was remitted? Yes, I got a promise from the Judge at my trial.
2381. Where were you tried? At Tamworth.

H. Faulkner. 12 July, 1878.

2382. How much of your sentence did you serve? Four years and nine months.
2383. How long were you free before you were again convicted? I was discharged in May, 1873, and I came back to gaol in September of the same year.
2384. Were both the robberies committed under arms? Yes.
2385. With other people? Yes.
2386. I observe that you have lost an eye? Yes, sir, since I have been in gaol, from sickness. It was done with caustic. I lost it in Parramatta Gaol.
2387. When did you first go to Berrima? I am not sure whether it was in July or August, 1868.
2388. How long were you there? I remained there until the 8th October.
2389. About three months? Yes.
2390. During those three months were you subjected to any ill-treatment? Yes. I rang the bell one day, and asked the warder to allow me to go to the closet. I had the dysentery very bad, and I had rung the bell two or three times; the third time I was let out there was a man in irons going into his cell, and, as I passed him, he asked what my name was. I did not speak because I was frightened, but the warder came down, and said, "This is what you want to get out for—to talk." I said, "I was not talking;" and he replied, "You were." I was taken back to my cell, and when I got there he drew his staff and threatened me. I went out to exercise as usual, and thought there would be no more about it; but a few days after I was brought before the gaoler, and he asked me what I had been doing. I replied, "I do not know." He said, "How many of you came here the other day?" I told him "Seven;" and he asked, "How many natives out of that?" I said, "Four or five;" and he remarked, "You are an unfortunate race of men." Then he said, "You don't know what you are brought here for;" and having asked the warder to state the case, he inquired of me what I had to say to that. Well, of course you have no objection to my making use of the words I made use of before him.
2391. No? He asked me what I had to say, and I said, "I hope I may be struck dead if that warder has stated the truth." With that Mr. Hill and a warder named Buckley rushed me, got hold of my hands, twisted them behind me, and handcuffed me. Then Mr. Small jumped up, and rushed over for the gag which was hanging up, put it into my mouth, and buckled it behind me. He was in a great passion, and asked me how I liked that. Of course I could not speak. Then he said, "I think it is hurting you," and he came over apparently to shift it, but he hit it with the palm of his hand, and split my mouth with it.
2392. Did it cut you? Yes, sir.
2393. Did you bleed? Yes, sir, and I called the attention of the chaplain to it.
2394. How long did the gag remain in your mouth? It might have remained there 3 minutes.
2395. It was taken away, however, before you were taken from Mr. Small's office? Yes.
2396. Hill and Buckley, you say, were the men present? Yes.
2397. Do you mean to say that you stood there quite quietly, and said only, "I hope I may be struck dead if what that warder has said is the truth;" or did you say it in an insolent defiant tone? No, sir; if I did I would speak the truth.
2398. You made no use of any abusive or violent language at all, and were guilty of no insolent gesture or menace? No, sir.
2399. Was that the kind of gag that was pushed into your mouth (*showing the gag*)? Yes.
2400. When was this? In 1868.
2401. But the month? It was in July or August.
2402. Shortly after you had gone there? Yes.
2403. Was that the only time you were brought to the office while you were there? That is the only time.
2404. Well, you were going on to say you made a complaint to the chaplain? I do not know whether the clergyman remembers it or not, but I called his attention to it.
2405. Who was the clergyman? Father M'Guinn.
2406. How long after the occurrence was it that you complained to him? Some two or three days; but that I will not be positive about.
2407. Was your mouth cut at the time you spoke to him? I had had my mouth split before, and the least tap would open it.
2408. But as a matter of fact was it cut at the time you complained to Father M'Guinn? Yes.
2409. And he could see it? Yes.
2410. What did he say? He said, "That sort of work ought to be put a stop to."
2411. Did you complain to the Visiting Justice? No.
2412. Nor to the Comptroller-General? No.
2413. Nobody but Father M'Guinn? No.
2414. Did you hear anything more about it? No; I never made any complaint at all.
2415. Is there anything more during that time of your stay at Berrima of which you wish to complain? No, sir, that is all.
2416. When did you next go? In October or November 1873.
2417. Under your present sentence? Yes.
2418. How long were you there then? I could not tell.
2419. How came you to come away from Berrima after being there only three months? I had bad health.
2420. How long did you remain the second time? I cannot say. I do not remember.
2421. Did you remain eight or nine months? I think I was there about seven months and three weeks.
2422. Have you anything to complain of during that time? Mr. Small made use of some threats, but he did not illuse me.
2423. Were you on any subsequent occasion gagged? No, sir.
2424. You were only gagged once? That is all.
2425. Were you ever spread-eagled? No.
2426. Do you know what that is—were you ever chained up to a ring in the wall? No.
2427. Were you ever punished for a breach of the regulations except on the occasion you have mentioned? No.
2428. And on that occasion a man had spoken to you, and when you were called on for your defence you said, "May I be struck dead if what that warder has said is true"? That is all.
2429. Have you any complaint to make about the rations? No, sir, I do not care to make any complaint about the rations.

H. Faulkner. 12 July, 1878.

2430. Have you any complaint of not being let out for the purposes of nature? Yes, the warders grumble at having to open the door, and I have had to ring often without getting an answer.
2431. Have you had to perform the offices of nature in your cell? Yes, in the cracks.
2432. To make water? Yes.
2433. When your second offence was committed was it in company with any men you had previously known in gaol? No.
2434. Did you know they were men who had been in gaol? Yes.
2435. Tell us how you lost your eye? I got a very severe cold in Berrima, and the doctor was treating me for it. I came to Parramatta, and the doctor was treating me there too.
2436. It was under medical treatment then? Yes, sir.
2437. It was not through violence? No.
2438. Was that under your present sentence? Yes. I am nearly blind in the other eye too.
2439. What are you by trade? I have no trade, but I have learned to shoemake in gaol.
2440. What age were you when you were first convicted? I am thirty-four now, and I was convicted in 1868.
2441. What were you doing before you were first convicted? I was stock-keeping in the country.
2442. What part of the Colony did you live in? I was stock-keeping for Mr. W. J. Forrester, on the Barwon, for seven years.

John Thomson, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

J. Thomson. 12 July, 1878.

2443. *Chairman.*] What is your name? John Thomson.
2444. What sentence are you serving? Ten years.
2445. What for? Burglary.
2446. When were you convicted? On the 26th February, 1873.
2447. Was that your first conviction? No, sir. I had been convicted prior to that.
2448. What for? Robbery, with arms.
2449. Highway robbery? Yes.
2450. With others? With Thunderbolt.
2451. Are you the man they called Thunderbolt's boy? Yes, sir.
2452. When did you first go to Berrima? On the 13th September, 1870.
2453. How long were you there then? Eight months.
2454. During those eight months were you subjected to any ill-treatment of which you wish to complain? Not during those eight months.
2455. When did you next go to Berrima? On the 24th March, 1873.
2456. How long did you remain then? Three years and a half.
2457. How came you to remain there so long? After I had finished my separate treatment I was put into special treatment, and after that on to the works.
2458. What is special treatment—is it specially severe? You are put into a yard by yourself, and not allowed to associate with anyone.
2459. Is that what they call the refractory yard? Yes.
2460. How long were you in the refractory yard? One month.
2461. And where did you go then? On to the works.
2462. For how long? Nearly three years.
2463. With other prisoners? Yes.
2464. You were allowed to associate with them? Yes.
2465. Have you anything to complain of? Yes, being frequently locked up unjustly.
2466. Were you several times punished for alleged offences? Yes.
2467. Is that all of which you have to complain? No.
2468. Were you locked up without being brought before the Magistrate? Several times.
2469. For what periods? For seven or eight days.
2470. And not brought before a Magistrate at all? No.
2471. Is there anything special of which you wish to complain? Mr. Small often told me he could gag me, and would hit me; and he has often bully-ragged me—not in a gentlemanly way. He has told me that if ever I felt aggrieved about the rations I was to go to him, and he would put it to rights; I went one day to complain to him. He wanted to get me out of ordinary treatment, and to put me back into separate treatment, because he had heard that I was preparing instruments for getting my liberty. When I went to him this time to tell him about the bad quality of the bread, he said it was beautiful bread; and he brought a false charge against me—a charge of making a frivolous complaint; and I received a sentence of seven days for complaining of sour stinking bread. After I had been in the cell four days, Mr. Langley was shown the bread. He asked the Magistrate how he came to convict me so unjustly, and the Magistrate came and let me out.
2472. Who was the Magistrate? Mr. Wilshire. That sentence is still recorded against me. Another time some of the prisoners had been knocking in their cells. A warder came to me next morning and told me that I had been rapping. I replied, speaking ironically, that I was; and Small said to me, with the gag in his hands, "By God! If you had denied it I would have put this in your mouth and choked you." I said nothing, and he ordered me to be taken back to my cell. I was brought before the Magistrate and charged with communicating with my fellow-prisoners. I thought it best to say before him what I had said previously, so I pleaded guilty, and received twenty-four hours dark cells. I said to the Magistrate, "I am thankful for receiving so light a sentence; I have got out of the gag and a good thumping by telling a lie."
2473. Were you punished for making that statement? No.
2474. Tell us the date of that occurrence—when he came in and threatened to gag you? About May, 1875.
2475. Were you then in separate treatment? I was in ordinary treatment. Afterwards he asked me to put a pane of glass into one of the windows of his house for him. After I had done it I spoke to the servant, asking her if there were any more panes to put in. Small heard me, and rushing up to me, said, "How dare you speak to anyone in my house. Damn you; who are you?"
2476. When was that? In the same month.
2477. Was that all you said to the servant girl? Yes.

J. Thomson. 12 July, 1878.

2478. You were not larking with her? No. Mr. Small was quite close, and it was not likely I was going to lark with her there. If he had not been there I might have done it.
2479. You did not wink at her? Well, I might have done that.
2480. Did the girl smile at you? I think she did.
2481. I suppose he thought you were carrying on skylarking? I don't know.
2482. Were you at any time engaged in making tools to effect your escape? Yes, but Small knew nothing about it except from the prisoners.
2483. But the information was correct? Yes.
2484. I suppose you know that to do anything of that sort is a very serious breach of the regulations? That I admit; but on other occasions he has come and threatened to put me in separate treatment, in order to watch me. Mr. Langley got me out of separate treatment. There was a religious feeling going through the gaol at the time, and I got that feeling sincerely. I endeavoured to become a religious man for about eighteen months. I never quarrelled with any one; if a person would insult me I would put up with it. But Mr. Small came and bully-ragged me, and if a man had the temper of a lamb he would rouse it. Mr. Small is a man of this sort: If he is your friend he will go through fire and water for you, but if he is your enemy he will go through fire and water to injure you. I have seen him catch prisoners by the throat and run them down to the lower cells.
2485. Have you any reason to suppose that Mr. Small was your enemy? No; I do not think he was more my enemy than any other prisoner's, except from thinking that I might make my escape from the gaol, but he had no business to come and bully-rag me, and threaten to gag me. Mr. Small would come and scoff at me. He said, "Pooh; you gammon to be religious"; and when I said, "I would like to be a religious man and a better man" he would say, "There's no more religion in you than that," snapping his finger. Then one thing and another came in my way, and at last, I am sorry to say, I became a backslider. But Mr. Small was undoubtedly the cause of drawing me back. I do not say anything out of passion against Mr. Small; I just tell you candidly how he acted towards me.
2486. Have you specified everything you can remember? I was locked up about five times. Once I was accused of having stolen a key, and when Mr. Small came towards me in a threatening manner to lock me up I put myself in an attitude to defend myself, but he did nothing.
2487. Were you innocent? Yes; a warder had taken the key home. He did not care about saying that he had done so, but he brought it back and put it in its place in a drawer, and it was afterwards found there.
2488. Then the key had been lost, and you were wrongfully suspected of having abstracted it? Yes.
2489. And it was afterwards found that a warder had taken it home without having any right to do so, and that he had brought it back and put it in its proper place? Yes.
2490. And when it was found you were liberated I suppose? Small said he had to lock some one up and he thought me the most likely one.
2491. Have you ever spoken of your rations? Yes. It appears that the contractor is a distant relation of Mr. Small, and if the rations are bad the delegates appointed are afraid to speak.
2492. Were you ever a delegate? Yes, when it was my turn.
2493. Then you took it in turns? Yes. If ever anyone spoke about the rations they would say, "Shut up," and if anyone complained about the rations he was sent to the cells.
2494. Were you ever sent? Yes; and another time I got seven days from the Magistrate for it.
2495. Well, you have told us of a great many threats;—did Small ever strike you? No.
2496. Did he ever gag you? No.
2497. Or spread-eagle you, as it is called? No, he did not.
2498. But you complain of the violence of his manner and of his language? Undoubtedly.
2499. I suppose you know that a milk-and-water man would not be of much use at Berrima? I am aware of that, but it wants a man of some reflection to guide his passion. Mr. Small is a good man, but he is very passionate, and has not sufficient reflection.
2500. *Mr. Pinhey.*] Did you ever see him gag a man? Yes, a man named Hornby.
2501. *Chairman.*] What are the circumstances? He happened to laugh at two of his fellow-prisoners at the office. Small said, "You are laughing at me contemptuously," and with that he shoved the gag in the man's mouth.
2502. Did you see it? I was walking by from the schoolroom, where I had been to get a book, and I saw it.
2503. How long was the gag kept in? Not long.
2504. Where is Hornby now? He has gone to his liberty.
2505. Then this was shortly before his liberty? It was about four months before.
2506. Did you see him afterwards? Yes. I asked him what he had been gagged for, and he told me what I have told you. He was a simple-minded person.
2507. Where did you see him? On the works, where we all associated together.
2508. *Mr. Oatley.*] Are you a native? No, sir.
2509. Was your father Assistant Inspector of Nuisances for the Sydney Municipal Council? Yes.
2510. *Chairman.*] Can you read and write? Yes, sir.
2511. Could you read and write before you got into gaol? Yes.
2512. How long have you been in this country? Twenty-six years.
2513. How old are you know? Thirty.
2514. Then you came here quite a boy? Yes.
2515. Where did you go to school? To various schools in Sydney.
2516. Have you told us all that you wish to tell us—all that you know of your own personal knowledge? I think I have.
2517. What trade are you? I am not of one trade, I am of half-a-dozen.
2518. Where did you learn them? All in gaol.
2519. But what were you before you got into gaol? I had a good deal of constructive talent, but I had no trade. Since I have been in gaol I have done carpentering, tailoring, shoemaking, and stonecutting.
2520. And you could do all these fairly? Yes.
2521. Have you given up all your efforts to be religious? I cannot say; I am not doing it now. I presented a petition for liberty before, and I was determined to be a better man. When I went to my liberty

J. Thomson. 12 July, 1878.

liberty last time I wanted to do as well as I could, and I went as a waiter to Cohen's Hotel, remaining there for six months; but at last I was drawn again into crime.
2522. How did you come to join Thunderbolt? He came to the place where I was on the Culgoa River, and he asked me to go away with him. Being young and foolish, I went.
2523. How old were you? I was seventeen.
2524. Were you a good rider? Yes.
2525. You were never tried for any complicity with him? Yes, I got fifteen years. I was shot in several places.

Alfred Laing, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

A. Laing. 12 July, 1878.

2526. *Chairman.*] What is your name? Alfred Laing.
2527. What sentence are you serving? Seven years' roads.
2528. For what offence? Forgery.
2529. When were you convicted? In August, 1874.
2530. Was that your first conviction? No, the second.
2531. What was the first for? Larceny.
2532. When did you first go to Berrima? In November, 1874.
2533. Under your present sentence? Yes.
2534. How long were you there? Seven months.
2535. During those seven months were you subjected to any ill-treatment or injustice, or to anything of which you wish to complain? On one occasion Mr. Small abused me, called me "a damned liar, a wicked infamous liar." That was all on that occasion.
2536. When was that? That was about February in the following year.
2537. Is that the only instance you wish to bring before us? Yes.
2538. And that is the only thing you have to complain of? Yes, that is all I experienced myself.
2539. Were you quite innocent of any offence on that occasion? Yes; I was charged with attempting to communicate with a fellow-prisoner, and Mr. Small questioned me as to my guilt. I told him I was innocent, and he said it was "a damned lie." He asked me whether I thought it was a fly or something that was buzzing in the warder's ears, and I said it was possible, but that I did not attempt to communicate. He got enraged, and called me "an infamous liar."
2540. Were you brought before the Magistrate? No; I was confined in my cell for seven days.
2541. Did the warder say that what you said was untrue? He was never brought before me.
2542. Who was the warder? A warder named Brown.
2543. And that is all you wish to say? May I speak on another subject—perhaps it may be foreign to the object of your inquiry but it affects me and the other prisoners?
2544. What is it? I received seven years, roads, and another man, for the same offence, received three years, gaol. We were tried on four charges. He was a second convicted prisoner; I was not known to have been formerly convicted, and only had had a small sentence. He received four three-years concurrent sentences to Darlinghurst Gaol, so that in fact it was the same as receiving one sentence of three years. I received a sentence of seven years, roads, and under the old system a sentence of seven years roads, was equivalent to three years gaol. But now of course, I will have to do my sentence in Darlinghurst Gaol.
2545. Then you wish to complain of the inequality of the sentences—that yours was unfairly long? Yes, but not only of the inequality of the sentences: it is that my sentence is not carried out in its entirety—there is no such thing now "as roads or public works."
2546. Where did you learn that? Of course, on no good authority.
2547. Where did you learn it? I know the question has been mooted, and I know it is the opinion of his Excellency that these road sentences are not legal.
2548. Then you have read the reports of Parliamentary discussions, I suppose? I have heard of them.
2549. You have heard of a man named Gardiner, I suppose? Yes.

James Sheridan, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

J. Sheridan. 12 July, 1878.

2550. What is your name? James Sheridan.
2551. What sentence are you serving? Life.
2552. What for? Murder.
2553. When were you convicted? On the 29th April, 1873.
2554. Was that your first conviction? Yes.
2555. Where was the place of your crime? On the Lachlan River.
2556. When did you go to Berrima? I have been there twice; the first occasion was this time five years ago, after I was sentenced.
2557. How long were you there? Seven months.
2558. During those seven months were you subjected to any ill-treatment of which you wish to complain? I was not punished, but I have some complaints to make. Mr. Small used to bounce me.
2559. But he never struck you? No.
2560. Nor improperly punished you? No.
2561. Is that all you wish to say with regard to these seven months? No, sir. A few days after I arrived at Berrima I was taken to the office to have my description taken, and Mr. Small, after he had asked all the questions with regard to my description, wanted to know whether I was guilty of the crime I was sentenced for. I told him I knew nothing about it. Then he got a gag, and told me that if I got up to any nonsense, talking or anything, he would put me in the dark cells with the gag in my mouth. He asked me if any of the men with me were guilty, and told me that I had too just a sentence. That is all I have to complain of about that time.
2562. When did you next go? In 1875, for six months.

J. Sheridan. 12 July, 1878.

2563. What month was it when you went again? It was on the 21st December.
2564. How long were you there? I went for six months punishment. I did three months cells, and three months in the stone-yard.
2565. Where were you sent from? Parramatta Gaol.
2566. What for? Attempting to strike the chief warder.
2567. Were you guilty? Yes, but I was aggravated.
2568. Well, during those six months was there anything you have to complain of? Not against Mr. Small, but the chief warder. When I was sick and wanted to go to the doctor he used to stop me, and would not let me speak to him. He would say I was scheming.

Joseph Foley, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

J. Foley. 12 July, 1878.

2569. *Chairman.*] What is your name? Joseph Foley.
2570. What sentence are you serving? Three years.
2571. What for? Arson.
2572. Is that your first conviction? Yes; but the second time I have been before a Judge and jury.
2573. Then you were acquitted before? Yes.
2574. What age are you? Seventeen years and a half.
2575. When were you sentenced? On the 8th March, 1877.
2576. Where at? Maitland.
2577. Before what Judge? Judge Wilkinson.
2578. What was the first offence you were charged with? Horse-stealing.
2579. When was that? On the 10th March, 1874.
2580. When you were thirteen years old? Yes, sir.
2581. Well, when did you go to Berrima? On the 25th April, 1877.
2582. How long were you there? Going on for eight months. I came down here on the 21st December.
2583. Have you anything to complain of while you were there? Yes, sir.
2584. What? I was sitting down on the baskets in the cell one day and Mr. Small came in, and said, "What is this mess in your cell?" I did not hear him, and I did not answer. He spoke again, and I told him that I had spilled some water. He said, "You have no reason to do that," and he hit me with the back of his hand on the mouth. Then he hit me again in the mouth.
2585. Did he knock you down? Yes, sir.
2586. You did not fall down? No, sir.
2587. Well, when you got up what did he do? He struck me again.
2588. Did he knock you down again? Yes; I hit my head against the wall.
2589. When was that? On the 3rd of May.
2590. How do you know? Because I had just written it on my slate.
2591. Was anybody present? A warder. I do not know his name.
2592. Were you punished for any offence on that occasion? No, sir, I was not punished while I was there, but I was brought before the Magistrate once.
2593. What for? Breaking a shoemaker's awl; but I was dismissed.
2594. Were you in separate treatment all the while you were there? Yes, except one month, when I was taken out to make room for another prisoner.
2595. Have you anything else to complain of? Yes, sir; Mr. Small would not allow me to have my exercise once for two days running.
2596. Why? He did not say; he only said I was not to have it.
2597. Did you complain to anybody? No, sir; I would not be allowed to write to the Comptroller-General when I asked.
2598. Whom did you ask? The gaoler.
2599. What did he say? He allowed me to write once, but he would not allow me to write before.
2600. *Mr. Voss.*] Did you see the Comptroller-General? No; I got an answer that I was to be kept in separate treatment.
2601. Where were you born? In Ballarat.
2602. How long have you been in New South Wales? I don't know; my father brought me here when he was travelling with a circus.
2603. What was it you are supposed to have burned down? A barn.
2604. While you were with your father? No, I was apprenticed from the "Vernon."

Patrick M'Donald, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

P. M'Donald. 12 July, 1878.

2605. *Chairman.*] What is your name? Patrick M'Donald.
2606. What sentence are you serving? Three years hard labour.
2607. For what offence? Forging and uttering a cheque.
2608. When were you convicted? At the gaol delivery, in February, 1876.
2609. Was that your first conviction? No, sir; I had been convicted before.
2610. How often? Once before, on two charges, at the Bathurst Quarter Sessions in December, 1872.
2611. Was that the first time you were convicted? Yes.
2612. What for? Two years larceny, and twelve months stealing from the person; the twelve months to commence at the expiration of the two years.
2613. What age are you? I will be 24 next September.
2614. Then you were 18 when you were first charged? I had just turned 18.
2615. When did you go to Berrima? I would not be sure whether it was the 1st or the 2nd of March, 1876.
2616. How long were you there? Until the 10th of November.
2617. Have you anything to complain of? Yes; I was reported for writing my name in my library book.

P. M'Donald. 12 July, 1878.

2618. Had you done so? Yes; in the afternoon Mr. Small came round, and as soon as my door was opened he said, "You b———r, you are commencing your games very early."
2619. In whose hearing? There was a warder present who opened the door.
2620. Do you know his name? No.
2621. What day was it? I went there on a Thursday, and this occurred on the following Monday—on the 5th or 6th of March.
2622. Well, anything more? Then he commenced to abuse me.
2623. Tell us what he said? He said, "You b———r, you are commencing your games very early; you know that you were sent here to be tamed, and if you were the devil himself I would take it out of you." He kept prodding me in the breast with his shut fist all the time. I think he knocked me down on the baskets. He accompanied each word with a shove. When he was going away he pointed to two ring-bolts in the cell and said, "I will put you on them for a couple of hours with a gag in your mouth; that will quieten you."
2624. Had you done anything except written in the book? I wrote my name and my conviction in the book, that is all.
2625. You made use of no improper language, nor gave any insolence? No. I was only reported twice while I was there—once for writing in the book; and once, I think it was in September, for talking.
2626. Were you talking? Yes, sir; I admitted that.
2627. Well, did Mr. Small do anything then? He came in and went through the same form as on the previous occasion. He kept shoving me back, and said he would stick the gag in my mouth this time; he would not threaten but he would do it.
2628. Is that all you have to complain of? That is all.
2629. You were never gagged? No.
2630. Nor spread-eagled? No; he only threatened to do it.
2631. That is all you have to say? Except that when they put you into the dark cells they took your socks and comforter and pocket handkerchief from you, and gave you no bed but a blanket and a half. I spoke to the warder about the half blanket, and he said, "The other b——s tore it, and you will have to put up with it now."
2632. Had you bed boards? No, no bed boards or anything but the bare floor.
2633. Did you ever complain? No, it was no use, no one would listen.
2634. Would the Visiting Justice not listen to you? No.
2635. Did you ever try? No; when I was brought before him I could not say a word. Mr. Small or a warder would be there, and if I attempted to say a word they would run me out and back to my cell.

Thomas Barry, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

T. Barry. 12 July, 1878.

2636. *Chairman.*] What is your name? Thomas Barry.
2637. What sentence are you serving? Five years.
2638. For what offence? Robbery from the person.
2639. Is that your first conviction? No, sir; it is not, unfortunately.
2640. How often were you convicted before? Three times.
2641. Only three? Only three.
2642. For what offences? One for wool robbery, another for assault, and another for robbery from the stores.
2643. When did you first go to Berrima? In March, 1875.
2644. How long were you there? Nine months.
2645. Have you anything to complain of during those nine months? I was released—begging your pardon for not answering you direct—I was released from separate treatment, and from observations that came under my notice I am sure that I have never been treated so badly as I was there. The prisoners there are not treated as men ought to be treated, whether they misconduct themselves or not.
2646. Tell us something particular—Begin at the beginning? When I was released from separate treatment in 1875 by the order of the Comptroller-General, I had occasion to write to my friends, and I went into the office to ask for permission. Mr. Small said, "Well, what is your business?" I told him I had come to ask him for paper to write to my friends, and he said, "You have been keeping pretty square lately." He asked me what religion I was. He said, "Are you a Wesleyan or a ranter, or what are you?" I said, "I am Church of England, but I am sorry to say that I do not adhere as I ought." He said, "You understand me; I am as fly as you are. That white choker you have on your neck is a bushranger's signal." I said, "I am no bushranger." He said, "I know the whole of your career since you were that high (*holding his hand about 3 feet from the floor*), and if you diddle other people you won't diddle us." Then he said to Everett, "Don't give him paper or anything else." He told me that if I did not watch myself narrowly he would put me into the stone-yard, and when I said that I had not committed myself, he started from his seat and said, "If you say another word I will take you and run you into the stone-yard before your feet touch the ground." Thinking discretion the better part of valour, I did not say anything more. A few days after he told me to go and clean the tubs. I told him I wanted to see the medical officer. He said, "Oh! you think you will diddle me that way. I'll tell you what I'll do: You are released from separate, but I will put you in the stone-yard." I defy anybody to say that I committed myself in any way. I say, if a person conducts himself properly let him be treated properly. Then when I was walking in the yard he called out, "Hi!" and then came to me and said, "Look here, we tumble to you as well as you tumble to us. Now the next time I find you giving orders I will bump your head against the wall." Mr. Small, I assure you, gentlemen, is not a proper man to rule prisoners. Come into this gaol, and if you commit yourself you are locked up and punished. If a man commits himself he can put up with that, but I can say that it is not the wish of the Government to excite us, and if we conform to the rules of the gaol let us be treated as men.
2647. You complain that Mr. Small excited you by his language to commit some breach of the rules, in order to have you punished? Yes I do.
2648. But you never were punished? No.
2649. He never struck you? No.
2650. And never gagged you? No.

T. Barry. 12 July, 1878.

2651. Nor spread-eagled you? No.
2652. Nor put you in the dark cells? No.
2653. Nor stopped your rations? No.
2654. Have you told us all you wish to say? That is all.
2655. What age are you? Sixty-three.
2656. What disease are you suffering from? A broken rupture; I was unsuccessfully operated upon by Dr. Pringle.
2657. How old were you when you got your first conviction? It was in 1863.
2658. How much have you been free since then? I suppose about six or seven years—off and on.

John Coghlan, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

J. Coghlan. 12 July, 1878.

2659. *Chairman.*] What is your name? John Coghlan.
2660. What sentence are you serving? Two years.
2661. Is that your first conviction? No, sir.
2662. How often were you convicted before? Several times.
2663. For what offences? Burglary this time; assault on a policeman last time; assault and robbery before.
2664. When did you first go to Berrima? In 1867.
2665. How long were you there? Five months the first time.
2666. What time in 1867 did you go? I could not give you the date; I think it was near the end of the year.
2667. About November? I think it was.
2668. What did you go for? For secreting myself on Cockatoo Island—trying to escape.
2669. Have you anything to complain of during those five months? Nothing.
2670. When did you next go to Berrima? I came down to Parramatta, was there six weeks, and was sent back to Berrima for assaulting a fellow-prisoner.
2671. How long were you there that time? Thirteen months, as near as I can recollect.
2672. When did you go the second time? I think it was in August of the same year.
2673. Have you anything to complain of during those thirteen months? Yes, sir, I have.
2674. Tell us the first thing? I went there under sentence of twenty-eight days dark cells and separate treatment until further orders.
2675. Were you kept in the dark cells twenty-eight days? Yes.
2676. What time in the day were you let out? Never let out. I was kept the four weeks in the dark cells.
2677. Four weeks in the dark? Yes.
2678. Who sentenced you? Mr. Langley, in Parramatta.
2679. Was the assault a serious one? I only struck the man with the back of my hand.
2680. Well, you were twenty-eight days in the dark cells. Had you sufficient clothing? No; my socks, comforter, and flannels were taken away from me.
2681. Did you see anybody during those twenty-eight days? Only the gaoler and the man who brought my rations. Whilst I was doing them I was charged with talking, and the gaoler came down with another man and gagged me. I asked him not to knock my teeth out, and he put the gag in my mouth, and struck it with his hand, knocking me down on the floor.
2682. Was it such a gag as that (*showing gag*)? Yes, except that the part which covers the mouth was round instead of square.
2683. Then, when it was in your mouth, without any cause on your part, he struck you? He struck the gag violently—sufficient to knock me down.
2684. Did it break any of your teeth? No, but it loosened them and made my gums bleed inside.
2685. *Mr. Pinhey.*] How long was it in? Three or four hours.
2686. *Chairman.*] How long after you began your sentence of twenty-eight days? It was within a week after I went up there.
2687. Who was present besides Mr. Small? The chief warder, Mr. Hill, and the chief warder there now, Mr. Everett. He was not chief warder then.
2688. And these two men saw Small assault you in this way? They did, sir.
2689. And you had done nothing whatever? I committed myself by talking.
2690. How? To a fellow-prisoner in the next cell.
2691. You can hear one another in the dark cells then? Yes.
2692. *Mr. Pinhey.*] Was the gag retained in your mouth for three hours? Yes, sir.
2693. Do you tell us that talking was the only offence you were guilty of? That is all.
2694. What were you talking about? About what we were locked up for.
2695. Were you talking loudly? You have to speak loudly because there are two doors to the dark cells.
2696. Were you making use of bad language? No, sir.
2697. Who took the gag out of your mouth? The gaoler himself.
2698. He came back after the lapse of three hours, and removed it? Yes.
2699. Did it hurt you very much? No, sir; the only thing is that the spittle keeps running out of your mouth; you can't swallow your spittle.
2700. *Mr. Oatley.*] When Small came in first did you make use of any improper language to him? No.
2701. *Chairman.*] And no improper gesture, or anything of the kind? No, sir; I admitted that I had been talking.
2702. Is there anything else? Well, the tub that is given to you there never has a lid to it; it is always left open.
2703. Are you not taken out for the purposes of nature? No, there is a tub for you to use. It is only taken out in the morning.
2704. So that if you had to use it in the morning after it had been taken out it would be left there till the next morning? Yes.
2705. Is there anything else you have to complain of? Yes; when I came out of the dark cell I was placed in separate treatment, and I committed myself again. The gaoler came and said, "You have been

at

J. Coghlan. 12 July, 1878.

at your tricks again." He told me to put a spoon in my mouth, and said he would gag me with that. I told him I thought the proper course was to bring me before the Visiting Justice. He went away and came back again with Mr. Everett, and three other warders, and I was beaten in my cell and dragged from that cell to a dark cell.
2706. By whom? By the warders.
2707. How were you beaten? I was dragged about, and my head bumped against the wall.
2708. And you were doing nothing whatever? I could not.
2709. You had not been violent or threatening? No, sir.
2710. Are you quite sure that on these occasions you did not strike them? I am certain of it. I never was accused of such a thing in the gaol.
2711. *Mr. Pinhey.*] Do you know the names of any of those warders? Yes; Everett, Hill, and Blackford, and a fourth man whose name I don't know.
2712. And Mr. Small was there? Yes, he was there all the time in the passage. They dragged me down to the gate leading to the passage where the dark cells are, and while I was waiting for the gate to be opened, they knocked my face against the wall.
2713. *Chairman.*] Were you bruised? Yes, on the mouth and nose. I got seven days for talking, and all the eleven months I was there afterwards I got no book or slate, or pencil.
2714. Were you ever ill-treated after that? No, sir.
2715. Did you complain to anybody about the brutal treatment to which you had been subjected? No, sir; the Visiting Justice would not listen to us.
2716. Then they were all in a conspiracy against you? Yes.
2717. Did you complain to the chaplain? Yes, to the priest, but I believe he was as bad as the rest.
2718. Who was he? Father M'Guinn.
2719. And you believe he was as bad as the rest? I do believe so. He came to me two or three times, and said he would get me a Bible in spite of Small, but I never got it. I told him how I had been used but he never made any inquiry.
2720. And he never had you brought before the Visiting Justice, or insisted on your request for a Bible being granted? No.
2721. Did you complain to the Comptroller-General? No, I never saw him.
2722. Did you ask to see him? No.
2723. When did you come away? In 1868.
2724. Was that the last time you were there? No, I have been there since.
2725. How long was it before you went back? It was not till 1871.
2726. Were you in prison all the time? Not all the time.
2727. When did you go out? I went out on the 12th of August, 1870.
2728. Where did you go to from Berrima when you left there, after being subjected to this brutal treatment? I went to Parramatta.
2729. Did you complain to anybody there? No, I had no one to complain to.
2730. When you got out of gaol where did you go to? Sydney.
2731. Are your father and mother alive? Yes.
2732. Did you not complain to any one then about the way in which you had been ill-treated at Berrima? No, only to people like myself.
2733. Why? Because I did not think any notice would be taken of it. I did not think they would believe it.
2734. But you think now that we will believe you? No, I don't; I leave you to believe or disbelieve. This is the first time in my prison life that I have heard of any inquiry. I have been in all the gaols in the Colony, and I have never heard any one make an inquiry before.
2735. What gaols have you been in? Parramatta, Goulburn, Sydney, Berrima—nearly all the gaols of the Colony.
2736. When were you next convicted? I was convicted at Goulburn. I do not know the year. I came away on the 6th of last January. I got three years, and I did it all.
2737. When did you get your liberty? On the 6th of January last.
2738. Then you were convicted in January, 1875? Yes.
2739. Then up till that time were you a free man? Yes.
2740. And you never complained to anybody? No.
2741. Did you go to Berrima again? Yes, I went there and did nine months.
2742. What were you convicted of? Assaulting two policemen.
2743. In the execution of their duty? Yes.
2744. A violent assault? It was with my hand. I suppose it was considered so.
2745. Have you anything to complain of in that nine months? We had a delegate appointed every day to examine our rations, but if he objected to anything the gaoler would say, "Take it into the cook-house and cook it." I went to speak to a prisoner about it. Mr. Small and I had a row and I got locked up. They serve out tobacco to you, but you never get a match from one year's end to another.
2746. Then how did the prisoners light their tobacco? They burnt their shirts and made tinder of them.
2747. But the tobacco is served out to them to smoke and they must have access to some fire? Some have and some have not.
2748. What was this last conviction for? Burglary.
2749. Have you told us all you wish to tell us? Yes.
2750. You know, of course, that you have been sworn to tell the truth? I do.
2751. And you persist in saying that all you have told us about the brutal treatment of Mr. Small is true? Yes. If I have said anything wrong it is by mistake—not wilfully.
2752. You say that he knocked you down by striking you on the gag when it was in your mouth, and that he left you in the dark cell gagged for three hours? Yes.
2753. Were you very cold in the cell? I was perishing. You can never sleep except from exhaustion. When a man goes in there they take his comforter from him, and the consequence is that he tears a bit off his blanket to make a comforter.

James

James Evans, confinee in Darlinghurst Gaol, called in, sworn, and examined :—

J. Evans. 12 July, 1878.

2754. *Chairman.*] What is your name? James Evans.
2755. What sentence are you serving? Seven years—the two first in irons.
2756. What for? Rape.
2757. Is that your first conviction? Yes.
2758. For any offence whatever? Yes.
2759. When were you convicted? On the 20th of February, 1874.
2760. Where at? Sydney.
2761. Where was the offence committed? At Sydney; at Lady Macquarie's Cha'r, I think they call it.
2762. What Judge tried you? I think his name was Faucett.
2763. Did you go to Berrima? Yes.
2764. How long were you there? I did three years and a half within ten days.
2765. How was it you were kept there so long? The reverend gentleman there took a great interest in me. Through my being a young man I suppose he thought he could reform me. I made an application to the Comptroller to be allowed to remain at Berrima.
2766. Then you were left there in order to be reformed? Yes.
2767. Were you kept in separate treatment? No, I was put on the works after doing my nine months.
2768. Well, have you anything to complain of? I was what they call a sweeper in the wing, doing necessary work for the men in separate treatment. The prisoners have knocks for telegraphing. They go alphabetically, and by the knocks they can talk on any subject, and they can understand when to knock off, and when to go on. Well, one day a prisoner—Callaghan was his name, I think—was communicating with the prisoner in the next cell, and Small was sent for. Small went into Callaghan's cell, and I saw him taking Callaghan down the stairs by the back of the neck, and heard him say "I will be (something) with you." I believe the prisoner spoke to the clergyman about the matter.
2769. Was Callaghan hurt? I will not swear whether I saw the blood running from his nose, or not.
2770. Was he knocked down? I don't know.
2771. When was it? In 1875.
2772. What time: the beginning or the end of 1875? I could not exactly say.
2773. Can you not say whether it was winter or summer? It was winter.
2774. Do you remember the prisoner's name? I think it was John Callaghan.
2775. Is he at large now? I think he is doing a sentence of three years.
2776. Was there any ill-treatment of yourself? No; Mr. Small never put his hand on me in any way; but I have been locked up.
2777. Did you deserve it? Yes.
2778. Is that all? I have to speak about Cunningham. He was doing separate treatment in No. 16 cell. One day when he was out at exercise, a warder—No. 9 post—sent round word to the men in the wing that he had a lot of stones in his pocket.
2779. Where were you? I was sweeper. Three warders, I think, went to fetch Cunningham in, and they scruffed him and handled him very roughly. Warder Flynn was upstairs, and hearing Cunningham roaring, he called out "Don't ill-use the man." At the same time I and Baxter, who had been cleaning one of the gongs, were coming down to meet them, and Cunningham hit Baxter right in the eye. He was placed in the cell. That was all I saw.
2780. What is the use of telling us that. Is that all you have to speak of? I wish to speak to you about the time when Mr. Small came back from Queensland. He was going round the gaol one Sunday afternoon, and the senior warder was telling him of the beating Cunningham had had for striking one of the officers. Small said, "Why didn't you knock him down; I have authority from the Comptroller-General to knock any man down for lifting his hand to me?"
2781. Is that all? That is all.

Christopher M'Enamy, confinee in Darlinghurst Gaol, called in, sworn, and examined :—

C. M'Enamy. 12 July, 1878.

2782. *Chairman.*] Your name is Christopher M'Enamy? Yes, sir.
2783. What sentence are you serving? Three years.
2784. What for? I was charged with forgery, but the Crown failed to prove the forgery, but the jury found me guilty. It was all through a conspiracy.
2785. Was that your first conviction? No, sir.
2786. How often were you convicted before? Three times, but I got small sentences.
2787. What were your previous offences? Petty larceny.
2788. When did you first go to Berrima? In July last.
2789. Under the sentence you are now serving? Yes.
2790. How long were you there? Only a month or two. The doctor took me away.
2791. Have you anything to complain of against the gaol? No, sir.
2792. Nothing at all? No, sir. Mr. Small was very kind to me. But I would pray you on my knees to hear me on my case, because I am here unjustly. I can prove my innocence.
2793. We will take down that you say you are here unjustly, but we are not here to inquire into that? If I had only one friend I could prove my innocence.

William Burgess, confinee in Darlinghurst Gaol, called in, sworn, and examined :—

W. Burgess. 12 July, 1878.

2794. *Chairman.*] What is your name? William Burgess.
2795. What sentence are you serving? Life.
2796. What for? Murder.
2797. When were you sentenced? At Maitland, three years ago next October.
2798. You were sentenced to death, I suppose, and your sentence was commuted? Yes.
2799. Was that your first conviction? Yes.
2800. Are you not well? No, sir; I have been very bad these last two years.
2801. What are you suffering from? Palpitation of the heart, and pain in the stomach.

W. Burgess. 12 July, 1878.

2802. You were tried before Sir Alfred Stephen—were you not? Yes.
2803. For the murder of an old shepherd? For the murder of a man named John Reardon.
2804. When did you go to Berrima? I cannot tell the date.
2805. Was it shortly after you were sentenced? No; I resided here a good bit after I got my reprieve.
2806. How long after your conviction in October, 1875, was it? I cannot say. I think it was about Christmas.
2807. How long were you there? Better than four months.
2808. Were you subjected to any ill-treatment by Mr. Small or the other officers of the gaol? The officers behaved very badly, and when I reported it to Mr. Small he took no notice.
2809. Did he ill-treat you? No; but when I was carried out of my cell to the hospital he told the doctor that I was only scheming, and I was taken back to my cell again.
2810. How long did you remain in the hospital? I went in in the evening, after the lock-up, and I was taken out the day after.
2811. *Mr. Oatley.*] What was the ill-treatment on the part of the officers? When I wanted to go out to ease myself they would not let me out, and I used to have to do it in my exercise yard. If I rapped they used to threaten to lock me up.
2812. *Chairman.*] Do you know the name of any officer who has ill-treated you? Yes; an officer of the name of Brown.
2813. Is there any other ill-treatment you have to mention? I used to complain about my grub; but they told me it was good enough for me, though I could not eat it.
2814. Why not? Because it was bad.
2815. How? It stank, and was full of weevils.
2816. The hominy was? It was not hominy; it was more like pearl barley. The meat was bad too. I have got maggots out of it that long (*showing the length on his finger*). I have never been reported in any gaol yet, or brought before the Magistrate or gaoler.
2817. Have you anything else to complain of? No, sir.
2818. You were never ill-treated by Mr. Small, except, as you say, that he would not give you redress when you complained? No, sir.
2819. He never gagged nor spread-eagled you? No.
2820. Are you in hospital here now? No, I always wish to keep out of it as long as I can. There are nights after nights when I never sleep a wink.
2821. How is that? On account of the pain in my heart and stomach.
2822. Were you a strong man before you were convicted? Yes, sir, I never had any illness except once, through a fall from a horse.
2823. What were you? A stockman and horse-breaker.
2824. You were tried with some woman were you not? Yes, sir.

William King, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

W. King. 12 July, 1878.

2825. *Chairman.*] What is your name? William King.
2826. What sentence are you serving? Three years.
2827. What for? Assault and robbery.
2828. Was that your first conviction? Yes.
2829. Were you never charged with any other offence? Only two or three times for drunkenness.
2830. Have you ever been at Berrima? Yes.
2831. When did you go? In October, 1876.
2832. Shortly after your conviction? Yes.
2833. How long were you there? Nine months.
2834. During those nine months had you anything to complain of? Yes.
2835. What? When I was in separate treatment, and wanted to go to the closet, the warder would not let me go. He would say, "What are you ringing for?" and when I told him I wanted to out, he would say, "This is no time to be ringing, you will have to wait!" Sometimes I had to make water in the cracks of my cell.
2836. Did that happen often? Three or four times.
2837. Anything else? It was the same in the yard. A warder told me to walk about, as there was no one to let me out. On several occasions I have done what I wanted to do in the yard.
2838. Anything else? When I would return from my exercise the meat would be fly-blown, and I would have to keep it in my cell till night-time, and dispose of it in my tub.
2839. Is that all? The hominy used to be very bad, particularly what we got at night.
2840. That is all? That is all, sir.

Cornelius Sullivan, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

C. Sullivan. 12 July, 1878.

2841. *Chairman.*] Your name is Cornelius Sullivan? Yes, sir.
2842. What sentence are you serving? Three years.
2843. What for? Burglary.
2844. When were you convicted? On the 9th of August, 1875.
2845. Was that your first conviction? Yes, sir.
2846. Did you go to Berrima? Yes.
2847. How long were you there? Six months.
2848. Have you anything to complain of? Yes, sir; I received very bad treatment both from Mr. Everett and Mr. Small.
2849. Tell us in what the bad treatment consisted, specifying the instances as well as you can remember? There was one occasion when I did not know the rules of the gaol very well I made a mistake in taking up my bed, and Mr. Small caught hold of me and shook me by the ears against an iron bolt.
2850. Did he hurt you? Yes, sir, he did.
2851. Did he make you bleed? No, he only raised a large lump on my head.
2852. When was that? I don't know what month it was.

C. Sullivan. 12 July, 1878.

2853. What was the next thing? On another occasion I complained about my potatoes. I rang my bell; Mr. Small and Mr. Everett came to my cell. I showed the potato, which was nearly all rotten, and Mr. Small took hold of it and shoved it down my throat.
2854. Is there any other occurrence? No.
2855. Were you ever punished for misconduct? Once, for talking.
2856. Did you ever complain to the Visiting Justice? Yes; and he asked did I know what I came there for. He said that I came for punishment.
2857. Did you complain to anyone else? No, sir, I saw no one else to complain to. I asked permission to write to the Comptroller, but I was refused.

John Appleby, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

J. Appleby. 12 July, 1878.

2858. *Chairman.*] What is your name? John Appleby.
2859. What sentence are you serving? Three years.
2860. For what offence? I was charged with murder.
2861. And what were you found guilty of? Manslaughter.
2862. Was that your first conviction? Yes.
2863. When was it? In 1876.
2864. In Sydney? No, up the country.
2865. Whereabouts? I was tried at Tamworth.
3866. What time in 1876? October 6th.
2867. And when did you go to Berrima? On the 12th of November.
2868. How long did you remain there? Till the 16th of July.
2869. During the time you were there did anything occur that you wish to complain of? Not a great deal—I have a little.
2870. What is it? The victuals that they gave me were very bad. The hominy was blue. I spoke to Mr. Small about it, and he said I had as good as the other men had, and would have to put up with it—it was good enough for me.
2871. Did he speak harshly to you? Yes.
2872. Well? After that I was charged with talking to a fellow-prisoner in the cell, and was brought before the Magistrate. One of the warders told me that the best thing I could do was to plead guilty, and I would get off lightly.
2873. Were you not guilty? No, but I pleaded guilty, and got twenty-four hours dark cells. I was put into the dark cell naked, and stood there some time before my clothes were thrown in to me.
2874. What time of the day was it? 10 o'clock.
2875. What time of the year? February.
2876. Then you were not cold? The cells were pretty cold then. I got a blanket at night, and they said that was all I was going to get. I could feel the snails crawling all over the walls.
2877. Are you sure they were snails? Yes, I am well accustomed to them, and know what they are.
2878. Where did you become accustomed to them? On the Williams River.
2879. Well, is there anything else? I told a warder about it in the morning, and he said "That is nothing; you have nothing to grumble about; you ought to see what other men have put up with."
2880. Is that all you have to complain of? Yes, that is all.

Thomas Macnamara, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

T. Macnamara. 12 July, 1878.

2881. *Chairman.*] Your name is Thomas Macnamara? Yes, sir.
2882. What sentence are you serving? Three years.
2883. What for? Assault and robbery.
2884. When were you convicted? On the 15th of November, 1876.
2885. Was that your first conviction? No, sir.
2886. How often before? Three times.
2887. What for? Petty larceny.
2888. Short sentences? Yes, sir.
2889. When did you go to Berrima? On the 2nd of December.
2890. How long were you there? Nine months.
2891. Have you anything to complain of while there? Yes, I have to report to you that the treatment I was under was very bad. I have been in my cell for hours ringing my bell to get out to ease myself, and I have had to ease myself on the floor. When the warders did come down I was abused and called everything but a gentleman. I have been exposed to the view of visitors, and pointed out as a bad character, and the visitors have been told how many times I have been in gaol.
2892. Who did that? The gaoler himself.
2893. Did he do that often? Yes. On one occasion I was in a dark cell, and though there were two empty dark cells, he brought some visitors in to the cell where I was and told them that he was going to tame me. I did not want them to see me because they had known me in better circumstances.
2894. About how many times were you punished? About five times.
2895. What for? Talking; but I was punished two or three times when I was innocent. If they hear any talking they will pick on anybody.
2896. Whether they are guilty or not? Yes, I was only twice guilty.
2897. Were you ever talking when you were not found out? Yes, sir.
2898. Several times? Yes.
2899. Have you anything else to complain of? I have been taken into the yard in winter, stripped naked, and been made to stand on the cold flags while my clothes were searched.
2900. *Mr. Oatley.*] What for? They were suspicious that I had something on me which I never had. On one occasion I had a bad arm—I had been in the Infirmary in Sydney with it—and when I went up to Berrima it began to swell and get black. I asked to see the doctor. The senior warder slammed the door in my face, and said I was getting too much to eat. I did not see the doctor.

T. Macnamara. 12 July, 1878.

2901. Did you ever see the doctor? No.
2902. Did your arm get all right? No, it went down; but I was told by Dr. Mackellar, in the Infirmary, that I would lose it in time. He wanted to amputate it, but I would not have it.
2903. Have you told us all you wish to tell us? Yes, sir.

George Harrington, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

G. Harrington. 12 July, 1878.

2904. *Chairman.*] What is your name? George Harrington.
2905. What sentence are you serving? Three years.
2906. What for? Stealing a cash-box from an hotel.
2907. When were you convicted? On the 7th of August, 1875.
2908. Was that your first conviction? No, sir; the third.
2909. What were your previous offences? The same—stealing.
2910. When did you go to Berrima? On the 7th of September in the same year, the month after I was convicted.
2911. How long were you there? Eight months.
2912. Were you subjected to any ill-treatment? Not until I had been there six months. One morning I made a complaint about the hominy. Small came to the cell and took it away, saying he would show it to the doctor. I put my name down to see the doctor, but when I did see him there was no hominy forthcoming such as I had had for my breakfast; but Small got some out of the copper, as it was being got ready for the evening, and the doctor pronounced it good. I said it was not the same as I had complained of. Small said it was. I said, "It is not, begging your pardon," and he caught me by the neck and ran me into the cells. He brought me before the Visiting Justice, and charged me with being insolent. The Magistrate believed what I said about the hominy, because it was not shown, and he let me off with twenty-four hours dark cells.
2913. Who was the Magistrate? I do not know, sir. When Mr. Small came round to my cell next time, he said, "That is what you get for making groundless complaints." He said, "If you get up to any of your Sydney tricks, I will make you curse the mother who bore you."
2914. Was anybody present? Yes, Mr. Brayne. Mr. Dixon came next day and said he had heard about my complaint—that the Magistrate had spoken to him and said he believed the hominy was bad, but that I had no business to give insolence about it.
2915. Did you contradict Mr. Small in an insolent tone? No, but he told the Magistrate that I did.
2916. Do you know who the Magistrate was? I do not know, sir; he was a little man.
2917. You are near your liberty now, are you not? I have three weeks more to do, sir.
2918. What are you by trade? I have no trade; I follow the sea.
2919. What as? Steward.

Robert M'Gregor, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

R. M'Gregor. 12 July, 1878.

2920. *Chairman.*] Your name is Robert M'Gregor? Yes, sir.
2921. What sentence are you serving? Seven years.
2922. What for? Garrotting.
2923. When were you convicted? In February, 1877.
2924. Was that your first conviction? No, sir.
2925. How often were you convicted before? Twice.
2926. What for? Once for larceny and once for stealing.
2927. How old were you when you were first convicted? I was convicted first in 1870.
2928. What age are you now? I was 29 on the 28th of last May.
2929. When did you first go to Berrima? I went to Berrima in May, 1876, from here. That was after my second conviction.
2930. How long did you remain there? I had five months to serve when I went there.
2931. What were you sent for? Misconduct in this gaol.
2932. What was it? Striking a fellow-prisoner.
2933. Were you guilty? Yes, but he struck me first.
2934. Have you anything to complain of? Yes, sir.
2935. What is it? When I was going through the streets in the van away from here, there was a lot of improper language going on, and on account of my being sent for punishment I got the blame when we arrived at Berrima.
2936. Were you not guilty in any way? No, I never spoke.
2937. Nor incited anyone? No; but admitting that I did, I think I was very hardly dealt with. The chief warder came to my cell and accused me of it, but I denied it. Then Small came and accused me, but I denied it to him too, and he gave me a great amount of abuse, but never laid his hands on me.
2938. What did he say? I cannot exactly state the words, but he said I had the look of a scoundrel, a hangman, and worse than that. He said I appeared to him to be a bloody scoundrel, that my looks were quite sufficient for him. I told him I could not help my looks, and that I did not suppose he would look much better in the same condition. He told me to stop my mouth, or he would put something in it to stop it for me. I took his advice. While I was there I was very ill with rheumatism, and I was taken out of separate treatment and put into the hospital. I was only in separate treatment about six weeks. Then I was sent to Parramatta.
2939. When did you go to Berrima again? I went again in March, 1877. I was locked up there unjustly. Mr. Small came into my cell one evening and picked up my Bible and said, "You have been writing here, M'Gregor." I told him I had not, and he said I was a liar. I said, "There are three hymns written in that book, but I do not know a line of one of them." He locked me up for three days, and then let me out again. I was kept in separate, but he took my slate and books away, and did not let me out for exercise.
2940. He did not put you in a dark cell? No.

R. M'Gregor. 12 July, 1878.

2941. Nor bring you before the Magistrate? No. It is customary to ring a bell when you want to obey the calls of nature. One day I rang my bell, and the senior warder came round and asked me what I wanted. I told him I wanted to be let out. He said, "I let you out 5 minutes ago." I said, "You did not, you make a mistake." It is one of the greatest crimes you can commit there to ring your bell to obey the calls of nature, and when the warders come they give you a great deal of abuse. Well, he let me out to go to the closet, but I was hardly there before he pulled me out again, and he complained to Small that I had rung the bell for nothing. Small took the officer's word before mine, and gave me a great deal of abuse.
2942. He did not do anything to you? No, he gave me a great deal of abuse, told me that I deserved to be in gaol all my life, and called me a Sydney larrikin. I told him I was never in Sydney in my life.
2943. Where were you convicted of garrotting? In Dubbo.
2944. Before Judge Josephson? Yes.
2945. Well? One morning I was laid up with rheumatism, and the warder complained to Small that I would not get up. He came back again and said his orders were that I should get up, and that if I did not he would pull the bed from under me. He asked the wardsman to assist me out of bed, and then took my bed away from me. Sometime afterwards the doctor took me out of separate and sent me down here before I had completed my nine months. The rations were very bad, but if you complained you got no satisfaction; I complained to Small, and he said it was very funny that I found fault with the rations—nobody else did.
2946. But you were never struck? No, the only time ever I received anything approaching to violence was when the senior warder put his hand on me to pull me out of the closet.
2947. Have you told us all you want to tell us? That is all.
2948. Are you well treated here? Yes, I have every fairness here.
2949. Had you every fairness at Parramatta? Yes; I have no complaints to make against Parramatta.
2950. Have you any trade? No, sir; I am learning a trade.
2951. Where were you born? At Windsor. I was very young when I left there.

William Thompson, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

W.Thompson. 12 July, 1878.

2952. *Chairman.*] Your name is William Thompson? Yes, sir.
2953. What sentence are you serving? Six months.
2954. What for? Being illegally on premises.
2955. That is not your first conviction, I presume? No. My name is Carr, not Thompson. The police gave me the name of Thompson.
2956. You never took it yourself? No.
2957. And never passed under it? No.
2958. Then it was a bit of spite on the part of the police? No, I think it was a mistake.
2959. When were you first convicted? In 1858.
2960. How often since then? Four times. This is the fourth, but there were eight convictions against me altogether. There were two or three convictions at the one time.
2961. What were your sentences? Two years, five years, seven years, and three months.
2962. What were the five years for? Stealing from a dwelling.
2963. And the seven years? Shooting at a constable.
2964. When did you first go to Berrima? In 1863.
2965. How long were you there? I am not sure—not two months. That is the only occasion I have been there.
2966. Have you anything to complain of? I did make a complaint to the then Visiting Justice, Mr. Badgery, and to the Sheriff about the ill-treatment of prisoners by Mr. Small.
2967. What was the ill-treatment? Mr. Small had ordered the men to take their clothes off—everything but their shirts. Some of the men refused, one man in particular named Jones, alias Henderson, and they went in and hit him with something.
2968. Who did? Some of them, by the order of Mr. Small.
2969. Did you see it? No; but going out next morning the men saw a lot of blood bespattered in the passage, and they went into the mess-room, barricaded the door with the tables, and roared and shouted and defied Small, and would not come out until the evening at lock-up time.
2970. A regular mutiny? Yes; and there were telegrams came up from Mr. Uhr, the Sheriff, who told Small to get the men out at all hazards; but Small said he would have nothing to do with the prisoners until he had seen the Sheriff.
2971. You did not see any violence on the part of Mr. Small or any of the officers? I could not see it done, but I could hear it, and I saw the result afterwards.
2972. And you were all in mutiny? No, we went over to the mess-room and barricaded the door. We did not resist—we were only a little excited.
2973. Well? We were all locked up. I was locked up until I came away—I forget how long. I was taken out one morning about 5 o'clock and ironed to come away. I would not come away unless they gave me my flannels. Small said, "I will pretty soon show you that I will make you go away." I said, "We will see." We had some words—I abused him and he abused me. He had a revolver in his hand, and he ran at me and jobbed at me with it. If I had stopped until I was bit with the revolver, it would probably have exploded; but I got away. Small said he would blow my bloody brains out. I refused to go out without my flannels. They were my own flannels—some my own and some that the doctor had given me; but I considered them all my own. At last he gave them to me.
2974. How was the resistance on the part of the prisoners put down? Mr. Small came forward to the Magistrate and chaplains who were there, and said he would have nothing whatever to do with us until he saw the Sheriff. Then the men drew the barricades and walked back to their cells peaceably.
2975. Surrendered? Yes.
2976. That was the only time you were at Berrima? Yes.
2977. You were not there at the time of the murder of the warder? No, just after.
2978. Do you know the man who was convicted of that murder? Yes.
2979. He has been exiled, has he not? Yes.
2980. Is that all you wish to tell us? Yes.

Henry

Henry Shaw, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

H. Shaw. 12 July, 1878.

2981. *Chairman.*] Your name is Henry Shaw? Yes, sir.
2982. What sentence are you serving? Ten years.
2983. What for? Wounding with intent to do grievous bodily harm.
2984. When were you convicted? In 1872.
2985. Was it your first conviction? No, sir. I was doing ten years before for burglary. It was while I was undergoing that sentence.
2986. Was that your first conviction? Yes.
2987. Have you been to Berrima more than once? Yes.
2988. When did you go first? In 1869.
2989. How long were you there then? Ten months.
2990. Have you anything to complain of in that time? No.
2991. When did you next go? In August.
2992. How long were you there then? Nine months.
2993. During those nine months have you anything to complain of? No.
2994. Did you go again? Yes.
2995. When? In 1874.
2996. How long were you there then? Over twelve months.
2997. How came you to go then? I was sent up to get a billet.
2998. What billet? I got none. I was sent stone-cutting.
2999. You were not sent for misconduct? No.
3000. Have you anything to complain of? I do not wish to say anything personally. Mr. Small abused me one day, and said it was only necessary to see my face to take a dislike to me. I said, "That is mutual, I don't like you." But I only wish to say what I have seen him do to other men.
3001. Did you ever see him ill-use anybody? I saw him ill-use a man one time.
3002. When? I think it was about May, 1875.
3003. Who was the man? William Thompson.
3004. Not the man who has just gone out? No. Thompson and a Chinaman were having a few words, and Small came over. I was standing in the door-way; Small caught hold of Thompson, drove him out and struck him three or four times. Mr. Langley the clergyman was standing there, but I do not think he saw Small, or that Small saw him. Both men were taken to the cells.
3005. Is that the only instance of ill-usage that you saw? That is all.
3006. Small never ill-used you? No.
3007. He was only guilty of that rudeness you have mentioned in saying that he did not like the look of you? That is all. I wish to speak of the case of Crotty.
3008. Well, what is it? There were two men talking in their cells one night; there was one man in the cell between theirs, and the warder on duty heard the talking as he was going through the passage in his cloth slippers, and went and brought Small.
3009. Were the men talking or telegraphing? They were talking in a low tone.
3010. Could they hear whispers with a cell intervening? Very easily, when the gaol is perfectly quiet.
3011. Well, go on? Well, the door of one of the cells was unlocked, and I heard Small say, "You wretch, you will keep talking." Then I heard a blow.
3012. But who struck it you cannot say? No; but Small was talking at the time, and from the action of the man's throat I could hear that he was being choked. Small said, "You wretch, I had your father and your brother here; you are all dogs and scoundrels together." You could imagine you heard the man's head going against the wall. That was Crotty, who tried to make his escape with me from Berrima Gaol, and who was crippled by falling from the top of the wall. Crotty said, "It is very cowardly for you to be using me in this manner." Then Small came out and went into the cell of the other man, whose name was Reedy. I heard Reedy tell Small not to strike him or he would strike back. Crotty made a complaint and got three days for making a false charge.
3013. Where is Crotty now? He is in Sydney somewhere.

Walter Hughes, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

W. Hughes. 12 July, 1878.

3014. *Chairman.*] Your name is Walter Hughes? Yes, sir.
3015. What sentence are you serving? Seven years.
3016. What for? Stealing from the person, I was charged with.
3017. You mean you were not guilty? Yes, the prosecutor was the thief.
3018. And you were innocent? I am an innocent man.
3019. Were you ever convicted before? Yes, twice.
3020. Were you innocent on those occasions? No, sir.
3021. When did you go to Berrima first? Five years ago this month.
3022. Were you only there once? No, three times.
3023. Have you anything to complain of on the first occasion? No.
3024. Have you on the second occasion? A great deal; but they are such frivolous things that I don't consider them worth bringing under your notice.
3025. Well, on the third occasion? On the third occasion I took very bad; I was seven days and never passed anything. The medical officer wished to take me to the hospital, but Small would not let me out. On the fourth day I could not stand on my legs and Small came in and told me to stand up; I told him I was not able, and he picked me up and threw me into a corner and jumped on me. I said to him, "You lump of a sawyer, or a whaler, I don't blame you so much as those that put you here; your wife got you the position." On the seventh day they were afraid I would die in my cell and they took me out.
3026. I suppose you intended what you said to Mr. Small as insolence? I did it with the view of insulting him; I knew his career before he got the situation.
3027. Did he do nothing to you for your insolence? No; he had me removed to the hospital, but he never gave me any meat or sugar or anything. But that is not all—the doctor was a drunkard; he is dead now.

W. Hughes, 12 July, 1878.

3028. What was his name? He died about eighteen months ago; I do not know his name; he was a married man with two children.
3029. Was it Dr. Williamson? I think that was his name; he was very much given to liquor, and through the drink Mr. Small had him in his power. In fact, he was a tool in the hands of Mr. Small. On one occasion I asked him to give me a little purging medicine as I had not passed anything for four days. He turned to Mr. Small and said, "What is this man's character?" Small said, "He has only been here a short time and I believe it is very good." I said, "I do not think it is necessary to inquire into a man's character before giving him any medicine; I believe you are paid to attend to prisoners when they are sick." I have known this individual (Mr. Small) to have three horses fed on the prisoner's hominy. I have known him repeatedly to assault people. There was a prisoner there named Cummings. I have known Small to knock him down for smiling at him.
3030. Did you see him? No; Cummings told me so himself.
3031. Have you told us all you wish to say? All I have to say is that Mr. Small ought to have been removed long ago. Mr. Maclean's interest has kept him there all this time. I have been three years in this prison, and I have been locked up two years and a half.
3032. Then you are as badly treated here as you were at Berrima? Worse, in a manner of speaking.
3033. You say you knew Mr. Small before he went to the gaol? Yes, I knew him as a sawyer.
3034. And you think he is a thoroughly bad man? I do, and Mr. Maclean upholds him in everything.
3035. And in your opinion is Mr. Maclean worse than Mr. Small? Decidedly, if he allows it.

Henry Giles, confinee in Darlinghurst Gaol, called in, sworn, and examined:—

H. Giles. 12 July, 1878.

3036. *Chairman.*] What is your name? Henry Giles.
3037. What sentence are you serving? Three years.
3038. For what offence? Manslaughter.
3039. Were you tried for manslaughter? No; murder.
3040. Was that your first conviction? Yes.
3041. You were never charged with anything before? No.
3042. When did you go to Berrima? On the 3rd of January, 1877.
3043. How long were you there? Till the 17th of July following.
3044. Have you anything to complain of during the time you were there? No, sir.
3045. What do you want to see us for? I did not come forward voluntarily; I was sent for.
3046. By whom? An officer came to the wing and told me I was wanted.
3047. Have you anything to say? Only that Mr. Small was very kind to me while I was there.
3048. Did you ever see or hear him ill-treat anybody? No, sir; he treated me with a great deal of kindness. I got news there that my sister-in-law died sometime ago, and he came and told me, and allowed me to write back in reply.
3049. Is that all you have to tell us? Yes.

SATURDAY, 13 *JULY*, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P.,
JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

Joseph Bragg, dealer, called in and examined:—

[As the witness was about to be sworn, he said, "I may state that it would be useless to swear me, because I do not believe in future rewards or punishments; I will make a statement on affirmation if you like, and if you bowl me out in a lie, you may punish me for perjury.]

J. Bragg. 13 July, 1878.

3050. *Chairman.*] You object to be sworn because, as you state, you do not believe in the doctrine of future rewards and punishments? Yes, sir.
3051. Do you believe in the existence of a God? I do not consider there is sufficient evidence to prove the existence of a God. There may be one, but I do not think the evidence proves it.
3052. Have you ever given evidence on oath? Not recently; I do not think I have since I have been of this opinion.
3053. How long have you been of this opinion? About eight years.
3054. Previously to that had you given evidence in a Court of Justice? I have, on one occasion since then, now that I recollect, but I think it was the only time.
3055. When was that? At the Quarter Sessions some time ago.
3056. Did you make the same statement then? No, sir.
3057. You made no objection to being sworn? No, sir.
3058. Did you entertain the same opinions then? I entertained exactly the same opinions.
3059. Was that occasion the trial of a prisoner? Yes, sir.
3060. Did you give evidence for the prosecution or for the defence? For the defence.
3061. Was the prisoner convicted? No, sir, he was acquitted.
3062. Upon your testimony? Not entirely upon my testimony; there were half-a-dozen other witnesses.
3063. The evidence you gave was corroborated? Yes, sir.
3064. Previously to your being of this opinion had you given evidence in a Court of Justice? Yes.
3065. And you desire to give evidence by way of affirmation? Yes, sir.
3066. Have you ever given evidence in that way before? No, sir; in fact, when I was sworn last time I was not aware that there was a law of affirmation, but recently I have been informed that there is such a law. I know that Mr. Tyerman tried to get such a law passed, but I heard nothing more about it until a fortnight or three weeks ago when I made inquiries.
3067. Then you do not believe in the Bible as being a revelation from God? No, sir; I do not believe a word of the Bible.

J. Bragg.
13 July, 1878.

3068. Were you baptized in any faith? Yes, in the Catholic faith.
3069. Are your parents alive? One; my father is dead.
3070. Is your mother a Catholic? Yes, sir.
3071. Can you read and write? Yes, sir.
3072. Have you been admitted to communion in your Church? No, sir.
3073. Where did you go to school? I taught myself to read while doing a sentence of solitude in Parramatta Gaol. I did go to school, and learned my letters there. It was when I was a little boy.

[The witness then made an affirmation in accordance with the third section of the Act 40 Vic. No. 8, as follows:—"In the matter in which I am now called to give evidence as a witness, I promise to tell the truth, the whole truth, and nothing but the truth."]

3074. *Chairman.*] Your name is Joseph Bragg? Yes.
3075. You have been a prisoner, I believe? Yes.
3076. You are now free. How long have you been free? Since last February three years.
3077. Are you in any employment in Sydney? I am a dealer in fruit.
3078. Do you keep a shop? No, I hawk round the town.
3079. With a horse and cart? No, with a hand-truck.
3080. Have you been more than once convicted? Yes, sir, about fifteen times, as near as I can guess.
3081. What was your last conviction for? Striking a policeman with his staff.
3082. Assaulting him in the execution of his duty? Yes.
3083. What were your previous convictions for? Generally theft—nearly all theft.
3084. What was the most serious? An attempt at burglary.
3085. How old are you now? Nine-and-twenty.
3086. How old were you when you were first convicted? Fourteen and five months. I was first convicted in 1863.
3087. Have all your convictions been in Sydney? All in Sydney. I was apprehended in Melbourne under the "Influx of Criminals Prevention Act" after doing five years, but I was allowed seven days to leave Melbourne.
3088. And you availed yourself of the opportunity and came back to Sydney? Yes.
3089. Have you been more than once an inmate of Berrima Gaol? Yes, four times. I was sent there first in the latter part of 1866.
3090. What was that for? Bad conduct in Parramatta Gaol.
3091. Do you remember what sentence you were then serving? Two years for attempted burglary.
3092. And what was the misconduct in Parramatta Gaol for which you were sent to Berrima? Striking a fellow-prisoner.
3093. Were you guilty? Yes.
3094. How long were you at Berrima on that occasion? As near as I can guess it was thirteen months.
3095. During those thirteen months were you subjected to any ill-treatment or injustice of which you wish to complain? Yes.
3096. Well state what it was as specifically as you can? I was sent there to do twenty-eight days dark cells and separate treatment until further orders.
3097. Was that the sentence you received at Parramatta? Yes; I was put in a dark cell, and the first injustice I received was being kept without bed and blankets of a night. At that time I did not know the rules of the gaol and I thought that was legal, but subsequently I have found it was not.
3098. What did you get? Part of a very thin blanket picked out on purpose.
3099. You say it was picked out on purpose? I am certain it was, because I never saw so thin a blanket in any of the cells up-stairs.
3100. How long were you kept with this insufficient bedding? Twenty-eight days, in the middle of winter. I used to have to walk about at night to keep myself warm.
3101. *Mr. Oatley.*] Was the blanket sufficient to cover you? No, sir.
3102. *Chairman.*] You had your prison clothes on, had you not—a gray suit? No, sir, I had not a gray suit. I had white trousers. Warder Hill refused me gray trousers. I asked him for them when I had been in the cell about eight days, and he told me that if I conducted myself I would get them when I came out.
3103. Were you allowed socks? I was at that time.
3104. Were you allowed a comforter? Yes, at that time I was.
3105. Had you your hat? Yes.
3106. How often were you seen by Mr. Small? Generally every evening.
3107. Did you complain to him about the insufficiency of your bedding? No, sir.
3108. Nor of the extreme cold from which you were suffering? No, sir.
3109. Why not? I did not know at that time that it was illegal to keep you without bed and blankets.
3110. And though you were suffering extreme cold, so that you had to walk about in your cell at night to keep yourself warm, you never thought fit to complain? I thought it was no use complaining.
3111. *Mr. Voss.*] Did you tell Hill why you wanted trousers? I asked would he give me gray trousers as the ones I had were too cold.
3112. As you complained of the cold to him why did you not complain also to Small? You generally have to speak to the chief warder first.
3113. But you had spoken to the chief warder. Why did you not afterwards complain to Small? I thought it was useless.
3114. *Chairman.*] Well, did anything else occur during those twenty-eight days—anything else that you wish to complain of? Yes; one day, five or six days after I had been in, Callaghan, another prisoner who had been sent with me, and I were talking.
3115. He was in an adjoining cell? No, there were three cells, and we were in the outer ones.
3116. Then there was a vacant one between? Yes.
3117. You knew that it was contrary to the regulations to talk? Yes.
3118. And so did Callaghan? Yes, he had been there before.
3119. Well, what happened? I was gagged, sir, by the gaoler.
3120. Tell us the circumstances? The gaoler came down and put the gag in my mouth and strapped it. The chief warder was with him. He and the gaoler handcuffed my hands behind my back.
3121. What time of the day was it? About 11 o'clock in the morning.

J. Bragg. 13 July, 1878.

3122. They came down, handcuffed you, and put the gag in your mouth you say? Yes.
3123. Was it done without violence? There was no violence.
3124. How long were you left in that condition? About 20 minutes.
3125. What happened then? The chief warder, Hill, and the senior warder, Everett, came down and took the gag out of my mouth, but they did not take the handcuffs off.
3126. They took the gag out of your mouth and left you handcuffed? Yes. I recollect now it was on a Sunday. When they took the gag out of my mouth Hill asked me if I intended to promise not to talk again. I said I would make no promises, and he put the gag in again and went away. When they got outside the door, I heard the senior warder ask the chief warder to bring down the gaoler, and the chief warder said he was at church or chapel.
3127. Did Small come down? No.
3128. How long were you left then with the gag in your mouth? Two hours I dare say.
3129. Did you suffer great pain? Yes, because when the gag is in your mouth you get dryness in the mouth and throat; you are dribbling and inclined to be sick all the time through the gag going so far into your throat. I used to try and shift it to the side to get relief, but I couldn't keep it long that way.
3130. Did you throw up? No, I could not.
3131. What sort of a gag was it? It was a sort of tube, but it had no brass on it like that shown in Parliament.
3132. Was there a hole in it? Yes.
3133. And did it taper towards the end that went into your mouth? No, it was a thick, clumsy-made gag, and not so long as the other gag. It did not go so far into the throat.
3134. Who put the gag in the second time? Hill the chief warder, and Everett.
3135. *Mr. Voss.*] Hill put it in? Yes.
3136. On both occasions was it put in without any violence? Yes.
3137. *Chairman.*] You did not resist at all? No.
3138. What is the next thing of which you wish to complain? Small came down about 1 o'clock—I was only about eighteen then—and he pulled his hat over his countenance and tried to look savage to intimidate me. He said, "Do you intend to keep quiet?" and took the gag out of my mouth. I told him he could try me, but he said "I will try no one," and he put the gag in my mouth again. He put the strap through the buckle, and drew it tight. When he saw that I did nothing, he struck the gag with his hand, and loosened my teeth. I thought my teeth were down my throat for the moment. He hit the gag violently, and pulled the strap again; then he took the gag out and said, "Will you promise to desist from talking?" and I said "Yes." He said "If you were fifty Braggs, I would quieten you."
3139. You have not lost any teeth, have you? No, sir, not from the gag.
3140. Not from any other cause? No, sir; but the whole of my teeth were shaken, these two top ones especially.
3141. *Mr. Oatley.*] Did your mouth bleed? Yes.
3142. *Chairman.*] Did it split your lip? No; my gums bled.
3143. That was at the end of 1866? Yes.
3144. When were you next gagged? I had been there about five months when I was next gagged.
3145. Did anything else occur during those twenty-nine days of which you have to complain? Nothing else.
3146. You did not get any gray clothing? No; I had a gray jacket, waistcoat, and white trousers. While I was waiting on transit at Parramatta, the gray clothing was served out, but they did not give me any, as they thought, I suppose, that I would get a suit when I arrived at Berrima. They always give you the worst clothing they can find when you are on transit.
3147. Did you ever see the Visiting Justice? Yes, sir. A phrenologist came round there one day, and he was introduced to me as the head surgeon. He examined my head, and told the gaoler that I was a very intelligent man: that he would not take me to be a criminal. The gaoler told him I had been in gaol since I was a child. The Magistrate was there too. He was drunk.
3148. He came there drunk with the phrenologist and Mr. Small? Yes.
3149. Into the dark cell? Yes.
3150. Of course the door was open? Yes.
3151. What did Mr. Rowley do? He did nothing; only stood by.
3152. Was he palpably drunk, so that anybody could see it? Well, I could see it.
3153. Did you complain to him at all? No. He introduced me to the phrenologist. He said, "This is Bragg, the writing-master's son."
3154. Are you a son of Mr. Bragg who used to teach writing? Yes, sir.
3155. And you said nothing while these gentlemen were there? No; at that time I was very ignorant.
3156. What is the next thing of which you have to complain? I have nothing further to complain of about those twenty-eight days.
3157. Were you allowed out during that time? No, never allowed out.
3158. What rations did you get? A pound and a half of bread a day, and water; no meat, tea, hominy, or sugar.
3159. Were you hungry? I made it a rule to eat everything for breakfast, and about 2 or 3 o'clock in the afternoon I used to crawl about the cell picking up the crumbs I had dropped.
3160. How often did the Visiting Justice come to you during those twenty-eight days? About two or three times. He came once with a Judge, I don't know who he was. He just looked at the cell. He did not come in. I think it was Judge Wise. He was near-sighted, and wore spectacles.
3161. Judge Wise was dead then.
3162. *Mr. Voss.*] Was it Judge Dowling? I don't think so.
3163. What makes you think he was a Judge? Because Mr. Rowley called him "your Honor."
3164. *Chairman.*] Did you complain then to Mr. Rowley or the Judge? I was going to complain of the coldness, but they did not come into the cell.
3165. Did you not complain of the extreme hunger and cold? No, I knew they were the regulations, and that they would not make any alteration till I came out.
3166. When you were released from that twenty-eight days confinement was your mind all right as far as you can remember? My mind was all right, but I was very hungry.

3167. *Mr. Oatley.*] Had you to lie on the stone floor, or had you boards? There is a boarded floor.
3168. *Chairman.*] And stone walls? Yes.
3169. Was there any dampness? No.
3170. Any snails in the cell? No, sir; nothing that I know of.
3171. Was it perfectly clean? Yes; I used to sweep it myself every day; but it was never washed during the twenty-eight days.
3172. For what time of the day did you see the light? Not at all; but the cells there are not so dark as those in Darlinghurst.
3173. Have you ever been in the dark cells at Parramatta? Yes, I was there the time I was flogged.
3174. Could you see the light in the dark cells at Berrima? When the sun is well up you can see enough to walk about—you can see the four walls. You can't see at all in the Darlinghurst dark cells. You can't see which way you are walking, but in Berrima you can. I would as soon be in the dark cells as the light cells at Berrima.
3175. *Mr. Voss.*] How did you relieve you self during those twenty-eight days? There is a tub in the cell. It is taken out every morning.
3176. *Chairman.*] Who takes it? I put it outside the door, and the man who sweeps the passage took it away. They give you a fresh tub every morning.
3177. You do not complain of any want of attention in that regard? No, sir, not in the dark cells, because you have a tub there always.
3178. What is the next thing you wish to complain of during that confinement of 1866-7? The next thing is that when I rang the bell to go to the closet I was hardly ever let out. When there was a good warder on he would let you out, but others would grumble at letting you out more than twice a day.
3179. Have you anything else to complain of? Not till five months afterwards, I was locked up then for talking, and while I was being tried the Magistrate was very drunk.
3180. The same Magistrate? The same Magistrate, Mr. Rowley. While I was locked up for talking I talked again, so that there were two charges against me.
3181. Were you guilty of both? Yes. While I was getting tried the Magistrate upset his inkstand, and I happened to smile. He said, "Give me none of your impertinence, Bragg," and I said, "I am giving none, sir."
3182. He was sober enough to see you smile? I laughed out-right, but not very loud. He made some other remark, and with that Small springs up, pounces on me, catches me by the throat, and half knocks me down. The chief warder, who was in the office, got hold of the gag, and they gagged me there and then, handcuffed my hands behind my back, and took me over to the "model."
3183. Do you tell us that you were not guilty of any impertinence at all? No further than laughing. I spoke as respectfully as I am speaking now.
3184. And you were not insolent in gesture nor refractory in behaviour? No, sir.
3185. And without any provocation Small and Hill pounced on you in this way, handcuffed you behind your back, gagged you, and marched you off? Yes; all the prisoners in the yard saw me going across.
3186. Was the matter adjudicated upon by Mr. Rowley? Not then; I was sent across to the light cells and kept there until the following Tuesday, the dark cells being full; I had not received any sentence. When a man came out of the dark cells I was taken there and kept for seven days. On the seventh day Mr. Rowley came; I was taken before him and received a sentence of ten days extra for laughing and talking, making seventeen days in all.
3187. There is no doubt you laughed at Mr. Rowley? I laughed at his upsetting the ink.
3188. Being drunk? Yes, he was very drunk.
3189. Could you help laughing? No, Sir; it came naturally; I laughed before I was aware of it.
3190. You did not laugh for insolence? No, sir; I laughed at his upsetting the ink on the table-cloth.
3191. Have you anything else to complain of in reference to that first occasion? All the seventeen days I only had the same portion of blanket, but it was summer and I did not feel it so much.
3192. Had you the same allowance of food? Yes, a pound and a half of bread—and water.
3193. Did you suffer from hunger in the same way? Not so much, because it was summer, and you don't want so much food then.
3194. Did you fall off much in weight during that confinement? Before I went to Berrima I had just done eleven weeks on bread and water in Parramatta Gaol—two sentences of 28 days and three of 7 days—so that I was brought down to my lowest weight; I weighed about 9 stone, and I weigh now about 12 stone.
3195. It appears then that you were not a well-conducted prisoner? No.
3196. When I asked you how many convictions you had had, I did not mean convictions in gaol? No, sir; I know what you mean.
3197. How long was the gag in the last time? About three-quarters of an hour.
3198. What is the next thing you have to complain of, if any, during that first stay at Berrima? I have nothing more to complain of.
3199. When did you next go to Berrima? When I came away that time I was exceedingly thin; I was growing fast, and through always sitting I was nearly doubled and could not straighten myself; my cheeks were sunk in, and I was very bad with the scurvy; when I got to Parramatta the warders did not know me.
3200. You were never in hospital? No.
3201. Did you never ask the doctor to treat you for the scurvy? No, I did not know it was the scurvy.
3202. But did you never ask him to treat you for what you were suffering from? No. I complained to him once of pains in the heart, and once of cold, and the doctor ordered me a flannel.
3203. You never requested to be allowed to go into hospital? No.
3204. Who was the doctor? Dr. Williamson.
3205. Was he apparently kind and attentive? He was a very kind man, but he was greatly under the control of the gaoler.
3206. How was that? The gaoler had the upper hand at Berrima; whatever he said was law. If a man asked the doctor for full rations, it always lay with the gaoler; if the gaoler said, "Give it to him," he would give it.
3207. Have you any further complaints to make in reference to that first occasion? I have another thing to complain of. When I came out of the dark cell, after doing the seventeen days, I was put into a small

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small cell. There are different sorts of cells, but these are exceedingly small—2½ yards long, by a little more than 1½ yard broad, and I was put into one of these and kept there six months. When you first go there they generally put you into one of these smaller cells for a couple of weeks, after which they put you up stairs. The upper cells are larger and better. I was kept in the small cell for six months, and Cummings was kept in another similar cell for the same time. Small had a down on this man, because he attempted to escape from the gaol, and got flogged.

3208. Did you see him flogged? I heard it; I heard the chief warder flog him with a rope.

3209. What was the height of the cell you were in? Not very high; and it had a very narrow window.

3210. How high was the cell? About 7 or 8 feet, and very ill-ventilated. I think that is what brought the scurvy on me.

3211. Did you ever complain to the doctor? No. I saw that the gaoler wanted me to humble myself to ask, and I would not do it.

3212. Well, did it not occur to you that you were kept in a smaller cell by reason of your being a badly-conducted prisoner? I thought it was unjust to keep me there all that time that my conduct was good.

3213. When did you next go to Berrima? When I left Berrima I went to Darlinghurst, and two months afterwards I went to my liberty. My feelings had been embittered by the treatment I had received, and I determined when I got my liberty to adopt a new mode of theft. I garrotted fourteen or fifteen men without being captured. I garrotted one man the night I was liberated. At the end of about fourteen days I was caught, or rather partly caught, robbing a man, with others, in Hyde Park. I robbed him with another man, and three other men were arrested innocently. The prosecutor could not swear to me and the other man, but he swore to the three other men. Mr. Oatley was on the Bench at the time, and I made my escape from the dock.

3214. But why did you attempt to make your escape if the prosecutor could not swear to you? This was before the prosecutor gave evidence, and I did not know he could not swear to me, for he had identified me in the watch-house. As I was escaping, Constable Thompson was coming in at the door and he caught me.

3215. What year was that? That was in 1868—in February or March.

3216. That was shortly after you had been liberated? Only a fortnight.

3217. Well? I was acquitted on that charge.

3218. When were you next convicted? While I was in the watch-house I and the other man got a month a-piece for fighting.

3219. Was that other man a match for you? Well, yes, I got the better of him.

3220. Then, notwithstanding your ill-treatment at Berrima, when you were liberated, two months afterwards you seem to have been a strong man, and in tolerably good condition? I gathered myself up a bit and got strength.

3221. Were the persons you garrotted all men? They were all big men. There were two men arrested for one garrotte robbery—M'Gregor and Mathews. One got five years and the other three years.

3222. Had they nothing whatever to do with it? They had nothing to do with it. Another man and I did it.

3223. And the men convicted were perfectly innocent? Yes.

3224. *Mr. Voss.*] And you have never said that before now? I said it to Mr. Driver.

3225. *Chairman.*] When? In a letter.

3226. Did those men serve their sentences? Yes; M'Gregor served the whole of his sentence; Mathews got a short time off, I think.

3227. *Mr. Oatley.*] And you knew, at the time those men were serving their sentences, that they were perfectly innocent, and yet you never said a word about it? No, I did not say anything about it.

3228. *Chairman.*] I suppose you could not have done anything for them without implicating yourself? No. There are two men doing a sentence of fifteen years now, and I know they are perfectly innocent. They were both cast for death. Their names are Rochford and Finn.

3229. What were they convicted for? Robbery and stabbing with a pen-knife.

3230. How do you know they were innocent? Because I know the men who committed the robbery and they told me. These men were sworn to merely by their hats.

3231. *Mr. Oatley.*] When did the robbery occur? Five or six months ago.

3232. *Chairman.*] When did you next go to Berrima? I was sent to the Lunatic Asylum after I was discharged from gaol, after my short sentence, and I escaped from there but was captured and sent back. Dr. Manning afterwards got me out. Shortly after this I received a sentence of six months for loitering with intent to rob. When I had been a week or two in Darlinghurst I was locked up, as I thought, for idleness and put in the cells. When I was taken before the Magistrate the officer of the works asked him to send me to Berrima as I was up to all sorts of tricks, and because it took them all their time to watch me. I was sent back to the cells, and afterwards was taken to Berrima.

3233. While you were serving the sentence of six months? Yes.

3234. How long did you remain there? Five months altogether. I had been three weeks in Darlinghurst.

3235. When was it? It was about the beginning of 1869.

3236. Then you were there from the commencement of 1869, and remained five months? Yes.

3237. During those five months did anything occur that you wish to complain of? No, except that I suffered from scurvy.

3238. *Mr. Voss.*] During your stay in Berrima the second time were you a better behaved prisoner than when you were first there? Yes, I was never locked up for misconduct.

3239. *Chairman.*] Never punished at all? No.

3240. When did you next go? In 1870, when I received five years and I went to do my model time.

3241. What time did you go? Early in 1870. I was only out a month after doing six months.

3242. How long did you remain there on that occasion? I had to do five months by rights. The present regulations had not come into force then.

3243. Have you any complaints to make about that time? No.

3244. Have you told us now all you wish to tell us about Berrima? No, sir, I was sent there again and kept four and a half years.

3245. When was that? From Berrima I was sent to Parramatta, and while there I was not very right in my head. I used to try to keep quiet and talked to no one, because very little offended me.

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3246. You mean that you were morbidly irritable? Yes. After I had been there about four months I had a row. I was working at a sewing-machine. I had been put to that by the gaoler, who did it, he said, to keep me quiet, so that I should not kick up any rows. I was working at the machine with another man, and I had a quarrel with him about it. Then I took a 56lb. weight, and smashed the machine with it.
3247. Who was the other man? He was a young man about eighteen. We had a row about a needle.
3248. Did you break the needle? Yes, I think so. I thought that would get me flogged and sent to Berrima, and I determined to have it out with some men who had offended me, so I went into the tailor's shop and struck one man there, and then into the carpenter's shop, where I struck two or three more men. I then went on to the works, and struck some other prisoners, but a lot of them "downed" me, and helped the warders to take me to the cell.
3249. Can you account in any way for your being so infuriated? No. I had been a long while in the cells, and I scarcely used to speak a word to anyone. I was very excitable and irritable; I could keep it in for a time, and then it would burst.
3250. It was pent up too long? Yes.
3251. There was nothing whatever to provoke an outbreak of that kind,—was there? No.
3252. Were you sent to Berrima for that? I received a sentence of fifty lashes and Berrima.
3253. When was that? In 1870.
3254. Did you endure the flogging? Yes.
3255. And then you were sent to Berrima? Yes.
3256. *Mr. Voss.*] That would be about the latter end of 1870? Yes; it was early in 1870 that I received a sentence of five years.
3257. *Chairman.*] Did the doctor see you in regard to the state of your mind at this time? Yes; he said I was feigning insanity. The Magistrate said he did not believe I was insane; he said it was my uncontrollable temper.
3258. And the Magistrate was right? Yes.
3259. Were you seen by the doctor at Berrima? No more than any other man.
3260. How long did you remain at Berrima? Four years and four months. I remained seven months in the "model," and was then put into the special treatment yard with two other prisoners. They call it the refractory yard. I only remained there a couple of weeks. Then I cut my throat and was taken to the hospital, where I was kept for a fortnight, after which I was put into a yard by myself.
3261. Why did you cut your throat? I don't know sir; I was very weak-minded.
3262. Did you do it with the intention of committing suicide? Yes, I did; I got a pen-knife from a warder.
3263. Did anything happen shortly before that to provoke you to make an attempt on your life? Nothing in particular.
3264. Well, what happened then? At that time also I scarcely ever spoke—I never used to speak even to the prisoners in the yard with me. I used generally to walk about reading a book. I had a love-like for solitude. When the warders would come to handcuff me, as they did every night to take me into my cell, that would irritate me, and when they pulled me about that would irritate me also, though other men would take no notice of it. I got that way at last that I was tired of life.
3265. And then you cut your throat? Yes.
3266. Did you inflict a serious wound? Yes.
3267. How long were you in hospital? Eight or nine days, I think.
3268. Were you discharged cured? Yes, my throat was healed, but I had no feeling in my jaw for months.
3269. Have you any mark on your neck now? Yes (*showing a scar on the left side of the neck.*)
3270. Well, go on, we want to know the next thing you have to complain of? I was kept in a yard by myself for fully twelve months.
3271. After being discharged from the hospital? Yes. Then Cummings was let out of the cell and put into the yard with me for about two months, when we tried to make our escape together. We got over the yard, and with a ladder, were getting over the wall when we were caught.
3272. Were you in the refractory yard? Yes.
3273. How did you get the ladder? We used to communicate with other prisoners while we were being taken into the cells at night, and they got us a lot of thread and stuff that they used for tailoring and shoemaking, and we made a rope about 40 feet long, and a ladder about 20 feet long out of the thread.
3274. Where did you make them—in the yard? We would take the thread up to our cells in our boots and hide it in our beds at night among the straw.
3275. However you made this ladder, and with it you and Cummings attempted to make your escape? Yes. We had a little shed that we used to sit in, and we split one of the boards at the back. There was a warder who used to walk up and down, but we got a prisoner in another yard to talk to him while we broke the board. This was on a Sunday afternoon. Before we were taken to our cells for the night we put the board in its place and covered the crack with mud, and when the warder came to take us out of the yard we stood close up to the gate so that he should not notice the board. Then the first thing on Monday morning we got the board out again and nailed the pieces together. The two boards were about 8 feet long, and we had a piece of wood nailed across the tops of them, and fastened the rope to the cross-piece. We waited until one warder came down from the tower (they had watch-towers then), and before another one went up we got over the yard and put the ladder against the wall. I allowed Cummings to go up first, and he was to pull me up after him. When he got to the top one end of the piece of wood to which the rope was fastened gave way and Cummings fell back into the yard. Just as he fell a warder came.
3276. Was Cummings seriously injured? Not very much.
3277. Were you punished for that attempt? I received a sentence of a fortnight, and Cummings a sentence of three weeks', to the light cells.
3278. Well there was nothing in that to complain of, you know? No, sir.
3279. Can you tell us the next thing that you have to complain of? Well, I was kept there by myself for the remainder of my time—two years—two years in solitude.
3280. In separate treatment? In special treatment—in a yard by myself.
3281. Did you see anybody else at all? Occasionally; going in and out. I used to study very hard. I taught myself to read French, though I could not pronounce it, but I had a pronunciation of my own. I read Molière and Pascal, and I read the Greek Testament through eight times. 3282.

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3282. Could you translate the Greek Testament now? No; I have not looked at it for nearly four years.
3283. Can you read the characters now? No; I don't think I could make them out now.
3284. Can you translate French? Partly—but not very well. I cannot read it very well, though I have read books; but there are many phrases I cannot understand.
3285. Have you told us all you have to complain of? Yes; in regard to myself.
3286. Well, anything else you know of your own knowledge, you may tell us? I know a few things, sir. There is one thing I would like to make a remark about. It was stated in Parliament that no complaints had been made until recently. I know several men who complained. There was Lawrence Cummings, John Weekes, William Lee, and some others.
3287. What about them? They complained to the Comptroller-General at Parramatta.
3288. Were you there? No. Cummings told me.
3289. Where is he? He is at his liberty up at Singleton, somewhere.
3290. We don't want you to tell us what they told you. We want to hear what you know of your own personal knowledge? There was a man named Shultz, who was in the refractory yard with another prisoner, and if he made any complaints they would shave his head and blister it, and call him all the names they could lay their tongues to. I have seen chief warder Everett twist his arms.
3291. What had become of Hill? He was broke for kicking his wife, I believe.
3292. Do you know why they blistered Shultz—whether it was done by the direction of the doctor? I cannot say; but I know it was for punishment.
3293. You say he was a weak-minded man? Yes; not right in his head.
3294. Do you mean a docile tractable man, or one who was not right in his senses? A docile patient man, who would do anything for quietness.
3295. A perfectly sane man? Yes; an easy-going man—easily to be controlled by any one else.
3296. *Mr. Pinhey.*] You say it was done for punishment. Was it done under the direction of the Visiting Justice? I am sure it was not, because he was taken out of his yard and blistered. He had a seton on his neck, and they used to pull that to irritate him.
3297. *Chairman.*] That was under the doctor's orders? I suppose so.
3298. And Everett was the man who used to treat him in this barbarous manner? Yes, and the gaoler. They both ran him out one day twisting his arms back all the time.
3299. Did you ever see them twisting his arms back so as to cause him pain? Yes. There is something else I wish to speak of. When I had about nine or twelve months more to do, I overheard a warder talking to a prisoner in the dispensary, and I could tell by what the warder said that he had a great down on the gaoler, and that he was encouraging the man to speak about something.
3300. Who was the warder? Welsh. They were talking pretty loud, and I could hear them say that the gaoler had been taking the medicines out of the dispensary for his wife. The warder said, "Yes, the dog has been stealing the medicines, and you take my advice and crush him." I sent for the gaoler and told him what I had heard. He clenched his teeth and said, "The wretch."
3301. When was this? Somewhere about the latter end of 1875.
3302. Shortly before you got your liberty? Yes. The gaoler sent for the warder, and when the warder came back from the office his face was flushed and he said, "That wretch has gone and told the gaoler that I called him a dog."
3303. Whom did he mean by "that wretch"? That was I. The affair was reported to the Comptroller-General, who came up in a few days and held an inquiry. Mr. Small was examined, but he kept back part of the information. I am sure he said nothing about the dispensary. The warder was removed to Darlinghurst.
3304. You say you were listening to the conversation between these two people? Yes.
3305. And you went and reported it to Small? Yes.
3306. And Small had the warder up about it, and the result was that the warder was removed? Yes.
3307. You do not know at all of your own knowledge whether any medicines were taken or not? No, sir; but I saw the gaoler go past the hospital two or three times, when he had no business there. When I was liberated, after doing my five years, I went to the Sheriff, and spoke to him about this affair of the medicine, but he did not seem to care to hear anything, and I walked out of the room.
3308. *Mr. Voss.*] You went for the purpose of complaining? Yes. I told Mr. Windeyer about being kept without my bed and blankets. I went to him to see about getting a situation.
3309. *Chairman.*] What did he say? He was very kind, and afterwards got me a pass to Melbourne.
3310. Were you ever defended at your trials? Yes, when I was a little boy Mr. Windeyer and Mr. Dalley pleaded for me.
3311. Successfully? Yes.
3312. Have you been defended on any other occasion? I was defended once or twice by Mr. Carroll.
3313. Not by counsel? No.
3314. *Mr. Voss.*] When you went to the Comptroller-General to complain about the bedding and blankets what did he say? He seemed to think nothing of it, and I got sick of complaining.
3315. Did you at that time complain of anything else? I mentioned about my giving the information to the gaoler.
3316. *Chairman.*] Did you complain about your being gagged, and all that? No; I would have spoken about that only that he did not seem inclined to listen to me. Another thing I will mention is this: A prisoner in the light cells is allowed a dish of hominy night and morning, but sometimes the dish is not half full. If you complained you got no satisfaction, and nothing in the place of the hominy, although it was a man's main food there, because all you get in the cells is 2 ounces of meat at first and 4 ounces afterwards, and that is very little when it is cooked.
3317. I suppose most of the prisoners are hungry from the time they go in there until they come out? I assure you I became actually mad from hunger. I used to dream about it at night. I never had a real bellyful from the time I went in until I came out. In fact a great many prisoners said they did not think I would live. While I was in special treatment I used to see tubs of hominy going to feed Small's horses. My special treatment yard was right against the stables. Small put a prisoner in the cook-house who was inclined to do anything for his liberty, and who, of course, would not go against Small's orders. I assure you I used actually to envy the horses.
3318. Did you ever see the horses eat the hominy? I used to see the hominy taken into them.

3319. *Mr. Voss.*] How many horses were there? One, two, and sometimes three, I have seen.
3320. *Chairman.*] Was that the hominy which the prisoners would not take, or which was left? It was never given to them; it was what was supposed to have been left. It was sent round to the stable in great tubfuls, although I could have eaten four or five times as much as I got.
3321. Is there anything else? When Cummings went there first Small abused him greatly. He called him a dirty blackguard.
3322. Did you hear him? Yes, I was only two cells from him. He said he would not let him out of the cell for twelve months. Cummings feigned insanity and the gaoler had a ring-bolt put in his cell.
3323. You do not know the cause of Small's calling him a dirty blackguard: whether it was because his cell was dirty or not? No, he called him that as a general term. He had no provocation because Cummings would not answer him. Small had a big ring-bolt put into the cell and they used to bring ropes and tie him. I heard them come down once and gag him.
3324. Where is Cummings now? He is somewhere up Singleton way.
3325. How long has he been at his liberty? Oh! a good long while; I should think about two years. After he complained to the Comptroller that time he went back again to Berrima for trying to escape from Parramatta. The gaoler was very partial to him and treated him very well.
3326. Have you finished now? There is another prisoner I wish to speak of; I did not see this ——
3327. Well do not tell us of anything you did not see. Do you know of any persons who are accessible to the Commission, and who would give evidence? No, sir, I cannot mention anybody who would give material evidence. There is one man—Watson they call him—he is at Newtown, but I do not think his statements would be anything worth while. He was always quiet.
2328. You think he would be likely to give evidence in favor of the gaol? I do not care whether he would give evidence in favor of it or not.
3329. Were you ever spread-eagled? I was spread-eagled by a warder in Parramatta Gaol, but never in Berrima.
3330. How was that? At that time I was rather short. I was handcuffed with a very small pair of handcuffs. My wrists were very small and it was difficult to get a pair of handcuffs to fit me. They got a very small pair of handcuffs which pressed right into my wrists. Then they strapped me up to the back of the gate of the cell and raised me on my toes. The bar of the gate would not have been too high for a man, but it was too high for me. They kept me strapped that way for about 20 minutes.
3331. Who did this? I don't know the name of the warder.
3332. Did Mr. Hussey know of it? He knew I was handcuffed to the gate, but I don't think he knew the condition I was in.
3333. When did this occur? Just before I was sent to Berrima the first time.
3334. And you do not know the warder? I could not think of his name.
3335. Was there only one warder? The chief warder sent another, but he came half-way along the passage and went back again.
3336. How long ago is it since you put yourself in communication with Mr. Driver? About two months ago. I heard someone speaking about what he had said in the House, and I went to the Young Men's Christian Association's Rooms to see the papers.
3337. Are you a member of the Young Men's Christian Association? No, sir.
3338. Then how did you have access to their rooms? Oh! anyone can go and read the papers there. When I saw it stated that Mr. Driver had no evidence, and that the gaoler had said that no prisoner had been gagged for more than two minutes at a time, I went to Mr. Driver and told him that I knew Small was telling a deliberate lie, and I wanted to put him in possession of information that would prove it. I mentioned several prisoners, a good many in gaol and out of gaol, who could say the same.
3339. Did you write to anybody but Mr. Driver? Yes, to the Colonial Secretary.
3340. Anyone else? No, sir.
3341. Is this letter (*showing Appendix A.*) in your handwriting? No, sir.
3342. Whose writing is it—do you know? I believe Kerr is the man who wrote it.
3343. *Mr. Voss.*] Where is he now? I don't know. I was told yesterday that he was doing six months.
3344. *Chairman.*] What is the most severe punishment that ever came within your experience in Berrima Gaol? The most severe punishment was keeping me without bed and blankets of a night. I would sooner take 500 lashes than do 28 days in the dark cells without bed and blankets in the middle of winter.
3345. Then you do not object to the darkness? No, I would just as soon be in the dark cells as in the light. I could see to walk as well as I could in this room. Of course it was not so light, but you could see the walls. The dark cells in Darlinghurst are very inconvenient.
3346. Have you told us all you wish to tell us? I think so.
3347. What have you done since you have been at liberty—have you been hawking all the time? Yes.
3348. Have you been charged with anything during that time? I was fined £11 for an assault, and was fined at other times, but I paid the fines except once, when I did twenty-four hours.
3349. How long is it since you were brought before the Magistrates? About six months.
3350. Are you married? Yes, sir.
3351. How long have you been married? Three years next February.
3352. Have you any children? Yes, one.
3353. Of what religion is your wife? She is a Roman Catholic.
3354. Was your child baptized? No, sir; it was registered.
3355. *Mr. Pinhey.*] The law compels you to do that? I know that.
3356. *Chairman.*] Are you not going to bring your child up in any religious faith? No, sir; I will let him form his own opinions.
3357. Can your wife read and write? No, sir; but she is a very intelligent woman.
3358. Does she go to church? No, sir.
3359. Has she never gone since you married her? No.
3360. You were not married by a priest, I suppose? No, by Dr. Fullerton.
3361. Why did you choose him? I did not care who I was married by. In fact, I do not believe in marriage at all, only it is usual. It is common to be married.

J. Bragg. 13 July, 1878.

3362. Your wife is not one of Dr. Fullerton's congregation? No, but she is not a consistent Catholic. She never cares about going to church.
3363. *Mr. Voss.*] What church were you brought up in yourself? Principally the Presbyterian. I was christened a Catholic. My mother took me on the sly to the priest.
3364. *Chairman.*] You cannot tell us where the writer of that note is to be found? No, I saw him about the time Parliament was prorogued. I was told he had got six months, but I don't believe that.
3365. You seem well dressed. Are you tolerably comfortable in circumstances? Yes, sometimes I make £2 a day, sometimes £1 a day, and sometimes I don't make £1 a week.
3366. Are you a sober man? I am now; I have taken the pledge.
3367. How long ago? A week or a fortnight. I never drank much; sometimes I get drunk for a day or two.
3368. Were do you live? In Kent-street, one door from King-street.
3369. Have you a comfortable house? Yes, very comfortable.
3370. Have you any rows with your wife? Not often.
3371. Do you live happily with her? Oh, yes, sir.

TUESDAY, 16 *JULY*, 1878.

The Commission sat at Berrima Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D.,
WILLIAM TOWNLEY PHINEY, ESQ., J.P.,
JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

James Brady, confinee in Berrima Gaol, called in, sworn, and examined:—

J. Brady. 16 July, 1878.

3372. *Chairman.*] What is your name? James Brady.
3373. What sentence are you serving? Two cumulative sentences of twelve months and two years.
3374. Three years in all? Yes.
3375. For what offences? The twelve months for being in possession of skeleton keys with intent to commit a felony, and the two years for burglary, or rather stealing from a dwelling; the charge of burglary was withdrawn, and the jury found me guilty of stealing from a dwelling.
3376. Are those your only convictions? Yes, in New South Wales.
3377. Have you been convicted anywhere else? I have.
3378. Where? That question I would rather not answer; it has nothing to do with New South Wales.
3379. Yes, but you understand that you intend to make complaints here and that it is very important that we should have the means of judging what amount of credibility is to be given to your statements. For that purpose it is necessary that we should know your history and previous character? I don't think any criminal will like to bring up his convictions in other colonies.
3380. Then you decline to answer that question? Yes.
3381. How long have you been in the Colony? Nine years.
3382. Do you object to say whether you came free or not? I would rather not say that, sir.
3383. I may tell you that in all probability it is not of much consequence whether you answer these questions or not, because we can obtain from official sources the prison history of all the witnesses who come before us? My only reason for declining to answer is that it may be detrimental to my future welfare if I state what other imprisonment I have done.
3384. *Mr. Pinhey.*] But we can obtain the information from other sources, and why not tell us? It might end in another charge being brought against me when I have done this sentence.
3385. *Chairman.*] When did you receive your present sentence? On the 31st of July, 1876. If I am to get myself into hot water by anything I may state, I would rather not state it. I may give a clue to the authorities and they may charge me with something else. I thought I should only be required to give evidence of what has taken place in this gaol without reference to my past history or character.
3386. Well you must exercise your own discretion as to whether you give evidence or not. We promise that so far as regards complaints of your treatment in this gaol your evidence will not prejudice you; but at the same time, inasmuch as your complaints may involve the position of somebody else—possibly of the gaoler or of some of the officers of the gaol—it is necessary that we should test the truth of your statements, and in order to do that we must know what your character has been and is. If a witness were brought against you, you and your counsel would sift his statements and inquire as to his history in order to see whether he was to be believed or not, and you would think it very hard if you were debarred the opportunity of doing so. Our desire is, simply to do justice? But, you see sir, I have altered my name since I came to this Colony to elude the vigilance of the authorities outside, so that they should not trace me back, but now it seems that I am to make open confession of all that.
3387. I do not know how to advise you? The evidence I have to give shall be the truth and nothing but the truth.
3388. We must judge of that. If you for prudential reasons would rather not give evidence you will not be forced to do so; you simply have the opportunity of stating anything you have to state. However, we do not wish to urge you, but we shall be satisfied by your saying that you decline to answer? I would like to make you acquainted with things in this gaol, but I would not like my past history for the last fourteen or fifteen years brought to light and expatiated upon.
3389. *Mr. Oatley.*] You have said that you decline to answer, so that is done with? But I am told that it will be discovered sooner or later.
3390. If requisite it will be, but the Board may not think it necessary? Very well, I will go on with my evidence.
3391. *Chairman.*] When did you come to Berrima Gaol? In August, 1876.
3392. How long did you remain? I did my nine months separate treatment.
3393. Have you been here ever since? No, after I had completed the nine months I was sent to Darlinghurst.

J. Brady. 16 July, 1878.

3394. When where you sent here next? I stayed in Darlinghurst about six weeks.
3395. And how came you to be sent back to Berrima? They brought a charge against me of making skeleton keys.
3396. In gaol? Yes, in Darlinghurst.
3397. Was that true? No, sir, not so far as skeleton keys were concerned. I pleaded guilty to the charge, but it was an untruth for all that.
3398. Had you been guilty of no breach of the regulations? I was charged once previously for refusing to work for the overseer, but the case was dismissed. As for making skeleton keys, I was perfectly innocent of that charge.
3399. You did not make any keys? No, I only made a sort of pick-lock.
3400. But you knew that that was contrary to the regulations? No, sir; I would have shown it to the overseer after I had made it.
3401. However, you pleaded guilty, and for that offence you were sent to Berrima? I was sentenced to seven days dark cells, and recommended to another gaol. On the strength of that, after my seven days dark cells was done, I came to Berrima.
3402. That would be somewhere about July, 1877? On the 29th of June, 1877.
3403. Have you been here ever since? Yes.
3404. During the first time you were here were you subjected to any ill-treatment, or anything that you consider unjust? Yes.
3405. How soon after you came? It must have been somewhere about February or March, 1877.
3406. What were the circumstances? I was charged with destroying a Bible, which I was perfectly innocent of. I denied it, and the gaoler swore before the Magistrate that upon my arrival he handed me a Bible which was quite new. I stated that the gaoler had never handed me a book of any sort, and that the Bible when I received it was in the dilapidated condition in which the Magistrate saw it.
3407. Who handed it to you? The gaoler.
3408. Have you not told us that the gaoler never handed you a book of any sort? I mean that he handed it to the Magistrate.
3409. Who handed it to you first? The officer who handed it to me left here some time afterwards.
3410. What was his name? I think it was Mr. Rose.
3411. Are you sure? I am nearly sure, because I inquired when I came out of "separate."
3412. Well, go on? He handed me a Bible, prayer-book, and slate. Small said that he handed the Bible to me, and that it was then in good order; and on the faith of his testimony I was sentenced to the dark cells—I forget whether it was for four or seven days.
3413. Had you an opportunity of giving your account of the matter to the Visiting Justice? Yes.
3414. And you complain that he believed the gaoler's account in preference to yours? Yes.
3415. And that you were unjustly convicted? Yes.
3416. Was Rose then in the gaol? I could not say.
3417. Do you remember whether you referred to him as a person who could substantiate your statement? I did.
3418. Was he a witness? No, sir; I did not know what his name was at the time. I described him to the Magistrate.
3419. Did you ask to see him? No.
3420. *Mr. Oatley.*] Did you ask for him to be called as a witness? No, the Magistrate carried it with too high a hand: he would not listen to me about sending for a witness.
3421. *Mr. Pinhey.*] Who was the Magistrate? Mr. Wilshire.
3422. *Chairman.*] Well? About this time chief warder Everett came to my cell in company with a warder named Jefkins, and he told me he had a good mind to batter my head against the wall. He said, "For two pins I would do it," and he caught me by the throat. Warder Jefkins said, "Let me take him, Mr. Everett." He told me I had done it this time, and that I would get a heavy sentence because it was my second or third offence since I had been here.
3423. Was it your second or third offence? Yes, sir; there had been some trifling complaints about talking in the exercise yard.
3424. Well, is there anything more in reference to that occasion? No.
3425. Is Jefkins in the gaol now? I understand he has been removed to Maitland.
3426. Were you using any insolent language at the time Everett threatened you? No.
3427. None whatever? No, he was kicking up a row with me.
3428. What about? About tearing the Bible and that.
3429. Was there nothing whatever to provoke him to say that he would batter your head against the wall? No, only that I said the Bible was in the same condition then as it was when I received it.
3430. Did you complain to anybody of that ill-treatment? I did not.
3431. Neither to the Visiting Justice nor the Comptroller-General? No.
3432. Well? I did that sentence in the dark cells, and when I was let out I was shifted to another cell. The next morning Jefkins came to the trap-door of the cell before the usual time for letting the men out with their beds and blankets, and asked me if I wanted to see the doctor. I said no, and away he went. Two or three minutes after Mr. Issa came, took away my books and slate and said, "You are locked up."
3433. How long was this after you came out of the dark cell? Two or three days. I asked the senior warder afterwards why I was locked up, and he said it was for singing and talking in my cell. I had not been talking or singing in the least. Mr. Jefkins charged me before the Magistrate with singing and talking in my cell, and I received a sentence of seven days for it, though I was as innocent as anybody here. I knew the man who had been talking and singing, but I had nothing to do with him.
3434. Did you state that to the Magistrate? I did.
3435. Was that Jefkins the same man who had interfered when Everett was ill-treating you? He was the same man.
3436. Then he was mistaken in swearing that it was you? Exactly; or else he was trying to play into the chief's hands to show that he was a vigilant officer or something of that sort.
3437. Knowingly swearing what was untrue in order to advantage himself, and get the character of being a vigilant officer? Exactly; that is what I thought at the time.
3438. Then, in your opinion, the warders receive commendation for bringing charges against prisoners, whether true or false? I believe so.

3439.

J. Brady. 16 July, 1878.

3439. *Mr. Pinhey.*] On what ground do you base that opinion? Because I was perfectly innocent of the charge. He was either mistaken or he did it wilfully.
3440. *Chairman.*] And your honest opinion is that he was doing it wilfully? Yes; it was not for the sake of avoiding the seven days dark cells that I said I was not guilty. I did not care about that; it was because I was innocent.
3441. You did not care you say about the seven days dark cells? I did care, but I did not deny that I was the party for the sake of getting out of the punishment. The Magistrate said I denied it wanting to get out of the punishment, but it was no such thing.
3442. Have you anything else to complain of in regard to your treatment during those nine months you were here? No; except that Mr. Everett on several occasions came to the door of my cell of a night, and listened to try and catch me talking. There were little holes in the cell I was in, and on about three occasions I looked through and saw him listening. I thought it hard that he should have such a down on me more than other people. Of course when I did talk I always pleaded to it, but I don't think they gave me the same fair play that they gave other men.
3443. How often were you punished during that nine months, rightly or wrongly? Five or six times.
3444. While you were in the dark cells were you allowed sufficient clothing to keep you warm? I was allowed one blanket.
3445. Only one blanket? Yes, and no bedding.
3446. Was it a double blanket? I don't know—it was about 6 feet long and 5 feet wide.
3447. Did you feel cold? Yes, very cold.
3448. Colder than in the other cells? Yes, very much.
3449. Did you complain of the cold to any of the officers? Yes, to the senior warder when he came down in the morning to give me water to wash.
3450. What did he say? He said that it served me right.
3451. Who is the senior warder? Mr. Brayne.
3452. What rations had you? 1½ lbs. of bread a day.
3453. Anything else? Nothing but water.
3454. Were you hungry? I was the first couple of days, but afterwards I did not get hungry.
3455. When was the 1½ lb. of bread served out? In the morning, and it had to last you until the next morning.
3456. Then you kept part of it for dinner and tea? I think one time it was brought down in two lots—morning and evening.
3457. Is there anything else you have to complain of during those nine months, beyond what you have told us? I was very hungry, and I used to go to the doctor for extra rations, but he would never give me any.
3458. But do you not know that it is part of your punishment to keep you hungry? Well, I was getting bad.
3459. Did you complain to the doctor then? Yes.
3460. Did you tell him you were getting bad? Yes.
3461. Did he not order you medicine? He ordered me medicine, but no medical comforts. My head got very bad—it felt as if the brain was getting bigger than the skull. I used to feel the inside of my head swell like.
3462. What time elapsed between your being put into the cell and your complaint? A little more than three months.
3463. Have you anything to complain of since you last came here? Yes; I was suffering from lumbago through wearing damp trousers and shirts; and I went to the doctor for some stuff to rub myself with, but he told me that I would get all right by-and-by; he talked as if he thought I was shamming.
3464. When was that? I came up in June; it must have been about September.
3465. He did not give you anything to rub into your back? No, sir; I went to him a day or two afterwards, and then he ordered me some embrocation, but I did not get it till the next day, and I had to send for it two or three times; I complained to the Magistrate about this, but he told me that he thought I was shamming, and that if I was not careful I would get another dose of the dark cells; he went on at me very much, and I was that bad with the lumbago I could hardly straighten myself.
3466. Have you any other complaint? I have thought about that Bible again; I was locked up for that on the Friday or Saturday, and on the Sunday I was brought over to the office by the gaoler; he called me a low-lived scoundrel, a devil incarnate, a thief, a low mean scamp, and went on at me awfully.
3467. In whose presence? In the presence of the chief warder; he got a gag and was going to gag me, but he did not touch me.
3468. Was the Visiting Justice there? No.
3469. Were you ever gagged or spread-eagled? No.
3470. Did you ever see anyone spread-eagled? Not in this country; on board ship I have.
3471. Did you ever see the gag used? On board ship—yes.
3472. Often? On two occasions, I think.
3473. Are you a sailor by profession? No; but I have been a good deal on board ship.
3474. Where are you a native of? Wexford, Ireland; but I was brought up in London.
3475. Have you told us all now? I am naturally a very quietly disposed man; but it was certainly very wrong for Mr. Small to use such words to prisoners, because some men would get annoyed at them. After I had done my "separate," I was let on to the works; and after I had been there a few weeks I saw Charles Cunningham, who is doing seven years, brought over to this office and gagged; then he was dragged over to the dark cells in a very rough manner by Everett and Brayne; his hands were handcuffed behind, and they were knocking him about. Another prisoner named Davies also saw it.
3476. How long ago was that? I came out of "separate" in January.
3477. Of this year? Yes.
3478. About five months ago then? Yes.
3479. How long was the gag left in? I cannot tell that.
3480. Were you in here when the gag was put on him? No, but I passed by several times.
3481. Do you know why the gag was put in? No.
3482. Was Cunningham violent at all? I did not see him violent.
3483. When they were taking him away was he violent? No.

J. Brady. 16 July, 1878.

3484. Have you had an opportunity since of speaking to Cunningham about it? No. I have known Cunningham for years, and I know that he is a man who can be led very easily if he is treated properly.
3485. Where have you known him? In other colonies.
3486. In what colonies? In South Australia, and I was in the same passage with him here.
3487. When was he convicted, do you know? He was convicted in May, 1876, at Canonbar.
3488. Where were you then? In Sydney.
3489. Were you ever at Canonbar at all? No.
3490. About the time of the robbery? No.
3491. Well, have you told us all you wish to tell us? No, I want to speak about the tobacco. According to the regulations, prisoners who have served twelve months are entitled to 2 ounces of tobacco a week. I wish to state that I never got 2 ounces of tobacco. I got what is supposed to be an ounce and-a-half of tobacco; but Everett has a way of putting the tobacco into the scales and of pushing down the scale with the tobacco in it, and then taking up the tobacco before the scales can come round again, so that you do not get your weight. Last Saturday I had an ounce and a drachm and a quarter, troy weight.
3492. *Mr. Pinhey.*] How do you know? I weighed it in the office.
3493. *Chairman.*] Why does Everett do as you have described—out of spite? I don't know.
3494. Does he take the difference himself? It must go somewhere. I know we do not get an ounce and-a-half.
3495. Have you complained of that to the Visiting Justice? No; this was on Saturday last. I went back to Everett and he kicked up a bit of a bother with me, and said "You have your weight," but he kept knocking the scale down and would not give it fair play. But even if he would give them fair play they are not correct. You might have a look at them before you go away.
3496. How big are they? Big enough to weigh a quarter of a hundred weight. They may be near enough for bread or anything like that, but they are not near enough for an ounce and a half of tobacco. Mr. Everett has a piece of slate pencil that he puts on the scale which holds the tobacco.
3497. Have you any complaint to make about the quality of the tobacco. No, it is as good as a man can expect in prison; but I have about the bread. When I came out of "separate" I was made shedman, and it was my duty to fetch the bread from the cook-house. It was very sour.
3498. When was this? In January or February. The men in the shed were unanimous in desiring me to speak about it. I went to the senior warder and brought him down to the shed, but he told the men that nothing could be done unless they put their names down to see the gaoler.
3499. Did any of the men put their names down? Yes, several.
3500. Did they see the gaoler? Yes.
3501. How many of them? I think two. The gaoler would not see any more.
3502. You do not know what took place then? No.
3503. Did any improvement take place after that interview with the gaoler? Yes.
3504. A very perceptible improvement? Yes. [*The scales were here sent for, and on examination they appeared to be against the men by the exact weight of a sovereign.*]
3505. Have you anything else to tell us? It was proved about the bread that the gaoler used to take the yeast away and make a sort of beer with it.
3506. Was he the same baker that is here now? Yes.
3507. Was a Board of Inquiry appointed? No; but the gaoler saw two of the men, and it was proved that the yeast was used for another purpose.
3508. Well, anything else? There are men here who are called fancy men; who have a license to do as they like, while other men are subjected to stricter discipline.
3509. Are you a fancy man? No.
3510. Who are the fancy men? Those men who get good billets—the cook, the baker, the gardener, and the hospital wardsmen.
3511. You would not complain if you were taken into the kitchen? The gaoler would not take me, because I would not suit his purpose.
3512. *Mr. Voss.*] You would not be suitable, I suppose, because you are not a cook? Just so; but there are other men who are allowed a great deal of license.
3513. *Mr. Oatley.*] I suppose they are well-behaved men? Yes; it pays them to be well-behaved.
3514. *Chairman.*] Have you been well-behaved? My offences have been very light, but they have punished me on every occasion that they could. The hospital wardsman is serving five years for an assault and robbery on a woman—jumping on her when she was in the family-way.
3515. How do you know? I saw it in the paper. I was out at the time.
3516. Have there been any complaints about him on the part of the men? I have not heard of any.
3517. *Mr. Voss.*] A man may be a great criminal, but he may be so well-conducted in gaol as to deserve the best billet.
3518. *Chairman.*] Have you any other complaints? I am a second-class prisoner, and all prisoners of that class, having served one-half of their sentences are entitled to a billet; on application to the gaoler in May last for the billet of bath-man I was refused that billet.
3519. *Mr. Pinhey.*] Was it vacant at the time? No. I applied before it was vacant. It is customary to apply before a billet is vacant. I applied to get it when it should be vacant, but Mr. Small refused me, without stating any reason, though I had not been punished for the past sixteen months, and a man was put into the bath-house who had not applied.
3520. *Mr. Voss.*] Was the man who was put in a better man than you? He had a six months character and I had a seven months character.
3521. *Mr. Pinhey.*] Were you ever short of hominy? No, but I know that some of it used to go to the stables in a bucket.
3522. How do you know? Because I used to see it.
3523. Do you know what became of it? No.
3524. How much: a couple of buckets full? I could not say; I never used to trouble myself about it.
3525. *Chairman.*] Do you know anything about horses? Yes.
3526. Do you think they like hominy? Yes, but not much of it.
3527. *Mr. Pinhey.*] About how many times did you see these buckets of hominy go to the stables? I might have seen it twenty or thirty times.

3528.

J. Brady. 3528. Fix the time as nearly as you can? The greater part of the time was when I was doing my first nine months.
16 July, 1878. 3529. *Chairman.*] Do you know the name of the groom? Yes, Burgess.
3530. Where is he now? He went to his liberty soon after I came out of separate treatment.

Henry Badgery, Esq., J.P., called in, sworn, and examined:—

H. Badgery, Esq., J.P. 3531. *Chairman.*] What is your name, sir? Henry Badgery.
3532. You are a Magistrate of the Colony, I believe? Yes.
3533. For how long? I cannot tell; a great many years—about twenty.
16 July, 1878. 3534. How long have you resided in Berrima or the neighbourhood? Since 1821.
3535. Have you frequently visited Berrima Gaol as a Magistrate? Yes, I was Visiting Justice for twelve or fifteen months. I ought to have some papers with me, but I left them in the care of a friend of mine. I think I paid 122 visits to the gaol while I was Visiting Justice. When I took charge the gaol was in a state of insubordination.
3536. When was that? I do not recollect now, but Mr. Small will recollect.
3537. *Mr. Voss.*] You mean the great mutiny? I mean the time when they were in such a state that one day we had a regular field-day of it. It was only by the gentle persuasion of the warders and other people that they gave in. They threatened to break out of the gaol, but I told them that if they attempted to do that they would have their brains knocked out, because I had given orders to the police to do that to the first man that attempted to escape. They had a gaoler here then who was not fit to be a gaoler.
3538. *Chairman.*] Who was the gaoler? A man named Walters.
3539. Were you Visiting Justice during any portion of the time that Mr. Small has been gaoler? Yes, he came here when I was Visiting Justice.
3540. How long did you continue to be Visiting Justice after he came? I do not recollect.
3541. Small came here in June, 1863, and you were Visiting Justice then? Yes.
3542. *Mr. Oatley.*] Were you appointed Visiting Justice by the Government? Yes.
3543. *Chairman.*] Can you say for how many months you continued to be Visiting Justice after Mr. Small came? I cannot form any idea, but I do not think it was long.
3544. How often used you to visit the gaol? I came about 122 times, I think, while I was Visiting Justice.
3545. Did you come once a week? Oh, more than that; I used to come very frequently.
3546. Did as long as a fortnight pass without your coming? I think a fortnight could not have passed without my name being in the book.
3547. So far as your means of observation went during that time was there any fault whatever to be found with Mr. Small? Not the least in my opinion; I always looked upon Small as a good and worthy officer.
3548. Can you remember whether any complaints were ever made against him of cruelty, or harshness, or injustice? I never heard any; the men always spoke well of him.
3549. In visiting the prisoners what course did you take with regard to giving them opportunities for making complaints? I used to go through the yard, not only with Small but by myself, and I spoke to many of the men.
3550. It was not then a separate treatment prison? No.
3551. The men were associated together? Yes.
3552. Did you go amongst the men themselves and ask them if they had any complaints to make? I cannot say that I recollect asking any particular man, but they all knew I was there for the purpose of hearing anything they had to say.
3553. They knew that you were the Visiting Justice of the gaol? Yes.
3554. You ceased to be Visiting Justice some time after Mr. Small came? Yes.
3555. Since then have you frequently visited the gaol? Yes; frequently.
3556. Have you done so within the last few years? Yes.
3557. Have you ever gone among the prisoners to see if they had any complaints to make? I do not think I ever went among them for that purpose.
3558. I asked you more particularly with reference to the time when you were Visiting Justice; but since then have you had opportunities of observing generally Mr. Small's conduct? I have.
3559. And what is your opinion as to whether he is a good gaoler? I think he is a very efficient man. I think it would be impossible to get a man better able to fill the situation. I gave him a certificate of character, when they were going to appoint a Superintendent for the Destitute Children's Asylum at Randwick; and I would not have recommended him for a situation like that if I had thought him a cruel man.
3560. Then, do you consider him to be not only an efficient officer but a humane considerate man? I do.
3561. Are you one of the Magistrates who signed a testimonial in favor of Mr. Small? I do not remember, but if I have not done so I shall be very happy to do it.
3562. (*Reading the signatures to the testimonial*) John A. Badgery; is that you? No. That is my son.
3563. Edward H. Badgery? That is another of my sons.
3564. Then your name is not attached to this document? I am willing to do it now.
3565. We wish to keep the papers in the same state in which we received them; but I will read to you this document, and ask you if you desire to give similar testimony in favor of Mr. Small. (*Appendix B read.*) Having heard that read, do you say on your oath that you endorse the statements it contains? I do, decidedly—every syllable.
3566. I think that will do Mr. Badgery? I fully endorse everything in that document.

The Rev. Edmund Dixon, Church of England Chaplain, Berrima Gaol, called in, sworn, and examined:—

Rev. E. Dixon. 3567. *Chairman.*] What is your name sir? Edmund Dixon.
3568. You are Church of England Chaplain to Berrima Gaol, I believe? Yes.
16 July, 1878. 3569. How long have you held that appointment? A little over three years.
3570. How often do you come to the gaol? On an average, about four times a week.
3571. During the whole three years that you have been chaplain? I am not sure that it will average that.
3572. Do you have unrestricted access to the prisoners here who belong to your Church? Yes.

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3573. Have you every opportunity of hearing from them any complaints that they wish to make with regard to their treatment at the hands, either of the gaoler or of any of the warders? Yes.
3574. Are you in the habit of inquiring from them whether they have any complaints to make? No.
3575. Do you wait until they volunteer complaints? Always in every case.
3576. Do you not question them at all as to whether they are physically happy and physically well-cared for as well as requiring spiritual instruction? Yes, but I have never made a practice of it. I cannot remember an occasion when I have asked the men whether they have been properly or improperly treated; they always tell me.
3577. Do you endeavour to establish the most perfect confidence between yourself and those under your charge? As far as I can I try to make friends with them.
3578. As a general rule are the ministrations of the chaplain favourably received by the prisoners;—do they seem glad to see you? Always. There is only one case to the contrary among the many hundreds of prisoners I have visited during the three years I have been here. They are always particularly glad to see me.
3579. Whose is the exceptional case you speak of? He is a man named Lagan—"The Nugget." He says his religion is the religion of a horse.
3580. The "Derwent Nugget" is he called? Yes, he is the man.
3581. But nominally he is a member of the Church of England? He used to be, but now he is marked nothing.
3582. *Mr. Voss.*] You mean when he was here first? When he came first he used to attend service as the others did, but some months ago he refused to kneel down or to take any notice of the warders or myself. I reported him to the Visiting Justice, and he requested—and I cordially agreed with the request—that he should be marked as nothing.
3583. *Chairman.*] Do you confer at all with the other chaplain of the gaol as to the condition of the prisoners? No.
3584. During the time that you have been chaplain to the gaol here have you yourself noticed any misconduct on the part of Mr. Small to any of the prisoners? I have never seen any personal violence used. I have never seen a prisoner punished either.
3585. Have you ever seen any other species of misconduct on the part of Mr. Small? About two years ago I reported him for detaining prisoners' letters. A prisoner has the right of appealing to the Chief Secretary, through the Comptroller-General if he feels inclined, or of asking any questions from the Comptrollor-General. In a number of cases the answers to these letters were never given to the prisoners. In one case I knew that the answer had been in the office four or five weeks.
3586. How? I asked the clerk.
3587. Yes? I reported this case to the Comptroller because the withholding of the answers had the effect of making the men simply savage. They said justice required that they should have the answers, and I found that it interfered greatly with my work. They used to say, "It's no use your talking to me unless I get an answer." I reported this case, and that was the beginning of the whole of this unpleasantness in gaol matters as regards myself.
3588. Before reporting Mr. Small did you represent to him the complaints of the prisoners in that regard? No, he was away at the time, but immediately on his return I went to him and told him what I had done.
3589. In the meantime you had reported him in writing? Yes.
3590. *Mr. Voss.*] Can you give us the date of this? It is about two years ago as nearly as I can remember. I wish particularly to state that there was no quarrel or ill-will between Mr. Small and myself. I performed a simple duty, and that because it interfered with my work in the gaol.
3591. Did you receive an answer from the Comptroller-General? I did.
3592. Have you that answer? I do not think I have. It was to the effect that Mr. Small denied the charge, or that he threw the blame on the clerk. He said the clerk ought to have done it, whereas, as a matter of fact, the clerk dared not for his life have done it.
3593. *Chairman.*] You say that was the commencement of all the unpleasantness? Yes.
3594. Do you know how long Mr. Small was away on that occasion? If I remember rightly he came back on the second day. I think so, but I am not sure.
3595. The second day after what? After I had received the information which induced me to write.
3596. You know, of course, by the regulations, that if the gaoler is away at all it is for very short intervals? Yes.
3597. And, without waiting for his return, you reported him? Yes, for the express reason that I knew he was in Sydney, and would see the Comptroller-General.
3598. *Mr. Voss.*] When the gaoler is away I suppose he has a representative here? I spoke to the senior warder about it.
3599. Do you know that he dare not open the letters? I know that the clerk dare not do so.
3600. Has Mr. Everett the power to do so when Mr. Small is away? Yes.
3601. Did he refuse to open the letters? He did open them, but the answer in this case had been in for weeks before Mr. Small went away.
3602. *Chairman.*] Do you think that Mr. Small has naturally an ill-feeling towards prisoners? From what some of them have told me I know that he has an ill-feeling against prisoners. Will you allow me to say that from the examination before the Select Committee it appears as if a ridiculous fear of not being shaved in the gaol caused me to have some ill-will against Mr. Small. It was nothing of the sort. Within a few days after Mr. Small's return, after I had reported him, I was passing a warder on duty, and in passing I asked him if his boy, who was sick, were better. I passed on, and Mr. Small came to me, and, in a most offensive manner, and trembling with passion, told me I had no business to speak to a warder on duty. This was before the prisoners, and the warders as well. I took no notice of this, but on the following Sunday, when I came as usual, Mr. Small ordered the man, who always shaved me, not to do so. It has been the habit of Chaplains of my Church to be shaved in the gaol before service. It saves a great deal of time, and we have a good many services to attend to. But I wish you to observe that this was merely out of revenge for my reporting him.
3603. Your opinion is that it was out of revenge. You see that is a matter entirely of inference. He never said that he would be revenged on you, or that he would make you smart for it? No.

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3604. Do you not know that it is against the rules to speak to a warder on duty? Yes, but I think I ought to have been spoken to more respectfully.
3605. Did Mr. Small not say that you could not speak to the warder while he was on duty; that if you wanted to see him he would have him relieved? Yes, he did.
3606. And you say that the only cause that you can imagine for any ill-feeling on his part towards you is that you reported him? I know of no other.
3607. Is it a fact that you have asked to be shaved in gaol here, and that he has refused to allow you? No, I did not ask.
3608. Then there is no truth whatever in the statement of Small, before the Committee, that there was some misunderstanding between you as to your being shaved? That is true, but I never asked.
3609. What were the circumstances then? I had been in the habit, and so had my predecessor, of being shaved in the gaol, because it saved time, and Mr. Small ordered the barber not to do it—on the Sunday after I had spoken to him about reporting him. I considered that his object was to lower me in the eyes of the prisoners, and I reported it to Mr. Maclean, thinking that I would be supported, because I had shown an abuse in the gaol, but I was not supported.
3610. Then I suppose that from that time you have not been shaved in the gaol? Not on a Sunday morning.
3611. But on other mornings you are? If I am here.
3612. Is there any other instance of misconduct that you have observed on the part of Mr. Small? A prisoner named Crotty complained to me that he had been savagely assaulted in his cell, and he showed me his shirt all torn.
3613. Did he say by whom he had been assaulted? He said it was by Mr. Small himself.
3614. Did he say he had been misconducting himself? - No; he said that angry words ensued between them.
3615. Is Crotty the Italian prisoner who is here now? No, he has not been here for a long time.
3616. When was this matter of Crotty's? About six months after I came here.
3617. Before the occurrence about the letter? Yes.
3618. Did you tell Mr. Small that Crotty had made this complaint to you? No.
3619. Did you represent it to anybody at all? No, I simply mentioned it to a friend.
3620. Then your only information in regard to that matter is the complaint that Crotty made? Yes.
3621. You have no knowledge of your own on the subject? No.
3622. Is there any other instance of misconduct that you have heard of or witnessed? I have not witnessed any case of cruelty or punishment; but I want to show what seemed to me the unjust effect of the complaint I made. The printed regulations affirm that a Bible and a Prayer-book shall at all times be left with each prisoner; but they were taken away by Mr. Small's orders from every prisoner who was punished. I represented this to the office, but instead of the practice being instantly ordered to cease, as I expected would be done, I received a letter stating that in four or five weeks the practice should be discontinued. I thought that unfair, because if the practice were wrong it ought to have been discontinued at once. It seemed to put me in a false position.
3623. By the action of the Comptroller-General? Yes; and I attributed it to my having reported Mr. Small, because before nothing of the kind ever occurred, and the same regulations have been in force ever since there have been Chaplains here.
3624. Have you ever gone into a prisoner's cell and found him without a Bible and Prayer-book? Frequently.
3625. And that for the first time became a rule after you made this report? It had become a rule some months before, and the answer I received was that in the course of four or five weeks the practice should be discontinued. I had no ill-will whatever to Mr. Small.
3626. You say that the regulation about depriving the prisoners of their books had been in force for some months before the report about the letter? A month or two.
3627. Then it clearly did not arise out of a misunderstanding between you and Mr. Small? No; I simply say that it was an infringement of the printed rules, and I complained but was not supported.
3628. Did you make a report to the Comptroller-General? I did.
3629. Did you complain first to Mr. Small—did you call his attention to the fact that the regulation directed that the prisoners should at all times have their Bible and Prayer-book? I do not remember whether I did or not. I have very seldom spoken to Mr. Small since.
3630. But this was before? I beg your pardon, you misunderstand me; I have misled you; I am speaking of my report about the Bibles and Prayer-books only. The first report was about the letters being withheld from the prisoners; the second report (I presume this action resulted from my first report) was about the Bibles and Prayer-books.
3631. *Mr. Voss.*] The Bible and Prayer-book was not kept away from the prisoners a month or two before you reported about the letters? No.
3632. Then we have misunderstood you? It was another result of my reporting Mr. Small. I had no intention of creating so much ill-will.
3633. *Chairman.*] You had better not say result, you had better say that it occurred afterwards; other people can draw inferences? On another occasion I was reported for visiting a prisoner in a dark cell. The printed regulations give the Chaplain access to prisoners at all times. I thought this an undue interference with my special privileges. A minute was passed by the Comptroller-General to the effect that I was to confer with the gaoler before visiting prisoners in the dark cells; I objected to this because it seemed to go against the printed regulations, and to make my position subordinate to the gaoler. My office is separate from that of the gaoler, and I thought it an interference with the duties of my office; these things occurred after, and only after, my report about the withholding of the letters.
3634. Before your report about the withholding of the letters, had you been allowed, without restriction, to see prisoners in the dark cells? Yes; and so had my predecessors.
3635. Then you do not think that any considerations of prudence or regard for the safety of the Chaplain caused the interference? No.
3636. But if the Chaplain went into a dark cell where there was a desperate man, his life might be taken and the gaoler would afterwards be blamed for having allowed him to go in? If so, why was it not spoken of before? But the prisoners consider the Chaplain their best friend.

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3637. As a general rule that is true; but it may happen that the man is desperate, and he may not regard the position of the Chaplain? True, but that reason has never been given.
3638. No such reason as that was given to you? No, sir.
3639. *Mr. Pinhey.*] Was any reason given? No, sir; not to me.
3640. *Chairman.*] What answer did you get from the Comptroller? A minute was passed to the effect that I was to confer with the gaoler before visiting any prisoner in the dark cells.
3641. Do you happen to know whether the same restriction was placed on the visits of the other Chaplain? I do not know.
3642. What other Chaplains are there? Only one—the Roman Catholic Chaplain.
3643. Do you know Mr. Dymock? He has left here about eight or nine months.
3644. Was he not the Presbyterian Chaplain? No, sir; at the time I reported Mr. Small in the matter of the letters, I mentioned to the Comptroller that not only was Mr. Small tyrannical towards the prisoners, but also towards his officers. A case occurred which proves, I think, that Mr. Small is tyrannical to a prisoner whom he dislikes. A prisoner named Shaw assured me that he would commit suicide—that Mr. Small by many little acts of petty tyranny had irritated him beyond endurance. Many besides him have attempted suicide; but for several days and nights he neither ate nor drank. I went into his cell to see him. He was lying perfectly helpless on the floor in a corner of his cell. I asked him what was the matter, and he said, "How often have I told you that I have been tyrannized over until my life has become a burden to me, and I would die sooner than live under such tyranny." I spoke to him kindly and went to the gaoler and asked him to give me a plate of eggs and bacon. He would not touch it at first, but afterwards he said, "On one condition only I will try to bring back my life and that is that you use your influence to get me removed to another gaol."
3645. Did Small give you the bacon and eggs? Yes. I told him I would pledge my word to see him removed, and he said, "If you will pledge your word to have me removed from Small's control and tyranny, I will endeavour to get my life back." I had to feed him then. In twenty-four hours more he would have been dead. I mention this to show that when Mr. Small takes a dislike to a prisoner his ungovernable temper makes life a burden to that prisoner.
3646. But these are all matters of statement to you by prisoners, not matters of personal observation? True.
3647. You say you have never personally observed anything of the kind on the part of Mr. Small? I have never to my knowledge seen Mr. Small speak to a prisoner in a separate cell; I am always by myself. I complain simply of what I consider tyrannical conduct.
3648. When was this matter of Shaw's? It was after I had been here a few months.
3649. And before you made the report in regard to the letter? Yes.
3650. Did you represent it to the Comptroller-General? No.
3651. Were any other complaints made to you of petty tyranny here and of Small's conduct? Yes, but I never took notice of them.
3652. *Mr. Voss.*] How did you carry out your promise on Shaw's behalf? I wrote or went to Mr. Maclean and told him that I had passed my word to the prisoner to try and get him removed, and that I hoped he would excuse me for going beyond my authority. He ordered Shaw to be removed as soon as he was able, and I think that in the course of about ten days he was able to be removed. He was marked here as incurable, but since he has left he has been a well-conducted man.
3653. *Chairman.*] How do you know that? I have inquired, and I find that he has only been returned once in Darlinghurst.
3654. How long is that ago? Two years and a half, as near as I can remember.
3655. It has been stated that some clergymen have described this place as a "hell upon earth." Have you ever made any such statement to anyone? No. About a couple of months ago I had occasion to see Mr. Fitzpatrick about a prisoner. When I had concluded my business with him and was about to retire, he requested me to take my seat again, and said, "I am glad you came, for I have been wishing to see you; I want to speak to you about Berrima Gaol." He put to me a number of questions about prisoners and warders, and I replied to him as the head of the department, answering every question as unhesitatingly as I do to you.
3656. You mean that you made no voluntary statement? Yes. Towards the close of the conversation Mr. Farnell came in. I had not known him before. When after some further conversation with Mr. Fitzpatrick I was leaving, Mr. Fitzpatrick said, "I am obliged to you for your answers; I consider the matter private and confidential," as I considered it was. I had no charges to make or complaints to bring forward. I told Mr. Fitzpatrick that when a prisoner or a warder falls under Mr. Small's displeasure he makes his life a burden to him. I told him about Shaw as a prisoner, and about Hammett as a warder, to prove what I said. Very well then, some short time after, to my astonishment, I saw the statement made by Mr. Fitzpatrick, that the Church of England Chaplain had described Berrima Gaol as a "hell upon earth." I wrote to Mr. Maclean telling him that I had not used those words, and I received an official answer through Mr. Maclean from Mr. Fitzpatrick stating that Mr. Fitzpatrick had misrepresented me.
3657. Have you that answer? I have.
3658. With you? No, sir. It was to the effect that Mr. Fitzpatrick had quoted me in support of Mr. Driver's statement that Berrima Gaol was a "hell upon earth."
3659. You say you did not use that expression. Did you by the representations you made to Mr. Fitzpatrick give him any warrant at all for so describing this place? No, unless when I said that when a prisoner falls under Mr. Small's displeasure he makes his life a burden to him, as in the cases of Shaw and Hammett.
3660. Did you tell Mr. Maclean in your letter that you had said nothing whatever which justified Mr. Fitzpatrick in saying that you had described this gaol as a "hell upon earth?" As near as I can remember I said that I did not use any expression which would lead Mr. Fitzpatrick to give such a colour to my statement.
3661. You saw Mr. Fitzpatrick upon an entirely different matter? Yes.
3662. And however strong your impression was as to the bad way in which this gaol was conducted you did not feel yourself called upon to make any representations in regard to it to the Colonial Secretary? No, sir; I made no statement; I was called upon by the head of my department to answer a series of questions, which I answered as unhesitatingly as I answer you.

Rev. E. Dixon. 3663. This is your handwriting, is it not. (*Appendix C shown to witness.*) Yes.
3664. That is your letter to Mr. Fitzpatrick? Yes.
16 July, 1878. 3665. And this is to Mr. Harold Maclean. (*Appendix D shown to witness.*) Yes.
3666. Have you ever had any interview with Mr. Driver on gaol matters? Never.
3667. Nor with any Member of Parliament except Mr. Fitzpatrick? No, I have never mentioned the subject. I don't know any Member of Parliament scarcely.
3668. Do you know Mr. Macintosh? No, I have never mentioned these matters to anybody but friends.
3669. *Mr. Voss.*] Do you say that you never made use of that expression about "hell upon earth" to anybody? I do not think so, sir; I am not in the habit of making use of strong expressions.
3670. *Chairman.*] That is a strong expression coming from a clergyman? It is; I have not the slightest recollection of using such words. I see that Mr. Fitzpatrick has put a private letter of mine with those papers. I do not think it is right to put a private letter officially forward. I told Mr. Fitzpatrick that the attributing of such an expression to me imperilled my position.
3671. Then you feel very much aggrieved that the use of such an expression should have been attributed to you? I do, sir; very much aggrieved.
3672. You will understand, in regard to Mr. Fitzpatrick's forwarding these letters, that the matter is a public one, and it is only right that communications of this kind passing between officials, though they may be marked "private," should be made use of? I presume you have read that letter?
3673. We have read all the documents forwarded to us? Then you see the ground I took. I wrote simply because I did not wish to see him. If he had not exonerated me he would have made me out a liar. I felt very much aggrieved over the matter.
3674. Did you write again to Mr. Fitzpatrick? Yes.
3675. An official letter? No, I never wrote officially.
3676. Have you been Chaplain of any other gaol? No.
3677. Have you had much opportunity of seeing the interior of other gaols? No, sir.
3678. Have you never seen the interior of any other gaol? I not unfrequently visit Parramatta, and sometimes Darlinghurst. I like to keep an eye on the men who have left here.
3679. On the score of cleanliness, have you ever seen anything in this gaol calling for animadversion? No.
3680. Would you call the place scrupulously clean? I should say it was clean.
3681. You do not adopt the word "scrupulously"? I should simply call it "clean."
3682. With regard to ventilation and warmth: is there any fault to be found in those respects in the treatment of the prisoners here? Not that I am aware of.
3683. With regard to the health of prisoners, except perhaps in the exceptional case of Shaw, whom you have mentioned, have you seen anything to complain of? During the time I have been Chaplain here I have confined myself to the duties of my position.
3684. But these are matters of observation that you cannot help noticing? I have not noticed anything myself to complain of.
3685. Nothing that would shock you in any way? No.
3686. And you have been here as often as four times a week during the last three years? Sometimes more.
3687. *Mr. Voss.*] How many people have you here altogether? I should think about sixty.
3688. *Chairman.*] Out of the whole number? Yes.
3689. Do you know the whole number? There is more than one hundred, I think.
3690. Then the majority of the prisoners belong to your Church? Yes, including most of the "billet" men; less than half in "separate."
3691. Well now, have you told us all that you wish to bring before us? Yes, except that I wish to draw attention to that other case which I consider tyrannical on Mr. Small's part—that of the Warder Hammett.
3692. What is the case? These two cases, I think, prove the statement I made to the Colonial Secretary.
3693. Tell us the circumstances? Warder Hammett was in a store opposite here one evening, and he was spoken to in the presence of his wife ——
3694. Were you there? No, sir.
3695. We only want to hear what you know. What do you know yourself of the case of Warder Hammett? I do not know anything; he only told me.
3696. You did not hear Small say anything wrong? No; but the papers are obtainable here.
3697. When was the occurrence? I think about twelve months ago.
3698. Where is Hammett? He is at Bathurst.
3699. What is he there? A warder.
3700. *Mr. Oatley.*] Have many of the prisoners complained to you of the treatment of Small, or of the warders? Not of personal violence.
3701. Never of gagging or spread-eagling? No.
3702. *Chairman.*] You must be aware that the position of a gaoler over an establishment of this kind is a very difficult one? I am aware of that.
3703. You must be aware also that the discipline must be severe and rigidly enforced? True. I told Mr. Fitzpatrick that Mr. Small was a useful officer under proper control. The fault I found with him was that his temper was ungovernable.
3704. But surely you must be aware that a man in the position of gaoler with an ungovernable temper is worse than useless. You must, on reflection, see that? It did not occur to me when I was speaking to the Colonial Secretary.
3705. *Mr. Oatley.*] You spoke of being in a dark cell on one occasion;—did you observe anything wrong there in regard to cleanliness or anything of that sort? No. There was a candle, but I only remained a few minutes.
3706. *Chairman.*] Have any of the prisoners complained to you of insufficient clothing? They have said that it was cold, but I supposed that was part of the punishment. I have always understood that one blanket was allowed in the dark cells.
3707. Who told you that? I cannot say.
3708. Who was your predecessor? Mr. Langley.
3709. For how long? Nearly two years.
3710. Do you know him? Yes.

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3711. Would you be surprised to learn that Mr. Langley is prepared to testify to Mr. Small's good character in his official capacity? I should be surprised.
3712. Do you know the Rev. Mr. Hassall? No.
3713. Do you know Mr. Dymock? I do.
3714. Has he ever made any complaints to you about Mr. Small in his official capacity? No.
3715. Do you know Mr. Wilshire, the Visiting Justice? Yes.
3716. Have you and he ever come into conflict with regard to your respective duties? Never.
3717. Do you think he discharges his duties efficiently as far as you can see? I do; if a prisoner is brought before the Visiting Justice charged with insolence, though he may have been provoked as some of them have told me that they have been, the Visiting Justice has nothing to do but commit him for punishment.
3718. Have not the prisoners a right to be heard before receiving punishment? Yes.
3719. Do you think his statements receive no consideration? I am only putting it in this way: If a prisoner considers he has been provoked to use certain language, and the question is put, "Did you use such language"? if he says that he was provoked, the provocation does not clear him.
3720. It may not clear him, but it extenuates the offence.
3721. *Mr. Voss.*] Have you been present when the Visiting Justice has been sitting? No.
3722. Then you do not know what his conduct is? No.
3723. *Chairman.*] Is there anything else you would like to state, because we wish to give you a full opportunity of saying everything you would like to say? No, sir.
3724. Apart from the personal bearing of the matter on Mr. Small's position, is there any suggestion in the direction of reform in the conduct of the gaol that you could make? Yes.
3725. What is it? Every prisoner receiving a sentence of three years and more comes here for the first nine months, and during that time he cannot write or receive letters. I found that my predecessor had been in the habit of writing on domestic matters only for some of the prisoners. I have never received any official authority on the subject, but I simply continued the practice of my predecessor. When I spoke on this subject to Mr. Maclean, he told me that no prisoner was to communicate with persons outside during his confinement here. I showed him one or two answers I had received to letters of mine, and he said such letters were not to be objected to. I have been in the habit of writing occasionally on domestic matters only, for prisoners. The practice of not allowing prisoners to communicate with their relatives bears hardest on first-convicted men. In one case, two of a prisoner's children died, and it did seem to me to be inhuman, and not at all the intention of the Government, to prevent communication in such a case. Very often the prisoners get very refractory from the knowledge that they cannot hear from their relatives. I have therefore been in the habit of writing for them, and I would suggest that permission to do that should be accorded to the Chaplain. So far as my knowledge goes it conduces more to the easy working of the gaol than any other thing here. I have frequently heard men say they might as well be dead as be kept here without hearing from their friends, and then they become irreclaimable. I have told them that I would inquire about their wives, and that has had the effect of reconciling them at once.
3726. Has any obstacle been thrown in your way by Mr. Maclean or by Mr. Small? Mr. Small has objected strongly.
3727. *Mr. Pinhey.*] Are your letters approved by the gaoler or by any of the authorities? No.
3728. Do the answers come to you? Yes, and they are communicated to the prisoners by me.
3729. Then the gaoler is kept in ignorance of the contents of these letters? I found it so, and it has never been objected to.
3730. *Chairman.*] You are made the medium of communication between the prisoners and their friends? Yes, on domestic matters only.
3731. *Mr. Voss.*] There could be no objection to that if the letters passed through the Comptroller's hands, but it is a dangerous practice to write letters and receive replies unless they go through the office of the Comptroller-General. Your successor might write letters and receive replies on very different subjects.
3732. *Chairman.*] Is that the only suggestion you can make? Yes.
3733. You have no difficulty in the respect you have mentioned with second-convicted men? No; the restriction upon communication with relatives has no effect upon second-convicted men. It only bears hardly on first-convicted men. I find in my experience that second-convicted men care nothing about their homes or the ties of kindred.

[A letter from Marcus Travers, Esq., J.P., enclosing testimonial in favor of Mr. Small was delivered to the President. (*Appendix* E.)]

Augustus Ernest, confinee in Berrima Gaol, called in, sworn, and examined:—

A. Ernest. 16 July, 1878.

3734. *Chairman.*] What is your name? Augustus Ernest.
3735. What sentence are you serving? Five years.
3736. For what offence? Indecent assault.
3737. Upon a female child? Yes, sir.
3738. Is that your first conviction? I was convicted before for an attempt at rape.
3739. Was that your only other conviction? Yes, sir; I have been eighteen years in the Colony, and I was never in any other trouble.
3740. When did you first come to Berrima? I was sent from Sydney to Berrima as a billet man about two years ago.
3741. How long did you remain? Seventeen months altogether.
3742. And when did you come under your present sentence? About a fortnight ago.
3743. During the time you were here first, were you subjected to any ill-treatment? Yes.
3744. Tell us what it was? When I came to Berrima first I was on the works, and I was ill-treated by all the officers, and then Mr. Small took me off the works and put me in his kitchen. I remained seven months there. Then I asked Mr. Small to shift me. I did not wish to stay in the kitchen because I had been in trouble, and I did not like to be among the women. He would not shift me, but said, "I am your master,

A. Ernest. 16 July, 1878.

master, and you must stay where I put you." He threatened to put my head on the stove. One day there was a row between Mrs. Small, the gaoler's wife, and me. I was washing the dishes with soap and soda, and a plate slipped out of my hand and broke. She accused me of breaking it on purpose.

3745. Was it quite accidental? I told her I could not help it, but she began to abuse me, and said I did it on purpose. Of course I got out of temper, and I said to Mr. Small, "I have asked you to shift me many times, and I won't do no more work for you if you don't shift me; I will take the separate treatment first." I never swore or used bad language, but I took my hat off my head and threw it down. Mrs. Small was out at the time, but when she came back she told Mr. Small all about the broken plate. So next morning I was locked up. That was on a Sunday morning, and the senior warder was kind enough to give me a Bible; but Mr. Small came and took it away from me, and I was two days in that light cell without any book to read. On the second or third day I was brought before the Magistrate, and got twenty-four hours dark cells. At that time it was very cold, and I was in the dark cells with only one blanket. When I came out they put me in one of the yards—a very cold yard in the winter—and I was not allowed to go to school. I remained in the yard nearly a month, and then I put my name down to see the Magistrate, to ask if I would be allowed to go to school. The Magistrate said, "Yes, you can go to school." So I went. Well, after that I was punished another time, but through my own fault. The priest happened to come one day when it was meal time, and when I was called some quick word slipped out of my mouth; but I apologized to him.

3746. What was it you said? I said "Oh! Damn the priest." I deserved the punishment, of course. A third time I was punished: As I was coming out of one of the wings I met a Chinaman, and he struck me on the breast. I never said a word to the Chinaman, but went into the cook-house. The gaoler called me out and I was locked up three days before seeing the Magistrate. On the third day Mr. Small called me and said, "There's a charge against you of spitting in the Chinaman's face." The chief warder was in the office at the time. I said, "I never did it; I never spoke to the man; if God was standing before me I could say no more." Mr. Small is a very impatient man, and he said, "Silence!" I said, "Well, Mr. Small, if I was brought before a lawyer and judge, I would be allowed to ask what I am punished for." "Silence! I tell you," he said. I said, "Well, Mr. Small, if you think I deserve to be punished, you can punish me, but I don't want to be punished without any cause." Then he got a gag and ordered the chief warder to get handcuffs. I stood in a corner without saying a word.

3747. Did he put the gag in your mouth? No, but he threatened. I was locked up again for three days and was brought before the Magistrate again. Three or four witnesses were called but not one of them could say that I used any bad language to the Chinaman. I was locked up for twelve days.

3748. In a dark cell? No, a light cell. After eleven days the gaoler came to see me. I had no clean clothes on me for seventeen days. He took me before the Magistrate again, but he could not bring any charge against me, so I was let off. That was the last time I was punished. The day before I was discharged from the gaol, I asked Mr. Small if he would allow me to go at 6 o'clock in the morning. He said, "If your money comes you can go, but if not, you must wait." Next morning I was discharged at 9 o'clock. I went to the Magistrate and asked him to be kind enough to alter my pass to the next day because it was too wet that day to walk to Nattai, but the Magistrate said "You have got plenty of time to walk." I saw there was no chance so I bought a plate and gave a little boy a shilling to carry it to the gaol gate; then I went to the priest and he gave me a letter to the Prisoners Aid Society in Sydney to get me a situation, and then I walked to the railway station at Nattai in the rain. I was quite stiff with the cold. After I arrived in Sydney I was laid up for nearly a week. When I got better I went to the Comptroller's office, and asked the clerk if I could see the Comptroller. The clerk said "Have you a letter from Mr. Small?" I said "No, but I have a letter from the priest." He said "That won't do; the Comptroller can't do anything for you." I was going to lay my complaint before him. Then I went to the Sheriff's office and a man there gave me some tickets to get my meals and bed for a week. I asked him would he go to the Prisoners Aid Society and get me a suit of clothes. I said I would pay for it when I got work, but he could not do that. Some other gentleman advised me to go to Mr. Driver. I went, and everything I laid before Mr. Driver I can lay before any gentleman. I told Mr. Driver how I how I had been served and how I had seen different men treated.

3749. When did you see Mr. Driver;—how long ago? A week or ten days before I was arrested this time.

3750. Did you tell him what you have told us now? I have told you about myself, but I told him also about other men.

3751. Did Mr. Driver get you a situation? No, sir. I told him I was willing to go before any gentlemen if any one denied what I said. I gave him my direction.

3752. Then nobody got you a situation until you got into trouble again? No, sir; my clothes were not fit to go before any proprietor.

3753. You were never gagged, were you? Never.

3754. And never spread-eagled? No, sir; but I saw a man gagged.

3755. Who was he? Cunningham. I saw him lying on the floor as I was going through the wing, with handcuffs behind his back. I saw him come out with the gag in his mouth, and blood coming out of his mouth. They dragged him away to the dark cells, gagged and handcuffed. That man was punished several times. At the time he was gagged I and another prisoner who is in separate treatment now—Davies—said it was a shame to treat a man like that. I said, "There's plenty of us to carry him."

3756. Why did he want carrying? I don't know whether he would walk or not.

3757. Would they not allow him to walk? He could not walk or he would not walk. We spoke about the shameful treatment, and said, "Why not carry him." Davies got punished for speaking.

3758. *Mr. Pinhey.*] Whom were you speaking to? The chief warder, Mr. Everett.

3759. *Chairman.*] Well, go on? I saw the man dragged out of the cells the same way to be tried. I saw him three times dragged that way.

3760. You do not know what he had done? No, sir.

3761. Is he in gaol now? Yes.

3762. Do you think he would wish to complain himself? Well, I don't know. Davies would like to see you.

3763. Have you anything else to say? We have a delegate every day to pass the meat. Sometimes there is too much bone, so that the men don't get proper weight. If we refuse to pass it we are locked up, and if we do pass it the prisoners get on to us.

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3764. That is when you are delegates? Yes.
3765. Then you do not like being elected to that office? No, sir.
3766. Well, is that all you have to say?

[The witness here entered upon a long statement, the effect of which was that he had saved the life of Major Bockley when that officer fell overboard from a transport ship, and that he considered himself entitled to some reward for that service.]

James Henry, *alias* Webster, *alias* Fuller, called in, sworn, and examined:—

J. Henry, *alias* Webster, *alias* Fuller. 16 July, 1878.

3767. *Chairman.*] What is your name? James Henry, *alias* Webster, *alias* Fuller.
3768. Did you take those other names yourself? Yes.
3769. What sentence are you serving? Three years hard labour in Goulburn Gaol.
3770. What for? False pretences by means of a cheque.
3771. Have you been convicted before? Yes, three times before.
3772. Have you ever been here before? Yes, I came in the year 1864 and left in 1866.
3773. Have you any complaints to make of ill-treatment while here? I have in reference to other prisoners.
3774. But have you never received any ill-treatment at the hands of Mr. Small or any of the warders? No.
3775. And you have no complaint to make so far as you yourself are concerned? No.
3776. What is it you wish to bring before us? I wish to bring before you these statements. [Witness exhibited two slates filled with pencil writing describing what he considered unjust treatment of himself in Braidwood Gaol.]
3777. We want you to tell us about Berrima Gaol? In the year 1864 I was occupied as wardsman in the gaol, on the bottom landing on the left-hand side as you go into the wing. One day the prisoners mutinied in the mess-room, and blocked up the door. They asked Small to allow them better rations than they were receiving, but he refused. Then they said they would not come out of the shed until they had seen the Sheriff. The Magistrate came and ordered the men out, but they would not come out until he gave them satisfaction that he would send for the Sheriff, Mr. Uhr. Small had them locked up in their cells, and a short time after, next day I think, they were called before the Magistrate, and asked the reason for their conduct. They told the Magistrate that the rations were not good enough for them to use, and that they had frequently complained to the gaoler before.
3778. Were you one of the men that mutinied? Yes; the Magistrate said we would have to put up with it until the Sheriff came. Small had several of the men confined at the time, and some of them burst their doors out.
3779. Were you one of them? No.
3780. Did you see them? I did after I was let out by Mr. Small. I saw a prisoner of the name of Slattery handcuffed, gagged, and spread-eagled, with bar-irons for a long time between his legs, and I saw him ill-used.
3781. Where were you? I was in the wing.
3782. *Mr. Oatley.*] Could you see this man Slattery in the cell? Yes.
3783. And he was spread-eagled you say? Yes, and handcuffed and gagged.
3784. *Chairman.*] How was he spread-eagled? With his two legs separated by the bar, and his two hands handcuffed. After that I saw him in the cell lying on a board with a strap across him and his two arms spread out in that condition (*extending his arms*), and the bar-irons on his legs.
3785. *Mr. Oatley.*] Can you say how long the gag was in his mouth? I can't say.
3786. *Mr. Voss.*] Do you know whether he had broken any chains? No.
3787. Had he had any irons on before this? No.
3788. Then the first irons he had on were these bar-irons? Yes.
3789. Was he noisy? Yes.
3790. Calling out? Yes, and pretending to be mad. He broke his cell-door open with his tub, and called Small names—a blackguard and a dog—and said he was not fit to be over the prisoners.
3791. *Chairman.*] Was he violent? No, but he was excited from the way he was used. He was afterwards taken to the hospital and a straight-jacket put on him.
3792. Was the doctor there? The doctor who was there at that time was a drunkard.
3793. Was he there? No, sir.
3794. Did the doctor order a straight-jacket to be put on him? I don't know sir; it was a canvas one.
3795. Do you know much of Slattery? I have known him about two years and a half.
3796. What kind of a conducted prisoner was he? I never knew anything wrong with him until this time.
3797. This was before the Bargo Brush affair? Yes, I was one of the unfortunate prisoners of that escort
3798. You were not tried? No, I assisted the police, and gave evidence against Crookwell. The Government proffered to do something for me, but they never did it. I left the Colony and was returned from Hong Kong by the Government.
3799. *Mr. Oatley.*] Were you exiled? No, sir; I served the whole of my sentence—seven years.
3800. *Mr. Voss.*] All that you have been describing occurred at the time of the mutiny? Yes.
3801. That was in 1864 when Mr. Uhr was Sheriff? Yes.
3802. *Chairman.*] Can you say that what was done to Slattery was not necessary to restrain him? No, sir; I don't think it was. I consider that confining him to the ring-bolts in the cell is quite sufficient to restrain any prisoner.
3803. *Mr. Voss.*] Would it stop his tongue? No.
3804. *Chairman.*] Do you think a man behaving like Slattery was ought to have been confined in the cells? Yes; but I don't think he ought to have been spread-eagled and gagged.
3805. What but gagging will stop a man from using bad language? The gag will cause a man to stop it, but it only makes him worse afterwards.
3806. Have you ever been gagged or spread-eagled? No.
3807. Have you ever seen anyone else gagged? I saw another prisoner.
3808. Since the mutiny have you seen any man gagged? No.
3809. Nor spread-eagled? No.
3810. Who was the other man you saw gagged? Lawrence Cummings.

J. Henry, *alias* Webster, *alias* Fuller. 16 July, 1878.

3811. Where is he now? He has gone to his liberty. I saw another man of the name of Bland gagged, and I saw him spread-eagled.
3812. What was he doing? Mutinizing—calling the gaoler names, and refusing to submit to his treatment,
3813. What was Cummings doing? He was the same. Small and the officers went in and ill-used him. knocking him down and causing him cuts on his head and face.
3814. *Mr. Oatley.*] Did you see it? Yes. After a time the flies blew in the sores and there were maggots in them. I was called in by one of the warders to clean up the cell, when the blood was on the floor, and I was then ordered out of the wing.
3815. *Chairman.*] Do you know who ill-used him? Mr. Hornby and Mr. Simpson.
3816. Where are they? Hornby is in Darlinghurst, and Simpson in Maitland, as far as I hear.
3817. *Mr. Oatley.*] And you say the sores were fly-blown? Yes; I saw them myself.
3818. *Chairman.*] Were the wounds afterwards dressed by the doctor or his assistant? I am not aware.
3819. When did Cummings go to his liberty do you know? In 1876. The last account I heard of him was that he was about Singleton or Scone.
3820. Is there anything else you want to tell us? Yes. A short time ago I wrote a letter to the Comptroller respecting the disposal of some property of mine. I handed it to the officer, who gave it to Small, who forwarded it to the Comptroller. The answer that came back for me Small kept in his office five or six weeks, and when I applied to him to write to the Comptroller again, he said it was no use, that he had not received any answer, though I knew that the answer was in the office.
3821. How did you know? Through the visiting clergyman, Mr. Dixon. He desired me to insist on writing another letter to the Comptroller. I did insist, but Mr. Small was not at home at the time, and the clerk then in the office came up, and in a very excited manner said I had received an answer from Mr. Small. Then Mr. Dixon stepped in and said I had had nothing of the sort. The answer was never read out to me until I went to Goulburn Gaol.
3822. Who was the clerk? Mr. Johnston.
3823. Do you know where he is now? I do not know, sir.
3824. Have you anything else to say? I wish to make an application in regard to my own case. I wish to ask the gentlemen of this inquiry on account of the services I have rendered the Government to bring my case before the Government.
3825. But you got into trouble again? I am likely to get into trouble if I remain in this Colony, because I have no friends nor means of support, and if I go for employment I am known, and cannot get any.
3826. How came you to be sent back from Hongkong? I shipped in November, 1874, and went to Hongkong, and the captain, seeing I was not very healthy, discharged me there. I could not get another ship, and then I tried to get into the Water Police, but could not. In Hongkong they won't allow any man to walk about the streets destitute; they take him up and send him to the place he comes from, and so they sent me back to Sydney. When I arrived in Sydney I was discharged. I was penniless and had no friends to assist me. I could get no employment, so I committed this offence.
3827. What name were you going by when you gave evidence against Crookwell and the others? I was going by the name of John Webster. The Comptroller promised that if I conducted myself well during this sentence, for two years and six months, he would bring my case before the Government. All the time I have been in this prison my conduct has been good. In no gaol was I ever brought before the Visiting Justice, except once in Braidwood Gaol.

WEDNESDAY, 17 JULY, 1878.

The Commission sat at Berrima Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D.,	JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P.,	HOULTON HARRIS VOSS, ESQ., J.P.

Alfred George Davies, confinee in Berrima Gaol, called in, sworn, and examined:—

A. G. Davies. 17 July, 1878.

3828. *Chairman.*] What is your name? Alfred George Davies.
3829. What sentence are you serving? Two years.
3830. For what offence? Forgery.
3831. Is that your first conviction? Yes, sir.
3832. In this colony or in any other place? Yes, I have been twenty-two years in this colony.
3833. And you have never been charged with any other offence? No, sir.
3834. Have you always gone by the same name? Yes, sir.
3835. When did you come to Berrima first? I came up here, I think, on the 25th of April, 1877.
3836. How came you to be sent to Berrima? The overseer here applied specially for somebody for his office.
3837. How do you know? I had information.
3838. Who gave it to you? I got it from the clerk in the overseer's office, at Darlinghurst.
3839. And you were sent down here to be clerk in the overseer's office? They do not call it clerk; it is assistant in the overseer's office.
3840. Had you clerical duties to discharge? Yes.
3841. Are you a good penman? Yes, sir, I write a very fair hand; I had a very good education at King's College, London.
3842. Were you brought up to any profession? When I went there first, my father intended that I should enter the medical profession, but he withdrew me afterwards and took me into his business. He was a coal merchant in London.
3843. You did not come to the gaol for any offence or for any misconduct? Quite the other way. I was specially selected to come here. The overseer, I believe, applied for a party that was quiet and adapted for the situation.

A. G. Davies. 17 July, 1878.

3844. How long had you been in Darlinghurst? Two months after sentence, but I was five or six weeks in the committal yard previous to that; I was in the bookbinders' shop there.
3845. You were never punished for misconduct in Darlinghurst? No.
3846. Since you have been here have you experienced anything that you complain of as ill-treatment or injustice? Well, the first thing I noticed when I came up—may I speak generally?
3847. No; we desire you to speak as specifically as you can, because other persons are involved in this? I noticed that there was very much dissimilarity in the treatment of prisoners. There are about four classes of prisoners here; they rank as noblemen, gentry, tradesmen, and serfs, to my mind.
3848. Will you tell us, a little more specifically, what you mean by that? Well, there are two parties in the schoolroom here; one is supposed to be a bookbinder, and the other, when I first came here, was acting prisoners' clerk. We are not supposed to have a prisoners' clerk, but he always acted in that capacity and no other.
3849. What are their names? Cheeseborough and Beresford.
3850. Yes. Have you anything to say with reference to them? The warders were frightened to say anything to them, because they had the ear of the gaoler, and were allowed, in fact, to do almost as they pleased. They had no overseer to see what they were doing at any time.
3851. You think they were treated with improper partiality? Yes.
3852. Not on account of their being exceptionally well-behaved prisoners? Not that I wish to say that they were badly-behaved prisoners by any means.
3853. But you complain of it as an instance of favoritism on the part of the gaoler? Yes.
3854. Are those the prisoners you rank as noblemen in your different grades? Yes; they would march up and down here, away from other prisoners, and go on as they pleased.
3855. Did they ever do anything wrong that you are aware of? No; Cheeseborough is here now, and he is a very well-conducted young man, I believe.
3856. And Beresford? He left about a month after I came here; he left in May, just after the Queen's Birthday.
3857. Does that dispose of the noblemen? Yes.
3858. Who are the others? The gentry are the servants of the officers, such as the cook, the gardener, the groom, and the barber. The barber had the gaoler's ear, and used to pour in anything that he pleased. He used to boast that his word would be taken before a warder's at any time.
3859. What was his name? Terry.
3860. Where is he now? He is here now, but he is going out shortly, I believe.
3861. Did he ever do anything wrong that you are aware of? I have reason to believe ——
3862. Do not say you have reason to believe; tell us only what you know. I don't know that he did anything wrong except carry yarns to the gaoler about me.
3863. Does that exhaust the gentry of the gaol? Yes, I think so.
3864. Well who are the tradesmen? They are in the shop below.
3865. Working at different trades? Yes, shoemaking, and carpentering, and other things.
3866. Are they treated better than the circumstances of their case ought to permit? It always appeared to me to be so, for whatever they did they never got into trouble. I know that when I was in the overseer's office the shoemakers used to want me to give them shoe leather to do what is called "cross work," mending the gaoler's children's shoes. That is what they call working "on the cross."
3867. That is a term well understood in the gaol I suppose—"on the cross"? Yes, it is well understood by both officers and men.
3868. Can you specify any instance in which men have asked you to do cross work? I cannot mention any special time.
3869. Have you on any occasion given them leather contrary to the regulations? No, I have refused, and have thereby incurred the dislike of some of them.
3870. I suppose you class the rest of the men in gaol as the serfs? The serfs are the men down in this corner place (*pointing to a part of the gaol yard where several prisoners were employed*).
3871. Not the men in separate treatment? No, the men on the works.
3872. Then your four grades are confined to the men who are not in separate treatment? Yes.
3873. What do you call the men in separate treatment? Of course I do not know anything about them, except that I have been there the last six weeks.
3874. You do not take account of them? No.
3875. Have you been punished for any misconduct while you have been here? Yes, very severely.
3876. How often? Two or three times. Three times I think.
3877. Were you guilty of the offences laid to your charge? No, I was not sir.
3878. Not on any occasion? No, sir.
3879. Tell us anything you complain of in the shape of injustice? In the first place I ought to mention that there had been some unpleasantness—I have received this information since I have been here, from officers and prisoners—some unpleasantness had taken place between the overseer and the gaoler.
3880. Who is the overseer? Mr. Herbert. Previously to this, Mr. Herbert had always had a prisoner recommended to him by the gaoler, I think, for the position I was to occupy. This did not satisfy the overseer, so he applied to the Comptroller for a special servant of his own; consequently, I believe I came up here prejudiced in the eyes of the gaoler.
3881. *Mr. Oatley.*] You were the person sent for? Yes, and I believe I was specially prejudiced in the eyes of the gaoler.
3882. *Chairman.*] Apart from the person chosen you think he was prejudiced? Yes. He has always been considered as the king of Berrima, as he has been heard to say.
3883. Well? Other prisoners when they are holding the position I held are allowed to be in the shop, or in the schoolroom, where there is always a fire in the winter time. A prisoner in that capacity has a great deal of time on his hands, and has not to be in the yard when he is waiting and so forth, and I thought that I was treated differently at once from anybody else who had held the same position.
3884. Yes? But, however, I will go on to when I was punished. The Comptroller came up here in July, 1877, and I then made a complaint to him about the blankets and the way in which prisoners were served with bedding. When they first come up here, it is usual to put them in the bottom cells, and they are given blankets that have come from other men, without having been aired—it is not so now—or perhaps washed

for

A. G. Davies. 17 July, 1878.

for years, with semen stains and everything on them. Then they remove you from there to cells that are boarded. In a month or six weeks I passed through three cells, some of them in a filthy state. This matter another prisoner of the name of Cochrane brought before the Magistrate, but there was no notice taken of it. Seeing that Cochrane's complaint had been taken no notice of I reported the matter to the Comptroller. When I came into the office to make my complaint, to my great surprise the first thing that the gaoler did was to turn round upon me very fiercely and say, "This prisoner has been reported to me this morning by my cook, Read, for using the most filthy language in the cell at night." This was the first time I had heard of such a thing, and I wished to have the matter inquired into at once, but it was not allowed.

3885. Supposing Read to have made such a statement, was it true? It was perfectly false, and Read, in the presence of Cheeseborough and another man named Gray, went down on his bended knees in the cell and took his God to witness that he never made use of such words. I believe that he did not say it to Mr. Small, but that he did to Mrs. Small, who told it to her husband. When I came before the Comptroller that was the first thing the gaoler said to damage me in his eyes. If Read had made such a statement why was I not brought up before for it?

3886. Well, what came of it? I spoke about the blankets, and of course the matter was rectified.

3887. Have you found the Comptroller generally willing to listen to the just complaints of prisoners? That is the only occasion I have seen him here—twelve months ago. I wish he were here much oftener, and then matters would go on better. He has only been here once during the fifteen months I have been here.

3888. How often does the Visiting Justice come? I don't know when he comes. He may come at any time. He comes when he is required.

3889. Does he not come at least once a week? I cannot say as to that.

3890. Have you found him willing to listen to just complaints? I found him greatly prejudiced against me. He and the gaoler are both extremely prejudiced against me. They seemed to be annoyed and aggrieved that I should have made that complaint to the Comptroller. But what was the use of making the complaint to them when no notice had already been taken of it.

3891. In what way have Mr. Small and the Visiting Justice shown that they are aggrieved as you say? A few days after I had complained to the Comptroller I had occasion to go to the shop to see if the men wanted anything. The bell used to ring for work, I think, about 8 o'clock in the morning. The overseer had not then come into the gaol. I went down to the shop as usual. Mr. Small, who was standing at the gate, saw me and followed me down and said, "What are you doing here?" I told him, and I said also that I had been allowed by the senior warder, Mr. Brayne, to go into the shop at any time that I was not with the overseer. He ordered me out of the shop in a most over-bearing way, abusing me all the way, and trying to cause me to do something which would be an act of insubordination, but I made no reply. A few hours after the Magistrate came in, and I went to the chief officer and requested to be allowed to see him.

3892. Who is the chief officer? Mr. Everett.

3893. The chief warder? Yes, the chief warder.

3894. Have you ever been a seafaring man? No, but I have been at sea a good deal—to New Zealand, and travelling.

3895. Only as a traveller: not in any capacity of service? No, I was in business in Auckland, in a large hotel.

3896. Well, proceed? I came in here and made my complaint to the Magistrate; and Mr. Small, in rather a violent way, stated that I was doing this, that, and the other; that I was standing there holding forth to the men, and keeping them idle; in fact, making statements that were utterly false.

3897. *Mr. Pinhey.*] Let us know what he said? I cannot give you the words.

3898. *Chairman.*] But the substance of it was that you were agitating the men to discontent? Just so.

3899. Had you been doing anything of the kind? No, sir.

3900. Had you been giving yourself airs at all? No, sir. I wished to bring witnesses to prove it, but I was not allowed.

3901. Well, finish your story? That was it.

3902. What was the result of the investigation before the Magistrate? The Magistrate told me that I had no right whatever in the shop. I told him that Mr. Brayne had told me to go in there whenever I was not required in the overseer's place. Mr. Brayne was sent for, but he appeared to be very much frightened, and he said, "No, I have no authority to give any order of that kind." I said, "But you did so." Well, he said, he did not remember.

3903. When was this? The Comptroller came here last July, and this must have been about the end of July or the beginning of August. It was within a week or ten days of the Comptroller's visit.

3904. Mr. Brayne did not positively contradict your statement? No, he said he did not recollect. I wished then to have Mr. O'Hara, a warder, sent for, but was not allowed. I went into the shop on one occasion and remained there. O'Hara said, "You have no business here." I said, "Oh, yes I have; Mr. Brayne told me to come here whenever I was not wanted in the overseer's place." He sent a prisoner for Brayne, and asked him the question. Mr. Brayne said, "Oh, yes; when he is not wanted in the overseer's place he is to come here."

3905. And you wanted to call O'Hara to give this evidence, but were not allowed? Yes; nor was I allowed to produce the warder who was on duty in the shop that morning, or any of the prisoners who were there, to prove my statement. I suppose the Magistrate was afraid I would prove that what the gaoler had said was false. The Magistrate turned round to me very sharply, and said that I was in a very comfortable billet, that I had better take care of myself or he would put me out of it, and that I would have to go into separate treatment if I did not take care.

3906. Was that all the satisfaction you got? Yes.

3907. And that was the end of the case? Yes.

3908. What is the next thing of which you have to complain? Up to the time that the Comptroller came here I had been allowed to go into the schoolroom to do writing for the overseer, when he was away out of his office.

3909. Is Mr. Herbert the overseer? Yes, he is a very old officer, and one of the best. He has been here fourteen or fifteen years. The afternoon after I made my statement to the Comptroller, Mr. Small went out and gave strict orders to the warder on the post that anyone going into the schoolroom should be locked up.

3910.

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3910. Did you hear him? No, but I heard it from the officer on the post. I did not attempt to go near the schoolroom, because I imagined something of the kind myself, without hearing that. The cook, Read, went in there and he was cautioned; but he went in again and the officer on that post detained him and sent for Mr. Brayne to have him locked up. Mr. Brayne came down, and Read was sent into the kitchen again.
3911. Were you there? No, sir, but I know.
3912. Then nearly all these things have been reported to you from various sources. We wish you to confine yourself to things that you know, because you are on your oath. You are telling us things that have not been told on oath? I know it is a fact, because Read told me himself.
3913. That is supposing he told the truth? Well, there is Warder O'Hara, who can substantiate it. Perhaps it would be as well not to say anything more about that case. It seems to me to indicate favouritism, especially as Read went about the gaol boasting that Mr. Brayne was afraid to lock him up, and that it was as much as O'Hara's billet was worth to do it.
3914. Have you anything else to say? The next thing I have to complain of—but I am afraid I am wearying you;—the next thing is about the rations. In the shed there my rations and those of another prisoner used to be sent conjointly—his and mine together. In Darlinghurst Gaol there is a delegate who sees the quality of the rations that come in, sees them cooked, and sees that each man gets his rightful portion of them.
3915. *Mr. Pinhey.*] Who selects or appoints this delegate? It is supposed to be taken in turn by each prisoner.
3916. *Chairman.*] Like a magisterial roster? Yes, sir. In Darlinghurst this same delegate remains in the cook-house all day to see the rations cooked and served out. Here it is not so. A prisoner is called in the morning and he sees the meat weighed, that is all. His duty as delegate is supposed to be done then. The butcher is supposed to bring a hind quarter one day and a fore-quarter the next. I have known it for weeks and months to be nothing but a portion of the fore-quarter, and that has always contained the leg and the whole of the neck, which contains by far the greater portion of the bone in the beast.
3917. The contractor is paid by weight? Yes, sir. Well, there being no delegate in the cook-house it was left entirely to the prisoners' cooks. There was no warder to see the meat weighed out to each prisoner either in separate or ordinary treatment. I believe they found great difficulty in making the meat go round with the large quantity of bone in it, so they served out the meat and the bone together. On one occasion dinner came down to me and my fellow prisoner who shared with me. We were allowed a pound of meat and bone, but there was an immense quantity of bone on this particular day. I was urged by the complaints of others, and I went with the plate containing the rations for two of us to the chief warder and got him to weigh the rations with the bone cut out. He did so, and there were six ounces of meat between the two of us.
3918. *Mr. Oatley.*] And how much ought there to have been? There was a pound of meat allowed, with bone, but something must be allowed for the waste in cooking. I think ten ounces are allowed now, but the meat is weighed without the bone. Ten ounces of cooked meat are allowed now, I think; so at that rate there should have been twenty ounces of meat between us, but instead of that there were only six ounces.
3919. *Mr. Pinhey.*] We distinctly understand you to say that there were only six ounces of meat between you? Yes, six ounces on the one dish containing our two portions. I believe there was also a small piece of heart, which had no right to be there at all. This had been going on for some time.
3920. State how long? Better than two months—about three months. I thought it was a proper matter to bring before the gaoler's notice.
3921. Did you do so? I did.
3922. *Chairman.*] Well, what was the result? The gaoler was sitting in his chair when I came in. I told him that I complained, not only for myself, but that I had been asked to do so by the men in the shed,—what I call the serfs. He said, "You are always making complaints." (This was the first complaint I had made to him.) "Why is it that nobody else comes to make complaints but you?" I said, "I can't say anything about that; I know that this happened to myself and others." He said, "That will do; I don't want to hear any more; go on." He was in a very excited state, and rather excited me—naturally. I said, "Will you be kind enough to put my name down to see the Magistrate?" Then he turned round to the chief warder, Mr. Everett, and said, "Lock him up."
3923. When was that? I cannot exactly give you the date for it.
3924. How long after the Comptroller-General's visit? Six weeks or a couple of months, I should think.
3925. Were you locked up? I was.
3926. For how long? A day or two before being brought before the Magistrate.
3927. On what charge were you brought before the Magistrate? I almost forget what the charge was, whether it was insolence or not I can't say.
3928. What was the result of the investigation before the Visiting Justice? He said the charge was proved, but that he would let me off, and told me to go to my duty again.
3929. Had you been guilty of any insolence in language or manner? I certainly got a little excited, but it was by the gaoler's tone and manner. I went to him with the full determination of speaking quietly, and pointing out what was wrong, without the slightest idea of committing myself.
3930. And you thought that if the gaoler got excited and lost his temper a prisoner could do the same. Do you not know that "That in the captain's but a choleric word, which in the soldier is flat blasphemy"? I have heard that, sir.
3931. Were you punished? After the Magistrate had told me that he would let me off, he turned round in his chair and said, "Although I told you I would let you off, I will change my mind and give you forty-eight hours in your cell," which involves four days at the end of my time.
3932. Four days deprivation of remission? Yes, sir.
3933. And you were not guilty of any offence at all? No, sir.
3934. Were you guilty of any impertinence or insolence before the Magistrate? No, sir. Everett, in taking me across to the wing, made the remark, "I think he misunderstood what you said," and I said, "Then why didn't you represent it to the Magistrate"?
3935. He thought the Magistrate misunderstood you? Yes.
3936. Then he punished you for something he thought improper in your conduct while the charge was being investigated? He told me twice that he would discharge me and let me go back to my work. He gave me a bit of a lecture, and I told him I always tried to do the best I could. It was then he said he would change his mind.

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3937. Mr. Wilshire was the Magistrate, was he not? Yes, sir.
3938. *Mr. Oatley.*] Was that the first time you were punished? Yes.
3939. *Chairman.*] Were you sentenced to the dark cells? No, solitary confinement in a light cell.
3940. What sort of a flooring was there? A stone floor. They never lock any of the men on the works in the top cells. It was on the bottom. The top cells are only used for the men in separate treatment, and for the men on the works to sleep in at night.
3941. *Mr. Oatley.*] Had you the usual quantity of bedding? Yes. During the time I was locked up I asked the senior warder for a Bible; he told me that he could not give it to me—that the gaoler had taken the Bible away from a prisoner shortly before, and had given orders that it was not to be allowed.
3942. What do you mean, that the Bible was to be taken away from all prisoners in solitary confinement? Yes.
3943. *Chairman.*] That is what Brayne told you? Yes. The gaoler came round and I asked him if I could have one, as the rules allowed, and he said, "Certainly not." On another occasion when I asked him, he threatened to have me punished for asking him.
3944. That was during the same confinement? Yes.
3945. Well, what is the next thing you have to complain of? When I was locked up that time I had not been properly searched, but some tobacco and a pipe and matches were left on me, and I made use of them. The gaoler came round and smelt the tobacco smoke in the cell. He asked me if I had been smoking, and I said yes, and handed him the articles. That, of course, was a breach of the regulations, though it was their place to have taken the things from me.
3946. You did not improperly procure them? I had a slit in my coat here which contained the pipe and tobacco.
3947. It was not an ordinary pocket into which a man would look? No, although it was the only one I had.
3948. And you did not think of suggesting that the things were there? No, I did not think of them. I would have given them up if I had been asked.
3949. But having them there in your solitary confinement, though you knew it was a breach of the regulations, you yielded to the temptation and smoked? Yes.
3950. What happened? I was brought before the Magistrate and got forty-eight hours dark cells.
3951. *Mr. Oatley.*] Was this in winter or summer? About the end of September or the beginning of October.
3952. *Chairman.*] Yes? When I was in the dark cell I was only allowed one blanket. In Darlinghurst and Parramatta a prisoner is allowed the whole of his bedding.
3953. How often were you in the dark cells in Darlinghurst and Parramatta? Never; but I know that is so from the officers and prisoners.
3954. What size was the blanket you had? The ordinary size, but much older and thinner than usual.
3955. Was it sufficient to keep you warm? No, sir, it was not.
3956. Did you suffer much from the cold? I suffered very much from the cold, and from having nothing to put on my head.
3957. What food did you get? I don't know how many ounces of bread, but that was all I got, except water.
3958. Were you allowed your socks? I was allowed my socks.
3959. Were you allowed your comforter? No.
3960. Had you your gray prison clothing? I had just my ordinary clothing.
3961. Is that warm clothing? Yes, but I had not a blue shirt at that time.
3962. Is that the last occasion on which you were punished? No, it was the second.
3963. When was the next occasion? I had some difficulty in calling to mind the circumstances myself, but there is a prisoner here named Cunningham, who happened to come up from Parramatta in the same train with me. He was coming up for punishment, and the sergeant in charge said he was afraid Cunningham would suffer very much up here, and have to go through a great deal, because he had heard, or knew, I am not sure which, that he had been treated for insanity previous to his ever being convicted. He was on several occasions brought over here and punished. One time, I know, he had been gagged, and I saw him spitting out blood all across the yard. I saw him myself in the office gagged. The particular instance I am speaking of now has to do with the occasion on which I was punished, and that is why I am referring to it. He was brought over here before the Magistrate by the chief warder and senior warder, handcuffed behind his back.
3964. By Everett and Brayne? Yes. He was dragged from his cell and across the yard to the office, and then dragged back again and down the steps leading to the dark cells. Those are marble steps, and his body was bumping down them as he was being dragged by Everett and Brayne.
3965. Did you accompany him from his cell to the office and back again? No, but I could see from a window. I ought to have mentioned, perhaps, before, that when I was sent to the dark cells the Magistrate told me that he would put me out of the overseer's place, and he did so, not through any fault that the overseer found with me. I was removed from that billet and made a wardsman, and having charge of a part of the gaol just facing the office, I could see right across to the office.
3966. And you saw all this that you have stated? Yes.
3967. Whether Cunningham had been guilty of any insubordination or not you do not know? I have no doubt that he had, but I question the state of his mind.
3968. *Mr. Oatley.*] Was the gag in his mouth at this time? On that occasion when I was punished he was not gagged at all.
3969. *Chairman.*] Not when he was dragged by Everett and Brayne? No, not on that occasion.
3970. When was that? I think it must have been in January or December last.
3971. Very well, how came you to be punished? I was coming out of the wing while Everett and Brayne were dragging Cunningham in this manner. I sang out to them, "Be careful what you are doing to that man; don't treat him in that way; there are plenty of men to carry him"; and I went away. Other prisoners were there making remarks at the same time, but I was the only one who spoke loud enough for the officers to hear.
3972. Who were the other prisoners? Terry was one, and a coloured man named Augustus Ernest, and other prisoners who have left the gaol. I went away intending to report the matter to the Magistrate.
3973. Was Small present? No, he was away at the time. The chief warder was acting gaoler.

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3974. Well? I was brought before the Magistrate, charged with this offence, and the Magistrate appeared to me to put the words into Everett's mouth that I was trying to incite the prisoners to mutiny. He asked me what defence I had to make, and I told him about the brutal treatment that I considered Cunningham was undergoing, especially after hearing from the sergeant that he was insane.
3975. You said that to Mr. Wilshire? Yes, that the sergeant had known the prisoner to be treated for insanity.
3976. And you gave that as a reason why you thought it especially brutal? Yes. Mr. Wilshire gave me four days dark cells.
3977. Did the officers deny that they had treated Cunningham as you had stated? Their evidence was that they had partly dragged and partly carried him.
3978. Did they state at all whether he was violent, and whether they used no more force than was necessary? No, sir, he was perfectly quiescent.
3979. Were they examined on oath? Yes.
3980. You were not, I suppose? No.
3981. Did you call any witnesses, or suggest the names of Terry and Ernest? No.
3982. Why? It appeared to me that I would only be making my case worse in the Magistrate's eyes. They seemed to make it out that the presence of the other prisoners made the crime greater. The overseer, Mr. Herbert, was present at the top and saw it all.
3983. Did you ask them to call Mr. Herbert? I did not think of him. I was rather taken aback at the time.
3984. Did Mr. Wilshire in any way prevent you from calling witnesses in your defence, or from stating anything you had to say in your defence? No, sir; he did not on that occasion. I could have called evidence if I had wished.
3985. Well, did you endure the four days dark cells? Yes.
3986. On that occasion had you the same insufficient clothing? Yes, and only the same food; I was very ill.
3987. Is that the last time you suffered punishment in this gaol? No, sir.
3988. Were you ill in consequence of the imprisonment? I was ill when I was in the dark cells; but I ought to mention that upon none of these occasions when I was locked up did the doctor ever visit me.
3989. Did you ask to see him? No; I believe the practice in Darlinghurst is to visit every man who is locked up.
3990. In the dark cells? In the dark cells, or any other place.
3991. *Mr. Pinhey.*] What was the matter with you? I cannot say what it was. I suppose it was want of food and proper clothing, and want of sleep. The constrained position I was in caused my neck to become stiff.
3992. *Chairman.*] Could you take your natural rest in the cell? Oh! no.
3993. What caused you to be in a strained position. There was a tub in the cell, and I used to sit on it so as to be off the floor, and the stooping position caused my neck to become stiff. After I came out I put my name down to see the doctor, and he came that day or the next.
3994. Had you a stiff neck when you came out of the cell? Yes; it was very painful; there was a burning here from the top of the spine.
3995. Did you complain to the doctor of that? Yes.
3996. Did he treat you? Yes, he put a fly-blister on. I was also very bad in my inside; I could not keep anything on my stomach.
3997. Had you diarrhœa or extreme costiveness? I had neither one nor the other. Sometimes I was exceedingly loose, and at other times I was costive.
3998. *Mr. Pinhey.*] Were you treated for that costiveness and looseness you speak of? Yes, I suppose I was. I wish you to understand that the doctor was very irregular in his attendance. He was sometimes one or two days without coming at all.
3999. *Chairman.*] Who was the doctor? The present doctor—I forget his name.
4000. Dr. Lambert? Yes. I was a day or two out of the dark cell before I could see him, although I had put my name down.
4001. Can you see anything in the dark cells at all? After you have been there a while you can just see a glimmer.
4002. Can you see your hand before you? Sometimes when the sun is high you can.
4003. When was the next time you were punished, if you were punished again? That involves the punishment I am now undergoing. On Sunday, the 12th of June, I was called as a delegate. I went down to the scales on which the meat is weighed and they put on four fore-quarters of mutton. We are allowed mutton once a week. There had been great complaints through the gaol that fore-quarters of mutton always came in. Sometimes it was very good, but at other times it was such mutton as you could see through. But there were great complaints about the fore-quarters, because there was so much bone that we could not get our proper allowance of meat. I objected to these four fore-quarters, and said there ought to be as many hind-quarters as fore-quarters, and I refused to pass it. Mr. Brayne reported me to the gaoler, and when he came I told him my reason for objecting. He said, "Do you know I have no necessity to have you here at all?" I told him I had no wish to be there as delegate. He said, "Are you aware that I can pass it myself without you at all?" I said, "Very well, I will go back to my work," and walked away. He called me back, and I had partially returned when he told Mr. Brayne to lock me up for insolence. I was locked up then from the 12th of June till the morning of the 19th, without being brought before any Magistrate. At this time Mr. Wilshire was in Sydney. I should mention that there are other Magistrates here, some of whom had been in the gaol during this period, but I was not brought before anybody. On the seventh day I was taken out of my cell and put into what is called the stone yards, where prisoners who have done their separate treatment are kept waiting to be sent to Parramatta and other gaols. Before being put there I asked the chief warder to have me taken before the gaoler in the office. He said the gaoler was busy at the time, but he would send him round to me. He came round shortly after, and I asked him why I had been put into the stone yards, as the proper course was to take me before the Magistrate, or to be taken into the office, and if not dealt with to be discharged. He said that he had made another charge against me since I was locked up, of trying to incite prisoners to insubordination. This was the first time I had heard of this charge.

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4004. *Mr. Oatley.*] Had you done so? No; he made another statement also, that the wardsmen, in a body, had come to him and requested my removal from the yard. He said, "I may as well tell you that I am determined that you shall not go back into the yard again." That meant to ordinary treatment. This was, in fact, putting me into special treatment without any other authority than his own. I remained in the stone yards from the Saturday when I was put there until the following Thursday afternoon. I was then brought before the Magistrate on the two charges; the Magistrate said the charge of insolence was a very slight affair, and that he would only give me twenty-four hours "solitary," although I had been in the closest confinement for seven days, during which period I was not even allowed exercise. On the second charge, he said he would recommend me for separate treatment. When I was before the Magistrate on this charge of inciting prisoners to insubordination, Mr. Small made no statement of what he knew himself, neither did he bring any officer to uphold the charge, but he called firstly a prisoner of the name of Appleton or Appleby. He said he had nothing to say. Small said, "Didn't you tell my cook that this prisoner had said this, that, and the other about me?" "Well," he said, "yes, I did mention something of the kind to Billy Mowles." In my cross-examination I asked Appleton if he had made any direct complaint to Mr. Small, and he said, "No." I said, "Did Mr. Small come to you and ask you questions?" He said, "Yes." I said, "What did you say?" He said, "I told him I did not wish to make any complaints."

4005. *Chairman.*] Well, that was the first witness? The second was a prisoner of the name of Dilk. He said some unpleasantness had taken place before, but that he had made no statement to Mr. Small, except some months previously. This Dilk is now his gardener and ostler. Some other prisoners were brought forward, and they made different statements, none of which substantiated one another. I called upon several prisoners who were acting in the same capacity as myself and they each and every one of them said they had never known me to do or to say anything to cause any prisoner to commit an act of insubordination. I did the twenty-four hours solitary, and afterwards, instead of going back on the works as I expected—there having been no time for an order to come from the Comptroller to place me in separate treatment—I was put into separate treatment. I was told by the chief warder that it was done by the order of the Magistrate. Nine days afterwards the Magistrate read to me a minute from the Comptroller stating that he so far approved of what had been done, but that he would investigate the matter himself when he came up here next. He has not been up here since then, and, of course, I am still undergoing the punishment.

4006. *Mr. Oatley.*] Do you remember the date of the minute sent from the Comptroller-General? No, sir; only a portion of it was read to me.

4007. *Chairman.*] Are you sure it was June—was it not May? Yes, it must have been May. My head has not been the best since I have been in "separate;" I find it affects me a good deal.

4008. Since May 19th you have been in separate treatment? No, not from the 19th, I was put into the stone yards on the 19th of May.

4009. When was it then? Four or five days afterwards. I was put into "special" for no definite period as is usual. (*The gaol punishment book, and a similar book kept by Senior-warder Brayne, produced.*)

4010. The entry here is: "Alfred George Davies; insolence to gaoler; pleads not guilty; found guilty; twenty-four hours solitary." That seems to have been on the 31st of May. Was the charge heard on the 31st of May; you say it was on the 12th of May that you were charged with something, and that you were locked up seven days without being brought before the Magistrate; then you say that on the 19th you were put into the "special" yards and kept there until the Thursday afternoon following. That would bring it to the 24th or 25th? Yes, sir, something like that I think.

4011. The 12th of May was on a Sunday; the 19th of May was the next Sunday? Well, it must have been the 18th when I was put into the "special" yards, because it was a Saturday.

4012. Then you say that on the following Thursday, which would be the 23rd, you were brought before Mr. Wilshire? It is possible that it might have been a week later, but I don't think so.

4013. The entry in the punishment book is that you were locked up on the 31st of May? I was locked up before then.

4014. But under the sentence? I was sentenced previously to that.

4015. Well, the entry in Brayne's book is this: "Alfred Davies; insolence to gaoler; sentence, twenty-four hours solitary; locked up ten minutes to 4 p.m., 31st May; let out ten minutes to 4 p.m., June 1st"? I was not let out at all; I was kept in separate treatment in the same cell.

4016. Then the next entry is: "May 31st, Alfred George Davies, inciting his fellow prisoners to disobedience, &c., recommended to separate treatment"? Both those charges were taken on the same day.

4017. So it is here; both were heard on the 31st of May. The probability is that these entries are correct. There can be no object in falsifying the dates. There are two books which agree; one signed by the Magistrate, and one by Brayne, to note his duty as to the particular minute when you are locked up and when you are released? It may possibly have been a week later than I stated. It may have been the 19th when I was first locked up, but I was fully under the impression that it was on the 12th.

4018. Your complaint is that you were recommended for separate treatment without cause; that the offence was not proved against you in the first place, and that the Magistrate had no right to do it without the authority of the Comptroller-General; that although you were only recommended for it, you were placed in separate treatment pending the confirmation of the Comptroller-General; that that confirmation arrived and was communicated to you nine days afterwards, and that you have been kept in separate treatment ever since? Yes.

4019. Is that what you have to complain of in regard to that matter? My being put into the stone yards was done without my being brought before the Magistrate. The gaoler, it appeared to me, had no authority to do so. The Visiting Justice was away at the time, but there were other Magistrates whom I could have been brought before.

Senior-warder Brayne was here called in and examined:—

Senior-warder Brayne. 17 July, 1878.

4020. *Chairman.*] Is there any entry made as to the time prisoners are locked up before being brought before the Magistrate? No, sir; not in that book. (*Indicating the book kept by himself.*)

4021. Is there any book? Such a book was kept until about four years ago, when it was stopped. Within the last few months it has been taken up again. I cannot remember when, but I can get the book. (*Book produced.*)

4022.

Senior-warder Brayne. 17 July, 1878.

4022. It appears from this that no book has been kept from October 26th, 1874, till June 21st, 1878, showing when men have been locked up on the order of the gaoler alone, and how long they have been kept in confinement? None whatever, sir.
4023. And there is no entry in any book in the gaol showing that? Not that I am aware of.
4024. So that a prisoner may be locked up for seven days in a dark cell without any entry being made of it? No, sir; in his own cell.
4025. Not taken to exercise? No, sir.
4026. And kept in his cell, waiting to be brought before the Magistrate? Yes, sir.
4027. And there is no entry of it whatever in any book in the gaol? No, sir.
4028. Do you say that there is no instance of a man's being locked up in a dark cell without being brought before the Magistrate? There is not, sir; certainly not. I would like to call your attention to the regulations, which give the gaoler power to lock a man up for seven days.

Alfred George Davies further examined:—

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4029. *Chairman.*] Well, have you told us everything you wish to tell us now? The gaoler told the Magistrate that he had placed me in the stone yards, and that he had written to the Comptroller stating the circumstances. I did not hear of any reply from the Comptroller stating whether he sanctioned it or not. In fact, both as regards my being put into "special" treatment and "separate" treatment, an injustice was done by the gaoler and the Magistrate.
4030. Are you in separate treatment now? Yes.
4031. Not allowed to associate with any other prisoner? No, sir; and I have only one hour a day exercise. In fact, I don't know whether it is legal or not to place me in separate treatment, because my sentence does not come under the rules. I have been punished for every supposed offence, and I shall be still further punished unless I can bring forward something to advance me in the eyes of the Comptroller. My conduct has never been bad. Mr. Herbert and Mr. Flynn, who are now in Darlinghurst, always spoke well of me.
4032. Now, I will read to you the entries which appear against you in the Visiting Justice's punishment book during the time you have been here, and I want you to tell me whether they are correct or not. What do you fix yourself as being the first time you were punished, as near as you can remember; you say it was six weeks or two months after the visit of the Comptroller-General, when the gaoler said, you are always making complaints"? Yes, I think it must have been in September or October, 1877.
4033. The first entry against you is dated the 24th of August? That will be it.
4034. "Charge made, August 22nd; Alfred George Davies, two years, disobedience of orders; witness, R. Flynn; admonished and discharged; signed by the Visiting Justice; date of sentence, the 24th of August." Is that correct? Yes, but I did not refer to that.
4035. The next entry I find with reference to you is this: "Date of charge, September 15th; Alfred George Davies; insolence to gaoler; found guilty; forty-eight hours solitary; signed by the Visiting Justice; date of sentence, September 17th." The next is without date of offence. "Alfred George Davies, two years; having prohibited articles in his possession—tobacco and pipe; witness, the gaoler; pleads guilty; twenty-four hours dark cells; date of sentence, 20th September"? Is it twenty-four hours; I said forty-eight hours, but I may be wrong.
4036. Can you say that this is incorrect? No, I cannot say that.
4037. Then if you stated forty-eight hours you were mistaken? I may be mistaken.
4038. The next entry in which you are concerned is dated the 24th of January, 1878: "Conduct liable to incite prisoners; witness, G. Everett; found guilty; four days dark cells; signed by the Visiting Justice; date of sentence, 25th January, 1878." The next entry with reference to you is the 14th of February:—"Alfred George Davies; disorderly conduct—fighting with a fellow-prisoner; witness, M. O'Hara; admonished and discharged"? That is wrong, sir; I was not admonished at all.
4039. Across the entry there is written this sentence: "Not to show in the marks, by order of the Visiting Justice." Did that occurrence take place? I was not admonished in the least.
4040. Was the charge made against you—apparently by a man named William Cheeseborough? Yes, sir.
4041. Were you charged with him? Yes.
4042. Is this entry, which is just before your case, correct—Same date: "William Cheeseborough, seven years; disorderly conduct—fighting with a fellow-prisoner; witness, M. O'Hara; pleads guilty; twenty-four hours solitary." Is that correct? Yes.
4043. Then it is a fact that Cheeseborough was punished and that you were not? Yes.
4044. Is he one of the men you have described as the noblemen of the gaol? Yes, sir. I would like to explain something about that case.
4045. Never mind; it is not worth while. I wish to test the correctness of these entries—that entry is correct? Yes.
4046. The next entry is, "Date of charge, May 19th; Alfred G. Davies, insolence; witness, the gaoler; pleads not guilty; found guilty; twenty-four hours solitary; 21st May, date of sentence. Also, "Date of charge, May 19th; inciting his fellow-prisoners to disobedience; found guilty, and recommended to separate treatment; date of sentence, 31st May." Is that correct? Yes.
4047. When did you cease to hold the billet you have spoken of, and for which you came down here? At the time I was first punished, sir.
4048. You were disrated then from your billet? Yes.
4049. Was it by the Magistrate? Yes; I think the overseer had no desire for me to leave.
3050. You and the overseer always got on well together? Yes; and so I have with all the other officers.
4051. You said the overseer was one of the best officers in the gaol? Yes.
4052. You have told us now everything that you wish to bring before us? I think so, sir.
4053. You persist in saying that you have never had any other conviction, and that you were never charged with any other offence? I do, sir.
4054. Where was the offence for which you are now serving committed? In Sydney.
4055. Who tried you? Sir James Martin.
4056. Were you defended? Yes.

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4057. You need not answer this unless you like, but were you guilty of the offence of which you were found guilty? No, sir, I was not. I had been drinking heavily. I had been up to Newcastle travelling for the Ice Company, and I had received a good deal of money.
4058. Did you sign a cheque? No, sir; those cheques were given to me by others for money.
4059. Were you found guilty of forgery or of uttering? I don't know, sir. It was an extraordinary case, as Mr. Dalley said.
4060. He was the prosecutor? Yes. I should like to draw attention to the length of time I shall be likely to lose through the sentences I have undergone here, and if the statements I have made are borne out, and you can use any influence on my behalf, I shall be extremely grateful to you.
4061. We hold out no inducement to prisoners; we simply tell them that they need have no fear of anything resulting to them from what they say here.

Peter Herbert, trades' overseer, Berrima Gaol, called in, sworn, and examined:—

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4062. *Chairman.*] What is your name? Peter Herbert, sir.
4063. What position do you occupy in the gaol? Trades' overseer and photographer.
4064. How long have you been in the gaol in those capacities? Twelve years as trades' overseer, and about half that time as photographer.
4065. You know the witness, Alfred George Davies, who has just been before us? I do, sir.
4066. Was he under your immediate supervision for any time? He was for a short time after he came here; in fact, he was sent up to act as assistant in my store.
4067. How long did he remain in that capacity? I think about six weeks.
4068. No longer? I do not think it was longer.
4069. How did he conduct himself during those six weeks? Fairly well, but he had a tendency to be always making frivolous complaints; in fact, I had to get rid of him on that account.
4070. Was it at your instigation that he was removed from the position of assistant to you? Yes.
4071. Have you had any opportunities of observing his conduct since he ceased to be with you? I have, frequently.
4072. How, in your opinion, has he conducted himself since? Well, I think he has a general tendency to find fault with things in a frivolous way. He appears to be a man naturally discontented with everything around him. It seems to be his natural manner.
4073. Do you know of any instance at all in which he has been treated with injustice? Well, I do not, sir.
4074. Has he ever communicated to you in any way that his treatment in the gaol has not been fair? On one occasion he said he thought that he had been severely punished by being placed in the cells for four days, but he did not make any direct complaint about it. He looked in bad health one day, and when I spoke to him he said he was suffering from having been in the cells four days.
4075. Had he anything the matter with his neck? He was under medical treatment. I think he did appear to be a bit crouched up.
4076. Carrying his head forward? Yes, leaning a little forward as a man might do who had a blister on his chest.
4077. But is there any occasion which has ever come under your cognizance in which in your opinion he has been treated unfairly by the gaoler or the warders? No, I do not know of a single instance. He has been so continually bringing himself into opposition to the gaol officials that there may have been an appearance of ill-treatment, but I do not know personally of any instance of ill-treatment.
4078. And you say he manifested that tendency during the six weeks or so he was with you? He did.
4079. Were you and he ever brought into collision? No, I was anxious to get him away from my place. I did not like his manner. I had heard that he was tampering with other prisoners, and inciting them to make complaints.
4080. Did you hear that on reliable authority? Authority that I believed. It was currently reported through the gaol that he was doing so.
4081. Do you know of any instance at all in which any materials, such as leather, have been asked for by prisoners in the workshops for improper purposes? No, sir, I do not. I cannot call any such instance to mind. The goods are issued in certain quantities, and sometimes prisoners will come up for more, on the ground that what they have received is inferior, but I always see it before issuing any more.
4082. Do you know of any instance of application being made for leather for the purpose of making boots for the gaoler or for any of the members of his family? No, never, sir.
4083. You know the meaning of the expression, "On the cross"? Perfectly.
4084. Have you ever known leather to be applied for "on the cross"? No, it has not, sir, to my knowledge.
4085. Did Davies ever represent to you that that was being done by the prisoners? I do not remember his ever expressing such an opinion. I do not think he did. I should think I would remember it.
4086. But supposing he did so, was there any ground for such a statement? No, sir, the thing could not possibly take place among the small number of men there are in the shop here.
4087. What are your duties as overseer? Specially to go round the cells to give the men work, and to instruct them in their work.
4088. In the cells? In the cells.
4089. Do you visit the cells every day? In the evening, when the work comes in, I see it, and if there is any man's work not done right I see that man next day, and then I see such men as may want to see me.
4090. But how often do you visit the cells where the men are at work? I go round once a day, between 9 and 12, but not to all, only to those I may desire to see, or who may require to see me.
4091. Then there may be twenty or thirty cells that you do not visit? There may be.
4092. Are all the prisoners supplied with work? I have an average of three or four men who are marked incapable.
4093. But with those exceptions they are all supplied with work from your office, and are under your supervision? Yes.

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4094. And you have never known any instance of a prisoner asking for leather to be used for the purposes of the gaoler? No, sir, I have never known any such thing to be done.
4095. Do you know how it was that this man Davies was sent specially from Sydney? I made application to the Comptroller to send me a well-behaved prisoner who had only been convicted once, to act as an assistant in my store, to take out and bring in the work and keep the books, and Davies was sent up in response.
4096. Had you any such assistant before? I had.
4097. For how long? All the time I have been in the gaol—from the commencement.
4098. Did Mr. Small in any way disapprove of your making that application? I do not remember whether he did or not; I rather think that he did; I think he expressed the opinion that I might have selected a man in the gaol.
4099. Can you remember? I am as certain as I can be, without being positive.
4100. Mr. Small did not object to your having such an assistant, but he objected to such a man being got from outside the gaol? He thought it would have been better if I had got a man in the gaol.
4101. It was regarded as to some extent a promotion or reward to a well-conducted prisoner? Mr. Small's idea was that we would have a better knowledge of the general conduct of a prisoner here than we would have of that of a stranger brought from another gaol.
4102. And that it would be an encouragement to men here to conduct themselves well in order to get the billet. I think Mr. Small was right in that instance. Had you made applications to Mr. Small on previous occasions? On one or two occasions I have obtained a man in the gaol from Mr. Small and on one or two occasions from Sydney. I have had several. I think I have had two from Sydney and three from the gaol.
4103. Have you and Small always pulled together smoothly since you have been here? We have not, sir.
4104. In what way have you come into conflict? Mr. Small's manner has been rather severe towards me, and on several occasions he has brought charges against me which I do not think he was justified in bringing.
4105. Have you been punished for those charges? I have not, sir. I beg to recall that answer. I was reprimanded on one occasion and exonerated on two others.
4106. To whom were the complaints made? To the Comptroller-General.
4107. What was the nature of the complaints? The first complaint, I think, was that of permitting goods to be abstracted from the store; that, through an oversight of mine, lasts and leather had been taken from the store. The next complaint was that of taking a letter out from a prisoner. For that I was exonerated. For the first I was reprimanded. The third complaint was that I had mixed bichromate of potash with some flour to be given to the prisoners.
4108. What was done on that occasion? I was exonerated, but the gaoler and myself came into rather severe conflict, and I was cautioned to be more respectful in my conduct. The gaoler commenced to reprimand me before the charge was brought, and I walked out of the office. That was the disrespect alleged against me.
4109. Do you consider that the subordinates in this gaol are in any way improperly under the thumb of Mr. Small? I do not, sir.
4110. Do you think there is a fair independence in the discharge of their duties? I think there is.
4111. Consistently with discipline? Consistently with discipline. I may explain that a little further by saying that while thinking Mr. Small a severe man, I do not think his severity causes that amount of fear which would cause a man to surrender his independence.
4112. And with regard to the prisoners—have you had many opportunities of observing his conduct towards them? Not a great many, sir. To prisoners generally I have, but not to prisoners who have committed themselves, because when a prisoner commits himself he is taken from my charge, and I see no more of him until he is restored to me again for work.
4113. From your observation of Mr. Small's conduct generally, do you regard him as a humane or as a cruel man? Well, generally, I think I may say a humane man, but he is a man who takes violent likes and dislikes, and sometimes allows himself to be carried away by the impulse of the moment.
4114. In the case of prisoners? Prisoners and officers too. I do not think he takes any particular dislike to prisoners.
4115. Is he impatient of contradiction? Yes.
4116. You have never noticed any case of unfairness or partiality in his conduct. Do I understand you to say that? Not within my knowledge, sir.
4117. Have you been told so upon reliable authority? I have been told so, but I am not prepared to say that the authority was reliable. I would not like to say so.
4118. Do you know a prisoner named Charles Cunningham who is here now? Yes.
4119. Have you seen much of him? I have seen him frequently. He has been a very disorderly prisoner, and I have frequently gone to look at him to see how he has been getting on.
4120. Has he been doing work under your supervision? He has, and he is now.
4121. Have you any reason to doubt his sanity? I do not think he is quite right in his mind, as far as I can judge.
4122. Upon what do you base that opinion? The general stubbornness of his character. I think he is suffering, through his own wilfulness, a greater amount of punishment than a sane man would, as, for instance, by lying on the floor of his cell.
4123. I observe that there are hosts of entries in the punishment book showing punishments inflicted on him? Yes.
4124. Have you reason to believe that he has been punished repeatedly? Yes.
4125. Did you ever witness any cruel treatment of him at the hands of any of the officials of this gaol. Understand I mean by cruel, not merely severe, but unnecessarily severe treatment? I may answer that question in the negative. On one occasion the Magistrate sent for him to be brought to the office, but he would not walk, and the chief and senior warders dragged him to the office.
4126. Everett and Brayne? Yes.
4127. When was that occurrence? It must be six weeks or two months ago.
4128. Is that the only occasion on which you witnessed his being dragged? That is the only occasion.

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4129. Is that the occasion when Davies was punished for remonstrating against the treatment? It is.
4130. You remember that he was punished for having remonstrated against the severe treatment at that time? Yes.
4131. Was Small here then? I think he was.
4132. Was he not away at that time, and was not Everett in charge of the gaol? I take it for granted that Mr. Small is present when the Magistrate is in the gaol.
4133. But can you not remember whether or not Small was away in Sydney? I cannot remember.
4134. Well, do not take things for granted; tell us what you know; what was the treatment? The prisoner's hands were handcuffed behind his back, and the chief warder and Brayne had hold of his arms and were dragging him along the ground head foremost. The upper part of his body was off the ground. I suppose they had about three parts of his weight. He is a muscular man, and they had a good deal of trouble to support him. I noticed that the toes of his boots dragged. He threw his weight forward, and allowed his toes to drag.
4135. Was he gagged? No.
4136. Are you sure? Yes.
4137. Had he any other irons on than the handcuffs? No.
4138. Where was he dragged from? From the iron gates leading to the wings, down the steps, and round the corner of the gaoler's house.
4139. Did you see him dragged down the steps? I did.
4140. He was then being dragged to the office? Yes.
4141. Did you see him dragged from the office? No.
4142. Do you know whether he walked or was dragged? I am not certain whether I saw him dragged from the office; I am under the impression that I did, but I am not positive.
4143. Up the steps? I will answer that by saying I do not remember.
4144. Did you hear anybody, when he was being dragged either to or from the office, remonstrate and say, "There is no need to drag the man in that way, there are plenty of us here to carry him"? I did, sir.
4145. Who said that? A prisoner named Davies; he was punished afterwards for it.
4146. In what way did he say it? In an impulsive manner.
4147. In an insolent manner? He is a man that cannot well speak without being insolent.
4148. Did he speak in his natural manner? He was excited, and he spoke in an impulsive, excited tone.
4149. But in his natural manner? Otherwise in his natural manner.
4150. Not in a studiedly offensive or insolent manner? No, sir; I could not see the man from where I stood.
4151. Did you hear any one else make a similar observation with regard to Cunningham's treatment? I cannot say that I did.
4152. How did you know it was Davies? I could recognize his voice.
4153. How far was he from you? Ten or twelve yards.
4154. Then he spoke tolerably loud? No, but the gaol being quiet you can hear a man's voice across the whole gaol yard.
4155. Could you see whether Cunningham was bleeding at all? I could not see his face.
4156. Then he might have been bleeding without your seeing it? Yes.
4157. You did not see what took place in the office? No. There was no blood on the ground, because I looked to see.
4158. When did you do that? When he was being dragged down the steps.
4159. Was the treatment so severe as to cause you to do that? His knees and toes were dragging along the ground, and I thought his trousers might have been jagged through, that was why I looked. I might explain that I spoke to the chief and the senior warder about it, and afterwards they had him carried by the wardsmen.
4160. Then the treatment was so severe that you remonstrated? I did not exactly remonstrate against the severity; I said I thought that they forgot their positions.
4161. Do you think it was such as naturally to excite the just indignation of a fellow prisoner looking on? I do; I think the prisoners should have been ordered away.
4162. Then you think any prisoner who spoke as Davies did would only be following a natural impulse of indignation? He would; the prisoners ought to have been ordered away.
4163. Is that the only occasion on which you saw Cunningham treated in this manner? Yes.
4164. He would not walk, you say? No; he could walk, but he would not.
4165. You see him not in any way of punishment; your visits are of a friendly nature, I suppose? Yes.
4166. Then do I understand you to say that he evinced towards yourself such a stubbornness and wilfulness that you doubted his sanity? That is the reason.
4167. Did you ever represent that it was not fair to treat him as an ordinary prisoner; that he was not a man responsible for his actions? No, sir, because the matter had been frequently brought under the notice of the gaol surgeon, who frequently saw him—Dr. Lambert.
4168. Have you ever seen any other prisoner treated with equal severity? I saw one prisoner shortly after I came here gagged in a very severe manner.
4169. Who was that? I do not know his name.
4170. By whom? By the chief warder of the gaol at the time—a man named Hill.
4171. When was this? It must have been in 1868 or 1869.
4172. Do you know a man named Joseph Bragg? I do.
4173. Was it he? I do not think it was. I think I should have remembered.
4174. *Mr. Oatley.*] Was it Slattery? No.
4175. *Chairman.*] Was it Gleeson? It may have been Gleeson.
4176. What were the circumstances of the case? It occurred in this wise: I heard a scuffle in the dark cell passage, and went down to see what was the matter. When I arrived in the passage, this prisoner was lying on the floor with his head towards me. The chief warder, Hill, had one knee on the prisoner's chest, and had the gag in the prisoner's mouth, and the strap turned round his hand, tightening it. He struck him on the gag when it was in his mouth, and used some very reproachful expressions.
4177. *Mr. Oatley.*] Was it a hard blow? Not particularly hard.
4178. *Chairman.*] With the open hand? Yes.

4179.

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4179. *Mr. Oatley.*] More than once? Two or three times; but they were not violent blows. The prisoner was then placed on his feet.
4180. *Mr. Voss.*] Was anybody else there? There were several others there, in the back-ground.
4181. *Chairman.*] Who were they? I cannot say. This was the first instance of gagging that I witnessed, and it made a great impression on my mind, so that it is vividly impressed to this day.
4182. *Mr. Voss.*] You cannot remember anybody who was present, except Hill? No, sir.
4183. *Chairman.*] Well? The prisoner was then placed between the doors of the first dark cell.
4184. Did you see that prisoner soon afterwards? I do not remember seeing him afterwards. I left the cell passage then.
4185. *Mr. Voss.*] Did you see him placed between the two doors? Yes.
4186. *Chairman.*] Was Everett there? I don't know, sir.
4187. Everett was then senior warder? I do not think he was then. I think it was before his appointment.
4188. Then you do not remember who the prisoner was, or what he had been doing; whether his conduct was violent or not; nothing, in fact, to warrant you in forming an opinion as to whether it was necessary to treat him with such severity or not? No.
4189. Were any of his teeth knocked out? I could not tell.
4190. Was there any blood about his face? I think one of his lips was bleeding a little, the wood having cut it.
4191. Do you think the prisoner's name was Lee? He was a short stoutish man. The reason I cannot tell you who he was is that the gag was in his mouth, and his head was towards me when I arrived.
4192. Where was Small; was he there? I could not say. I should not remember these details so clearly only for its being the first time I saw any man gagged.
4193. *Mr. Oatley.*] You do not know how long he was gagged? No.
4194. Nor how long he was kept between the two doors? No.
4195. *Chairman.*] Did you see him put between the doors? Yes.
4196. Are you sure of that? Quite sure.
4197. Did anybody else see it? Yes, there were others.
4198. Were the doors then as they are now? Yes. The space between the doors of the first cell is 18 inches, and the space between the doors of the next, 2 feet 6 inches.
4199. What is the distance apart of the two doors between which the prisoner was put? 18 inches. I measured it when the "Vagabond" visited the gaol.
4200. By the "Vagabond" you do not mean a prisoner, but a writer, who writes under that name? Yes, sir.
4201. Have you ever seen the gag used since? Yes, on a man named Holland.
4202. When was it? It was about six or seven years ago. It was on the occasion of my bringing a charge against him for making away with his thread. I believe he used to eat it.
4203. *Mr. Voss.*] Where was this? In the office.
4204. Who was there? The Magistrate (Mr. Rowley), Mr. Small, myself, and I believe the chief warder for the time being, Mr. Hill.
4205. *Chairman.*] Will you just describe the circumstances that led to the use of the gag? This prisoner was also, I believe, a man of weak intellect, and he had a habit of smiling when spoken to. Mr. Small mistook his smiling for insolence, and ordered him to be gagged. I think he was not aware of the man's manner, but thought he was laughing at him. This man has been for the last four years, I think, in the lunatic asylum. I have been informed that he is in the lunatic asylum.
4206. *Mr. Oatley.*] You say he was gagged by Small's orders? I don't know; it was in his presence.
4207. *Chairman.*] Well, proceed? The gag was left in three or four minutes. It was not cruelly done.
4208. No teeth were loosened? No, sir; it was used as quietly and as gently as it could be. In fact, the man did not resist.
4209. Do you remember any other instance of gagging? No other instance ever came under my observation.
4210. Can you remember any other instance of a man being locked between the doors? None, sir.
4211. Are you quite sure? I am positive, sir.
4212. And you cannot say whether Mr. Small was present on the occasion when you did see a man gagged and put between the doors? No, sir.
4213. *Mr. Voss.*] What caused you to go down? I heard a noise, and I went down to see what it was. I wish to make a further explanation about the second instance of gagging. The officers of the gaol were each called upon a short time ago to furnish a statement as to the number of cases of gagging that had come under their notice. I stated that I had only seen one; that was because this second instance of gagging did not occur to my mind at the time.
4214. *Chairman.*] Well, during the time you have been here, seeing the prisoners almost daily, has any complaint been made to you about difficulty in getting out of the cells to obey the calls of nature? I do not remember one instance.
4215. Do you know of cases where men have complained that the warders did not answer the bell when they rang, and that they have had to make water in the cracks of the cell? I never heard any such complaints all the time I have been here. Men have sometimes been kept in the yard. They have kicked at the doors, and have not been heard for some time.
4216. *Mr. Oatley.*] Do you know of your own knowledge what blankets the prisoners receive in the dark cells? I have heard that they are allowed one blanket.
4217. Who told you that? I could not say. That has been the impression on my mind since I have been here.
4218. Have prisoners told you? I cannot say. It has been in my mind so long that I cannot say whether prisoners or officers told me.
4219. *Chairman.*] It has always been your impression that one blanket is allowed to prisoners in the dark cells? Yes.
4220. Gleeson tells us that he was never gagged at all in Berrima Gaol, so it cannot be he who was placed between the doors—can you not tell us who it was? I cannot say. I would not know the man if I saw him.
4221. Do you know how long he remained in the dark cell? No, sir.
4222. Did you speak to Warder Hill about it? No, sir.

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4223. *Mr. Oatley.*] Did ever you see a man spread-eagled? No, sir.
4224. *Chairman.*] Did you ever see Mr. Rowley drunk here? Well, I have seen him under the influence of liquor.
4225. Frequently? On several occasions, sir.
4226. Evidently under the influence of liquor? Yes, sir; but not to the extent expressed by the word "drunk."
4227. But you say he was evidently under the influence of liquor, so that any casual observer could see that he was not sober? I think so, sir.
4228. And you have seen him in that condition when he has been discharging the duties of Visiting Justice? I have seen him come into the gaol in that condition, but whether he has acted in his judicial capacity I cannot say.
4229. Have you seen him go into the office? Yes.
4230. Can you say whether he was more generally sober or under the influence of liquor? I think he was oftener sober.
4231. You only think so? I believe he was so, sir.
4232. Was it a subject of remark that the Visiting Justice was habitually drunk? I would hardly feel myself justified in using that expression. I would rather say "frequently."
4233. Over a period of how many years was that state of things continued, can you say? From 1866 till Mr. Rowley left here.
4234. When did he leave? I cannot say when he left.
4235. Who succeeded him? Mr. Garrett.
4236. Did you ever hear a similar remark made with reference to Mr. Garrett? I never did; not in connection with the gaol.
4237. Did you ever see Mr. Garrett come into the gaol, as Visiting Justice, evidently under the influence of liquor? No, sir.
4238. *Mr. Voss.*] How long was Mr. Garrett here? Ten or twelve months I should say.
4239. *Chairman.*] And how long has Mr. Wilshire been here? Four or five years.
4240. With reference to the case of the man Cunningham—do you know what opinion the Visiting Medical Officer has expressed in regard to his sanity? I do not know, sir.
4241. But you know his case has been brought under the doctor's notice? The doctor has frequently visited him in my presence.
4242. Have you ever represented his case to the doctor? I have never represented that he was insane, because I believe that that impression was in the doctor's mind.
4243. Do you know of any attempts on the part of prisoners to commit suicide? There was a man named Shaw, who tried on one occasion to starve himself. There was another prisoner who made an attempt to cut his throat, but I don't think he meant it.
4244. Was it Bragg? I think Bragg did, but I am not sure. There are other men who have made slight nicks in their throats.
4245. Has there ever been a case of suicide? No, sir.
4246. Have you stated all the cases of attempted suicide that you can think of? Yes; the most direct attempt was that of Shaw. The others I scarcely look upon as attempts. They were more what I would term mock attempts.
4247. *Mr. Pinhey.*] When was Shaw's attempt? Three or four years ago. He attempted it by starving, but I believe the clergyman saw him, and promised that if he would eat he would try and get him removed from the gaol.
4248. *Chairman.*] Very well, is that all you wish to say? Do you desire to hear anything in regard to the alleviation of the sufferings of the prisoners—sufferings which the Government do not contemplate?
4249. Yes? Well, I find that during the winter season the men suffer most severely from the cold. There are often days when the water will not thaw, and the cold is most severe. I do not think this is taken into consideration when sentences are passed upon prisoners. I think one month in the winter would be equal to nine months in the summer, on account of the greater physical suffering from the cold. The men get their hands chilblained, and they suffer most severely. Some are not so susceptible, but, on the whole, there is a deal of suffering from the cold. The cell windows are all open, and when the wind blows in a westerly direction the cold is very severe.
4250. Do you think the men get sufficient clothing for the purposes of warmth, in winter? Yes, I think so.
4251. Do you think they get sufficient exercise? I think the two hours' exercise is sufficient, but I think that in winter time one hour is rather too little.
4252. Have you ever heard that the treatment affects the health of the men? No, sir. I have been informed that they all gain in weight during their confinement. The only thing I have noticed is that they become bilious. There is another matter that I think might meet with consideration, and that is the washing of the cells in the winter time. The prisoners are kept in the cells while they are drying. The cells are generally washed while the prisoners are out at exercise, but the time allowed for exercise is not sufficient for the cells to dry. It has occurred to me that if they were dry-scrubbed with sand and dry scrubbers it would be better. I simply throw out these suggestions on behalf of the prisoners.
4253. We are very much obliged to you for any suggestions you may make? I mention these things because the Judges may not be aware of the severity of the treatment.
4254. The Judges have nothing to do with that. The prison regulations provide that every prisoner sentenced to three years and upwards shall come here for the first nine months. Have you ever represented this to Mr. Small? I believe Mr. Small is well aware of it.
4255. Have you ever represented it to Mr. Maclean? Casually, in going round. I have not made any special mention of it.
4256. *Mr. Oatley.*] You have still no recollection of the name of the man who was put between the doors? No; I have thought about it for several weeks, anticipating that the question would be asked by the Commission.
4257. *Chairman.*] Do you think that Gleeson was the man as nearly as you can remember? I cannot say who the man was. I really cannot remember.
4258. Very well, Mr. Herbert; if there is any other suggestion you would like to make, we shall be glad to hear it? No, sir, I have nothing further to say.

George

George Prowd Lambert, M.D., Visiting Surgeon to Berrima Gaol, called in, sworn, and examined :—

G.P. Lambert, M.D.
17 July, 1878.

4259. *Chairman.*] What is your name, sir? George Prowd Lambert.
4260. You are Visiting Surgeon to the gaol? Yes.
4261. How long have you held that position? Two years and two months.
4262. You succeeded Dr. Lamb, I believe? Yes; he was here only a few months; before him for many years was Dr. Williamson.
4263. Can you tell what your duties as medical officer of the gaol are? To attend daily; to see that all the prisoners are in good health; to attend any who may have put their names down to see me; to improve the diet of the prisoners, if necessary; to give them warm clothing; in fact, I have, I suppose, in brief, to keep them in as good health as possible. I especially watch for any symptoms of brain disease, which is thought to be the consequence of separate confinement; but I have never known a lunatic here as the consequence of separate confinement.
4264. Do you see the prisoners every day? Only those who put their names down to see me.
4265. Is there any time when you go through all the cells to see if prisoners require to see you? No; they put their names down on the warder's list when they want to see the doctor.
4266. But there may be cases in which prisoners require to be seen by you without their knowing it. Do you not take means to inquire into the existence of such cases? I cannot imagine such a case occurring; the gaoler sees the men daily, and he would bring any such case under my notice.
4267. Then you depend upon the gaoler? I believe the prisoners are asked every day whether they want to see the doctor or the Visiting Justice.
4268. Then, as a matter of fact, a man may pass his whole nine months here and never see you? Yes.
4269. So that, as far as any personal inspection on your part is concerned, a man may be suffering throughout his imprisonment without your seeing him? Yes, unless I am informed of it.
4270. Do you not think it is desirable that the doctor should at intervals see every prisoner in the gaol, to prevent any such thing as I have spoken of? If I had thought it desirable I should have done it. The result is, as you will see from the healthy appearance of the men, that they have not required it. There are half-a-dozen ways in which they may see me if they desire to do so. If they are ill they strike a gong, and I am sent for.
4271. But there may be cases in which men require to see you, and the worst symptom is that they do not know they require to see you? It is just possible, but no such case has occurred.
4272. Is there a book in which the names of those who wish to see you are entered? I enter the names of those who come to the surgery, daily, and their diseases, but whether the names of those who wish to see me are entered in any book I cannot say.
4273. Do you come here every day? Occasionally I may be away for a day, but nineteen days out of twenty I come, or more than that.
4274. But as many as two or three days do not elapse without your coming here? Never.
4275. Do you inspect the clothing served out to the men? No.
4276. Do you inquire at all whether the clothing is sufficient for the purposes of warmth? They complain to me very soon if it is insufficient. I order when the clothing shall change from winter to summer and from summer to winter, and if anyone says he is suffering from rheumatism I allow him to keep his warm trousers for another month or so after the change from winter to summer clothing, or I allow a man another guernsey or something of that kind.
4277. Do you know whether new clothes are served out to prisoners coming here, or whether the clothes that have been in use are washed and cleansed before being given to other prisoners? I do not know.
4278. And in regard to the bedding,—is it washed and cleansed before being given to another prisoner? I do not know. Excepting as regards the hospital, I do not know that those matters come within my duty.
4279. What, during the time you have been here, has been the general condition of the prisoners? Very healthy, with the exception of two cases of typhoid fever, and they recovered. I attributed that to the water in the well, but now we have water laid on, and there have been no more cases of typhoid fever.
4280. When did those cases occur? About a month ago.
4281. Were those the most serious cases you have had here? Yes; there has never been a death here except one, and that was in the case of a man who came on a Saturday and died on the following Monday.
4282. Can you tell us how many cases there have been at any one time in the hospital? I can by referring to my book.
4283. Will you send for it? Yes. (*Book sent for.*)
4284. Have you particularly noticed the drainage arrangements of the gaol? I have called attention to any bad smell I have noticed. We use large quantities of disinfecting fluid. There have been occasional bad smells, and once or twice it has been because the men have not taken care to put a sufficient quantity of earth in their tubs.
4285. Do you think the place is well drained? Yes.
4286. Is it part of your duty to inspect the food? The men have several times complained of the quality. I believe it is the practice to summon a Board impromptu to examine it when complaints are made, but in all cases the complaints have been trivial. One man complained of the potatoes being soft, and I told him that we had them soft outside the gaol, and could not get them any better.
4287. Have you observed that the hominy is not as it should be? No; it has always been remarkably good.
4288. It is part of your duty to see to the amount of rations supplied to the prisoners; do you think it sufficient to keep them in health? They increase in weight as a rule.
4289. Do you observe the periodical weighing? Yes; the weights of those who have lost only. I have had a new weighing machine got; the other was not altogether reliable.
4290. How long have you had it? Three months.
4291. Are you present at the weighing? No, I am not.
4292. Then you depend upon the reports of the officers? Yes; I have no reason to believe that there is any falsification of reports in that particular. (*Surgeon's book produced.*)
4293. Can you tell us now the largest number of persons at any one time in the hospital? For this year I have only had eleven altogether.
4294. But at one time? I cannot tell you that.

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4295. What accommodation is there in the hospital? Eight beds.
4296. Have they ever been full? They have in this way: I had a man with a severe attack of mania, and two others have had to sleep in there at night with him, and occasionally one of the long-sentenced men complains that the air in his cell is not quite so good as it might be, and I let him sleep there.
4297. Who was that man? A man named Smith, who has been many years in the gaol.
4298. Who had the fit of mania? William Albin.
4299. Can you remember any time when there have been eight persons in the hospital at one time? Oh! dear no; three at the most.
4300. Is it a fact that the average health of the men here is remarkably good? Most decidedly it is, sir.
4301. Have you any means of knowing the actual cost of the medical comforts? I could not say. Medical comforts go in this way: The wardsmen here have to remain twelve months before they are entitled to tea and sugar, but if I see a man doing his work well, and he has a bad job, I give him tea and sugar, as a little encouragement. That comes under the head of medical comforts.
4302. Do you have many cases of what is called malingering? Often, but a man seldom does it more than once or twice, because I had to deal with a gaol before, and I am aware of the tricks.
4303. What other gaol have you been in? Wollongong. I was there five or six years.
4304. *Mr. Pinhey.*] You have told us the number in the hospital, but that does not, of course, include the number you prescribe for? No.
4305. That will give us some idea of the amount of illness? Well, that is not illness. On the 2nd of July there were seven men that wanted to see me. Take yesterday: the Frenchman wanted some purgative pills, another man thought he was getting a boil, another that he was getting a cough, and so on.
4306. Has it ever come to your knowledge that men have been wanting to see you but have not seen you for some days after putting their names down on the list? They have not said so. Of course I may be away for a day, and see them next day.
4307. *Chairman.*] No men have complained that they had asked to see you several days before? No.
4308. Do you know Cunningham? Yes.
4309. Have you ever seen him? I have, but he would never answer me. He would be lying down when I went into the cell, and would give a grunt when I spoke to him, and say he wanted nothing from me.
4310. How often have you seen him? Frequently. I have often been here when he has been brought up on different charges. On one occasion, when he had refused to walk as usual, I went down and heard him dancing a break-down in the cell.
4311. How long has he been under your observation? He came after his conviction for the robbery, and he has come up again for punishment.
4312. Has it been reported to you that there is reason to believe that his mind is not quite right? No, sir. I have heard a prisoner named Davies say that somebody else had told him that Cunningham was insane.
4313. You say it has never been brought under your notice officially? No. Mr. Small told me he thought it would be as well to see him.
4314. Why? Because he would not go outside.
4315. Not because it was necessary to inquire as to the state of his mind? No, because he would not go out to exercise. We say that any man is insane when he does not act up to the dictates of common sense, but that is not being insane in a medical sense.
4316. How long has he been here this time? About six months. About a year and a half ago he said something to Mr. Small, and we gave him a shower-bath with his clothes on.
4317. *Mr. Oatley.*] Did you allow his wet clothes to remain on him? Oh! no; they were taken off, and clean ones given to him.
4318. *Chairman.*] You say you have seen him before the Visiting Justice here on different charges? Yes.
4319. Has he walked? No.
4320. How has he been brought? By warders holding him up by the arms, and carrying him backwards, to the great detriment of his boots, that is all.
4321. Never allowing his knees to touch the ground? No; they could not, because he was held upright.
4322. How often have you seen him brought that way? Several times. It has been at intervals of say a month or six weeks.
4323. But the first time you saw him carried in this way, how long was it ago; was it six months ago? Yes.
4324. And you have never seen him dragged with his knees touching the ground? No. I have watched him, because it used to be a matter of speculation whether he would walk or not. On one occasion Mr. Small said, "I think I can induce him to walk," and he went in, and Cunningham walked out. Mr. Wilshire let him off that time.
4325. Have you ever seen him handcuffed with his hands behind his back, and then dragged away by a couple of warders? No, I never saw whether his hands were behind or before.
4326. *Dr. Alleyne.*] Have you never detected any delusion in him? No, sir; he would answer me coherently when he would answer.
4327. He has never talked any nonsense about voices in the air? No, sir.
4328. Nor of seeing visions? No; I never could get anything more than monosyllables from him—Yes or No.
4329. *Chairman.*] He was never in any way amenable to your persuasions or remonstrances? No, sir; and he never was sick.
4330. Did he always have a good appetite? Yes, he always took his rations. I was present at his flogging, and I was surprised to see his good physical condition, because he had not been out to exercise for six months.
4331. *Mr. Vose.*] And you say that after he had been dragged from the presence of the Visiting Justice, you heard him walking about in his cell? Yes, he was doing a step dance down in the dark cell. Mr. Wilshire and I went down, because we had thought it possible that he could not walk.
4332. *Mr. Pinhey.*] Then you think he is not suffering from cerebral disease? No; I think that is proved by the fact that he is better now than he was six months ago.
4333. *Chairman.*] You are acquainted with the dark cells here? Yes.
4334. Have you ever been in them without any light, when the doors have been fastened? Yes, but only for a minute or two.

4335. Do you think a man could remain there twenty-eight days without incurring serious risk of mental disorder? No, I have never known any man to be there that long. G.P.Lambert, M.D.

4336. What is the longest time you have known a man to be kept there? Seven days; some may have been kept there longer, but I do not know of any instance. 17 July, 1878.

4337. Is it a part of the gaoler's duty to bring the circumstance under your notice if any man is confined there more than seven days? I do not know that it is part of his duty, but I believe he would tell me.

4338. Do you believe there would be a risk of deranging the mental faculties if a man were kept in a dark cell for twenty-eight days? I believe there would be danger of it.

4339. How long do you think a man can remain there without danger? Well, they are not men like ourselves; if they can go to sleep they don't care. A man named Molloy took twenty-eight days at Port Macquarie, I believe, without caring for it.

4340. I suppose the effect varies according to the various nervous organizations of different men? Certainly.

4341. But you do not think it would be safe to incarcerate a man for a longer period than seven days? No.

4342. *Dr. Alleyne.*] Have you gone to the dark cells to see men in confinement there? No; I may have done it once or twice, but not as a rule, because there have been so few confined there for more than twenty-four hours, except Cunningham.

4343. *Mr. Voss.*] Have you seen Cunningham in the dark cells? No, but I have often seen him in his own cell, and he has generally been lying down. He would not stand at attention like other prisoners, as a general rule.

4344. *Chairman.*] It is a breach of the regulations not to stand at attention? Yes.

4345. When did you see him last? He was brought up for a breach of the regulations about ten days ago. There is one case I wish to mention—that of Callaghan.

4346. *Mr. Voss.*] Have you seen the minutes of evidence taken before the Select Committee? Yes.

4347. *Chairman.*] Then you remember what he said about having the dysentery, and not being able to get out of his cell? Yes.

4348. Is what he says about the test you put him to true? Quite true.

4349. Will you state what it was, please? He came to me and asked me to allow him to have a tub in his cell, but I would not allow it, because it was against the rules. I asked him why he did not ring his bell; he said that he was suffering from dysentery, and that the warders would not attend to him. I was told that this was not true. I allowed him to go into the hospital, and told the warder to keep his motions until I came again. When I came next day I saw that it was a solid motion, and he admitted that it was his. I told Callaghan that he committed a breach of the prison regulations by imposing on me, and that if he did it again I would have him punished. Then I discharged him from the hospital.

4350. *Mr. Voss.*] Do you often meet with cases in which prisoners endeavour to impose upon you? Not to such a degree; but it is difficult to bowl them out. It is done in the case of rheumatism. If a man tells me that he is suffering from rheumatism, of course I cannot say that he is not.

4351. *Chairman.*] Have you had many complaints from prisoners in regard to the rations? Not many: once perhaps in two or three months.

4352. Do you remember Callaghan's ever complaining to you about the bread? No.

4353. Do you remember his showing you a piece of doughy bread that you could squeeze up in your hand? I have seen bread like that.

4354. Have you ever heard of the baker taking the yeast into his room to drink? I have heard one of the warders in the prison say that the baker drank the yeast, but I did not believe it, it was such a foolish thing.

4355. You are not mistaken about Callaghan? No.

4356. Suppose I read this:—"Did the doctor ever say you were only shamming, and that they had examined your motions, and had seen that you were not suffering as you represented? No, sir." Is that answer true? It is untrue.

4357. Again, "He did not say you were trying to impose, and that if you tried it again he would bring you before the Visiting Justice? Nothing of the sort." Is that answer true? It is perfectly untrue. I think the same wardsman is in the hospital now to whom I gave the instructions.

4358. You say Callaghan admitted that it was his motion? Yes.

4359. Do you think there was no possibility of its being emptied and some other person's put there instead? It is possible, but I do not believe that such a thing would be done.

4360. You have never known men to be ironed to ring-bolts in the cells? No.

4361. Nor to be gagged? No, not to my knowledge.

4362. Nor to be fastened between the doors of a cell? No.

4363. No complaints of these things were ever made to you? No, sir.

4364. Would it very seriously increase your labours if you were to make a periodical round of the cells, once a fortnight say? No.

4365. Or once a week? No.

4366. Do you not think that it would be desirable as a guarantee that the men's health was attended to? If I had anything approaching to an epidemic, or anything of that sort, I would do so. During the two years and two months that I have been here the men have been remarkably healthy.

4367. But supposing that there was a man suffering against whom the gaoler or the warders had a grudge, and who was not allowed to see you—do you not think it would be desirable to avoid a possible abuse of that kind? I feel quite certain that no such case could occur, because one-half of the warders are so opposed to the other half that if Jones did anything wrong Brown would be sure to speak of it. That is what I have noticed in this gaol.

4368. Do you think the warders here are in any way afraid of Mr. Small so that they dare not make just complaints? I do not think so. I often see them at their own homes, and converse with them and their wives, but I never heard anything of the kind.

4369. *Mr. Pinhey.*] Your opinion we take to be of great value upon this point, from your close intimacy with the men? Yes, I have seen them frequently, away from the influence of Mr. Small.

4370. *Mr. Voss.*] You see the chaplains frequently? Yes.

4371. They of course have opportunities of speaking to you about the health of the prisoners? Yes.

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4372. Do they ever bring under your notice the state of health of prisoners? Not their health, but I may be asked to let so-and-so have a warm shirt or something of that kind.
4373. What I mean is, that though you do not go round to see the prisoners every day, you have a chance of hearing of their condition from the clergymen? I am not on speaking terms with the Church of England clergyman.
4374. *Chairman.*] Why? Because he calls this place a "hell upon earth."
4375. Did Mr. Dixon tell you that he called the place a "hell upon earth"? He told me that he permitted Mr. Fitzpatrick to infer it. I wrote to him, and asked him if he had used such an expression, because I thought we were all implicated. He told me that it was the result of inquiries Mr. Fitzpatrick had made from him. I said, "And you permitted him to infer it?" and he said, "Yes, I suppose so."
4376. Would you be surprised to learn that he has assured us on his oath that he never gave Mr. Fitzpatrick any reason to make any such inference? He acknowledged it in Mr. Osborne's presence.
4377. Did he say why it was a "hell upon earth," whether by reason of the desperate character of the prisoners or persistent ill-treatment? He did not say.
4378. Did he leave you to infer that it was one or the other? I told him that if it were a "hell upon earth," it was the passions of the prisoners that made it so.
4379. *Mr. Pinhey.*] You are diametrically opposed to that opinion then? I am; I say it is not true.
4380. *Chairman.*] Have you known any attempts at suicide here, Doctor? Yes, two.
4381. Have you any reason to believe that they were in earnest, or were they only feigned? Both feigned. One man tried to hang himself.
4382. Was that O'Neil? Yes; the other was a little fellow named Smith. He had a portion of a quart pot and made a dig in his side with it. He promised that if I would not prosecute him that time he would turn over a new leaf.
4383. Do you know the case of a man named Shaw, who tried to starve himself? No.
4384. You have been here ever since Mr. Dixon has been here, have you not? No; he was here a few months before me.
4385. And you have never heard of Shaw's case? No.
4386. Are you of opinion that Mr. Small is a humane man? Yes.
4387. In disposition and conduct? Yes.
4388. You have never witnessed anything on his part calling for animadversion on the ground of undue severity? Most certainly not.
4389. *Mr. Voss.*] I think it right to inform you that some of the prisoners have stated that it was no use coming before the medical officer, because Mr. Small was gaoler and doctor too; in other words, that the doctor was intimidated by Mr. Small. Is that the case? No, sir.
4390. Is there any ground for such a statement on the part of prisoners? No, sir.
4391. *Mr. Pinhey.*] Then you give it a flat denial? Certainly.

The Rev. Edmund Dixon recalled, and further examined, the last witness being present:—

Rev. E. Dixon. 17 July, 1878.

4392. *Chairman.*] You understand that you have been sworn, sir? Yes.
4393. Have you any objection to tell us whether you ever stated to Dr. Lambert that you had led Mr. Fitzpatrick to believe, from the representations you made to him, that this gaol was a "hell upon earth"? In Mr. Osborne's house, Dr. Lambert asked me if I had used such an expression, and I said, "No." Then he said, "You must have used words to lead him to believe so." I replied, "I suppose so."
4394. Is that all you said to Dr. Lambert? That is all I can remember.
4395. It is hardly consistent with what you told us yesterday? It is exactly consistent, because when the doctor spoke to me I had not written to Mr. Fitzpatrick to ask him if he had so understood me. I wrote to him the same day.
4396. You gave us to understand that you had written to Mr. Maclean informing him that you had not made any representations to Mr. Fitzpatrick which could lead him to infer that you meant so to stigmatize this place? What I said was, as I told you yesterday, that if Mr. Small took a dislike to a man he made his life a burden to him.
4397. But that hardly makes the place a "hell upon earth." You did not tell Dr. Lambert that Mr. Fitzpatrick had made a perfectly unwarrantable inference? As near as I can remember, I have told you what I said to him.
4398. But you apparently left Dr. Lambert under the impression that you had given Mr. Fitzpatrick to understand that that was your impression? I cannot tell. I was rather surprised at the way in which Dr. Lambert spoke, and I was willing to let the conversation drop. I was so astonished at the statement made by Mr. Fitzpatrick that I wrote to him about it.
4399. But why did you not say, "Mr. Fitzpatrick has drawn a very wrong inference; I never gave him any reason to infer anything of the sort," without leaving Dr. Lambert to think that you had? I never intended to give him any such impression. I told him that I had not used the expression. Dr. Lambert was very angry at the time, and I did not care to have any more conversation with him. I have not been on speaking terms with him since. I had no idea of leading him to suppose that I made use of such an expression.
4400. *Mr. Voss.*] You never made use of the expression at any time? No, sir.
4401. *Chairman.*] And never intended any one to draw such an inference? No.
4402. I want to ask you one question which I forgot yesterday. You spoke of Mr. Small as a useful man but as unfortunately having an ungovernable temper;—do you adhere to that? Yes.
4403. Are you of opinion that he is by disposition and conduct a humane man, or, on the contrary, a cruel man? I do not think him a humane man.
4404. Do you think him a kindly-dispositioned man? My answer would be no; but I say it with diffidence, because I think you seemed to think yesterday that I had a prejudiced view of him.
4405. We want your opinion of him whatever it is? I do not think him a humane or kindly-dispositioned man.
4406. Even before you had the falling-out? I have never altered my opinion of him.
4407. *Mr. Voss.*] Would you call him cruel? I would not call him a humane man.
4408. *Chairman.*] But you would hesitate about calling him a cruel man? Yes; it seemed to me in the case of Crotty, whose clothes were torn, that the man had been assaulted, and that gave great weight to my view.

Rev. E. Dixon. 17 July, 1878.

4409. Without inquiring whether the man's statement was true or false? I did not speak to Mr. Small.
4410. Does it not strike you that it is rather unfair to judge the case simply on the statement of the prisoner, and his showing you something? I believed his statement, and I took that case as an evidence of the character of Mr. Small.
4411. Do you know the estimation in which Mr. Small is held by the people around, and, with the exception of yourself, by the clergymen, with regard to his humanity or kindness? I have never spoken to them about him.
4412. But can you not speak as to the estimation in which he is held? I only know one person who has spoken of him, and that is Mr. Osborne. He has always spoken well of him.
4413. When was Shaw's case of starvation? I am speaking from memory; I think it was two years and a half ago.
4414. That is before Dr. Lambert's time? Yes, I think so.

Robert Wheeler, confinee in Berrima Gaol, called in, sworn, and examined:—

R. Wheeler. 17 July, 1878.

4415. *Chairman.*] What is your name? Robert Wheeler.
4416. What sentence are you serving? Five years.
4417. For what offence? Cattle-stealing—killing a beast.
4418. Is that your only conviction in this or any other colony? Yes.
4419. When did you come here first? I think in December, 1875.
4420. Have you been here ever since? Yes.
4421. You have been here two years and eight months then? Yes.
4422. Are you undergoing separate treatment? No; I am servant to the chief warder, and have been ever since I came out of "separate."
4423. Have you any complaints to make of your treatment in the shape of injustice or ill-treatment? I have of injustice.
4424. What is it? On the 28th of April, 1877, a man got away from here. I was inside the gate, in the chief warder's quarters, and Mr. Brown was at the first gate; he ran out and called to me to take charge of the place; he left his keys on the ground, and I picked them up and locked the gate. The chief warder, who was in his quarters, ran out as soon as his daughter called out that there was a man away. I called to some men who were looking on to fetch the senior warder, and he came down and took charge of the gate. There were some men in between the gates, and they had asked me to let them into the yard, but I said, "You will not come out until the senior warder comes." When the senior warder came he let them out.
4425. Were they all prisoners? Yes. If I had not locked the gate the other men, if they had liked, could have got to where the firearms are kept. I wrote a statement to the Comptroller to that effect, and the chief warder asked me what business I had to write it, and I said, "For meritorious conduct a man is entitled to something, I believe." He said he would not send it.
4426. You wanted to represent it as meritorious conduct that you did not escape yourself, or allow anyone else to escape? Yes; I told the chief warder that if he would not send it I would not draw it back. The next day the chief warder sent two men named Cheeseborough and Beresford to ask me to withdraw the statement, but I said I would not. The chief warder said if I had left it to him he would have got something off for me. He kept the statement, I believe, for a day or two; then Mr. Brown sent for me, and said, "You must alter that statement." I said, "What for?" He said, "I must put down that he shut the gates." I said, "I will do nothing of the sort." He said, "It will ruin me." I said, "I don't care, it is the truth, let it go." Mr. Brown afterwards got promoted a shilling a day. My statement went down to the Comptroller, but the clerk told me I would get nothing out of it, because the chief had said that I wanted to make capital out of it. I would like you to have the papers laid before the Government.
4427. I am inclined to think that you do want to make capital out of it—for doing your duty on that occasion.

Joseph Horn, confinee in Berrima Gaol, called in, sworn, and examined:—

J. Horn. 17 July, 1878.

4428. *Chairman.*] What is your name? Joseph Horn.
4429. What sentence are you serving? Fifteen years.
4430. What for? Sticking up the Joint Stock Bank at Braidwood.
4431. With arms? Yes.
4432. In company with others? Yes.
4433. Was that your first conviction? Yes.
4434. When did you come to Berrima? In 1869. I was tried in October, 1869, and came straight from Goulburn.
4435. How long were you here then? Twelve months and a few days in separate treatment.
4436. Have you any complaints to make of ill-treatment or injustice? I found it very severe as regards hunger and cold. It was different then from what it is now. I had to do twelve months "separate," with only one hour's exercise a day.
4437. Did you fall away in weight? Yes, a great deal.
4438. Who was the doctor? Dr. Williamson, but I never saw him while I was here.
4439. Do you want to make any complaints about this gaol? Not about myself, but there are other things I wish to call your attention to. I would like to tell you what happened when I went down from here. I went with five others. When the doctor saw me at Parramatta, he called the attention of the chief warder to my appearance, and wanted to take me into the hospital as mad. Within three months—I go to extremes—three out of the five men that went with me went to the mad-house. I believe separate treatment was the cause of it. It is remarked in Parramatta that every man who comes from Berrima is, to a certain extent, mad. I wish to call your attention to this, because I think separate treatment injures a man for life.
4440. But you did not suffer in your own case? I have suffered from nervous irritability since. I have never been the same tempered man. In Parramatta every man coming from Berrima is considered mad. I have seen men going on with madmen's tricks flogged and sent back here again.

J. Horn. 17 July, 1878.

4441. *Mr. Pinkey.*] That is a matter of your opinion only? It is the opinion of all the prisoners.
4442. *Chairman.*] What became of the men who were flogged and sent back? One was treated for years in Darlinghurst. His name was Dunn.
4443. How do you know that man was mad? I believe he was.
4444. *Dr. Alleyne.*] How did you judge? By his actions.
4445. The people in Darlinghurst have found it very difficult to judge, because they have not been able to find it out up to this moment.
4446. *Chairman.*] Who were the three men that went to the mad-house? Power, Joyce, and Holland.
4447. Well, come to the second time when you were sent here? I will take you to a case of brutal ill-treatment in Maitland Gaol, if I am allowed. In the latter end of February, 1875, I was in Maitland Gaol carpentering. On going into the yard at dinner time one day there was no dinner, a common occurrence there. 1 o'clock came, and still no dinner. There was a rumour that the contractor could not supply the bread, and that he had supplied a quantity of potatoes instead. The chief warder came into the yard about half-past 1 and said, "Well, men, the contractor is not able to supply the bread; there has been some miscarriage of flour, and you will have to take potatoes in lieu of the bread, and be satisfied." Several of the men objected, having seen the same thing occur before—I amongst the number. I told the chief warder that I objected, and he said, "You are an agitator, and want to make these men dissatisfied." I said, "Tell the gaoler I wish to see him, if you please." The gaoler was sent for, and I was taken into the corridor, and, in the presence of the chief warder and senior warder, I told him my objection, and also that the same thing had occurred before. At this time I was considered a good-conducted man. The gaoler said, "I think the best thing you can do is to take the potatoes, and rest satisfied." I said I objected, as it had occurred very often, and that I would write to the Comptroller-General unless bread was got somewhere else.
4448. Come to the brutal treatment? I went back to the yard, and about an hour afterwards I was called out again and taken to the cook-house. The gaoler argued the point with me again, and told me that the potatoes were put out. I still objected, and he then said, "I will lock you up." I asked, "What for; have I committed myself?" I said, "It is wrong to do that before I have committed myself," and he turned round to the chief warder and another warder and said, "Lock him up." They rushed at me and seized me, and a struggle took place, in which I was knocked about by the chief warder and warder Steel. They both kneeled on me as I was lying on my belly and face, and took their belts off and strapped my arms and legs.
4449. What is the name of the gaoler? Mr. Stacey. They overpowered me and carried me to the wing, where they threw me on to the stone corridor and kicked and kneeled on me again. Then they took the belts off and handcuffed me behind my back, threw me into a cell with my face on the flags, and left me. I don't know how long I remained there, because I believe I lost my senses. Sometime during the afternoon they took me out of that cell and put me into another that had ringbolts in it, and handcuffed me to a ringbolt.
4450. *Mr. Oatley.*] Spread out? No, to one ringbolt.
4451. *Chairman.*] With your hands behind your back? No, in front, with the handcuffs through the ringbolt.
4452. Well? I was kept that way until supper time, when my hominy was brought to me and I was unloosed and left to eat it. At bed-time they came in again, passed in my bed and boards, and handcuffed me to the ringbolt again.
4453. Standing up? I could sit on the bed, but my arms were in a very strained position. I was left that way all night. Next morning they came in and unhandcuffed me from the ringbolt.
4454. The same men? I can't remember who loosened me in the morning; I was trying to think of it last night.
4455. *Mr. Oatley.*] Did you get any sleep? No. They took my bed and boards away in the morning, and let me loose in the cell. They did not handcuff me any more then. In the afternoon I was taken over to the office by two warders, Simpson and Allen. There were two Magistrates with the gaoler in the office. I had a pair of handcuffs on each wrist, and the warders had hold of one ring of each. I was charged with assaulting the gaoler, chief warder, and warder Steel, and with inciting the men to rebellion. There were ten more men locked up at this time. I pleaded not guilty, and charged them with assaulting me; but whenever I tried to speak the gaoler made me hold my tongue. I was not allowed to speak. I tried to make a statement before I was sentenced, but I was not allowed. I was sentenced to thirty-one days' dark cells in Berrima Gaol, and separate treatment until further orders. I asked the Magistrate to give me a month in Maitland, but the gaoler objected, as there were no dark cells there. I was locked up again. Next morning the gaoler came to the cell and said, "You were talking last night to the other men in the wing. That is disorderly conduct, and I will give you seven days' half rations." I said, "I object to you punishing me; if I have committed myself, take me before the Magistrate." He said, "I will give you something for your insolence." He told the warder in charge, Steel, to open the gate of the cell, and Steel opened it. Then he said, "Take those bed boards out." I said, "It will be very cruel to take them out and leave me to sit on the flags to ruin my constitution. Bring me before the Magistrate." He said, "No, you scoundrel, I will deal with you." He sent Steel away for the chief warder and more warders, and Steel brought the chief warder and warder Clemens—three of them. The chief warder and the gaoler are 14-stone men. They came in, knocked me down, knelt on me, handcuffed me behind my back, and left me lying on the flags. I knew nothing about the ten men who were locked up. They rebelled in the yard after I was locked up. They were in the cells shouting and singing. Two more were tried next day, and were sent with me to Berrima. The gaoler had me tried for inciting them, when I could not do it. There has been a great deal of cruelty at Maitland Gool that I could tell you of, not only to men but to women. Somewhere about the middle of the day, they came to my cell—Warder Steel and Warder Clemens, I believe—and took the handcuffs off me, and I was placed on half rations.
4456. What was that? Three quarters of a pound of bread, a quarter of a pound of meat, before it is cooked, a quarter of a pound of potatoes, half a pint of what they call soup—it is worse than it is here, and that is bad enough—and half a dish of hominy night and morning. I remained in the cell for seven days, and was never allowed any exercise. After the seven days were over I got my full rations again. I got my breakfast on full rations. At 9 o'clock the door opened, and the gaoler was there again.

He

J. Horn. 17 July, 1878.

He said, "You still continue talking to these men. I will give you five days more short rations, and that will keep you till you go to Berrima." I knew that it was of no use to remonstrate, because I would only have been overpowered and ill-used. It was the practice in the evening at lock-up time to go into the cells of men who were locked up like myself to search them. Well, two evenings after this Warder Steel and Warder Clemens—the same two warders remember—came into the cell to search me, when Steel said, "You have tobacco in your mouth." I said I had not; but they immediately seized me, threw me down, and throttled me until I was nearly black in the face. My throat was sore for weeks after.

4457. *Chairman.*] Did they get any tobacco out of your mouth? I had a little tobacco in my mouth; but whether they got it, or I swallowed it, I can't say. The only friend a prisoner has got in these gaols is tobacco.

4458. Then you told a lie? Yes; it was my place to do so.

4459. Is it a prisoner's place to deny anything he is accused of? A man gets cunning through being in these gaols; he does not reform. Some five days afterwards I was ironed, put on the chain, and forwarded to Darlinghurst. Upon my arrival in Darlinghurst the next morning ——

4460. Were you ill-treated in Darlinghurst? No; but I want to show you that I wanted to write to the Comptroller-General and was not allowed. I asked Mr. Read to allow me, and he refused.

4461. Did you complain to him of having been ill-treated at Maitland? I told him that I wanted to write to the Comptroller-General about the way I had been treated, but he refused to allow me. He said I was on transit to Berrima.

4462. Although you told him that you had been ill-treated? I do not know that I did.

4463. I suppose it is the rule not to make complaints when you are on transit? I don't know. I think it is the rule in Darlinghurst not to make complaints unless they like to let you. Before I left Maitland, a prisoner going out informed me that Mr. Scholey the Member would be made acquainted with all that had occurred in the gaol. I remained at Darlinghurst a week, and I was then sent up here and placed in solitary confinement, but not in the dark cells. An order came up from the Comptroller stating that I was not to be put in the dark cells, but was to be put in the ordinary cells. I was in separate treatment for four months. Then the Comptroller came up, and I complained of the way I had been treated at Maitland, and of the punishment I had received afterwards without any cause. He said that he had read the evidence, and declined to investigate any further; that he considered I was justly treated; and that all that remained for me to do was to retrieve my character by good conduct. That was all the satisfaction I got from the Comptroller.

4464. Did you experience any ill-treatment in this gaol? I was well treated in separate, according to the regulations. The only complaint I had was that I did not get sufficient food.

4465. Then you have no complaint to make except that? Not about myself; but in September, 1875, I was taken to the schoolroom and sworn in as a juror in the case of Edward Bolton, who had died in the hospital. There were three free jurymen and six prisoners. I had known the man in Darlinghurst Gaol, when he was a fine strong young fellow. The evidence given at the inquest proved that he was suffering from a dangerous and contagious disease—I don't know the botanical name, I think they call it syphilis, but there were cancers and sores eating through his throat and breast. The evidence showed that in this state he was forwarded to this gaol to go through separate treatment.

4466. Was the evidence taken in writing? Yes. The doctor said that being removed to this cold climate with the disease on him had accelerated his death, and a rider was added to the verdict censuring the authorities in Sydney for sending the man up in that condition, but there was no notice taken of it.

4467. Well, anything else? I went down with the idea of getting something done for me. I have seen men—there is Larry Cummings, who had thirty years, gone to his liberty from this gaol after doing eight years. There was Gardiner, let out after doing ten years. I am a first convicted man. I am doing fifteen years. I have done nine years, and am likely to do the remaining six.

4468. But you are not a well conducted prisoner? I got out of my cell in Darlinghurst, and tried to get through the roof, that was all, and I did that because I saw no chance of getting out any other way before I had done my sentence.

4469. Have you told us all you wish to tell us? No. Last month I was called down from the shop and sworn in on another jury for an inquest on a man named Abraham Crabtree.

4470. Where did he die? In his cell, and the bar-irons were knocked off his legs after he was a corpse. Well, these men are murdered, sir. In the case of the man who was sent here from Sydney, it was proved that he had been a week or a fortnight in Darlinghurst Gaol, but no medical certificate came up with him. That is what I want to call your attention to—the mismanagement of these gaols.

4471. What was the verdict in the second case? The verdict was that the man died from chronic bronchitis. The doctor stated that his removal to this cold climate had accelerated his death, and that if he had been in Sydney he would not have forwarded him up.

4472. And you say he died with irons on? There is the evidence of the chief warder to prove that he went into the cell and found him lying dead on his baskets. That man was murdered, sir.

4473. Well, we have come here to make inquiry into the management and discipline of Berrima Gaol. Your case may be a hard one, and there is an excuse to be made for your dwelling on it, but we do not want your comments. Have you anything to say in regard to Berrima Gaol? I consider this the best gaol. There is less petty tyranny to a man on the works here than in any other gaol in the Colony.

4474. How many gaols have you been in? I was taken at Braidwood, and remained a fortnight there. I was taken to Goulburn to be tried, and remained there five months and a fortnight. Then I was forwarded here, and I did my separate treatment. After that I went to Parramatta, and was there eleven months, when I quarrelled with a fellow prisoner and was sent to Darlinghurst. I was there eight months, and then the man I had quarrelled with, Burt, was forwarded there, and I was sent back to Parramatta. From Parramatta I went to Maitland as carpenter, and I came from Maitland here. Since then I have been to Darlinghurst for six months. I tried to escape from there, and was sent back here again for it.

4475. You need not answer this question unless you like, but were you guilty of the offence for which you were tried? I was. I have a complaint to make about being sent up here the last time. I was tried for attempting to make my escape, and I was sentenced to one month's solitary confinement on bread and water. I did the twenty-eight days, and was then brought out of solitary confinement, and forwarded up here, and put in separate treatment. I wrote to the Comptroller to know why I had been placed in separate treatment. I mentioned the opportunities I had had for getting tools, and so on, which I considered a great temptation to a man in my situation. I had been told that nothing would be done for me.

J. Horn. 17 July, 1878. The day that answer was sent to me I went to the shop and prepared for making my escape. After I wrote to the Comptroller from here about being put in separate treatment without being sentenced to it, I received an answer, saying that if a man tried to make his escape he was to be forwarded for separate treatment without being sentenced by a Magistrate. I believe that what brought me out of separate treatment was the talk about this Commission coming here.
4476. Your opinion is that there is less petty tyranny carried on here than in any other gaol? Yes; I have been here two years, and have not had the stroke of a pen against me. They "bark" at you in other gaols; they won't speak to you civilly.
4477. But here you are treated with civility and consideration? I am, sir.

THURSDAY, 18 *JULY*, 1878.

The Commission sat at Berrima Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P.,
JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

[A Chinaman, who gave his name as "Doin," came before the Commission, at his own desire, but had no complaints to make. He said that he had been in gaol nine years and five months, and that he had five years and seven months more to serve, and he wished to know when he was going to be discharged.]

Thomas Baxter, confinee in Berrima Gaol, called in, sworn, and examined:—

T. Baxter. 18 July, 1878. 4478. *Chairman.*] What is your name? Thomas Baxter.
4479. What sentence are you serving? Seven years.
4480. What for? Burglary.
4481. Is that your first conviction? No, sir.
4482. How often have you been convicted before? Four or five times, I think.
4483. For what offences? Petty larceny.
4484. Only petty larceny? I don't know whether you call it petty larceny or not, but I got two years before this, and two or three magisterial sentences—one for deserting from my ship.
4485. What was the most serious charge? This one of burglary.
4486. What was the sentence of two years for? Robbery from a shop (£14) in the daytime.
4487. Have you been here more than once? Yes, three times.
4488. When did you come first? In March, 1873; I came here for nine months after I was tried.
4489. Then your seven years will be up in 1880? Yes.
4490. How long did you remain here? Nine months, in separate treatment.
4491. During those nine months were you subjected to any ill-treatment or injustice of which you wish to complain? No, sir; the only thing I have to complain of is that I was always hungry; I got short rations all the nine months.
4492. Did you fall away in health or weight? No, sir; I got stouter nearly every week, yet I was always very hungry. I am telling you the truth; of course I could just as easily tell you that I fell away.
4493. We expect you to tell us the truth; you are sworn to do so. When did you come here next? The next time was in 1876; I was sent from Parramatta Gaol.
4494. In what month? August.
4495. How long did you remain here then? I remained here then over twelve months.
4496. What were you sent back again for? For nothing.
4497. What was the charge? There was no charge; I was not tried for anything.
4498. Then your being sent here without any cause is one ground of your complaint? Yes.
4499. Well? The first thing I have to say about Berrima Gaol is that I was always treated well and kindly in separate treatment. I was punished a great many times for communicating with my fellow prisoners, but I always deserved it. I was several times in the dark cells, and the gaoler used to come every day and give me good advice, and tell me that I was very foolish for committing myself. He never used to abuse me or knock me about.
4500. What was the longest time you were in the dark cells? Seven days.
4501. Was that by sentence of a Magistrate? Yes.
4502. Were you ever put in without being sentenced by a Magistrate? No.
4503. During the nine months you were here first Mr. Small was gaoler? Yes.
4504. Was the present chief warder, Mr. Everett, here? Yes, sir.
4505. Was Mr. Brayne? No, sir.
4506. Was a warder named Hill here then? No, sir.
4507. Who was the Visiting Justice in 1873? I forget his name; the same one that is here now.
4508. Then you have nothing to complain of in regard to those nine months? No, sir. Whenever I spoke to Mr. Wilshire he always gave me the height of justice.
4509. Well, now we come to the twelve or thirteen months, dating from August, 1876. Is there anything in that period that you wish to complain of? After I came from Parramatta I was kept in the stone yards for five or six months. Then I was let out, and made a wardsman. I was five or six months in the ward under Mr. Brayne, the senior warder. He was always a very humane man, and kind to the men in separate treatment. I never saw any man ill-used or beat while I was wardsman. I have heard them

complain

complain of hunger when I have been sweeping about the cells. Some of them have whispered to me through the door, and said, "For God's sake, get me a bit of bread in." I durst not answer them, because the warder was watching, and I could not assist them. That is all I have to say about Berrima.

4510. What was it you wanted to say about Parramatta? The complaint I wish to lay before the Board is about what happened to me in Parramatta Gaol. One night, in the month of June, 1876, I was taken sick in my cell with gripes in the inside. I was also suffering from severe cold at the time. I put up with the pain for a long time, and then knocked at the door for the doctor. A warder came, and I told him I wanted to see the doctor. About an hour afterwards the dispenser came and took me to the hospital. I told him I would rather be treated in the cell; but he said he could not do it. He gave me some medicine, which relieved me; and he told me that if I was better I could go into my yard in the morning. In the morning I went into the yard, and in a few minutes Warder Brown, who is stationed over the hospital, came to the yard and asked me who had authorized me to leave the hospital without his permission. I told him that the dispenser had told me that I could leave the hospital if I felt well. He then locked me up. After I got into the cell I was very bad, and I sat on the tub for a considerable time, through the dose of castor oil I had taken before leaving the hospital. The Magistrate came the same day, and I was brought before him and charged with leaving the hospital and with giving insolence to the warder. I was greatly excited at the time, and made some answer which was considered insolence, and I got fourteen days' solitary confinement to a light cell on bread and water. Warder Cray, who took me to the cell, told me that I would have to strip off my clothes, and that he would give me an old suit to put on. I told him that I was very sick; that I had just come out of hospital, and was suffering from pains in the inside and severe cold; that I was not well enough to strip stark naked, and that I would not do it until I had seen the doctor. He told me that if I did not do it he would make me. He went and got two more warders—Dalton and Fitzgibbons—who came into the cell, and, without a word, they rushed at me, knocked me down, kicked me, jumped on me, and ill-used me until I was black and blue. The night-tub, which had a great mess in it from the castor oil I had taken, capsized in the scuffle, and the contents ran over the cell and into the passage. After they had kicked me and abused me, one held me down by the legs and another by the hair of the head, and they dragged me through the filth into the passage. There they took the clothes off me, and the clothes were in such a mess that they had to be burned. When I was stark naked they took and rubbed my face and body in the filth, so that I was completely covered. Then they threw me into a cell, and threw an old suit of clothes in to me. The chief warder came round just at the time, and I commenced to make my complaint to him. He said, "Shut your mouth, you scoundrel; they have not given you half enough, and if you say another word I will get the gag and jam it down your throat." The gag and the "neddy" were always kept in Parramatta in my time hanging up near the dark cells, so that he would not have had to go far to put his threat into execution.

4511. What do you call a "neddy"; a warder's baton? I suppose they would call it so, but I call it a "neddy." I was greatly excited at the time, and I retaliated as well as I could to Mr. Watt, the chief warder. I said to him, "You dye your moustache, and you wear six-inch heels on your boots, and you are always boasting about the gaol that you were the best-looking man in Collector. I don't know whether you are the best-looking man in Collector, but there is one thing I can tell you, and that is, that you are the biggest falsehood teller, because I have never heard you speak the truth since you have been in Parramatta."

4512. Did you say "falsehood teller" or "liar"? "Falsehood teller." Mr. Watt said, "I will make it bloody hot for you," and he did.

4513. Was anybody standing by? No; Mr. Watt was an old soldier, and he took care that nobody was standing by. But it would have been all the same if there had been anybody else there.

4514. What one would say the other would swear to? I have heard that. While I was doing the fourteen days Mr. Watt used to come round every morning. I asked him to allow me to have a bath to wash the filth off my body, as I could not stand my own smell. He told me that he would not allow me to have a bath nor anything else if he could help it. After I had done the fourteen days I was brought before the Magistrates.

4515. *Mr. Oatley.*] Did you not have a bath? No; I was only allowed to wash my face. A man is supposed to have a bath every week. After I had done the fourteen days I was brought before the Bench of Magistrates, and the three warders who had assaulted me charged me with assaulting them, and I got another fourteen days' solitary confinement, the last three days in the dark cells. After I had done twenty-five days' solitary, I was put into a dark cell. The dark cells in Parramatta are the worst I ever was in. I have been in the dark cells at Berrima and Darlinghurst, but they are a great deal better than the ones at Parramatta.

4516. Which is better: Darlinghurst or Berrima? I would sooner be in the Berrima dark cells than the ones in Darlinghurst.

4517. *Chairman.*] Well, proceed? After I had been in the cell a few hours I got a nasty sickly headache, and I could not eat my rations. There did not seem to be enough ventilation. While I was doing that time Warder Dalton told me that he was sorry for having kicked me and knocked me about, but that he had received his instructions from the chief warder. After I had done the twenty-eight days, I was taken out and put into the yard. The next morning I went out to work with the other men. I was put to pick and shovel work. I felt very weak and sick from the effects of the twenty-eight days confinement, so I went back to the yard again, saw the doctor, and got exempt from all labour for three days. I had been in the yard only a short time when Warder Risbane came and called out to me, "Come out here, Baxter." I went out, and he took me across to No. 1 wing and put me into a solitary cell. I said, "What have I done now; I have not committed myself again?" He said, "I have received instructions from Mr. Watt." I said, "Yes, he promised he would make it bloody hot for me, and he is doing it." I was kept there, sir, for four or five weeks. I constantly asked the warders what I was in for, but none of them could tell me. I asked the chief warder when he came round, and he said, "Man, I know nought about it." I asked also to be brought before the Magistrate to be tried if I had committed myself. After I had been kept there about five weeks, I was taken out, ironed, and handcuffed, and sent away to Berrima Gaol. When I came here there was nothing on my papers to show what I had come for, and I was placed in separate treatment, but I was only kept in seven days, until my papers were sent down to the Comptroller. I was taken out and put in the stone yards, in special treatment, and I was kept there five or six months. During that time the Comptroller visited Berrima Gaol, and when he came round I asked him to tell me why I

T. Baxter. was in this gaol, and in punishment. He said that he did not know, but that he would make strict inquiries in Parramatta Gaol to see what I had been sent up here for to punishment.

18 July, 1878. 4518. When did you see the Comptroller? It was the latter end of 1876, or the beginning of 1877.

4519. More than eighteen months ago? Yes. A few weeks after the Comptroller sent up an answer, but I have forgotten it. I wish the Board would examine my papers; I wish the Comptroller's answer put down.

4520. I see you have an *alias?* Yes; I have gone by the name of Smith.

4521. Which is your proper name; have you any objection to tell us? No; Baxter is my proper name.

4522. Was the purport of the Comptroller's answer communicated to you? Yes.

4523. By whom? The gaoler.

4524. What was it? I forget; I think it was something about using threatening language to Mr. Watt. Then I heard that it was because a prisoner was frightened of me.

4525. Whom did you hear that from? The clerk.

4526. *Mr. Oatley.*] What did Mr. Small tell you? I am not sure; I think he said it was for using threatening language to Mr. Watt.

[Mr. Small, who is called in and asked to produce the Comptroller-General's letter, says that such a document would be returned. His impression is that a letter was sent, and that the purport of it was that the witness was sent to Berrima for having used violent and threatening language to the chief warder.]

Examination resumed:—

4527. *Chairman.*] Have you heard what Mr. Small says? Yes.

4528. As far as your memory serves you, is his report correct:—"For violent and threatening language to the chief warder"? I never used any violent or threatening language to the chief warder. If I did so, why did he not bring me before the Visiting Justice, and have me punished in the regular way? The authorities at Parramatta knew that they had sent me to Berrima Gaol in a very underhand way, and therefore they made this excuse, not knowing any better one, that it was for violent and threatening language to Mr. Watt.

4529. Our mission here is to inquire into the treatment of prisoners in Berrima Gaol, and we cannot listen to a detailed statement of occurrences in Parramatta Gaol? Well, if, when you were at Parramatta, you had called me down I would have stated it before their faces.

4530. In so far as anything that occurred at Parramatta bears on Berrima Gaol, we will hear what you have to say, but not otherwise? Then who am I to make my grievances known to?

4531. The Comptroller-General? Pooh! I know better than that; I would get twenty-eight days if I did.

4532. This inquiry is limited to the management and discipline of Berrima Gaol. The grievance you have stated will be brought before the Comptroller-General? He will very likely give me twenty-eight days for making it. He would say, "Tell me what you have to complain of." I would tell him the truth; but do you think those warders would admit that they had abused me?

4533. Do you wish us to understand that you can get no justice? Not in Darlinghurst or Parramatta Gaols. When the Justice goes there he leaves justice outside.

4534. Have you ever been under any officer from whom you have got justice? Yes; in Berrima.

4535. Were you justly convicted? I would sooner say nothing about that, because if I did I must speak the truth.

4536. Was any advantage taken of you by the Crown Prosecutor? I must say that he knew how to speak.

4537. Do you say that the case was unfairly pressed against you? Yes; my witnesses were not called.

4538. Were you defended? No, sir.

4539. Did you call your witnesses? Yes; I subpœnaed them, but they did not come. I consider it is the Crown's place to make them come. They ought to try to prove a prisoner's innocence as well as to prove his guilt.

4540. Then, on all hands you have received injustice except in Berrima Gaol? I do not say so at all.

4541. However, we have told you what our mission is. If the Government would appoint a Commission to inquire into the grievances of every prisoner in the Country, you would have an opportunity of stating yours. This inquiry has arisen in consequence of allegations of cruel treatment in Berrima Gaol. The Government has been so far impressed by them that it has appointed a Royal Commission to inquire as to the truth of the allegations, and generally the management and discipline of Berrima Gaol? But why not inquire into the grievances in other gaols?

4542. *Mr. Oatley.*] How many times have you been in the dark cells this time? None. I was in 1873, when I was doing my first separate treatment.

4543. What sort of bedding did you get? I got one old blanket.

4544. *Chairman.*] Never more than one? No.

4545. What was the size of it; was it a single or a double one? It was about the usual size; but the one I had was full of holes.

4546. *Mr. Oatley.*] A very large one? No.

4547. *Chairman.*] Not a double blanket? It was about the size of those I sleep in in the cell, only more worn.

4548. Was it sufficient to keep you warm? No, I could not sleep for the cold.

4549. *Mr. Oatley.*] While you were in separate treatment, when you required to ring the bell for the purposes of nature was it regularly attended to? Whenever I rang the bell I was nearly always instantly attended to. If the warder was in the other wing, Mr. Brayne would come and open the door. I have rung five or six times a day when bad in my inside, and I have always been let out directly.

4550. *Chairman.*] Have you seen any hominy go to Small's horses? I have seen the groom taking it round that way.

4551. Is the groom a prisoner? Yes; Burgess was the man I saw. It is years ago. I don't know where he took it.

4552. Was it on more than one occasion? I cannot say whether it was one or two.

4553. *(Blanket produced.)* Is this the size of the blanket you got? Yes, that is the size.

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4554. *Mr. Voss.*] That is what you call a single blanket? Yes. A man gets plenty of bedding when he is on the works. *(Blanket measured, and found to be 8 ft. long by 5 ft. 6 in. wide.)*
4555. *Chairman.*] Have you any other complaint? I got thirty-one days in Darlinghurst Gaol, and I wish to complain of the treatment I got while I was in solitary confinement.
4556. You can say if you like that you were ill-treated? I was not ill-treated.
4557. *Mr. Oatley.*] What description of bedding did you get at Parramatta? I got very good bedding; I had bedding as well as blankets.
4558. What did you get in Darlinghurst? Bedding, and two or three blankets, and a rug.
4559. And the same at Parramatta? Yes.
4560. *Chairman.*] Did you say you would rather be in the dark cells here than in Parramatta? I would rather be in the cells here with one blanket than in the cells at Parramatta with three blankets.
4561. Why? Because there is plenty of ventilation and good air here, but in Parramatta there is not. A man gets a severe headache when he has been in the Parramatta cells for some time.
4562. *Mr. Oatley.*] Then the cells there are much warmer than here? Yes.
4563. *Chairman.*] You say they are warm enough? They are too warm. I would be healthier in these dark cells than I would be in the Parramatta dark cells.
4564. Has anyone here asked you to give evidence? No, sir.
4565. No warder or official of any kind? No; I only just speak as I find.
4566. Have you told anybody here that you were going to speak well of this gaol? No; if I had seen anything bad, or seen anyone ill-treated, I would have said so.
4567. *Mr. Oatley.*] Have you seen any prisoner ill-used here? No.
4568. *Chairman.*] Have you ever been gagged? No.
4569. Nor spread-eagled? No.
4570. Do you know what that means? I have heard it explained.
4571. Have you ever seen any man spread-eagled or gagged? No. I want to say a few words about Darlinghurst, and about their taking my bread in Parramatta.
4572. We cannot hear the circumstances? But I want to tell you. I was going to publish all this when I went out, and I will do it yet.
4573. Of all the gaols you have been in you would rather be in Berrima? Yes, because a man gets here what he does not get in Parramatta or Darlinghurst, and that is justice. I have never been spoken to by a warder here for the slightest breach of prison discipline.
4574. Have you been a favourite of Mr. Small's? No.
4575. Have you seen any instance of favouritism on his part? No, sir, I can't say that I have.
4576. You know what I mean by favouritism—unfair partiality? No, sir, I never have. I asked Mr. Small to let me go into the shoemaker's shop to learn shoemaking, but he would not let me. If I committed myself in this gaol to-morrow I would be punished for it.
4577. That will do? I have as much here as would fill a newspaper about other gaols if you wish to hear it. It is all the truth.
4578. How many gaols have you been in serving sentences? Goulburn, Parramatta, Darlinghurst, Maitland, and Berrima.
4579. Were you ever subjected to any ill-treatment in Maitland Gaol? No; I was only there a short time. I got three months for deserting from my ship.
4580. What are you by occupation? A steward.
4581. How old were you when you left England? About 16 or 17. The first time I left I was an apprentice on board ship.
4582. What age are you now? Nine-and-twenty, sir.
4583. When your time is up here what gratuity will you be entitled to, do you know? I don't know; a little over £4, I think. When I go out I intend stopping in Berrima, shoemaking; I have learned that in the gaol. I know that I am a trebly-convicted felon, and that I have nothing to look forward to; I shall get no time off.
4584. Do any of the prisoners here who have come under your observation object to be photographed? Yes, I believe so.
4585. Do you yourself? No, I have not objected, but I saw an old man, called "Jack-in-the-Boots," who did.
4586. Molloy? Yes, I saw him strongly object to having his likeness taken, but when the gaoler explained to him, he went quietly and had it done.
4587. Do they remain as quiet as if they were being taken at their own wish? Yes.
4588. They do not stick their tongue in their cheek, or laugh? I never saw them, sir.

The Rev. William Riordan, Roman Catholic Chaplain, Berrima Gaol, called in, sworn, and examined:—

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4589. *Chairman.*] What is your name, sir? William Riordan.
4590. You are Roman Catholic Chaplain to the Gaol at Berrima, I believe? Yes.
4591. How long have you held that office? About two years and a half. I think I was gazetted in February, 1876.
4592. How many members of your communion have you at present in the gaol here? I think there must be about twenty-seven, but I am not certain.
4593. Is that about the average number? That is about the average number, I think.
4594. How often do you see the prisoners? I celebrate mass, as a rule, once a week for the separate men, and I see them in common then. I occasionally visit them in their cells. If they want me they send for me.
4595. Do you not go round to the cells of members of your Church without being sent for? Yes; very often.
4596. How often in a month;—can you say? I visit some of them in their cells every week.
4597. But to make a visit right through? I do not think I have ever done that.
4598. As a general rule do the men whom you visit welcome you? There was only one exception. They are very glad to see me.

4599.

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4599. Who was the exception? A man who has been very badly conducted here for some months—Cunningham. I thought I might succeed in bringing him to reason, and in inducing him to obey the prison regulations. The Visiting Justice suggested that to me. I did not care about interfering. They were trying to do what they could with him, but Mr. Wilshire asked me to use my influence with him, and I went to see him. When the cell door was opened he was lying down. He ought to have stood up to receive me, but he took no notice. I said, "Cunningham, I have come to see you."
4600. When was this? Two months ago, I think. He said, "What do you want?" I said, "I want to speak to you quietly and kindly, to get you to conduct yourself as you ought." He replied, in the most sullen and savage way, "If you don't leave my cell I will insult you."
4601. Did he say "insult you" or "assault you"? Insult.
4602. Was that the first time you had seen Cunningham? When he was here before, doing his nine months "separate" after the robbery, I visited him rather frequently, and he was then very obedient and respectful.
4603. More amenable to reason? Very much more so.
4604. And better conducted as a prisoner? Altogether better conducted. He was in the habit of speaking to me about some friends, and in particular about a sister, with whom he wished me to communicate. I explained that the regulations would not allow me, and he cried very tenderly when he found that I could not correspond with her. When I saw him disposed in this affectionate manner towards his sister I had some hopes of him.
4605. When was this? I think he must have been three or four months in gaol at that time.
4606. Do you remember the year? It must be last year.
4607. And then he went away? Yes; after he had completed his nine months separate treatment.
4608. Can you remember the time of the year? If I knew the date of his conviction I could tell you at once. (*Prisoner Cunningham's papers are produced by the gaoler, and show that Cunningham was convicted on the 8th of May*, 1876, *and that he came to Berrima at the end of July*, 1876.)
4609. Does that refresh your memory? It was soon after that when I had the interview I have spoken of. It may have been, perhaps, a month or two after.
4610. Did you see him on that occasion only? I visited him occasionally afterwards, and spoke to him, and pointed out the books he ought to read and the prayers he ought to say.
4611. Do you know when he left here on that occasion? It would be nine months after he came. He had to do the nine months separate treatment. Before the nine months were completed I noticed a change in him for the worse.
4612. In what regard? Shortly before he left I visited him as usual, but he would scarcely speak to me at all. When he was in the yard where the prisoners are kept a few days before leaving, I went to speak to him. He did speak, but I did not know what he said.
4613. Did he speak coherently? I did not understand what he said exactly.
4614. Did he know who you were? He knew perfectly well. I asked him how he was, and he snarled at me. I do not know what he said.
4615. That was in the yard? Yes.
4616. That was the last time you saw him until he came back? Yes.
4617. Did he make a second reference to any member of his family? No.
4618. Did not again request to be allowed to communicate with them? No.
4619. Have you reason to believe that his mind was affected in the course of that nine months' confinement? Well, the slightest thing would excite him.
4620. Was that towards the latter end of that time? I always noticed that he was a most excitable character.
4621. But you told us that in the earlier months when you saw him he was amenable to reason, and tractable and docile? Yes; but, nevertheless, when speaking to me about his conviction, or anything at all, he seemed to get in a flurry, and his eyes had a strangely wild appearance; yet he seemed to converse in a friendly way with me.
4622. And you think he got worse in those nine months? Yes.
4623. Do you know that he has been frequently punished for misconduct in gaol? Yes; on one occasion he was punished; I do not know the reason now. I think he attacked the senior warder, and attempted to rush out of his cell. Mr. Brayne, the senior warder, forced him back, and I thought at the time that he was a little hard, but I think he did it necessarily.
4624. Did you see it? No, but I heard about it, and I went to Cunningham's cell to inquire, and Cunningham told me that the warder had treated him violently.
4625. Did he complain of this treatment? Yes, he told me that he had been treated violently, and I made further inquiry about it; in fact, I spoke to Mr. Small, and told him that I thought Brayne had acted in a very unbecoming manner in his treatment of Cunningham. I did not make an official report, but I told Mr. Small that if Brayne acted in the same way again I would report him officially to the Comptroller-General.
4626. Yes, but you told us that the result of your inquiries was to satisfy you that Brayne only acted necessarily? From further inquiry, and especially from Cunningham's after conduct, I came to the conclusion, and do now believe, that Brayne could have acted in no other manner.
4627. Then you now, in your own mind, exonerate Brayne from any misconduct? Yes; I believe he is a very good officer.
4628. Did Cunningham several times, or only on one occasion, complain to you of ill-treatment at the hands of the officers of the prison? That was the only time.
4629. Did you see him frequently after the occasion when he spoke of his sister? Yes, I saw him some few times afterwards.
4630. Did you ever have any confidential talk with him excepting on that one occasion when he spoke about Brayne? That was the only time, I think.
4631. Did you ever see him handled by any of the officers of the prison? No, sir.
4632. You have never seen him handcuffed or dragged? No.
4633. Have you been present when he has been brought before the Visiting Justice for misconduct? I have not been present, though I have been in the gaol.
4634. You have not been an eye-witness? No.

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4635. Can you remember when it was that you first saw him after he came back. He went away, you say, and was brought back again? Yes.
4636. When did you next see him after he came back? I think it was when Mr. Wilshire suggested to me that I should see him and use my influence with him.
4637. That was when he said that if you did not leave the cell he would insult you? Yes.
4638. Have you not seen him since? No.
4639. How long ago is that? About two months ago probably.
4640. Were you with him any length of time on that occasion? Not more than about a minute, I think.
4641. From his conduct and appearance then had you any reason to think that his mind was deranged? He was very much excited. He became so as soon as I spoke to him.
4642. Did he strike you as being in the possession of his rational faculties? I think he was fully in possession of his rational faculties, although inclined to be greatly excited.
4643. Do I understand you to say that you think his moral nature is very much deteriorated since the first time you saw him? I think so; very much indeed. But from the first I noticed that he was nervous in speaking to me, and inclined to be excited.
4644. Have you ever visited any of your people in the dark cells here? Yes.
4645. Do you remember anyone in particular? I think I visited in the dark cells only once, and that was to see a prisoner named Coghlan, who sent for me to explain the cause of his punishment, and to request that I would intercede for him with the gaoler, and get him on the works again immediately. I think he had quarrelled with some other man, and had struck him and wounded him. I told him I could not interfere; that he ought to suffer the punishment inflicted on him.
4646. Did he make any complaint of having been ill-treated by the gaoler or warders? No.
4647. Or of having been unjustly punished? No.
4648. That was the only occasion on which you visited a prisoner in the dark cells? I do not remember visiting on any other occasion.
4649. Did you observe what bedding Coghlan had? I do not think there was any. I think it is taken away in the daytime.
4650. By bedding I mean blankets or any bed-clothing? I do think there was anything in the cell.
4651. Did he complain of having insufficient bed-clothing? No; he said nothing about it.
4652. Can you specify any instance at all in which any prisoner, except Cunningham, has complained to you of ill-treatment or injustice? There was no other occasion. No other prisoner ever complained to me of receiving bad treatment.
4653. Charging your memory carefully, during the whole time you have been here, can you not remember an instance in which any other prisoner complained to you of ill-treatment at the hands of the gaoler or warders, or of any injustice? I have no doubt that there is no occasion. I would remember it if there were.
4654. Do you remember the case of a prisoner named Callaghan? Yes, I remember his case.
4655. Do you know cell No. 34? I do not particularly remember that cell. I know the cell in which he was confined, because I visited him.
4656. Do you remember his ever complaining to you of injustice or ill-treatment? He never complained to me of injustice or ill-treatment.
4657. Do you remember the occurrence of his being under punishment for writing on the fly-leaf of a book? I remember it.
4658. Do you remember when that was? I remember the fact, but not the date.
4659. Was it about September or October, 1876? It was about the middle of his nine months, I think. He must have been three or four months here when it happened.
4660. Well, you remember seeing him? Yes; he sent for me.
4661. Tell us what took place when you saw him, as well as you can? He told me that he had got into a difficulty, that he had written on his book and was very sorry for it, and that he was ashamed for me as well as for having got into trouble, because he had promised me that he would conduct himself very well. He said he would promise again that if I interceded for him and got him off he would never again commit himself while in prison. I said that on that condition I would intercede for him, and ask Mr. Small to forgive him. He seemed very grateful, and I believed at the time that my interceding for him would have a good effect on his future conduct. I saw Mr. Small, and told him what I felt on the matter: that I thought it would be well to forgive Callaghan for that offence in order to encourage him with regard to his future conduct. Mr. Small said, "Very well, Father Riordan, I will do it."
4662. Before you saw Mr. Small, had Callaghan complained to you of receiving ill-treatment at the hands of Small? No.
4663. Did he tell you that Small had dragged him downstairs in a violent manner? No, he said nothing of the kind.
4664. Or that he had bumped his head against the wall? No.
4665. Or that he had shoved him over the bed-baskets? Nothing at all like that.
4666. You interceded for him, you say at his request, he admitting that he was guilty, and asking you to beg him off? Yes.
4667. Was his punishment limited on account of your intercession? Yes; I got a book for him myself, and asked a warder to take it to him immediately. It was taken to him, and on that very day he was sent to a good cell.
4668. Did he complain to you of having been gagged on that occasion? No.
4669. Did he tell you that he had been gagged? No; if he had received any ill-treatment I have not the slightest doubt that he would have told me, because he told me every little thing that happened to him on every occasion.
4670. Do you believe that you had established perfect confidence with him, and that if he had any cause of complaint he would have told it to you? Yes.
4671. I will read you the account Callaghan has given of the occurrence:—(*Questions and answers from Nos.* 621 *to* 633 *inclusive read.*)—Is there a word of truth in that account which he has given to us on oath? I think it is almost altogether false. He certainly admitted to me at once that he was guilty of the offence of tearing the book and writing in it; and he never mentioned that he had been gagged, or that he had received anything like ill-treatment; that part of his evidence is utterly false.
4672. There are some grains of truth about your interceding? Yes, that is true.

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4673. But he confessed that he was guilty, and never complained of any ill-treatment or injustice, but asked you to beg him off? Yes, and he promised never to offend again.
4674. Did Mr. Small show you any piece of paper that had been abstracted from a book? I have some indistinct recollection that I did see the piece of paper that the writing was on, but I cannot say.
4675. Can you say whose writing it was? No.
4676. What was the offence which Callaghan admitted to you? That he had torn a leaf out of the book, and had written on it.
4677. What book was it? I think it was a novel, but I do not remember.
4678. Did you see Callaghan frequently? Yes.
4679. Do you think he is a man whose oath can be relied upon, apart from these statements? From my knowledge of him here I believe his oath might be relied upon; but he is a man of weak character, and may be very easily influenced by a friend or companion.
4680. Have you any reason to think that in the account which he gave to you he was withholding the truth as to his ill-treatment from fear of further ill-treatment? No; I felt that he had told me the whole thing as it had happened.
4681. Did he ever on any other occasion complain to you of ill-treatment? No; he complained to me of hunger.
4682. Is that a general complaint among the men in separate treatment? No; but a few others have complained to me that they were hungry. I told Callaghan that if he was suffering from hunger he could put his name down to see the doctor, and that it might be well for him to tell the doctor that I had advised him to do so. I believe he was losing in weight at the time, and as far as I can remember I think I spoke to the doctor myself about his case—about his hunger and his appearance, and the result was that he got full rations.
4683. Did he seem afraid to make any just representations either to the doctor or to Mr. Small? Not at all.
4684. Have you ever observed in the case of any of your people that they are deterred by fear from making any just complaint or proper representation to the authorities here, to the Comptroller-General, Mr. Small, the chief warder, the doctor, or anybody else? I have never noticed anything of the kind.
4685. *Mr. Voss.*] How did Callaghan keep his promise to you about behaving better? He kept his promise, I think.
4686. *Chairman.*] Has he since that behaved properly? During the remainder of his time in Berrima he did not misconduct himself, so far as I am aware.
4687. You say that he complained about the quantity of his rations; did he ever complain of the quality—that they were bad and dirty? No.
4688. Have you ever heard any complaints that the rations were bad or dirty? No.
4689. At any time? No.
4690. Have you frequently observed the rations given to the men? I very often go into the separate cells while the dinner is being served to the men, and I sometimes take up a man's plate and look at the meat. I have always found it to be very clean and eatable.
4691. What is your opinion in regard to the health of the prisoners? I think they are extremely healthy.
4692. Speaking not merely of the present time, but of the whole time during which you have been connected with the gaol? I have observed that they have always been very healthy.
4693. Can you say at all, from your own observation, whether the separate treatment has a damaging influence upon the mental organization of the prisoners? I think nearly all the prisoners suffer from it considerably.
4694. Mentally? Yes, mentally, before the nine months are over.
4695. Do you think that nine months is too long a period for them to be kept in a condition of isolation? Yes; I do not believe in the separate system at all; I do not believe that good results from it.
4696. Do you not think that it has advantages in keeping the men away from the contaminating influence of association with hardened criminals? In that way, perhaps, it may have some good effect, but I think it makes a prisoner morose and sullen and dogged, and fills him with a defiant disposition. I do not believe it has any civilising effect upon the men. I have some idea that if the nine months were divided, that if prisoners were put into separate treatment for a few months to begin with, it would make them feel that they would have to obey the gaol authorities. Then afterwards, towards the end of the sentence—supposing a man to get three or five years—I think they ought to be put into separate treatment for a while before going into the world again. I think the separate treatment loses its influence by the association on the works, especially as there is a great want of classification among the prisoners, as men of all degrees of crime are allowed to mix together on the works and elsewhere.
4697. You think there should be a more complete classification in regard to first-convicted prisoners, and the general circumstances of each individual case? I think so.
4698. Do you think there is any opportunity for studying the character of the prisoners, and of classifying them according to character and earlier antecedents? I do not think there is any opportunity here now in Berrima, or there is very little.
4699. There is too much sameness in the treatment, without regard to the circumstances of each individual case? I think so.
4700. And that is the remedy which you would suggest with a view of preventing the corrupting influences caused by association with the worst criminals? Yes.
4701. You have told us that physically the effect of the treatment here is beneficial? Yes, I think so.
4702. And the deterioration of which you have spoken is more moral than intellectual? I think the separate men suffer physically and mentally, though they do not lose in weight.
4703. I understood you to say that their health was improved? No. I have not noticed that there has been sickness, but I think that mentally and physically they do suffer from the separate treatment, though they may not decrease in weight. They often complain to me—or they have done so occasionally—after they have done seven or eight months in the separate cells, that they suffer from dizziness, and see all kinds of visions. They oftentimes imagine that the cell is turning topsy-turvy, or floating about.
4704. Do you think any large proportion of such representations is sham or pretence? It is very hard to say indeed. I have found them out very frequently telling me lies, especially when they want me to do some favour for them. They are inclined to pretend that they are seriously disposed.

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4705. Do you frequently find the men in the attitude of prayer? No, I do not think I have seen them in the attitude of prayer.
4706. They are obliged to stand at attention whenever the cell door is opened, so that if they were kneeling they would be obliged to stand at once, would they not? Yes.
4707. Have they ever represented to you that they were engaged in prayer? They often have their prayer-books open in the cell when I go in.
4708. Have you questioned them often about the contents of the portion of the book they have been reading? No, but I have often taken up the book and looked at it.
4709. Have you on several days found the book open at the same place? I have never observed it.
4710. Is there anything else you would like to say with regard to any suggestion in the way of reform? No, nothing else occurs to me.
4711. You think that the morally good effects of the separate treatment are almost entirely done away with by the subsequent association with other prisoners? I think it is entirely done away with.
4712. And if association cannot be entirely avoided, you think its evil effects might be mitigated by a better system of classification, and also by a return for a short time before a prisoner's release to the separate treatment? Yes, I believe that.
4713. From the opportunities which you have had of observing Mr. Small's conduct, can you say at all whether there is any just cause of complaint against him? I am not aware of any.
4714. Have you, yourself, ever observed anything to complain of in his conduct or demeanour towards the prisoners? No; I approve of Mr. Small's conduct.
4715. We wish you to speak with the most perfect candour and frankness? I approve very highly of his conduct as gaoler. I think he is a most excellent officer; and he has that which I look upon as a very necessary qualification—a natural determination of character, which makes every prisoner who comes in contact with him feel that he will not be trifled with in the discharge of his duty.
4716. With regard to his disposition, do you believe him to be a man of humane and kindly disposition and character? I think he has a very generous disposition, and is very humanely inclined.
4717. Is he a man of impatient temper? Yes, he is rather hot and impatient, I think.
4718. Is he a man of vindictive temper? No, I do not think he is.
4719. Or revengeful? I do not think so.
4720. Or tyrannical? No, he is not tyrannical, but I fancy prisoners think he is, simply because he enforces the discipline of the gaol with determination.
4721. Then it is by reason of the system which he has to administer, and which is necessarily severe, and requires strict discipline, that they think him tyrannical? I think that is the only reason.
4722. Have they ever complained to you of his being tyrannical? I do not remember any instance.
4723. Why do you think that they think so, then? In a general way, I have heard warders and others say that prisoners have said to them that old Small was rather severe. I think some of them have said to myself that they thought Mr. Small rather strict.
4724. Is there any officer in the gaol, more particularly the chief warder and the senior warder, against whom you think there is just reason to complain? I do not think so.
4725. Do you think chief warder Everett is fit for his post? Yes, I think he is a very superior man.
4726. And Brayne—what do you think of him? He is a very good warder.
4727. Are those officers members of your Church? No.
4728. Neither of them? No.
4729. Is Mr. Small? No; I think he is Church of England.
4730. However, neither Everett nor Brayne are members of your Church? No, sir.
4731. Who was your predecessor in the office of chaplain? The Rev. Father Hewitt.
4732. Have you ever had any conversation with him as to matters in Berrima Gaol? I do not think I have had any conversation with him.
4733. Or with any of your predecessors? No.
4734. *Mr. Voss.*] Are you one of the clergymen reported to have said that Berrima Gaol was a "hell upon earth"? No; I never made use of such an expression to anybody.
4735. *Chairman.*] Have you ever heard such an opinion expressed, or such an expression used? No.
4736. By any clergyman, or anybody else? I never did.

George Prowd Lambert, M.D., recalled and further examined:—

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4737. *Chairman.*] We have recalled you to ask you one or two more questions. You said yesterday that there had been only one death in the gaol? Yes; Crabtree, the man who died the other day. He came on a Saturday, and died on the following Monday.
4738. Do you remember another case of a man who died some two years ago? Dr. Lamb was the surgeon then. I assisted at the *post mortem* examination.
4739. What did the man die of, do you remember? We found old lung disease and enteric fever. I do not remember whether I gave evidence. I came while Dr. Lamb was making the *post mortem* examination.
4740. Do you remember whether it was a case of syphilis of an aggravated form? No; we did not examine for that.
4741. Were there no ulcers or syphilitic sores? I did not notice any.
4742. There were no great ulcers all over the body? No, sir. It may be somebody else that you refer to.
4743. Would you have any entry of it in your case-book? No; there may be in Dr. Lamb's.
4744. There was an inquest held in the gaol? Yes; I was present, but I cannot remember what took place.
4745. Where is Dr. Lamb? I do not know; he was at Walgett.
4746. With regard to Crabtree,—can you produce your case book to show any entry with reference to him? No; there is none. I was much interested in seeing Crabtree, because I had heard that he had cut his throat, and I came up to see him arrive with other prisoners from Nattai.
4747. How long after his arrival was it that he died? He came on a Saturday, and died on the Monday morning following. I asked him to let me look at his throat, and I asked him if what he had done to it had anything to do with his hoarseness, and he said, speaking in a hoarse tone, "No; it has nothing to do with

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with the cut throat; I have been suffering a long time; it is an old affection." I heard nothing more until the Monday morning, when I heard that he was dead.

4748. Do you remember what the old affection was? No, sir; I saw him in the yard.

4749. Before his irons were taken off? Yes; when he was on the chain.

4750. Did you give evidence at the inquest? Yes.

4751. Would the depositions taken be here, do you know? I do not know.

4752. Do you know whether it was a case calling for medical treatment? No; because he said it had nothing to do with the matter.

4753. Nothing to do with the cut throat; but I mean his condition? A man's voice gets changed through living a rough life, and from many causes. He said he was in fair health, so I took no more notice of the matter. He knew I was the doctor.

4754. Did he appear to be suffering from bronchitis? No.

4755. Did you say at the inquest that forwarding him from Sydney at that time of the year, in extremely cold weather, had accelerated his death? No; my evidence was that if I had had him under my treatment in Sydney I should not have sent him from a warmer to a colder climate, suffering, as he was, from chronic bronchitis.

4756. When did you find out that he was suffering from chronic bronchitis? By the *post mortem*.

4757. Are you sure you did not depose that sending him here under those circumstances had accelerated his death? That answer is the same, I think. I cannot put it in a non-medical point of view.

4758. That is not the question, what your opinion is now. My question has reference to what you said at the inquest. Do you remember whether you said at the inquest that sending him here from a warm to a cold climate had accelerated his death? I believe I said that if I had had him under my care in Sydney I would not have sent him here; I may have added that his death might have been accelerated by sending him from a warmer to a colder climate.

4759. Did the man appear in an enfeebled condition when you saw him? No.

4760. And you did not see him again alive? No.

4761. What was the immediate cause of death? Suffocation from mucous in the wind-pipe.

4762. Do you think that a man in that condition of health should have been kept in irons forty-eight hours after his arrival in the gaol? The irons make no difference; they had nothing to do with his bronchitis. He was sentenced to irons for three years. They were light irons.

4763. Do I understand you to say that from the condition in which he was when he came here his death might have happened at any moment from this cause? Yes, it might have happened through the man coming here and being exposed to a cold cutting wind.

4764. Have you ever known any other case of a man dying in irons? No, I never knew any other case of a man dying at all. I mean that I have never had a man die before, in my prison experience.

4765. Have you ever heard of a man dying in irons in any other gaol? No; my experience is limited.

4766. You do not call this a sudden death in any way? I would certainly call it a sudden death. He had eaten part of his breakfast in fact when he was not able to cough and get rid of the phlegm, and therefore suffocation took place.

4767. *Mr. Oatley.*] It was never reported to you that this man was sick? No.

4768. *Chairman.*] The first report you received was that he was dead? No, that he was dying.

4769. I understood you to say that he was dead? He was dead when I arrived.

4770. Where was he when you saw him? In the hospital.

4771. Had he still his irons on? No; they were irons that had been riveted, and could not be easily taken off.

4772. Then if a man sentenced to irons becomes sick and goes into the hospital, does he continue to wear his irons? Yes; some provision is made by which the trousers open in some particular way, but the irons are still kept on.

4773. *Mr. Voss.*] But you can order them off if you think proper? Yes; but I never had a man sick enough to do that. It has only been a man bad with a cold for a day or two.

4774. *Chairman.*] The offence of which he had been convicted was murder? Yes; before his death he acknowledged the murder. Mr. Small was speaking to him on the Sunday.

4775. In your presence? No; but he did not complain to Mr. Small of being sick then.

4776. He appears to have been sentenced to death by Judge Faucett, at the last Mudgee assizes? Yes. There is a correction I wish to make in regard to the way Cunningham was brought here. My impression is that he was brought with his face foremost, and not with his back foremost. I did not speak to any soul until this morning, when I spoke to Brayne and asked him how they used to bring Cunningham over. He said it was with his face foremost; and I have no reason to suppose that it was done any other way.

4777. Do you keep a case-book? Yes.

4778. Have you any entry in regard to Cunningham? No; I do not think he has ever been under my care.

4779. Have you any entry with reference to his having been taken under the shower-bath? No.

4780. When prisoners arrive here from other gaols, do you see them before they have their bath? I generally see them the next day. They go at once to the bath, because they all get clean clothing on.

4781. What bath is it, do you know? The warm baths, down below.

4782. Are you sure it is not a cold bath? No, I cannot be sure. There is provision for hot water.

4783. Do you take any means to satisfy yourself as to whether it is hot or cold? No. I have nothing to do with the men being washed.

4784. Then no matter what condition a man is in as to his state of health no reference is made to you, but he is marched off to the bath and washed. Is that a fact? As soon as they come in they go to the bath.

4785. *Mr. Voss.*] Suppose the case of a man coming up here with a doctor's certificate of bad health. Do you know any such instance? No. There is an aboriginal here named Charley Loder. He has been in trouble elsewhere, I believe, and they thought it would be better for him to come here, but I think he ought not to have been sent.

4786. *Chairman.*] Are the doctor's certificates shown to you when you come to see new arrivals? I see the men themselves, and, as a rule, I see their papers from the various gaols.

4787. Have you in any instance found that a man has been sent up in bad health with a certificate of bad

bad health, and that he has been put into the bath in that state? I do not think such a thing has ever occurred. I never heard of such a thing. G.P. Lambert, M.D.

4788. In the case of the man Callaghan, about whom you were asked yesterday, do you remember his being put into a cold bath in a zinc tub while suffering from diarrhœa or dysentery? No; he was a prisoner when I came. He had tried the same thing on with Dr. Lamb about diarrhœa. 18 July, 1878.

4789. And you were not present when he came? No, sir. The present hospital wardsman was a patient in the hospital when Callaghan was here, and he can give you information.

4790. Do you not think it desirable that some provision should be made so that men should not be washed or bathed irrespective of the condition of their health without seeing you? Certainly; and I have no doubt that it is so. If any man were in bad health I should be sent for at once to see him.

4791. And you believe the bath is always warm? Yes.

4792. *Mr. Voss.*] Has anybody the power to order a man out of hospital but yourself? No.

4793. Then is it true that Callaghan was ordered out of the hospital without your permission? No; it was by me; he was only there one night.

4794. He said he was ordered out of hospital, and not by you? That may have been on another occasion. It may have been by Dr. Lamb. He may have tried the same thing on several times. I turned him out, and warned him not to try it on again. The present wardsman was then a patient.

4795. *Chairman.*] You say that Callaghan might have tried it on with other doctors. Do you believe that all the prisoners who complain to you of being sick are trying it on? No; but Callaghan, in his evidence before Mr. Taylor, may have been referring to another doctor. He may not have thought of me at all.

4796. Do you remember the case of a man named Joseph Holloway O'Neil? Yes.

4797. Did you see him while he was in prison here? Very often.

4798. What was he suffering from? Malingering, in a very severe form.

4799. Will you show us the entries in your case-book with regard to him? He was continually coming to me for *conjunctivitis*, or acute inflammation of the eyes. In his kit a quantity of lime rubbed off the walls of the cell was found, and he had rubbed it into his eyes, I believe.

4800. You think he purposely brought that about, malingering as you call it? Yes.

4801. Did you tell him so? I had him brought before the Magistrate, and he was sent to the dark cells. While there his eyes became well, and I advised him to let them remain well. They did remain well the rest of his time. But he was suffering from all sorts of things.

4802. Did you put any setons in his eyes? Yes, because this had gone on for some time before I discovered about the lime. That was the finish of it. We had tried all sorts of things, and could not make out what it was. He said he was told that when he came here he should be blind; that everybody who came here went blind. I said, "You are the only man who has become blind."

4803. Was he suffering from anything else besides this *conjunctivitis?* He was suffering from dyspepsia, so he said. He had a malformation of the lower jaw, caused by a kick from a horse, and he said he could not chew his food.

4804. Do you remember whether he said it was caused by a kick from a horse, or by an accident in a claim? I rather think he said it was by a kick from a horse, but I would not be clear. The lower jaw projected.

4805. With reference to that peculiarity, did you try to cure the malformation? No, it was for dyspepsia. It was his excuse that he wanted all sorts of changes of food, that he was not nourished enough; but he got fatter, and I think that the best proof that he was well nourished.

4806. He complains that he was compelled to eat meat and hard food which he was unable to chew? Well, he continued to get better.

4807. Did he eat this hard food? There was no hard food. I several times suggested that the meat should be cut up into small pieces, and I recommended an extra dish of hominy. He sometimes used to eat three or four dishes of hominy weighing 2½ lbs. each. His object was to get on No. 3 rations.

4808. Did he have any bread? Yes, he had No. 2 ration bread.

4809. And three or four dishes of hominy, each weighing 2½ lbs.? Yes. He went away in better condition than when he came, and if you refer to the weighing-book I have no doubt you will find that he weighed more. Sometimes he complained of pains in the body; at other times it was want of sleep; but I bowled him out at last in regard to the lime. He did not get any more *conjunctivitis* after the dark cells.

4810. He says that he lost weight up here; is that untrue? It is untrue if the papers given to me are true.

4811. Do you not see the prisoners weighed? No.

4812. Not those under your treatment? No; they are weighed by the chief warder.

4813. And for all you know he may have put down the wrong weight? Yes.

4814. You do not take any means to satisfy yourself as to the correctness of his reports? No. I know the scales are true; I don't know any more.

4815. *Mr. Voss.*] When you had this man brought before the Magistrate, you gave your evidence, did you not? Yes.

4816. Is it true that when you gave your evidence you said you had seen no lime? No; I did see the lime.

4817. *Chairman.*] You saw the lime, and you said so? Yes. I had often been told by the chief warder that O'Neil had been using the lime. I saw the lime on some rags which he acknowledged to be his, and which he had been doing something else with.

4818. Will you let us see the entries in your case-book in regard to him. (*Surgeon's journal produced.*)

4819. *Mr. Oatley.*] Was the lime brought to you, or did you see it in his cell? No, it was brought to me, and some rags also. After this he had rheumatism and constipation, but he was not troubled with ophthalmia any more. I told him that the dark cells was the only treatment for him.

4820. *Chairman.*] I observe that there are many entries in this book of complaints by Joseph O'Neil, mainly from dyspepsia, and *conjunctivitis* at a later period, until the entries with regard to the disease of the eyes stop at the entry "Sham ophthalmia." There is also an entry about rheumatism. Did he suffer from anything else except dyspepsia, *conjunctivitis*, and rheumatism? Yes, he suffered from the effects of a kick from a horse received some years before.

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4821. Anything else? He suffered from every complaint.
4822. Anything special? There was nothing special to cause me to treat him seriously and take him into the hospital.
4823. Did he ever suffer from epileptic fits? He said he did, but I could not discover it.
4824. There is no entry in your book about it? No. I gave instructions that if he had any fits I was to be sent for.
4825. Did he complain often to you about fits? No, he never complained to me. My attention was called to it by a warder who said O'Neil had told him that during the night he had had a fit.
4826. Did he say that he was subject to frightful fits, and that he knocked himself about in his cell? He did.
4827. Did you give him anything to prevent him from knocking himself about? No.
4828. Had he a padded cap made for him? Yes; Mr. Small made him a padded cap.
4829. With your knowledge? Yes.
4830. Did you advise that it should be made? I may have done so. I did not believe the man, and I told him so at the time.
4831. Is epilepsy a serious disease? Yes.
4832. Did you never see any symptoms of his having suffered from such fits? No.
4833. Then you do not put down what a man complains of? No. I did not believe it.
4834. Did you put down what you believed him to be suffering from? Yes.
4835. He seems at any rate to have been suffering from chronic dyspepsia? Yes.
4836. Did he ever complain of being refused permission to put his name down to see you? No.
4837. Did he ever complain that he had put his name down three or four days before seeing you? Not on any occasion that I can recollect.
4838. It is not long ago? I might see him on Saturday, and not on Sunday; and when I went on Monday he might say, "I asked to see you yesterday,"—but he was continually worrying.
4839. Do you mean by that that he was continually complaining? Yes; that he was continually complaining. I believe the dyspepsia was a sham, or he would not have eaten so much hominy.
4840. Did he ever tell you that he had taken some strips of cloth from the closet to tie his hands to protect himself during his fits? No.
4841. Did you ever see him with any part of his body torn—his face or any other part—as if done under the influence of a fit? No.
4842. Then you believe the fellow was a confirmed schemer? I do; I used to tell him so often. I used to give him medicine as a *placebo* more than anything else.
4843. Is this the only case-book you keep? No. I had the hospital-book yesterday.
4844. Can you get the hospital-book now? Yes. (*Hospital-book produced.*)
4845. I see you do not enter the prescriptions in the case-book, though there is a space for the "treatment"? No; there is not room enough, and the regulations say that the surgeon shall keep a "prescription-book." (*Prescription-book produced.*)
4846. I don't know whether I asked you yesterday if you knew what bedding, in the shape of blankets, is allowed to prisoners in the dark cells? I do not know.
4847. Did you never inquire? I may have inquired, but I cannot recollect.
4848. You do not know whether they get bedding or not? I think they do not. I think the rule is that for a day or two they shall get no bedding.
4849. *Mr. Oatley.*] No blankets? I think they have blankets, and that when they serve a longer time than a day or two they get bedding. There is some rule on the subject, but I don't know what it is.
4850. *Chairman.*] Your only record of treatment is in your prescription-book? Yes.
4851. You are not acquainted with the rule as to what amount of bedding, or what amount of clothing, is allowed in the dark cells? No.
4852. I want you to tell us, if you can, the number of prisoners who have been sent away from here suffering from mental derangement while you have been here? Some have been sent away.
4853. Can you say how many? Since I have been doctor here I think there has only been one—an Italian; Voluna, I think his name was.
4854. That is the only one you can remember? Yes.
4855. Can you find out more particularly, by reference, by to-morrow? Yes. There had been some suspicion of Voluna when he came here, but a Board had passed him.*
4856. Do you think that separate treatment, as it is carried out here, is prejudicial to the mental condition of prisoners. No; certainly not. I do not think it can be.
4857. Do you think that the lengthened separate treatment here operates prejudicially on their moral condition? Oh! certainly not.
4858. You do not think it makes them morose and hardened? No; they have several times asked to be allowed to remain here.
4859. And you think that in no way indicates a failing in the mental faculties? Oh! no.
4860. Do you mean that they asked to be allowed to remain here to be free from the corrupting influence of other prisoners? Yes.
4861. Have you any suggestions that you wish to bring before us as to any reform of the system in Berrima Gaol? No; I only think that if the men had their separate treatment at the end instead of at the beginning of their sentences it would be better. The separate treatment has a very reformatory effect. If a man sentenced to seven years does nine months here he goes away a better man, but the effect is soon rubbed out by contact with other prisoners in Parramatta.
4862. Then you think it would be better to have the separate treatment at the end of the sentence? I do.

4863.

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* The following memorandum was subsequently handed in by the witness:—
"Lunatic prisoners since May, 1876:
"Elesse Voluna, October 10, 1876.
"Dan. Donohue, January 11, 1878.
"G. P. LAMBERT."

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4863. Do you not think it would be better to have part at the commencement and part at the end? Unless it were nine months both at the beginning and at the end, I think it would be of little value. Nothing less than nine months would be of any value. There is a man named Smith, whom I spoke to yesterday. He has gone away a better man, but how long will that last after he gets among his old associates in Parramatta?
4864. Do you think there could be any improvement in the way of classification? I do; certainly. That is the advantage of this prison.
4865. But in regard to prisons generally? Yes; I think it would be an improvement to classify prisoners on the works.
4866. *Mr. Oatley.*] Do you think it would be advisable to see prisoners on their arrival here? I see them the day after.
4867. *Chairman.*] But before they are bathed? It is not necessary. It would be if this were a gaol to which invalids were sent, or men not in robust health.
4868. Do you know a man who is in prison here now who has extremely bad legs? Reynolds. Yes; he was knocked about by the police. He is in for inflicting grievous bodily harm on his wife, but I think the police inflicted grievous bodily harm on him. I cured his legs. They were in a fearful condition when he came here.
4869. When did you see him first? When he came here. He came on the 17th of June, I think.
4870. Has he been under your treatment ever since? Yes.
4871. There are marks of considerable bruises on him? He is one mass of discolored skin, the result of extensive ulcers.
4872. What is the salary attached to the office you hold? £200 per annum.
4873. No allowances? No.
4874. *Mr. Oatley.*] Do you think the aboriginal, Charley Loder, ought to be sent back? Yes; I think it was a great shame to send him here. I have represented that twice.

William Smith, confinee in Berrima Gaol, called in, sworn, and examined:—

W. Smith. 18 July, 1878.

4875. *Chairman.*] What is your name? William Smith.
4876. What sentence are you serving? Seven years.
4877. For what offence? Burglary.
4878. Was that your first conviction? No, sir.
4879. How often were you convicted before? Five or six times.
4880. For what offences? Petty larceny—three or four offences.
4881. Did you receive any long sentence prior to this? I got three years previous to this.
4882. What for? Stealing from the person.
4883. Are you one of the men who were convicted with Baxter? I am, sir.
4884. For the burglary at the "Captain Cook Hotel"? Yes.
4885. When did you first come to Berrima? In March, 1873.
4886. Under your present sentence? Yes.
4887. How long did you remain here on that occasion? Nine months.
4888. Have you anything to complain of in the way of ill-treatment or injustice during that time? No; I was treated very properly. I can't say that I was in any way treated harshly during the first nine months.
4889. When did you come here again? In December, 1876—I think the 10th.
4890. Have you been here ever since? I have, sir.
4891. During this latter period is there anything that you have to complain of? Not concerning myself.
4892. What do you wish to bring before us? What I have come here for is principally about some statements I made to the Comptroller, but I was told by Baxter that you did not wish to hear anything about that. I have no friends; I am alone in the world, and I have been formerly convicted; but if you will be kind enough to read the statements in this gaol about me you will see that I have no right to be here. I ought to have been out long ago; I have not received justice from the Comptroller.
4893. In what way do you complain of not receiving fair treatment? I have been five years and six months in gaol, and my conduct could not be better; there is not a black mark against me. I was sent here from Parramatta Gaol as an invalid, and I have been suffering ever since—in fact, ever since I have been in gaol—and I have been recommended by the doctor and the gaoler, and all the authorities in gaol will tell you that I have no right here. I am on my oath, and I hope God will strike me dead if I tell a single lie.
4894. How have you no right to be here? I can prove that I am innocent of the crime I am in for, in the first place. I was three years in Parramatta waiting to see a member of the Crown to explain my case; I saw the Comptroller, and he wanted to know if I had meritorious conduct—if I had prosecuted a fellow-prisoner.
4895. Is that what they call meritorious conduct? Yes; if I lay a plot against a fellow-prisoner and get him punished, I get my liberty.
4896. And you have never been punished for misconduct in gaol? No, sir, I never had a black mark against me.
4897. Were you defended on your trial? No, sir.
4898. Were you sworn to? Yes; and it was proved beyond a doubt at the trial that I was in bed at the time. The man who committed the robbery has confessed it to several persons.
4899. Who is he? Thompson, *alias* Thunderbolt.
4900. Thunderbolt's boy? Yes; since he has been in gaol he has admitted having committed the robbery. I had five witnesses, but only one appeared. I don't blame the jury, nor the Judge, nor anybody; it was my former convictions that got me here.
4901. But no evidence of your former convictions could have been given at the trial? I saw them handed to the Judge before I was found guilty.
4902. *Mr. Pinhey.*] Who handed them? One of the gaol authorities.

W. Smith. 4903. *Chairman.*] But they were not communicated to the jury? They might not have been communicated to the jury.

18 July, 1878. 4904. No doubt your previous convictions weighed with the Judge in sentencing you, but they were not allowed to go before the jury to influence them in their verdict.

4905. It is quite possible that you were convicted innocently? But I have not an opportunity to prove it.

4906. What remission would you be entitled to? If it was my first conviction I would be entitled to sixteen months, but my former convictions do away with that.

4907. Is there anybody you can refer us to to show us that you are innocent? Only the two men convicted with me, and my witnesses.

4908. *Mr. Pinhey.*] What are the names of your witnesses? Walter Carle, Henry Brougham, Mrs. Lloyd, and Charles Camden. Carle and Brougham were actors, Mrs. Lloyd was a married woman in Clarence-street.

4909. *Chairman.*] Were they in your company on the night of the burglary? The two actors were, and the others could prove where I was in the daytime.

4910. Where were you then; you need not answer any of these questions unless you wish? I was at the play in the Lyceum Theatre.

4911. What was the time of the burglary? The hotel-keeper went to bed at half-past 11, and his place was robbed at half-past 1 in the morning. He said it must have been between 1 and 2 o'clock on the morning of the 12th, because he heard the dog bark then. At this time I proved that I was 2 miles away.

4912. Where were you at the time the robbery was said to have been committed? I was in Dixon-street, in bed. But prior to this, to show you where I was before half-past 11 o'clock, I was in company with the actors ——

4913. But it is quite consistent, your being in their company and separating from them at half-past 11 o'clock and committing the burglary at half-past 1? I proved where I was after that by a respectable married woman.

4914. But the jury did not believe her? No, sir.

4915. Then those witnesses could not have done you any good? A man named Brennan stated that on the following day he saw me in company with Baxter and Thompson at 12 o'clock, but Mrs. Lloyd proved that I was at her house at the time.

4916. Yes, but the jury did not believe her? There was nothing known of her except that she was a respectable married woman.

4917. But this is the point: You did not experience any great injustice through those men not being forthcoming. When were you arrested? On the night of the 12th, the night after the robbery was committed.

4918. Were you in company with Baxter and Thompson? Yes, sir, I had just met them.

4919. And did the hotel-keeper identify you? No.

4920. Did anybody identify you? No.

4921. The evidence against you was that you were found in company with them? Yes, close to where the property was discovered.

4922. Where was it discovered? About fifty yards from where we were.

4923. Was anybody else there? A man named Cunningham, who ought to have been in my place from what I have heard since; he was the man there in the daytime.

4924. You knew nothing about the property having been secreted there? No, sir.

4925. *Mr. Oatley.*] Where had you been? I had been to see my sister, and I met them. They told me that they were going to Moore Park. Thompson told me he was practising for the Christmas races.

4926. *Chairman.*] Is Baxter innocent too? He is innocent of the burglary, but guilty of receiving.

4927. How could Baxter say then that you were not at the burglary? Thompson told him. Thompson admits that he committed the burglary himself; but there was no burglary at all—the door was open, and he went in.

4928. What you wish us to do is to bring your case before the authorities, with a view of getting you a remission on account of your innocence? Not on account of my innocence, but on account of good conduct. I want to get my full remission.

4929. Is this a correct list of your previous convictions:—1865, larceny, eighteen months' labour; 1866, riotous conduct, three days; same year, robbery, three years' hard labour. Shortly after you came out after that last sentence you seem to have received a month on a summary conviction; and in November of the same year, for stealing from the person, you received a sentence of five years' roads, afterwards altered to three years' hard labour? I admit that I am guilty of every crime but this.

4930. What you have stated will be laid before the Comptroller-General and other persons; but it seems to me that none of the persons whose absence at the time of your trial you complain of could be of any service to you.

4931. *Mr. Oatley.*] What age are you? Thirty-one; and I have been nearly all my life in gaol.

4932. *Chairman.*] You can read and write? Yes; I have learned in the gaol; and I have learned to be a shoemaker. There is another thing I wish to say: On the 9th of August, 1872, I went to Dr. Neild, and I remained in his employ up to within two days of my being arrested. He was at Port Macquarie, and he sent me a character. I had hundreds of pounds at my command, when in his employ, and I never robbed him.

4933. All these matters will be brought under the notice of the Comptroller-General, and other people as well; but we cannot make any promise, and we cannot say what the Government will do. We can promise this: That we will ask the Comptroller-General to re-consider your case? If you do that I am sure I will get my remission, and I promise you I won't be ungrateful by coming back here again.

Patrick Grady, confinee in Berrima Gaol, called in, sworn, and examined:—

P. Grady. 4934. *Chairman.*] What is your name? Patrick Grady.

4935. What sentence are you serving? Five years penal servitude.

18 July, 1878. 4936. What for? Striking my superior officer.

4937. When? In June, 1877.

4938. What service were you in? In the Royal Marines.

4939. On board what ship? Her Majesty's ship "Sapphire."

4940. Captain Murray? Yes.

P. Grady. 18 July, 1878.

4941. When did you come here? In August, 1877.
4942. You need not answer this unless you like: How did you strike your superior officer—with your fist? First, I struck him with my fist, and then I attempted to strike him with my rifle. I was drunk at the time.
4943. You did not try to shoot him? No; we had no ammunition.
4944. Have you been subjected to any ill-treatment or injustice here of which you wish to complain? No, sir.
4945. Were you ever convicted before? Not by the civil power. I was put in the cells once for being drunk on board my ship.
4946. Is that all the trouble you have been in? That is all.
4947. How long have you been in separate treatment? Nine months.
4948. Are you in the yards now? Yes.
4949. What is it you wish to complain of? Being sent up here. We are supposed to be sent to the first gaol convenient, to be sent to England by the first ship to complete our sentence.
4950. Whom were you tried by? Court-martial.
4951. Not before a civil tribunal? No, sir.
4952. What else do you wish to mention? I am given to understand that they are liberating all the military prisoners at home, and I am here without any chance of applying to the naval authorities. If I was in Sydney I might see the Commodore; and, by telling him how I had been treated I might get a bit off my sentence, or be allowed to go back to the service again.
4953. Did Captain Murray speak well of you? Yes; and my conduct while here will do a great deal for me.
4954. What age are you? Twenty-three.
4955. Where were you born? At Manchester.
4956. Where were you before you came to this Colony? In the Plymouth Division. I was sent out to this station as a supernumerary.
4957. How long had you been a marine before your conviction? Six years and two or three months.
4958. You were never in any trouble at Home? I was once, for being drunk.
4959. Is that the occasion you spoke of? Yes.
4960. But with that exception? No.
4961. Never committed any theft? No; I would not be guilty of it.
4962. *Mr. Pinhey.*] Where were you sent to after your trial? To Darlinghurst.
4963. How long did you remain there? About sixteen days—waiting to be sent up here.
4964. *Mr. Oatley.*] You did not commit yourself in Darlinghurst in any way? No, sir.
4965. *Chairman.*] Are you aware that in the cases of prisoners convicted before the civil tribunals every prisoner sentenced to three years and upwards comes to Berrima? No, sir; but I take it that when we are sentenced to penal servitude we ought to go to Darlinghurst, because we are supposed to be taken to England by the first ship. I am not discharged from the service, because I signed nothing as I would have to do if I was discharged.
4966. Is that all you wanted to tell us? That is all.
4967. *Mr. Pinhey.*] You have no complaints whatever to make of your treatment here? No, sir.
4968. *Chairman.*] You do not suffer here at all? No; I have been well treated myself.
4969. Do you think you would behave well if you got out? I would, sir; this has been a lesson to me here.
4970. Can you read and write? No, sir; there is no one to teach you here, unless it is a comrade, and they are all occupied in teaching themselves. I would like, if you would be so kind as to see into the matter, if it is true that they are liberating the military prisoners in England.
4971. Where did you hear that? It is a rumour; I have heard it from some of the prisoners.
4972. *Mr. Pinhey.*] Have you been punished here? I got twenty-four hours for talking.
4973. *Chairman.*] Is that all? Yes, sir; I was here eight months before I got into trouble.
4974. Very well, Grady, your case will be taken into consideration.

James Sullivan, confinee in Berrima Gaol, called in, sworn, and examined:—

(*The witness handed in a written statement: Appendix F.*)

J. Sullivan. 18 July, 1878.

4975. *Chairman.*] What is your name? James Sullivan.
4976. What sentence are you serving? Two years.
4977. For what offence? Forgery.
4978. Is that your first conviction? In this Colony.
4979. Where have you been previously convicted? I was convicted in Queensland.
4980. More than once? Only once, and not for felony.
4981. For a misdemeanour? Yes, sir.
4982. And that is your only other conviction? I have another conviction in Victoria.
4983. Was that for a misdemeanour? Yes, sir.
4984. What age are you? Twenty-six.
4985. How long have you been here? Four months.
4986. Are you in separate treatment? No; I was sent here as a billet-man.
4987. From Darlinghurst? Yes.
4988. During the four months you have been here have you anything to complain of in the way of ill-treatment or injustice? I wrote to the Minister for Justice, and received a reply from the Colonial Secretary. The morning before last I applied to the gaoler for permission to prepare a statement. I may beg to state, before that statement is read, that I do not expect any redress for the wrongs I have received; but as it is my determination to make the matter public on my liberation, I deem it my duty to lay my statement before the Board for their consideration. It has been partly admitted to be correct by the Comptroller-General himself, and by the Colonial Secretary.

J. Sullivan. 18 July, 1878.

4989. *Mr. Pinhey.*] What is the date of your communication to them? I wrote first to the Comptroller-General on the 9th of March, two days after my arrival; and I think it was about the 18th or 19th that I wrote to the Minister for Justice. Some three weeks elapsed when the Colonial Secretary replied.
4990. *Chairman.*] You did not come here for punishment? No; I came here for good conduct.
4991. *Mr. Pinhey.*] What billet did you come to? None in particular. There is a draft of men every six months. I am now a shedman, a mess-room-man.
4992. *Chairman.*] Did you object to being sent from Darlinghurst to Berrima? I did not know I was going to be sent until I was taken away. They do not inform you till the moment comes, and you do not know exactly where you are going. But I wrote as soon as I got here.
4993. Have you any complaint to make of your treatment in Berrima Gaol? No, sir; except that I am, by this removal, deprived of those things I have pointed out in my statement.
4994. But the main point of this is that you object to having been removed to Berrima? Yes.
4995. But while you have been here has anybody ill-treated you? No; I have nothing to say against Mr. Small—quite the contrary.
4996. Nor against Everett or Brayne? No; I have nothing to say against any of them.
4997. Have the rations been good? Sometimes they have been bad.
4998. Have you complained? Yes, when the bread was bad.
4999. Was it better after you complained? Yes, for a day or two, but it has got bad again.
5000. Has your health suffered since you came here? I have suffered from rheumatic pains, and I have been treated by the doctor. (*The statement handed in by the witness was here read.*)
5001. Is that in your handwriting? Yes.
5002. And the contents are true? Yes.
5003. *Mr. Oatley.*] Did you fall out with your fellow prisoners? They have a practice in Darlinghurst of classing the boys with the men. One of the boys was troublesome to me, and I applied to the overseer to remove me from one shop to another, stating my grounds. He asked me what boy had annoyed me, but I did not tell him that. He then removed me, but two months after that he made an application for my removal.
5004. What are you by trade? Nothing in particular. I have followed the lemonade and cordial making. I was not long in the Colony before I got into gaol.
5005. *Mr. Pinhey.*] When did you arrive in the Colonies? I arrived in Victoria about Christmas time, 1864.
5006. Did you go from there to Queensland? Yes.
5007. What time did you arrive there? July 4th, 1875.
5008. And when did you come here? Some weeks previous to my getting into trouble.
5009. *Chairman.*] What has been your conduct since you have been here? There is nothing against me; I have not been punished for anything.
5010. Have you never had any punishment here? No, sir; in none of the gaols I have been in.
5011. I see that on the 7th of June you made a complaint against the Visiting Surgeon for refusing to give you flannel drawers, &c.? Yes.
5012. Did anything come of that? I am in ignorance of what became of it, but I was placed in the dock and charged with something, I forget what.
5013. Was it for making unfounded complaints? I don't know, but I was threatened that if I went on with the case they would make it hot for me—by the Visiting Justice himself; and I said that sooner than submit myself to any punishment I would let the matter drop.
5014. I find that your complaint of the 7th June was forwarded to the Comptroller-General, with remarks from the Visiting Surgeon and gaoler not recommending your application? I made no application that I remember.
5015. Did you not make a complaint about the Visiting Surgeon refusing to give you drawers? Yes.
5016. Well, that was forwarded to the Comptroller-General, with remarks by Dr. Lambert and Mr. Small, not agreeing with your representations. Then I find that when the matter is brought under the Comptroller-General's notice, he writes this minute:—"The Visiting Surgeon is, of course, the judge as to whether the prisoner needs additional clothing. He may be brought before the Visiting Justice, as proposed, but I think the remark I have to make is one in which the Visiting Surgeon will agree: that whatever clothing is necessary for health should be allowed. Punishment for misconduct must be in some other form." Was that minute ever communicated to you? No, sir.
5017. Were you brought up on the charge of making these complaints? Yes. I was placed in the dock, and the doctor stated that he did not wish me to be punished, that he only wished the Visiting Justice to admonish me, so as to prevent me from doing the same thing in future. The Visiting Justice said, "Do you hear what the doctor says?" I said, "I did." "Well," he said, "Draw it fine and cut it short, or, by God, I will make it hot for you." The doctor, Mr. Small, and Mr. Everett were here at the time.
5018. Are you sure that the Visiting Justice swore in that way? I am positive; and I can mention another prisoner who can prove that he made the same remark to him on a previous occasion.
5019. Do you persist in saying, on your oath, that when he was sitting here as Visiting Justice, with you in the dock before him, he expressed himself in this way:—"Draw it fine and cut it short, or, by God, I will make it hot for you."? Most undoubtedly.
5020. *Mr Pinhey.*] Who were present? Dr. Lambert, Mr. Small, and Mr. Everett.
5021. *Chairman.*] And when was this? To the best of my recollection it is eight or nine days ago.
5022. Was the Visiting Justice sober? I think so, sir. Of course I do not know him intimately, and I cannot judge.
5023. But you should say he was? Yes; I must certainly admit that I got frightened at the threat, and I said I would let the thing drop, and throw myself on his worship's mercy, because you know the saying, that if a man gets into hell he will have devils to play with. When I went to the surgery to ask for flannel drawers I told the doctor that I was suffering from rheumatic pains. He asked me how long I had been suffering from those pains. I told him for some years past, and that I had been accustomed to wear flannel drawers. He said, "Oh, it is all damned rot."
5024. Be careful? I am positive I am saying nothing but the truth.

J. Sullivan. 18 July, 1878.

5025. He said to you, "Oh, it is all damned rot"? Yes.
5026. Did anybody hear that? The senior-warder was present at the time.
5027. Mr. Brayne? Yes.
5028. Where did this take place? In the surgery. "Well," I said, "with all due deference to your opinion about it being rot, there is an order, I think, in the office from the medical officer at Darlinghurst, certifying that I am suffering from that disorder, and also from disease of the heart." He said, "Let me have a look at you." He looked at my breast and said, "Pooh! there's nothing the matter with you."
5029. Did he use the stethoscope? No, sir. He said, "I saw this about your complaining of disease of the heart, when you made your statement to the Archbishop, and I had a damned good mind to put the 'block' on you at that time." I am only mentioning this to show the Board the prejudice against me.
5030. Warder Brayne was a witness to all this? He was, sir. I wanted the Archbishop to sign my petition, and it was in reference to that that the doctor said he had a damned good mind to put the "block" on me. When I was before the Magistrate I said to the doctor, "Did you not yourself treat me previously for rheumatic pains?" and he said, "I might have done so." Then the Magistrate said, "I would advise you to cut it short; I see what sort of a man you are, and, by God, I won't let you off; I won't let it drop now." Then he undid his overcoat and said, "I told you to cut it short, and, by God, I will make it hot for you; I will make Dr. Lambert persist in it." I said, "I hope, sir, you will excuse my ignorance." I wanted to get out of it the best way I could, because I knew I would get no justice from him.
5031. *Mr. Pinhey.*] What became of it? The Magistrate admonished me for having made the report against the medical officer, and made me promise that I would not report anything in future.
5032. *Chairman.*] You say you were sent here for good conduct and to get a billet? Yes, sir.
5033. As a reward? Oh! no, sir; I don't say that.
5034. You were not sent here because your health was suffering, or anything of that sort? Well, the Comptroller-General said, in his reply, that that was one of the causes of my being sent here, but it was only a pretence. (*Witness's application to the Comptroller, dated 7th June, complaining that he had not been allowed drawers, and stating that he had been removed from Darlinghurst on account of ill-health, read.*)
5035. Do you not point out there that you were removed down here on account of your health? Well, I was only copying the words of the Comptroller-General.
5036. Do you wish us to understand that you were not sent here on account of ill-health, but that you adopted that pretence, as you call it, of the Comptroller-General? You misunderstand me. I am copying the Comptroller-General's own words. I was examined in Darlinghurst Gaol, and was exempted from loom work on account of my health, but I believe that was only a pretence for removing me. I told the doctor he would find the order in the office stating that I was sent down on account of my ill-health.
5037. Mr. Small says that you were not sent here on account of ill-health, but to be a billet-man. Both he and the doctor say that in consequence of your untrue statement they intend to bring you before the Visiting Justice, and they do bring you before the Visiting Justice? They did not bring me up for any untrue statement.
5038. But you say you were brought before the Visiting Justice? Yes, but I don't know what it was for.
5039. Did you get additional flannel? No, sir, I got none; the doctor said I was not suffering from the rheumatism, though he had treated me for it himself.
5040. What did he give you for it? Pills. That is all you get here. It is nothing but pills.
5041. What was the effect. Did they work you? They had no effect on the rheumatism.
5042. Did he give you any embrocation? No, sir.
5043. Do you know what embrocation is? No, sir.
5044. Then how do you say he gave you none; did he give you any stuff to rub on the parts affected? No, sir, he did not.
5045. You are in pretty good health now? Yes, sir, but I suffer badly from those pains.
5046. Well, you see that the Comptroller-General ordered that you were to get the flannels if the Visiting Surgeon thought you required them, however bad your conduct might be? My conduct was not bad.
5047. Mr. Sutton, the overseer in Darlinghurst Gaol, is the man you complain of most? Yes, I will go out of gaol as big a booby as when I entered it. I am deprived of the trade I was learning, and the money I was earning, which would be about £3.
5048. How could it be detrimental to Mr. Sutton that you should do this great amount of work? Because it showed that he was not fit for his post in prescribing tasks.
5049. That he was not getting as much out of the men as he might? Yes.
5050. Do you think the labour of the men could be utilized to a much larger extent? Yes; the tasks he gave for one week could be performed in a day.
5051. What heart affection are you suffering from? Palpitation, I believe.
5052. Do you ever have fainting fits? No, sir, I have not.
5053. Do you not know that what you suppose to be heart disease may be indigestion? I am not a medical man, and I don't know, sir.
5054. So that pills might really be the best thing for your heart? In Darlinghurst, Dr. Macnish examined me thoroughly, and I was immediately after removed from the loom to the brush-work.
5055. Did you tell that to Dr. Lambert? I did. The doctor said, "Is there anything the matter with you?" and I said "No," never dreaming what was coming from Darlinghurst. But if he takes his memory back to the month of December, when he examined me and exempted me from hard labour, he will see that I was suffering.
5056. When will your time be up? In another six months, if I conduct myself well. I am informed by the head cook, named Jeff, that he can prove to the satisfaction of the Board that there was a prisoner named Reynolds murdered here some months ago. He may not care to tell you, unless you ask him about it.

Samuel Jeff, confinee in Berrima Gaol, called in, sworn, and examined:—

S. Jeff. 18 July, 1878.

5057. *Chairman.*] What is your name? Samuel Jeff.
5058. What sentence are your serving? Four years.
5059. For what offence? Buying cattle, knowing them to be stolen, which I am not guilty of.
5060. Was that your first conviction? No, sir.

S. Jeff. 18 July, 1878.

5061. How often were you convicted before? I served six months and three months, and through that I lose my mitigation.
5062. Are those the only other sentences you have received? Yes.
5063. When did you come here first? I was sentenced on the 18th of January, 1875, and I came here on the 16th of March.
5064. Have you been here ever since? I have, sir.
5065. During the time that you have been here have you experienced any cruelty or ill-treatment, or injustice of which you wish to complain? No, sir; I have not.
5066. You do not wish to make a complaint against Mr. Small, or against any one else in this gaol? No, sir.
5067. Nor about the rations nor the clothing? No, sir; I have no reason to complain.
5068. What do you want to bring before us? My mitigation, sir.
5069. *Mr. Oatley.*] Have you seen any other person ill-treated here? No, sir. I have a large family in Yass, or rather 6 miles out of Yass.
5070. *Chairman.*] Where were you tried? At Yass, before Judge M'Farland. I have a helpless family, and they are suffering very badly.
5071. Do you say you are innocent of the charge? I am innocent, sir.
5072. Were you defended? Yes, by Mr. Want and Mr. Windeyer; Mr. Windeyer was a solicitor at Yass, and Mr. Want was my counsel.
5073. Were there any witnesses whom you wanted to bring forward and could not get? My witness was the man who sold me the cattle. We were tried together, though Mr. Want objected, and that debarred him from being put into the box. He has stated since that I am innocent.
5074. What was his name? O'Dare. He got a year and nine months.
5075. Did he get a lighter sentence than you by reason of his not being previously convicted? Yes.
5076. Is he at liberty now? Yes; I think he is at Cootamundra.
5077. And you knew nothing whatever of the theft? I did not. It was as fair a bargain as ever I made in my life.
5078. Had O'Dare stolen the cattle? There was a man who came here twelve months afterwards who acknowledged to Father Riordan and the men in the hospital where I was that I was innocent, though he did not know me.
5079. Who was he? He was the man who helped O'Dare to steal the cattle. He said that after O'Dare had sold me the cattle and got the money he was to tell me; but that he was frightened to do so, because he thought I might give him up to justice, which I would have done.
5080. Is there anybody to whom you wish to refer us with the view of showing that you are innocent? I sent to Sydney for Mr. Curtiss, who came up here; and when he came, of course he could not see the separate men, but he took my statement down, and put my case before the Government, but they did not believe it.
5081. What Mr. Curtiss was it? I think he is connected with Mr. Want.
5082. A lawyer? Yes.
5083. You say he could not see the separate men. How did he take down your statement then? He took my statement down, but he could not see the other man.
5084. What was the other man's name? Edward Callaghan.
5085. Where is he now? I think he is in Darlinghurst or Parramatta; I am not sure which.
5086. What were you? A farmer and grazier, sir.
5087. Has your property been taken from you since your conviction? No, sir; the land and property were sold, and the cattle died from disease.
5088. Is that all you want to tell us? I would refer you to Father Riordan as to the statement Callaghan made to him, and to Mr. Small and the senior warder as to my conduct. I have served three years and a-half to-day, and if I could get a little mitigation it would be a great benefit to my children.
5089. You see we have no power to remit your sentence, or even to recommend it; and we have no means of investigating the truth of what you say as to your innocence. But, of course, if the prison authorities speak well of you it will come under the notice of the Comptroller-General, and he will do what can be done for you. The Comptroller-General will see what you have stated, and if he can act upon it he will do so. Is there anything else you wish to speak about. Have you told anybody at all that you wish to see us about any other matter? No, sir; I do not wish to see you about anything else.
5090. Do you know anything about a man named Reynolds? Yes.
5091. Do you want to say anything about him? No.
5092. Do you know anything of him? I was along with him in the ward two or three nights before he died.
5093. When did he die? Some two or three years ago, I think.
5094. Was he one of the men upon whom an inquest was held? Yes, sir.
5095. Do you know of anything wrong at all about his case? I cannot say that I know anything very wrong about it. He was a very stubborn man, and I talked to him as well as I could, to advise him. He had been punished on several occasions, and he gave way.
5096. Gave way to what? To his bad temper.
5097. Well, and what was the result of his giving way to bad temper? I cannot tell.
5098. Did you give evidence at the inquest? I did not.
5099. Do you know anything particular about the circumstances of his death? I do not wish to go into the matter at all, sir. I was not with him always.
5100. Do you know anything of your own knowledge with reference to anything wrong at all about the circumstances of his death? I saw the doctor come in, sometimes twice a day, to draw his water off. He was very kind to the man. The first night that I was put into the ward with him I took him some bread and some tea, and I sopped the bread and persuaded him to eat it. About 4 o'clock in the morning he was inclined to eat more, but I had nothing to give him. I told the hospital wardsman, and he said, "That is my business; I will look after him."
5101. How long was that before he died? Three or four nights before he died.
5102. What did he die of;—do you know? I do not know.
5103. And you do not wish to say anything more about it? No, sir.
5104. How long before he died did you see him? I saw him the morning he died.

S. Jeff.
18 July, 1878.

5105. What time did he die? I think it was somewhere between 9 and 10 o'clock.
5106. And what time did you see him? I think between 8 and 9.
5107. You were not with him when he died? No.
5108. Did he die in the cell? No, in the hospital ward.
5109. How long had he been there? Somewhere about a fortnight.
5110. Do you know what he died of? No, sir; he complained very badly of his water, and the doctor used to draw it off.
5111. We want to know if there was any foul play about his death? I cannot say.
5112. *Mr. Pinhey.*] Can you say there was not? I cannot.
5113. *Chairman.*] Is there any ground for supposing that he was murdered? No, sir; I know of none. Mace, the hospital wardsman, did not like him, and he did not like Mace, that is all I know.
5114. Did Mace do anything to him? Not that I am aware of. His death was brought about by the punishment he received in separate treatment; he was always in the dark cells, and being knocked about.

Dennis Connolly, confinee in Berrima Gaol, called in, sworn, and examined :—

D. Connolly.
18 July, 1878.

5115. *Chairman.*] What is your name? Dennis Connolly.
5116. What sentence are you serving? Three years.
5117. Is this your first conviction? No; I had eighteen months before.
5118. How long have you been here? Four months.
5119. Have you any complaints to make about this gaol? No. I was tried at Wentworth by Judge Forbes for an assault upon a man who used opprobrious language to me; I was half drunk, and I hit him with a stake from a fence. I was in a passion, and I rushed and pulled the stake out of the fence. I got eighteen months for it; I was sentenced to Yass Gaol. I was in Yass Gaol about a month, and the gaoler, Mr. Fitzgerald, called me out, along with some other men, to carry water from the river, a distance of about half a mile. The rest were a lot of young men, and they ran out of sport because I was an old man. I refused to carry the water because I was not able, and I got three days' confinement in a cell.
5120. What is the use of telling us that? I am going to show you what got me this three years.
5121. What did you get the three years for? I was in a cell with a man named M'Kenzie and two other men, and however they concocted it I don't know, but two days after they made a report that I had attempted to commit an unnatural offence upon this young chap. There were four men in the cell at the time.
5122. *Mr. Voss.*] And was it for that you were sent here? Yes; there was only the word of a blackfellow against me, and they concocted the story. Judge Manning, who tried me, said, "I am sorry for you if you are not guilty."
5123. *Chairman.*] Were you defended? The Judge asked a barrister to speak for me.
5124. Who was the barrister? I don't know.
5125. When was it? At the last assizes.
5126. Very well, we will inquire into your case, and it will no doubt be brought under the notice of the Judge? I would not come here before you, gentlemen, and upon such an abominable case, if it were not for my innocence.

FRIDAY, 19 *JULY*, 1878.

The Commission sat at Berrima Gaol.

Present :—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

WILLIAM TOWNLEY PINHEY, ESQ., J.P., | JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

James Lagan, confinee in Berrima Gaol, called in, sworn, and examined :—

J. Lagan.
19 July, 1878.

5127. *Chairman.*] What is your name? James Lagan.
5128. What sentence are you serving? Five years.
5129. For what offence? Breaking into a jeweller's shop-window at Yass.
5130. Was that your first conviction? First for felony, sir.
5131. Had you been previously convicted for misdemeanours? Only for drunkenness.
5132. When were you last convicted? Twelve months ago last February.
5133. In Sydney? No, in Yass.
5134. When did you first come to Berrima? About ten years ago; I don't know exactly the number of years; I came for four months for bad conduct in Goulburn Gaol.
5135. What sentence were you serving then? Two years.
5136. What for? Manslaughter.
5137. I thought you told us that this sentence of five years was the first for felony? Yes, for felony. This was an accident.
5138. But the law regards manslaughter as felony, rightly or wrongly? I am not aware of that, sir.
5139. Were you tried for murder? Yes, wilful murder.
5140. And found guilty of manslaughter? Yes.
5141. Can you fix the year when you came here from Goulburn Gaol? It was either 1869 or 1870.
5142. And you were here four months? Yes.
5143. During those four months were you subjected to any ill-treatment or injustice of which you wish to complain? No; I was never found fault with.

5144.

J. Lagan. 19 July, 1878.

5144. When did you come next to Berrima? I left Berrima twelve months ago last May, after doing three months. I came from Wagga Wagga for three months separate treatment.
5145. That was not under your present sentence? No; I was undergoing a sentence of £10, or four months, for getting drunk and assaulting a policeman in the street.
5146. And you were here then for three months? Yes, sir.
5147. Was that last year or the year before? The year before last.
5148. That was in 1876? Yes.
5149. During those three months were you subjected to any ill-treatment or injustice of which you desire to complain? No, sir, I was not.
5150. When did you come next? I came to do this sentence.
5151. Did you come here then at the end of February, 1877? Yes: February or March.
5152. Have you been here ever since? No, sir; I was down at Parramatta four months, after doing eleven months here.
5153. Well, during those eleven months were you subjected to any ill-treatment? I was, sir.
5154. Well, just tell us what it was, as nearly as you can remember, beginning at the beginning. What is the first thing of which you have to complain? Well, there was only one thing, and that was one morning when I was putting my plate out. The warder was standing with the door in his hand ——
5155. What month was it in? I don't know.
5156. Was it soon after you came here, or after you had been here some time? I had been here three or four months, I think. I put my plate out, and the warder jammed the door against my head, knocking my head against the wall. I said, "You ought to mind your duty better than that, sir." Then he brings me out and has me punished for it, and put in the dark cells.
5157. Who was that? One of the warders.
5158. Which one? I don't know his name exactly. He is the smallest warder here. He is now on duty at the back where the cabbage grows—a small man with a dark complexion. (*The chief warder is called in, and says that the name of the warder referred to by the witness is Cairncross.*)
5159. Tell us what took place exactly? That was all that took place then.
5160. Did the warder knock your head against the wall violently with the door? Yes, he did, sir.
5161. Did it hurt you? It did at the time.
5162. Did it make your head bleed? No, sir, it made no mark.
5163. Was anybody there but you and Cairncross? Only the chief warder.
5164. You were stooping down? Yes, sir, putting out my plate. The warder was standing with the door in his hand, and he made a smash and knocked my head against the wall.
5165. Did he do it on purpose? I can't say, but I have heard since ——
5166. Never mind what you have heard since unless you heard it from him? No, sir, I did not hear it from him.
5167. Is that all you said, "You ought to know your duty better than that"? Yes, sir; no bad language or anything else like that.
5168. And for using that language you were brought up? Yes.
5169. Before the Visiting Justice? Yes.
5170. Were you punished? Yes; I was put into the dark cells for twenty-four or forty-eight hours.
5171. What was the charge preferred against you? It was being insolent to the warder.
5172. Did Cairncross give evidence on oath? Yes.
5173. Did Everett give evidence? No, sir.
5174. Everett was present you say? Yes, he was standing alongside.
5175. Did you ask Everett to give evidence on your behalf? No; I told the Magistrate how it happened.
5176. You were not sworn, I suppose? No, sir.
5177. Then you complain of being unjustly sentenced for an offence of which you were not guilty? Yes, sir.
5178. You complain of the warder's violence in jamming your head against the wall, in the first instance, and of receiving a sentence for what you said to him? Yes, sir. I would not have mentioned it only a prisoner in the next cell to me told me that when I went away in May this warder said to him, "If he comes back again I will job his head against the wall."
5179. Has Warder Cairncross ever ill-treated you since? He has got me forty-eight hours dark cells.
5180. Has he ever done you any harm since? He has. I was shifted from one cell to another a short time ago, and one morning when I did not get up when the bell rang he pulled me up. I said it was not daylight.
5181. Then instead of getting up you answered him? Yes, and I was brought up and got forty-eight hours dark cells for it.
5182. For what? For not getting up when the bell rang and making up my bed.
5183. He has not ill-treated you in any other way since? No.
5184. Were you brought before the Visiting Justice that second time? Yes.
5185. And evidence was given on oath against you? Yes.
5186. To go back to the eleven months;—do I understand you to say that the case you have mentioned is all that you have to complain about in the shape of ill-treatment or injustice? That is all.
5187. What bed-clothing had you in the dark cells? I had one blanket the first time, when I did the twenty-four hours, and at other times I had two blankets.
5188. How often have you been in the dark cells here? Six times—five times during the eleven months. I was here a month on the 8th of this month, and I then got forty-eight hours. That is the time Cairncross brought this charge against me.
5189. Have you told us all you wish to tell us about Berrima Gaol? That is all. I would not have spoken about that only for Cairncross threatening and then doing it. Another warder came round another time when my bed was not made up, but he waited until I did it.
5190. What is the longest time you have ever been in the dark cells? Forty-eight hours.
5191. Have you been often punished for misconduct? Five times in the eleven months.
5192. Were you often punished in Parramatta? I was punished very wrongfully there. When I spoke the

J. Lagan. 19 July, 1878.

the truth they would not believe me. There was some extra tea and sugar served out there, and I put mine in my box. A prisoner named M'Ginty asked me to sell him some, but I said, "No, I won't sell it, if you want a bit I will give you some." When I went to my box I found that the tea and sugar had been taken out. I said, "Look here lads, it is not for the sake of losing it that I care about it, but there's too much of this card-playing and dice-shaking, and I won't have it any more." M'Ginty came next morning, and offered me some tea and sugar, but I said, "I don't want it, take it away, but only look out for the future." He said, "Go along," and drew back his arm and struck me on the jaw, across the table. I said, "If you want to hit me I will stand outside," and when I went away from the table he and two or three more took hold of me.

5193. Was he a bigger man than you? He was not a heavier man, but he was a taller man.

5194. What height are you? Five feet one is the highest ever I measured.

5195. And what do you weigh? Eleven stone.

5196. Have you any particular name amongst the men? I have. I was in the employ of Sir Richard Dry, and I left him and started shearing. I heard they were all doing so well in Victoria, and I went over there with £9 15s. in my pocket. I went to work for Mr. Winter. They called me "Jack of Clubs" there. I went from there to Tasmania, and when I came back from there I went to work for Mr. Taylor. He called me the "Derwent Nugget," because I was so short and stout, and that name has followed me ever since.

5197. Do you get on well with your fellow-prisoners? Yes, I do; I never lifted my hand to strike anybody.

5198. You don't often have rows? No; I never have any.

5199. They have not a particular down on you? No.

5200. The manslaughter of which you were convicted was an accident, you say? Yes. I was at Mr. Landel's shearing. I was not to be matched by anyone at that work.

5201. Was your work better than the other men's? Yes, better than any other man's in New South Wales. I got £9 15s., and I went into the town and got drunk and lost my money. I was taken up and was fined £5 for obscene language and drunkenness.

5202. Did you knock all the money down? I either knocked it down or lost it. Mr. Taylor paid the fine and took me out on the promise that I would shear for him.

5203. Where did the accident occur? At Mr. Taylor's woolshed. I went to shear for him, and I worked hard to pay off the debt. I used to finish twenty sheep before breakfast sometimes. There was a fellow named Jack Meares working alongside me. It grieved the men to see me do so many sheep, and they used to growl and grumble, so at last I determined to stay no longer. I went to Meares with a pair of shears I had borrowed from him, and when I told him that I was going he said I would have to stay and work out my fine. I said nothing, because I wanted to go away without quarrelling with any of them. As I was going out he caught me by the throat and held me against the wall, and held the shears over my head, apparently ready to job me with them. I had a bundle in one hand and a pair of shears in the other, and as I made a turn round to get away the shears caught a little fellow named Harper and caused his death.

5204. Then Harper was the man killed, and not Meares? Yes; I was only trying to get loose from Meares so as to get away.

5205. You were defended, I suppose? Yes, Mr. Robertson of Deniliquin defended me.

5206. But you were tried at the Assizes; some counsel must have defended you. Who was appointed? No one.

5207. Was there no man with a wig and gown? No; the Judge asked Mr. Robertson to look after the case, and said he would assist him.

5208. Who was the Judge? Mr. Hargrave.

5209. Have you told us now all that you wish to tell us? Yes, except that M'Ginty struck me in the jaw, and I got seven days for him, and after that they sent me here for six months.

5210. But with the exception of what Cairncross did to you, you have been well treated here? Yes.

Alfred George Davies, recalled at his own request, and further examined:—

A. G. Davies. 19 July, 1878.

5211. *Chairman.*] We understand that you wish to see us again with reference to something that you omitted? I omitted something, and I wish to correct something.

5212. What is it that you omitted? The last time I was up here before the Magistrate a prisoner named Kelly stated (and Mr. Small also made the same statement) that upon the visit of somebody to him he made some remarks which induced the gaoler to have a conversation with him. One of those remarks of Kelly's was that I would make it hot for Mr. Small when the Commission came here.

5213. You heard Kelly state this? Yes; it is on paper, taken down in evidence.

5214. When was it that he made this statement to the Magistrate in your presence? On the 30th of June.

5215. Were you then in separate treatment? No, sir; I had been in solitary confinement for seven days, and for the last four or five days I had been in special treatment—that is, in the stone-yards.

5216. With other prisoners? No, sir, in solitary confinement. I was removed from the cell to what they call the stone-yards, where prisoners are kept while they are waiting on transit. I was kept in a yard by myself, and not allowed intercourse with other prisoners.

5217. Well, what is it you have to complain of with reference to Kelly's having made this statement about you? I impute that as the reason why the charge of inciting prisoners to insubordination was made against me. It was not made known to me until seven days after I was locked up, and Mr. Small said himself that it was what he heard from the other prisoners that induced him to make the charge against me.

5218. You say Mr. Small told you that it was because he heard you had said that you would make it hot for him when the Commission came? No; that what he had heard from Kelly and Appleton induced him to make the charge.

5219. Not that he gave you additional punishment because he had heard it stated that you would make it hot for him? No, certainly, not at all. From those statements it was that he founded his second charge, which he brought those prisoners forward to substantiate.

A. G. Davies. 19 July, 1878.

5220. Did you not say to me in the presence of Mr. Oatley, in your cell the other day, that Mr. Small had said these words to you, "It is not likely Davies that I would allow you to go among the other prisoners after I had been told that you had said you would make it hot for me when the Commission came"? Yes, sir, I made that statement.
5221. Do you now adhere to it? I do.
5222. *Mr. Oatley.*] It is true? Yes.
5223. *Chairman.*] When did Mr. Small make that statement to you? When I was doing my exercise in separate treatment on the Monday following.
5224. Was anybody else present? No, sir. There was a warder on the hospital post.
5225. Anybody within hearing? No, sir. He had a conversation with me for, I suppose, a quarter of an hour.
5226. Is there anybody who can corroborate your statement, or is there anybody besides Mr. Small who can contradict it? No, sir.
5227. Is that all you wish to say? No. I am sorry I was not brought before you sooner, because I wanted to correct a statement I had made.
5228. Well, you have the opportunity now? I told you before that I had not been previously convicted.
5229. You certainly did, on your oath? These questions have been frequently asked before, and I have, of course, as the matter was not known to the authorities, always denied it. I told you the same, and I am exceedingly sorry. I should have been glad if I had been allowed to withdraw it, because I did a sentence of twelve months some four years ago for embezzlement. I reflected over it when I went back to my cell, and I resolved to tell you.
5230. Were you convicted under the same name? Yes, sir.
5231. Where at? Wagga Wagga.
5232. At the Assizes or the Quarter Sessions? The Assizes; before Judge Cheeke.
5233. Is that all you wish to say? What would prevent a prisoner from making such a statement is that by admitting such a thing he would lose half his remission; but that is no excuse for making a false statement on oath, and I am very sorry.
5234. The only reason why these questions are asked is that we are investigating matters which involve serious charges against different Government officers—Mr. Small, perhaps, in particular—and it is absolutely necessary that we should test the credibility of the witnesses who come before us. You will understand that if a witness were giving evidence against you, you or your counsel would let the jury see what the previous life of that witness had been in order to test his credibility. That is the only reason why I ask these questions. It is not with the view of criminating anybody, but it is to enable us to do justice between man and man. Do you understand that? Yes, sir; and I feel deep regret that I should not have answered the question straightforwardly.
5235. At the same time I may state that I do not think when admissions are made by prisoners in these circumstances that they should be taken into consideration at all, either to deprive them of remission or to involve them in any additional punishment, because we want to get the whole truth from prisoners here without their having any fear of punishment or hope of benefit. So far as it is in our power we will see that your admission does not militate against you? Thank you, sir. I have nothing else to contradict; everything else that I have said I conscientiously believe to be true. But there is one other statement I would like to make, and that is that rule 19 of the separate regulations says that the doctor shall make a report as to the state of each prisoner's health at the commencement of each month.
5236. The rule is this:—"Immediately after the commencement of each month the gaoler will furnish to the Sheriff a report of each man in separate treatment, setting forth his time of service therein, his conduct for the past month, any alteration in his weight, and the surgeon's report on his state of health"? I was in separate treatment on the 1st of June and the 1st of July, and up to this time the surgeon has neither visited my cell, nor have I been brought before him.
5237. *Mr. Oatley.*] Have you ever put your name down to see him? No.
5238. *Chairman.*] Do you not know that you can see him by having your name put down? Yes. It is not that I complain of being sick, but I don't see how it is possible for the doctor to make a report on my state of health without seeing me. I know that men have gone mad and have been sent down to Parramatta, and that it has been the chief warder or some of the other warders who have had to bring those men before the doctor.
5239. What men have you known to go mad from here? I don't know the names, but there are records of men who have gone.
5240. Do you know any single instance since you have been here in which a prisoner has gone away mad? I don't know any by name.
5241. Well, can you tell us of any time when a prisoner whose name you do not know went away from here mad? I think I can mention the name of one, but I would not be certain. I think there was a party of the name of Davis.
5242. When was it? Some months ago.
5243. About what time? I think it must have been last year.
5244. You see you are making charges which may seriously involve the Visiting Surgeon? I was a wardsman in the upstairs wing, and he was in the downstairs wing. I would not know him if I were to see him.
5245. You never saw him? No.
5246. Then how do you say that he went away mad from here? I have heard it generally reported. I believe I have heard the officers in conversation about it.
5247. Can you mention the names of any of the officers? Mr. Brayne and the chief warder.
5248. Do you know any man in this gaol suffering from derangement? I have always been under the impression that Cunningham is, from the statement that the sergeant made coming up here.
5249. Do you know who the escort-sergeant was? He is now at Bourke, I heard.
5250. What did he say to you? He made the statement which I told you of when I was here before.
5251. Is that all you have to tell us? Yes, unless I mention about a prisoner shrieking in his cell one morning. The officer told me that he believed he was mad. I thought it was Cunningham, but the officer said it was not; that it was a man I did not know, who had only come in recently. He was carried across to the hospital, and I heard the shrieks there.

A. G. Davies. 19 July, 1878.

5252. When did you hear the shrieks on the first occasion? I have been in "separate" six or seven weeks, and it is within that time—three weeks or a month ago.
5253. You could read and write before you came here, I suppose? Yes, sir.
5254. Then you have no occasion to go to the school? No, it is no use, for no attention is paid to you.
5255. Do you know of men who have learned to read and write here? Yes, some. They have learned from other prisoners in the school-room.

William Cheeseborough, confinee in Berrima Gaol, called in, sworn, and examined :—

W. Cheeseborough. 19 July, 1878.

5256. *Chairman.*] What is your name? William Cheeseborough.
5257. What sentence are you serving? Seven years.
5258. For what offence? Mail robbery.
5259. Is that your first conviction? Yes, sir.
5260. You were never charged with anything before? No.
5261. Where was the robbery committed? Between Warialda and Tamworth.
5262. When was it? In May, 1874. I was convicted on the 8th of August, 1874.
5263. When did you come here? On the 4th or 5th of September, 1874.
5264. How long did you remain? I have been here ever since.
5265. How long were you in separate treatment? A little over eight months.
5266. During the time you have been here have you been subjected to any ill-treatment or injustice of which you wish to complain? No, none whatever; quite the contrary.
5267. Why have you come before us? I wish to speak of the severity of my sentence, if you will allow me to do so.
5268. Before whom were you convicted? Judge Meymott.
5269. Was it robbery under arms? Yes.
5270. In company with others? With another man.
5271. You may state shortly what it is that you complain of? I have a portion of what I have to say written. *(Statement handed in and read.)*
5272. You have petitioned, you say? Yes, my friends once, and myself once.
5273. What was the result of the petitions? That the Government did not see fit to remit any portion of my sentence. I was promised by the Judge that I would be released after five years.
5274. *Mr. Pinhey.*] Have you been punished? Yes; I was punished once when I struck a man under great provocation, but all the officers of the gaol certify to my good conduct.
5275. *Chairman.*] What are you doing here now? Bookbinding.
5276. *Mr. Oatley.*] Did you use any violence when you stuck up the mail? No.
5277. *Chairman.*] But you had fire-arms? Yes, but I would not have used them. I would not, and the other fellow would not, because he was in too great a "funk."
5278. Is there any other matter besides this that you wish to bring before us? No, sir.

Charles Loder, an aboriginal, and a confinee in Berrima Gaol, called in, sworn, and examined :—

C. Loder. 19 July, 1878.

5279. *Chairman.*] What is your name? Charles Loder.
5280. What sentence are you serving? Eleven years.
5281. What for? Assault with intent to commit a rape.
5282. When were you convicted? Nine years ago.
5283. Where were you convicted? At Armidale.
5284. Who was the Judge? Judge Hargrave.
5285. How long have you been up here? About two months.
5286. What do you want to say to us? They sent me up here to a cold place.
5287. Where did you come from? Parramatta.
5288. You came from Parramatta here? No, Darlinghurst. Since I have been in gaol I am very near blind.
5289. Have you anything the matter with your chest? Yes; I am very bad.
5290. Does the doctor know? Yes; all of them say I ought not to have been sent here.
5291. Do you want to go to Sydney? No; I want to stop along with my countryman.
5292. Would you rather stay here than go to Sydney? I would sooner stop down here. Me and Mr. Read did not agree together in Sydney, and the warders used to pull me about and treat me like a dog. When I asked them to treat me like a Christian, they said, "No, we don't treat blackfellow like you like Christian."
5293. You have no complaints to make about this place? No.
5294. Is Mr. Small good to you here? Yes.
5295. What is it you want? I want to get out.
5296. Would you be good if you got out? Oh! Yes.
5297. What would you do; would you go back to your gin and piccaninnies? Yes; I have got letters from them.

James Sullivan, recalled at his own request, and further examined :—

J. Sullivan. 19 July, 1878.

5298. *Chairman.*] What do you want to say? I wish to bring under your notice some circumstances with reference to the man who died here last.
5299. What are they? I myself heard the man roaring for two hours previous to the doctor's coming, and when the doctor came he was taken out of his cell dead.
5300. *Mr. Oatley.*] Was he not attended to by the warders or any other person? That I cannot say. I heard him from outside his cell-door.
5301. *Chairman.*] Do you know what he died of? The jury brought in a verdict of bronchitis, I think.
5302. And you say positively that you heard him roaring. Are you sure it was he? Yes; I was outside the cell where he was lying.

J. Sullivan. 19 July, 1878.

5303. What was the man's name? I don't know his name. It happened somewhere about three weeks ago.
5304. What time in the day was it when he died? It was about from half-past 6 till 8 o'clock in the morning. He was moaning very heavily in his cell.
5305. You mean breathing very heavily and loud? Yes.
5306. Is that what you called roaring? Yes.
5307. *Mr. Voss.*] Was there no one with him? No, sir; I don't believe there was.
5308. Could you see into the cell? No.
5309. Do you know yourself whether anybody was with him? No; but I believe there was not from information that I have received since.
5310. *Chairman.*] Very well, is that all? I wish to know whether the previous convictions in other Colonies, that I spoke about yesterday will interfere with my mitigation?
5311. I suppose the police know of your previous convictions? No, sir, they do not. I have four months' mitigation to lose, and that is a serious matter to me.
5312. Well, we will do everything in our power to prevent your admission from militating against you. We want to get the truth, and we wish men to speak without fear.

Bernard Williams, confinee in Berrima Gaol; called in, sworn, and examined:—

B. Williams. 19 July, 1878.

5313. *Chairman.*] What is your name? Bernard Williams.
5314. What sentence are you serving? Two years.
5315. Is that your only conviction? I was fined £5 once, or a month.
5316. Is that your only previous conviction? Yes.
5317. What is your present sentence for? Assault on a girl with intent to commit a rape.
5318. When did you come here? On the 7th of March, I believe.
5319. Of this year? Yes; I was convicted in January.
5320. Since you have been here have you been subjected to any ill-treatment or injustice of which you wish to complain? No, sir; not in this gaol.
5321. None of any kind? No, sir.
5322. What is it you wish to bring before us? The assault a policeman committed on me in Gundagai Gaol, when he took me there after I was sentenced.
5323. Did you complain of it? I have had no chance until the present time.
5324. Did you not see the Visiting Justice at Gundagai? Well, you see there are rather peculiar circumstances connected with this case. When the policeman was taking me to the gaol I made the remark, "You need not pull me in this manner, I will go quietly"; but he pulled me about more, and the consequence was that, being in a temper, I pulled my arm away from him. He said, "If you do that I am as good as you are," and he struck me several times. That was about 12 o'clock in the day. I forgot to tell you that my first sentence was twelve months in Goulburn Gaol.
5325. What for? The same offence.
5326. You told us first of all that it was two years? Two years now.
5327. What sentence have you had since? I am going to tell you. The constable took me back before the Judge, and told him that I was a desperate character, that I had assaulted him, and tried to make my escape. Judge Forbes then withdrew my first sentence, and gave me two years' hard labour in Darlinghurst Gaol.
5328. And is that what you complain of? Yes.
5329. Did you state the circumstances to Judge Forbes? Certainly; but he took no notice of me. Afterwards Judge Forbes visited me in the prison, and told me that he had been led to believe that I was a desperate character; but he admitted that he had been misinformed, because the policeman knew nothing about me.
5330. Why do you not represent this to the Minister of Justice or the Comptroller-General, and refer to Judge Forbes to corroborate your statement. If you do that, and Judge Forbes corroborates your statement, and if the extra sentence of twelve months was passed on you under a misapprehension, you will, in all justice, get a remission? Judge Forbes said, that if my conduct was good I would get my liberty in twelve months, and that if I got up a petition he would sign it.
5331. Have you been in trouble here? I got twenty-four hours light cells for objecting to work with a man named Toohey, because he was a very disagreeable man. I was sent back to work with him again, and through his being disagreeable I assaulted him and got three days.
5332. How did he make himself disagreeable? Calling me a ——— thing, and all sorts of names like that.
5333. Without any provocation on your part? Yes; I tried to avoid doing so as much as I could, because I had time to lose.
5334. And he persisted in annoying you until you lost your temper and struck him? Yes, sir.
5335. That is what you swear? Yes.
5336. And you are afraid that through that you will lose the twelve months' remission promised you by the Judge? In all probability, if they send in that report.
5337. Are those the only two occasions that you have been in trouble? Yes.
5338. Have you ever been in the dark cells here? No, sir.
5339. What were you sent here for? I was sent from Darlinghurst for good conduct, for a billet.
5340. Where was your offence committed? At Nangus Creek, near Gundagai.
5341. When were you convicted? On the 26th of January.
5342. At the Gundagai Quarter Sessions? Yes.
5343. Is that all you want to tell us? Yes, sir.
5344. Has Toohey gone away? No, sir; but we are separated.
5345. *Mr. Oatley.*] How long have you served? About six months.
5346. *Chairman.*] Well, I will speak to Judge Forbes and see if he remembers your case.

Robert Pringle, confinee in Berrima Gaol, called in, sworn, and examined:—

R. Pringle. 19 July, 1878.

5347. *Chairman.*] What is your name? Robert Pringle.
5348. What sentence are you serving? Five years.
5349. For what offence? Stealing from a dwelling.
5350. Is that your first conviction? No, sir; two before.
5351. Only two? Only two, sir.
5352. Have you any objection to state what they were for? One was for a coat, and the other for a saddle.
5353. Stealing? Yes.
5354. How long have you been here? It is about twenty months since I came here first.
5355. Have you been here more than once? Yes; this is my second time.
5356. How long were you here on the first occasion? Nine months.
5357. Did you experience any ill-treatment or injustice of which you wish to complain? No, sir.
5358. When did you come again? On the 11th of December, 1877.
5359. And you have been here ever since? Yes.
5360. Well, during this time have you anything to complain of at all? No, sir.
5361. What brought you back here the second time? I don't know; the Governor told me it was on suspicion of making tools to break out with.
5362. Was there any ground for that suspicion? They never said a word to me; they ironed me and took me away to the train, and when I asked the officers where they were taking me to ——
5363. Never mind that. I ask you whether there was any ground for the suspicion that you were making tools for the purpose of effecting your escape? No, sir.
5364. You had nothing whatever to do with making tools for that purpose? No, sir. They told me at Parramatta that I was being sent up here as a blacksmith, but I was informed here that I was to do six months' "separate." When I was in the cell I asked the Governor what I was here for, and he said it was on suspicion of making tools to escape.
5365. Have you had an opportunity of representing to the Comptroller-General that it was a mistake? I sent down for a removal, but I mentioned nothing about it. He seemed to say there was no room at other prisons.
5366. Have you been kept here six months in separate treatment? I think they let me out after five months.
5367. And you did not complain? I complained to the Governor.
5368. Have you been as well off here as you were at Parramatta? No; I could work at my trade there.
5369. Have you been punished here? No.
5370. What work are you doing? I am a wardsman. I have rheumatism in my legs, and the winter here is too severe for me. I have been two winters here, and another would kill me.
5371. Would you rather be in Parramatta than Darlinghurst? Any gaol where I could work at my trade. I can't run about as I used to do, but I can stand and do a day's work.
5372. *Mr. Voss.*] Have you asked for permission to write to the Comptroller-General? I asked the gaoler to write, and he did so. I think the answer he got was that there was no room down below, but that there would soon be an opportunity to shift me.
5373. When was that? About a month ago.

Thomas Connell, confinee in Berrima Gaol, called in, sworn, and examined:—

T. Connell. 19 July, 1878.

5374. *Chairman.*] What is your name? Thomas Connell.
5375. Do you wish to give evidence? No, sir; I have no charge to make against the gaol or the gaol authorities.
5376. What do you wish to say? I wish to tell you of the long time I have been in gaol, and of the good conduct I have. I have also a statement here from Father Riordan. (*Statement handed in, and ordered to be appended. Appendix G.*)
5377. *Mr. Voss.*] How long have you been in gaol? I have served eleven years and five months.

George Prowd Lambert, M.D., recalled, and further examined:—

G. P. Lambert, M.D. 19 July, 1878.

5378. *Chairman.*] Of course you understand that you have been sworn in this investigation. Did I correctly understand you to say the other day that you do not visit the prisoners unless they put their names down to see you? Yes.
5379. So that a prisoner may be here for nine months and never see you? Yes.
5380. Are you aware of the 19th regulation, which hangs in the prisoners' cells? No, but I have seen the books; perhaps it is the same.
5381. Yes, it is the same; I wish to call your attention to it. Do you furnish a monthly report of the health of the prisoners in separate treatment? Every month there is given to me a large sheet, and I look over it and sign my name, and see whether there are any prisoners in the hospital or not.
5382. Is that the only monthly report you send? That is all.
5383. Do you not observe that the regulation makes it imperative that the doctor should report on the state of health of each prisoner? Yes.
5384. Then you have never carried that out since you have been here? I sign the sheet I have told you of.
5385. *Mr. Voss.*] What sort of a sheet is it? It shows what every man has been doing during the month, and what he has been punished for.
5386. *Chairman.*] You report then merely as it is put before you; you do not see the prisoners? I do not see them—only those who ask to see me.
5387. But those are a small proportion of the prisoners in gaol? That I cannot say. I may see the whole of the men during the nine months, because they are not the same men who come before me every day.

G. P. Lambert, M.D. 19 July, 1878.

5388. And it may be that you do not see more than five out of the whole number? No, that is not the case. Suppose there are seventy men here; one man may say that he wants a couple of pills, and I see no more of him for the month; and so on with others. I may perhaps see fifty in the course of a month.
5389. But are there months in which you do not see as many as ten? No, there is no month in which I see so few, because for the most trifling thing they come to see me.
5390. But you never have a muster of the men, or go round to see them? No, I do not, as a rule; but I occasionally go round to see them.
5391. What I want clearly to find out is whether you, at the commencement of a month, or, as the regulation says, "immediately after the commencement of each month," see the men, so to enable you, of your own knowledge, to report upon the state of health of each prisoner in separate treatment? No, I do not.

Alfred George Davies, recalled, and further examined:—

A. G. Davies. 19 July, 1878.

5392. *Chairman.*] I do not quite remember whether you said you had been in the dark cells here? Yes, sir; on two occasions.
5393. What bed-clothing did you have? One light blanket.
5394. Are you quite sure it was only one? Yes, sir.
5395. Not two? No.
5396. You remember that I promised you that, so far as the Commission was concerned, we would take care that your admission of your previous sentence should not militate against you? Yes, sir.
5397. We understood from you that the authorities did not know anything about that from any other source? I don't know, sir; there was nothing of that kind on the papers when they came up here.
5398. But, so far as you know, does Mr. Small, or anybody in the gaol here, know of your previous conviction? Mr. Small has been listening to the statements of prisoners who wish to curry favour with him, and I dare say there is some one here who may have known of the fact.
5399. But you do not know of it; you have had no communication from Mr. Small? I asked Mr. Small yesterday afternoon to be allowed to grow my hair, and he then said that there was some previous conviction he had heard of.
5400. This took place yesterday? Yesterday afternoon he told me that.
5401. But you certainly gave us to understand this morning that nobody in the gaol knew of it, and that you, from motives of penitence, and after reflection, desired to come forward to correct what was an untrue statement; whereas it appears that, in reality, Mr. Small had told you that he knew of it before you came? Will you allow me to explain. I thought of it after I went back to my cell, and I asked Mr. Brayne to let me see you again, as I had made a mis-statement. You recollect I told you this morning that I regretted that I had not seen you before.
5402. Was that directly after you had gone back? Immediately after 1 o'clock; I left here before 12.
5403. And before you saw Mr. Oatley and me in your cell? Yes.
5404. But you said nothing to us about it when we saw you in your cell? No; but I should have done so only you said you would see me again.
5405. But you told us about Mr. Small having said that you were put in separate treatment because he had heard that you had said you would make it hot for him, yet you did not tell us about that other matter? I would have told you only you said that you would see me again.
5406. When you came before us this morning and stated that you were moved by penitence to correct your former statement, you did not tell us you had reason to believe that Mr. Small knew of your former conviction from other sources? I did not think that necessary, because I fully intended if I had been brought back that same day to make the statement.
5407. That is not the question. Why did you not tell us to-day that Mr. Small had received official information of your previous conviction, when you tell us now that he told you so in answer to your request about being allowed to grow your hair? I perhaps ought to have done so, but I did not think it necessary.
5408. You must be aware that you left us under the impression that not a soul in the gaol knew of your previous conviction, and that your statement was simply dictated by your penitence and reflection? I certainly had those feelings from reflection when I went back to my cell, and I immediately asked Mr. Brayne to allow me to see you again.
5409. I may tell you that it is not the slightest use our having promised you that your admission would not militate against you, because we have seen the official record, which was here before you made that statement to us, so that you have nothing to hope from our promise, as the fact is known to the gaol authorities altogether apart from us? I knew that as soon as Mr. Small was aware of the record what you said could not do me any good.
5410. But you did not know that the record was here until Mr. Small told you last night? No. Mr. Small has been made acquainted with the fact that I recommended prisoners to go to Mr. Driver to make complaints, and he has a down on me for that. Molloy was one man.
5411. Are there any other prisoners that you can mention to us besides Molloy who are at their liberty now, and who could give evidence bearing on the subject of our inquiry? There is a man who used to go by the cognomen of "Dickey Driver." He was in the cook-house here. His father is a warder in Darlinghurst, I believe. I could recollect his name after a while, but now I am rather confused.
5412. *Mr. Voss.*] What caused you to refer them to Mr. Driver? They talked of going to Mr. McElhone or Mr. Buchanan, but I told them that I did not think they were parties who carried much weight, or who were likely to carry matters to a proper issue, but I thought that if they made their complaints to Mr. Driver he would do so, if there were proper grounds.
5413. What made you suppose that he would? From his general character, and what I have seen of him in public life. I have had frequent opportunities of seeing him in private life, and I have seen him in the House.

FRIDAY, 2 P.M.

The Commission sat at the "Crown Inn," Berrima.

Joseph Barnes, labourer, called in, sworn, and examined:—

J. Barnes. 19 July, 1878.

5414. *Chairman.*] You wish to give some evidence, do you not, with reference to Berrima Gaol? Yes, sir.
5415. Understand that you are not obliged to say anything, but if you wish to give evidence, of course we will hear you. What is your name? Joseph Barnes.
5416. What are you? A labourer.
5417. Have you at any time been a prisoner in Berrima Gaol? I have.
5418. For how long? The time that Mr. Small gagged me I had been fined £1 or one week, and I had not money to pay the fine.
5419. Have you been there more than once? Yes, sir, I served three months.
5420. Which was the first time? When I was there for three months.
5421. When was it? I can hardly say.
5422. When were you sentenced to the three months? I cannot remember; it was twelve or thirteen years ago.
5423. You must have been very young then? I was.
5424. What age are you now? Seven-and-twenty.
5425. *Mr. Pinhey.*] Were you sentenced from the Police Court here? Yes.
5426. *Chairman.*] You were not put in separate treatment? No.
5427. When did you go next? On the occasion of the fine.
5428. When was that? About nine or ten years ago.
5429. Well, what happened then? I was fined £1, or a week in prison. I had not the pound, so I had to go to prison. After I had been in about half-an-hour Mr. Small made me strip and go into the bath, and then took me over to one of the wings and gagged me. He called me a dirty, lousy, filthy scoundrel, and when I said I was no such thing he whipped the gag into my mouth.
5430. Is that all you said to him? That is all. I did not just open my mouth for him to put the gag in, so he hit it in with his hand.
5431. With his open palm or shut fist? His open palm.
5432. Did it hurt you very much? Yes, it made me bleed, and my teeth are loose now.
5433. Have you lost any teeth? No.
5434. Which are loose? These front ones.
5435. In the lower jaw? Yes.
5436. *Mr. Pinhey.*] From that cause? Yes.
5437. *Chairman.*] How long was the gag in? A minute or two.
5438. Was anybody else present? There were some warders.
5439. How long did you remain in the gaol? About half-an-hour; then my father paid the pound, and I was let out.
5440. After you were released, did you take any steps in the way of complaint? Yes, I went with my father the next day to Mr. Rowley, the Magistrate, and he promised to see into it by holding an inquiry in the gaol, but I don't suppose any such thing was done.
5441. You did not hear of anything being done? No.
5442. Did you take any further steps? No, sir; I had not the means.
5443. Did you make the matter known to anybody else? Only just the people round about the town here.
5444. In what part of the gaol did this take place? It was in one of the wings where he gagged me.
5445. Were you put into a cell? It is so long ago that I cannot tell whether I was put into a cell or into a yard, or where. I could not have been put into a cell, because I was let out in about half-an-hour.
5446. How long were you there before Mr. Small gagged you? I had just had a bath.
5447. Had your hair been cut? Yes.
5448. Was it then that he said you were dirty and lousy? Yes, sir.
5449. What age were you then? About sixteen, or somewhere thereabout.
5450. Can you remember whether Berrima Gaol was a separate treatment prison then? I think it was.
5451. Can you remember the names of any warders who were present? There was Mr. Buckley and Mr. Burns, and Mr. Hill, who was chief warder.
5452. He was present? Yes.
5453. And you were not violent? No, I knew it was no use.
5454. But you were not, as a matter of fact? No.
5455. You did not say, "You are another"? No.
5456. Or, "You are as bad as me"? No. I said I was no worse than him. That might have been all I answered.
5457. But you told us that you only said you were no such thing. Were you not going on in any violent way? No.
5458. Had he any spite against you? Not that I know of.
5459. Had you done anything to offend him? Never. Once I was employed by Mr. Powell, who used to live here, to draw some logs for him, and I had to bring them past the gaol. Mr. Small said I should not do it, but I still went on, and he got the sergeant here to summons me for it; but I cannot say whether that was before or since.
5460. Had you any right to go that way? Yes, I had to go that way.
5461. Were you punished for doing it? I think I was fined.
5462. How could they fine you if you had not done anything wrong? It was for drawing a log across the street.
5463. But you say you had a right to do it? Well, I could do the work in no other way.
5464. Who was the Magistrate who fined you? Mr. Rowley.
5465. Was the gag anything like this (*showing gag*)? I did not take that much notice. I know it was wood, and something like that.
5466. You never brought an action against Mr. Small in any way, or consulted a lawyer? My father did

J. Barnes. 19 July, 1878.

did speak to a lawyer who lived in Berrima then, and who was going to take the case up, but he said it was best to let it alone. We heard afterwards that Mr. Small and Mr. Rowley had been talking to him.

5467. Who was the lawyer? I do not know.

5468. Is he dead? I do not know.

5469. Can you suggest any reason why Mr. Small should have treated you in this way, as you were perfectly unoffending? I cannot.

5470. Would he be likely to do a thing of that sort without any reason at all? Well, it looked like it with me. I think he was bad enough to do anything in those days; he has been a bit quieter since.

5471. *Mr. Pinhey.*] As a matter of fact, you made a complaint to Mr. Rowley, who promised to see into it, but never did? He said he would see into it by an inquiry in the gaol, but he never did.

5472. Your father told you that the lawyer said it would be better not to make any fuss about it? Yes.

5473. And you have been told since that Mr. Rowley and Mr. Small had been speaking to the lawyer? Yes.

5474. Do you know what they told him, except what you imagine? No.

5475. *Chairman.*] Is that all you have to tell us about Berrima Gaol? That is about all.

5476. *Mr. Oatley.*] Have you been convicted of anything else since that time? No.

5477. You have a horse and cart of your own, and cart wood in? Yes.

5478. *Chairman.*] Are you a married man? Yes.

5479. And you live in Berrima? Yes.

5480. Have you said anything to Mr. Small since? A few months back he would not let me go into the gaol with a load of wood, but lately he has been friendly, and has sent down word for me to take wood into the gaol.

5481. How long since is that? A few months back.

5482. How many? About twelve months I should think.

5483. You are sure the gag was a wooden one, no brass, nor iron, nor tin about it? I did not take any notice.

5484. Have you suffered any pain since? My teeth sometimes get quite loose; I can scarcely eat with them sometimes.

5485. *Mr. Voss.*] Have they been loose ever since? Yes.

5486. And it is over ten years ago? Yes.

Alexander Fordyce, butcher, called in, sworn, and examined:—

A. Fordyce. 19 July, 1878.

5487. *Chairman.*] Do you wish to give evidence before the Commission about anything in relation to Berrima Gaol? Yes, anything that I know.

5488. Your name is Alexander Fordyce, I believe? Yes, sir.

5489. You were at one time a prisoner in Berrima Gaol? Yes, sir.

5490. For how long? Eleven years all but a few days.

5491. Were you all that time in Berrima? Yes, I went there on the 4th of August, 1863, and left on the 26th of July, 1874.

5492. During the time you were there did you yourself experience any ill-treatment or injustice? No, sir. I experienced two or three riots, when the men brought it all on themselves, as far as I could see.

5493. Did you experience any harsh treatment at the hands of Mr. Small or any of the warders? No, sir, I did not.

5494. You were there on the occasion of how many riots? There was one in August, 1863, and one in 1864.

5495. Did you take part in either of those? No, sir, I never took part in any riot whatsoever. I was encouraged to do so on several occasions, but I never intermixed with any of those parties whatever.

5496. Were they serious riots? They were. In 1863 a man named Anderson was locked up; they used to bring the stools then from the cookhouse to the schoolroom, and take them back again. The schoolmaster was a man named Walmsley, and the prisoners had a bad opinion of him, because he gave evidence on the murder of Warder Craig.

5497. Was that the time M'Cracken was tried? Yes. He was in Darlinghurst under sentence of life.

5498. He was the man who was tried for the murder of Craig? Yes; and he was cast for death for the murder. At the time I am speaking of I was a wardsman; I had only been a few days there. Walmsley told Anderson to take down a stool; Anderson called him some names, and Mr. Small locked him up. Mr. Small did not offer to lay hands on him in my presence. There was an order from the Sheriff, Mr. Uhr, that all the prisoners were to give their clothes up at night when they were locked up, and that the warders were to give them back in the morning. That night Mr. Rowen, the chief warder, asked Anderson for his clothes, but he would not give them up, and struck at one of the warders.

5499. *Mr. Oatley.*] Were you there? No.

5500. *Chairman.*] Well, we will hear his account of what he heard? Anderson began to scream and shout, and next morning the prisoners shut themselves up in the mess-room, where they used to have their grub. They put the table against the door endways, and laid the stools across it.

5501. Barricaded it? Yes. When the warder came as usual to open the door to let the men into the yard, he found it fastened, and he went and told Mr. Small. I thought the prisoners intended to fight among themselves. They kept the door barricaded until 5 o'clock in the evening.

5502. How many men were there? A good many—fifty or sixty. There was no separate treatment then, and all the men in the yard used to eat together. All the men, wardsmen and all, with the exception of the cooks, were there.

5503. Were you there? Yes, but I took no part in the affair at all. I was one of the men that insisted on the door being opened. Mr. Small sent for Mr. Badgery, and when he came he told the men that they should live up to the rules and regulations of the gaol; that if they did not he would punish them, and they began to abuse him and call him names.

5504. How were they doing this;—in a quiet manner, just arguing, or in an uproarious manner? They were doing it in an uproarious manner, because they could be heard down at Mr. Walker's. The next that came was Dr. Salter, and he began to talk quietly to them, but they called him an old b——, and all such language as that.

5505.

A. Fordyce. 19 July, 1878.

5505. Did they continue their uproarious conduct all day? Yes. The next one that came was the Rev. Mr. Hassall, and he said that if they would go out he would make it his business to go to Mr. Cowper, the Colonial Secretary, to see about their grievances, and not have them punished.
5506. How did they answer him? I forget how they answered him.
5507. Was he liked by the prisoners? Yes; particularly well liked.
5508. Well, what is the next thing? The doors were opened, and we all came out.
5509. How came the door to be opened? There was a man of the name of Hagan who was doing fifteen years for rape. He had a petition in at the time. There was also a man named Hollands, who was supposed to have had some connection with the murder of Mr. Craig; he was lying on the table, and Hagan went to him and said, "You have had the door barricaded all the day, and now I insist upon it being opened." I and a man named Ryan were with him. I said that I did not wish to be kept there as I had only been a short time in the gaol, and there were hopes held out to me. A man named M'Mahon said, "Knock the first man down that attempts to go out." Hagan said he hoped they would not attempt to knock him down, or he might knock some of them down. When he told Hollands that he insisted on the door being opened, Hollands said, "Well, as you insist upon it I will do it," and we opened the door.
5510. Where was Mr. Small? He was outside with the officers, armed with revolvers.
5511. How did the men go out—orderly? Yes.
5512. Do you remember how many at a time went out; three, or how many? We might have gone that way; we went in a string.
5513. Did the men arm themselves? No; they broke up the regulation boards, and burned them.
5514. Were there any iron-braces on the tables? Yes.
5515. Were they used at all? Some of us got the bars to assist in our own defence.
5516. You do not remember whether the ringleaders armed themselves with those iron-braces for the purpose of resisting the officers? No, sir, I don't recollect that at all.
5517. Was not one of the walls of the mess-room the outer part of the gaol? Yes, the wall was the outside part.
5518. So that if that wall had been broken through there was nothing to prevent the men from making their escape? No.
5519. Can you remember whether what led to the opening of the door was Mr. Small coming with a telegram in one hand and an axe in the other, and saying, "Now I will open the door," or something of that kind, and that then the men surrendered? I do not remember that.
5520. Do you know who was Sheriff? Yes; Mr. Uhr. He came up a few days after. We were kept locked up four days. Mr. Small said he could not let us out until the Sheriff had held an investigation.
5521. Do you know Slatterty? Yes.
5522. Was he there then? No, sir, he was not; he was in the riot of the following year.
5523. Can you remember the names of any other men who were prominent in the riot you have described? There were Hollands, Patrick M'Mahon, Robert Knox, and a man named Jobson. When Mr. Small came, after the warder had told him that the men had barricaded the door, a dish of hominy was thrown at him. He came to the window and told the men to open the door or he would fire on them.
5524. Can you remember whether he had an axe in his hand? No, sir. A dish of hominy was thrown at him, and the dish went nearly through the bars, but I cannot say whether any of the hominy touched him or not.
5525. Did you see Mr. Small handle any of the men in that riot? No, I did not see him touch any of them. They all submitted.
5526. And nothing was done in the way of punishment until Mr. Uhr came up? No.
5527. After he came up did you see Mr. Small, personally, handle any of the men? No, I did not see him.
5528. And you cannot say whether he ill-treated any of them or not? He did not do it in my presence, and I was a wardsman at the time.
5529. When was the next riot? In 1864, when they broke the bulk-boards and ground the chains.
5530. What are the bulk-boards? The boards that the beds used to be put on.
5531. Where did that occur? In the cells. A man named Smith, who was in the Bargo Brush affair, was locked up, and in the night he began to roar and shout. Some of the prisoners retaliated with him, and you could hear them all over the place. A man named Charles Dempsey, who was in the same cell as me, began to shout too. I told him to stop, or else take it upon himself, because I did not want to be punished; so he stopped, and did not shout any more. None of the officers came near the cells. On the following morning several of the prisoners had their names put down, and they were locked up. Mr. Rowley's orders were that they should be kept on bread and water until he came. As soon as they saw the bread and water they began to roar and shout again. A prisoner named Hindmarsh hammered at the door of his cell until he broke it, and got into the passage. Mr. Small was sent for, and he took a revolver and went down and took Hindmarsh to another cell. He did not ill-treat him at all.
5532. Were you present? Yes; I was going upstairs at the time.
5533. Do you remember Hindmarsh saying, "Shoot and be damned to you?" No; we were going up-stairs as quickly as we could.
5534. Did that quell the mutiny? No; the prisoners were brought out of their cells and leg-irons were put on them. Slattery and one or two more had cut their irons through by rubbing them on the flags.
5535. How was Slattery ironed then? He had bar-irons put on him.
5536. Can you say how many irons he broke? Two or three, I think.
5537. Before they put the bar-irons on him? Yes.
5538. Was he very uproarious? Yes, he always was.
5539. Did you remember any other men who were prominent in that riot? Slattery was about the worst. The next was a man named John Forster.
5540. How long was Slattery a prisoner in Berrima? In and out four or five years.
5541. Did you see any of the men gagged? No, sir; but I have seen them come from the office gagged.
5542. At the time of the riot in 1864? No, sir, not then.
5543. Were you present when the men were secured? Yes; on some occasions I was.
5544. Whom did you see secured? Slattery, a man named Richards, and Weavers and Crookwell.
5545. Crookwell was the man who was afterwards hanged? Yes.

A. Fordyce. 5546. Did you see Slattery gagged then? No.
5547. *Mr. Oatley.*] Did you hear of it? No; he may have been gagged in the office. I believe he was
19 July, 1878. gagged, as far as I could hear, for giving Mr. Rowley some opprobrious language.
5548. *Chairman.*] How long did this state of riot continue? It continued for about a week.
5549. Did they make a row during the night? Yes; generally in the night-time they would commence. They broke up all the boards and night-tubs.
5550. Could the noise be heard in the town quite easily? Oh; yes.
5551. Were they using bad language? Very bad language.
5552. What character did Slattery bear in the gaol? He was a very bad character. He sometimes would gammon to be mad.
5553. Why do you think it was gammon? On one occasion I heard his brother say so.
5554. Did you ever hear himself say so? No; but his brother, William Slattery, used to tell the other prisoners so.
5555. Did they make a joke of it, and call it a pretty good "stall"—you know what that means? No; I don't remember.
5556. Did you ever see Slattery ill-treated? The only time I saw anything that you call ill-treatment was after he came here from Parramatta. He asked Dr. Williamson to give him some tobacco, and the doctor said he could not allow it.
5557. *Mr. Oatley.*] Were you present at that time? No; but I heard his brother and other prisoners say so. He told Dr. Williamson he could stick the tobacco up his ——. Mr. Small and Mr. Flanagan, who was senior warder at the time, went to lock him up. As he was going past Small's house, he let out a yell and made for the wood heap. Mr. Fitzpatrick, the warder, was at the wood heap, and as Slattery made for where the axe was, he hit at him with his baton. With that Slattery fell—I can't say whether he was hit or not—and Flanagan got hold of him. He struck Flanagan two or three times. He would not walk then, so they had to carry him. He said to Mr. Small, "If I had got hold of the axe I would have made a Small of you." These words were said loud enough to be heard all over the gaol. I was standing at the schoolroom at the time, and saw this. Slattery received a sentence of twenty-eight days, and he was nine days without eating a bite. On the ninth day Dr. Williamson took him out of the cell, and would not allow him to be punished any more, but put him on his rations.
5558. *Chairman.*] You say you were wardsman at the time? Not at that time; I was in the schoolroom, attending on the clergyman.
5559. Did you ever see any of the men gagged? No, sir. There was a man named Cummings who had been flogged and sent up to Berrima for separate treatment. Some time after, when he was going away again, Sergeant Healey drew a spike nearly 6 inches long out of his waistcoat, after he had been searched by Mr. Hill, the chief warder. Mr. Small then took Cummings upstairs, put fresh clothes on him, brought him down again, and said to Sergeant Healey, "You may take him now; I will guarantee he has nothing on him." What passed I cannot say, but Cummings gave Mr. Small insolence, and Mr. Small threatened to gag him. Whatever Cummings said I don't know, but he was gagged for about a minute and a half, when Mr. Small took the gag out. That is the only man that ever I saw gagged.
5560. Did Small strike the gag in any way while it was in the man's mouth? I did not see him. There were three of them—Small, Hill, and Spinks—and Cummings resisted against the three.
5561. Did he become quiet after the gag had been in his mouth a minute or two? Yes.
5562. Did he go away with Sergeant Healey? Yes; Mr. Small said to Sergeant Healey, "You had better take him, and I will report on his conduct to the Sheriff."
5563. And that is the only man you ever saw gagged? Yes, and he resisted a good deal.
5564. Did you ever hear any prisoners complain that Mr. Small had ill-treated them? No, only Slattery and the likes of him. I was there eleven years, and to every man who conducted himself well Mr. Small was a good and upright man.
5565. Were you ever punished for misconduct yourself while you were there? I was locked up on two or three occasions, but never punished—yes, I was punished once; I got forty-eight hours in the light cells.
5566. Were you ever in the dark cells? Once, for a day, but not punished.
5567. But that is being punished? I was locked up, but was not brought before the Magistrate.
5568. Do you remember what bed-clothing you had there? One blanket, I think.
5569. Was that enough to keep you warm? Not in the winter time; but it is a great deal warmer down there than in the other cells.
5570. Was it summer when you were there? I cannot say.
5571. That is the only time you were ever locked up in the dark cells? Yes; it was for insolence to the chief warder.
5572. Do you mean to tell us, from your own observation, that Mr. Small always behaved well to the men? Yes. Mr. Small never interfered with any man who conducted himself properly. He was very hasty sometimes, but so long as you behaved yourself he would never interfere with you. If you made a complaint to him he would listen to what you said.
5573. You never thought him a tyrannical man? No, just the contrary.
5574. Was that the opinion of the other prisoners in the gaol? Yes, while I was there, except Slattery and Cummings, and the likes of them.
5575. Were you there when Gleeson was there? I don't remember him.
5576. He was there in 1869? I know the man you mean. I think he belongs to Sydney. He has some other name besides Gleeson. I think they called him "Tom the fool." He was notoriously as bad a character as ever a man in the gaol. He was in Berrima on two or three occasions.
5577. What sort of a character was he? I have seen him turn round and give insolence to the warders when in separate treatment. He would not submit to the officers, and when he was in the messroom he was always quarrelling with some of the men and causing rows. He was a man I never spoke to, or made any freedom with.
5578. *Mr. Oatley.*] Did ever you see or hear of any one being spread-eagled there? No.
5579. Never saw nor heard of it? No.
5580. Did you ever hear that Slattery was chained up in his cell? No, sir, I never heard of it. He might have been but I never heard of it. There was a man of the name of John Britten, who gave Mr. Sadler, the senior warder, insolence in his cell one day, and called his wife brutish names, and the warder

locked

locked him up. Mr. Gray, the chief warder, went in and told him to hold his tongue, or he would stop it for him, but he did not gag him.
5581. *Chairman.*] Were any of the warders in your time tyrannical or ill-behaved? No; the only tyrannical warder ever I knew was Hill, the chief warder.
5582. Why do you think he was tyrannical? You could not walk through the gaol but what he would agitate you. There was scarcely a morning that he had not some-one up. I heard Mr. Small speak to him about it on one occasion, on a Sunday morning, in the case of a man named Drynob. He said he could go through the gaol, and the men would never say a word to him. Whatever Hill's complaint was I don't know, but they took Drynob to the dark cells. As they were going down Drynob rushed into Small's kitchen, and made an attempt to get hold of a carving-knife.
5583. *Mr. Oatley.*] Did you see this? No, but I saw them bring the knife up.
5584. *Chairman.*] But you must only tell us what you really saw? They brought him back, and I saw Mr. Small bring irons and put them on him, and take him to the dark cells again; that is all I saw.
5585. But you say you heard Mr. Small rebuking Hill? Yes.
5586. Do you know a prisoner named William Lee? Yes.
5587. What sort of a character was he? He was a kind of irritating character. He was punished on several occasions.
5588. Was he one of the Bargo men? Yes.
5589. Did he irritate the prisoners? Yes.
5590. Did he provoke them to commit acts of insubordination? Yes.
5591. Was Chief Warder Everett there in your time? Yes.
5592. What kind of a man was he to the prisoners? A very good man.
5593. You never saw any cruelty or inhumanity on his part? No.
5594. Do you know Mr. Brayne? Yes.
5595. What sort of a man was he? I never saw anything wrong with him.
5596. Hill was the only man you complain of? Yes, he got more men punished than any other warder.
5597. Where is he, do you know? I don't know.
5598. Do you know why he left here? It was for getting drunk and ill-treating his wife. We could hear the screams of his wife when we were in our cells; we did not know what it was. I saw his wife next morning with a mark across her face.
5599. Was he broke for that? Yes.
5600. I suppose you know that this Commission is appointed to inquire into the management and discipline of Berrima Gaol, mainly through allegations of ill-treatment on the part of Mr. Small? Yes, sir.
5601. Have you any idea at all how these charges have arisen? No, sir, I have not.
5602. When did you first hear that these charges were being brought against Mr. Small and others? The only thing that I saw was in the *Herald*, when Mr. Driver made some statements in Parliament about gagging and ill-treatment.
5603. But you have no idea how the thing has originated? No.
5604. So far as your experience goes, you do not think that there was any cause at all for making such charges? No, sir, I do not. I was with Mr. Small for eleven years, and I never saw anything wrong in him. Every man that conducted himself properly was always well treated.
5605. *Mr. Voss.*] Did you ever have any difficulty in communicating with the Visiting Justice or the Comptroller-General? No, whenever I wanted to see the Comptroller or the Visiting Justice I always saw him.
5606. And could you see the doctor when you wanted? Yes; the names used to be put down every morning.
5607. Did you ever hear any man say that it was no use putting his name down to see the doctor? No; I have seen the chief warder going round and taking the names down.
5608. *Chairman.*] You were here while Mr. Rowley was Visiting Justice? Yes.
5609. Did you often see him come into the gaol? Yes.
5610. Was he generally sober or the reverse? Well, I cannot say that I ever saw him drunk; he may have had a sign of drink on him on one or two occasions, but I never saw him incapable of doing his duty.
5611. *Mr. Oatley.*] Did you ever want to see the Visiting Justice? No; I never had any complaint to make. I went to speak to Mr. Wise once about the mitigation of my sentence, and he asked me if I had any complaints to make. I said, no; I said the same to Mr. Uhr.
5512. *Chairman.*] Was Mr. Watt there when you were there? Yes; he was chief warder.
5613. What sort of a man was he? A very good man.
5614. Was he a cruel man? No, sir; he was rather hasty; that was all.
5615. Would he hear the complaints of prisoners? Yes; I never heard him speak an ill word to a prisoner all the while I was there.
5616. *Mr. Oatley.*] Do you know whether, when a man put his name down to see the Visiting Justice, the gaoler or anybody else questioned him as to the complaints he had to make? I don't know; a man always went to the office to put his name down.
5617. *Chairman.*] What employment are you in now, Fordyce? I am living with Mr. Galbraith, the butcher.
5618. Has he any connection with the gaol? He serves it with meat.
5619. Are you in any way connected with the gaol, receiving any gratuities or favours from Small, or anybody else? No, sir; I never have any communication with the gaol.
5620. You are not in any way dependent upon Mr. Small, or anybody connected with the gaol? No, sir, I am not—not in the least.
5621. You did not belong to Berrima before you came to the gaol here? No, sir, I came from the Lachlan.

SATURDAY,

SATURDAY, 20 *JULY*, 1878.

The Commission sat at the "Crown Inn," Berrima.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

WILLIAM TOWNLEY PINHEY, ESQ., J.P., | JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

Peter Herbert, trades' overseer, Berrima Gaol, recalled at his own request, and further examined:—

P. Herbert. 20 July, 1878

5622. *Chairman.*] We understand that you desire to make some correction of your former evidence; will you state what it is? It may be within your remembrance, sir, that you inquired from me whether I thought that Mr. Small's manner interfered with the independence of the officers in the discharge of their duty. I stated that I did not think so; but I have considered the matter carefully since, and I wish to amend that, and say that I do think so.

5623. Why is it that you have come to such a different opinion now? I had some difficulty in my mind in answering the question at the time, and I determined to give him the benefit of it; but I have since remembered several cases in which a want of independence in officers has been clearly exhibited, and I consider that it has been caused by fear of Mr. Small's violence of temper.

5624. Can you mention any instance which occurred to you? There is one which occurs to me, and which will perhaps suffice. An officer of the name of Mulligan forwarded a statement, which is attached to the correspondence published by the Select Committee, in which he says that he has not seen an instance of the gag being used. He has been fourteen years in the gaol, and I have been twelve years; and I consider it to be an utter impossibilty that he could have been there all that time and not have seen it, because he was there during the rough usage, commonly termed the time of the riots, when rough usage was openly adopted.

5625. And necessarily adopted? I was not here at the time. It is generally spoken of as the time of the riots. The officials state that rough usage was necessary at that time, and Mulligan was one of the officers. I consider that this officer has denied these things simply from fear of Mr. Small.

5626. *Mr. Pinhey.*] That is only a matter of opinion? I am only giving you my opinion.

5627. *Chairman.*] But might it not possibly have come from Mulligan's apprehension lest he himself should be involved? It may, sir.

5628. *Mr. Oatley.*] Had Mulligan the same opportunity of seeing these things that you had? He had a better opportunity.

5629. And it is from that that you draw your conclusions? Yes, sir.

5630. *Chairman.*] How long have you held your appointment? Twelve years next month.

5631. How many instances of gagging have you witnessed? Two, sir, which I have personally witnessed, and which I have mentioned.

5632. Have you ever been present on any occasion when Mulligan must have seen a prisoner gagged? I cannot recall any such occasion to mind.

5633. You see that Mulligan says, "I heard of one or two instances of gagging since I came here, but no case of spread-eagling"? But you will observe from the following letter that Mulligan reports a man named Giltinan who was gagged. Mulligan was the warder on that post, and I do not see how he could have escaped seeing the man gagged.

5634. "Patrick Giltinan, for wife desertion"? Yes, sir.

5635. In the report dated 19th August, 1870? I know it is the letter following Mr. Mulligan's letter.

5636. No, it is the letter preceding. Is that the only instance you can call to mind which induces you to modify the statement you made the other day? The other cases are general. I speak from a general observation of the behaviour of the officers and the behaviour of the gaoler.

5637. Were not those matters present to your mind the other day? They were; but, as I explained before, there was some doubt on my mind—you may have observed that I hesitated about answering the question—and, being in doubt, I answered in the negative.

5638. And you now wish to recall that, and answer in the affirmative? Yes.

5639. Have you been subject to any overbearing conduct on the part of Mr. Small? I have.

5640. On more than one occasion? Generally, until the past two years. During the past two years his conduct towards me has been very much modified.

5641. Has it generally been more softened within the last two years? Yes, sir.

5642. Do you think his manner has improved within the last two years? To some extent it has generally. In my own case I attribute his alteration in manner to a reproof from the Comptroller for his treatment of myself in one instance which I brought under the Comptroller's notice.

5643. You think now, then, that his character has undergone a change for the better, by reason of lengthened experience, advancing years, and occasional rebukes from the Comptroller-General? Yes, I do think so, sir.

5644. Well, regarding him now, with all his faults of temper of which you have spoken, do you consider him a valuable officer or not, in the position he holds, in the public interest? I understand you, sir. I think that his temper is not enough under his control to render him an officer who could act well on his own responsibility.

5645. Even now? Even now, sir. That is the fairest opinion I can express.

5646. But you must be aware that in a position such as he occupies very great firmness, considerable courage, and a large amount of physical strength are necessary? I agree with you, sir, in the two first points, but not in the last. I do not think it should be necessary for the gaoler to use any physical strength; I think he should leave that to his officers, who should obey his commands, but he should not lower his position by using physical strength himself.

5647. Are you not aware that it is one of the regulations that the gaoler shall himself visit the prisoners? I am, sir.

5648. Does it not occur to you that there are many instances, as in the case of desperate men, when an attack may be made personally on the gaoler, and when it is necessary that he should be possessed of physical strength in order to resist? It would be desirable in a case of that kind, but not in his official position as gaoler.

5649.

P. Herbert. 20 July, 1878.

5649. A gaoler is not in the position of a Magistrate or Judge, who is surrounded by all sorts of safeguards and protection, but he is brought personally into contact with the prisoners? So is each gaol officer.
5650. Well, in each gaol officer it is necessary to have a certain amount of physical strength.
5651. *Mr. Oatley.*] Does the gaoler often go round alone? I suppose he never goes round alone; it is always with one or two warders.
5652. *Chairman.*] Can you give us any instance in which you have noticed failures of temper on the part of Mr. Small, say within the last two years? I gave you my own case. Mr. Small's manner on that occasion was most violent to me, and I had to leave the office. He commenced to reprimand me for an offence before knowing that it was committed, and that in the presence of a prisoner.
5653. That matter, I understand, you reported to the Comptroller, and he rebuked Mr. Small for his misconduct? Yes; and I was cautioned to be more respectful in my demeanour towards him. From that time his manner has much improved towards me.
5654. Can you specify any instance since that, within your own knowledge, in which Mr. Small has exhibited violence of temper? I can give you a very strong instance.
5655. Will you state it? I will, sir. The Government Printer sent a gentleman from the Government Printing Office to have an interview with me here.
5656. When was this? It must be six weeks or two months ago. Mr. Small was out of the gaol at the time, and the chief warder came and informed me that there was a gentleman from the Government Printing Office wishing to see me. It was within my knowledge that the Government Printer proposed to send a gentleman to see me, so I asked Mr. Everett to pass him into the photographic-room. Everett did so, being acting gaoler, in the absence of Mr. Small.
5657. Where was Mr. Small? I think he was across at the post office. I had been in the room about five minutes when Mr. Small came to the door, and after some slight delay, something being wrong with the lock, it was opened. As soon as he came in he attacked this gentleman, and abused him very much for coming into the gaol without his authority.
5658. What did he say? I cannot recollect the words. He asked him what business he had there, and how he dared to come into the prison without his authority, and language to that effect. I should not like to attempt to recall too much of it for fear I might make a mistake. I endeavoured to interfere and to draw his anger on myself. I told him that I had requested the chief warder to take the gentleman there; but he continued to speak in unmeasured terms to him, and then walked away. Afterwards, I left the gaol in company with the gentleman. His name was Mr. Hart.
5659. What was his business? He was a gentleman brought from England to introduce the Woodbury-type into this Colony. I partly understand that process, and I had made an application to the Government Printer for employment. This gentleman had come up to see how much information I possessed: hence my request to see him in the photographic-room. Mr. Hart was very indignant, and said he would lay the matter before the Government on his return to Sydney. Whether he has done so or not, I do not know.
5660. Have you done so? No. I would have done so, only that Mr. Hart said he would do it; and he being the person to whom the offence was offered, I thought it would come with better grace from him.
5661. During the temporary absence of the gaoler, such as that of going across the square here, a distance of a couple of hundred yards, to the post office, do the duties of gaoler devolve upon the chief warder? The broad rule is, that in the absence of the gaoler the chief warder is acting gaoler.
5662. Is that the moment he crosses the threshold of the gaol? I should hardly interpret it that way.
5663. May not Mr. Small have been angry at the assumption of authority on the part of the chief warder during his short absence of going to the post? That may be, but I respectfully submit that his anger should have fallen on the chief warder, and not on a gentleman visiting the gaol.
5664. Exhibiting a want of courtesy? That would be my understanding of it.
5665. Is there any other instance you can call to mind? No, sir, I cannot call to mind any pointed instance that I could give any satisfactory account of.
5666. Do you know any officer in the Government service who would be better fitted for the post of Governor of Berrima Gaol than Mr. Small? That is a matter which would require very serious consideration, and I have not given it any consideration. I would rather not answer that question. I may state, in connection with that matter, that this gaol requires a high-class man, and that I think the position is very much underpaid.
5667. What is Mr. Small's salary? £200 a year, and Mrs. Small receives £40 a year as matron; but that is a sinecure, because there are scarcely ever any female prisoners here.
5668. Are there ever any? Yes, for short terms of imprisonment.
5669. They are never sent to be placed in separate treatment? No, sir.
5670. Mr. Small has quarters also? Yes, and fuel and light. There is another matter which I wish to bring before the Commission, and which I should have mentioned in my evidence on the 17th. I partly purposely omitted it. At the time Mr. Small brought the charge against me of taking a letter out of the gaol in a clandestine manner, he attempted to support it by telling a falsehood. Had the charge been substantiated, I should have been dismissed, but I made a vigorous defence, and Mr. Maclean, in cross-examination by letter from Sydney, elicited that Mr. Small had told a falsehood. Mr. Small confessed it. I felt very much aggrieved, and it has rankled in my mind ever since, because I considered it a treacherous action.
5671. How long is that ago? Speaking from memory, and I have a poor memory for dates, it must be about four years ago. Mr. Maclean's decision in this matter will show you what he thought of it. This is a copy of part of his decision:—"As the case now stands, I do not hesitate to exonerate Mr. Herbert, and to say that I am not induced by the present accusation in any way to modify any previously expressed opinion of him as an intelligent and trustworthy officer. I am far from pleased with the information given respecting the facilities for mischief afforded to the three prisoners by access to the office and school-room, contrary to the gaol regulations," &c., &c., &c. That is the gist of the affair.
5672. And you say that matter has rankled in your mind ever since? Yes; I felt that I had been treated in a very unfair manner.
5673. Then you really have not a friendly feeling towards Mr. Small? I have not, sir; but while not having a friendly feeling towards him, I have always carefully refrained from doing any unfriendly act. I have always acted in a kindly manner towards him, and do to the present day, and if I could do a kindness

P. Herbert. for him I would. I believe that I behave more kindly to him from the knowledge that I have an unfriendly feeling towards him.

20 July, 1878. 5674. Warder Mulligan is now, I suppose, a warder in the gaol? He is at present in the gaol.

5675. Are you in a position, from observations you have made in your experience as an officer of the gaol, to express an opinion as to whether it is desirable to continue the gag as an instrument which can be used on occasion? I think it is most desirable to retain it, but that it should be surrounded with the necessary safeguards.

5676. That its use should only be resorted to in the case of necessity, such as the repression of foul or blasphemous language; as a means of repression, not of punishment? Yes; the repression of foul language. There are cases in which its use would be very desirable, where prisoners will give vent to language which they know is revolting and offensive to others.

5677. Do you think that the knowledge, in the gaols throughout the Colony, that its use had been prohibited under any circumstances would have a prejudicial effect on the maintenance of discipline in the gaol? I am perfectly confident that it would; perhaps not so much in this gaol, because such severe treatment can be resorted to, and men are kept apart, and can be put in dark cells; but it would have an injurious effect in the open gaols.

5678. But, even in this gaol, do you think it necessary to keep it as an instrument which could be resorted to? I do; I have a very decided opinion upon that point.

5679. As a means of repression, but not as a means of punishment? Never as a means of punishment.

5680. Can you suggest any other means by which prisoners may be effectually restrained from the use of revolting and offensive language, to adopt your own words? I do not know of any other means—nothing nearly so effectual, or perhaps so humane, if humanely used.

5681. *Mr. Oatley.*] Do you not think that a sort of bandage across the mouth, or a mask, would not be better than putting the gag in? I was not speaking in regard to the nature of the instrument, but in regard to the desirability of some physical means of repression of speech. The sole objection to the gag is the use of it as an instrument of punishment.

5682. *Chairman.*] And you say, as Lord Burleigh did when he directed that somebody should be put on the rack, that it should be used in as humane a manner as the nature of the instrument will admit of? Yes, sir.

5683. There is nothing else you wish to say, is there? No, sir.

5684. Has anything occurred since you were before us the other day of an at all unpleasant character between yourself and Mr. Small? No, sir; nothing at all.

5685. Your evidence is certainly more hostile than it was the other day? It was purposely modified the other day, because I knew that I had an ill-feeling towards Mr. Small; but since then I have considered the matter for two days, and I was not satisfied with the reply I had given as to Mr. Small's demeanour towards his officers being likely to influence them in the discharge of their duties.

5686. There has been no unpleasantness within the last two days? No, sir.

5687. We desire that you will not allow the nature of the evidence you have given to be known to any person? I shall not, sir.

5688. Because we consider it essential to the eliciting of truth in this matter that no such communications should be made? I am glad you have mentioned it to me, because it will enable me at once to stop all inquiries.

5689. You may say that you have a positive injunction from the Commission not to say anything in regard to the evidence you have given.

TUESDAY, 27 AUGUST, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

Mr. William Small, gaoler at Berrima, called in, sworn, and examined:—

Mr. W. Small. 5690. *Chairman.*] Your name is William Small? Yes, sir.

5691. You are the gaoler at Berrima? I am, sir.

5692. How long have you been in that office? Fifteen years last May.

27 Aug., 1878. 5693. Had you any position under Government before that? I had; I was in charge of a wing at Darlinghurst.

5694. For how long? Something like twelve or fifteen months; I would not be sure.

5695. Was that your first appointment under Government? My first appointment was as an ordinary warder; I was an ordinary warder for two or three months, and then I was appointed to the charge of a wing for my services in the capture of some prisoners who made their escape through a drain into Woolloomooloo.

5696. Before that, what had been your position? I was engaged in farming at Ryde. I was also at sea for some time.

5697. In your position as gaoler you have, I suppose, as your guide, this pamphlet—the Prisons Regulation Act, 4 Victoria No. 29, and the Regulations thereunder? I have.

5698. And are all your duties defined within the four corners of the Act and the Regulations? They are. I may mention that it is only during a portion of the time I have been in the gaol that I have had anything to guide me.

5699. The Regulations are dated February, 1867? It is only since then that we have had any Regulations at all.

5700. Is that the case? Yes, sir.

5701. But the first regulation begins with the repeal of existing Regulations? They were the old Gaol Regulations, but they were no guide for a gaoler. You will find them in the same book, I think.

5702.

Mr. W. Small. 27 Aug., 1878.

5702. *Mr. Voss.*] It is just the Act? Yes.
5703. *Chairman.*] Were there no Regulations prior to February, 1867, framed under that Act? None whatever.
5704. Are you quite sure of that, because it would be absurd to speak of a regulation repealing an Act. The Governor, with the advice of the Executive Council, could not repeal an Act? We never had any form of Regulations until those came out, only the old Gaol Act which you see in the commencement of that pamphlet.
5705. When you were appointed to the charge of Berrima Gaol was there any difference between that gaol and the other gaols in the Colony? It was then an invalid establishment. They sent all the invalids there from Cockatoo, Darlinghurst, and other gaols.
5706. Were the mutinies in 1863 and 1864, of which we have heard, by persons who were supposed to be invalids? Most of them. They had come from Cockatoo Island. Some of them were most desperate characters, who had shammed rheumatism or something of the sort; but a short time after coming to me they would recover.
5707. When was it converted into a Model Prison for separate treatment? In 1866.
5708. Do you remember the time of the year—whether it was in the early or the latter part? I could not tell you, unless I were at home. I do not know whether I have any books with me now that would tell me. I think it must have been near the latter end of 1866.
5709. During your experience at Darlinghurst, was the gag ever used? Yes, sir; I used it myself on one prisoner. That prisoner is in my gaol at present; his name is Terry.
5710. Was that with the knowledge of the governor of the gaol? It was sir. I wrote a report and took it to him as soon as I had done it.
5711. Was the gag used there by other warders as well as by yourself? I have no recollection of seeing it used on any other occasion. I would like to explain how I came to gag this man. It was the morning that Manns was hung, and Terry was cursing the Sisters of Mercy while they were preparing the prisoner for the gallows.
5712. Terry is at Berrima now, you say? Yes, in ordinary treatment.
5713. Was he there when we were there the other day? He was, sir; he is barber in the gaol.
5714. Was the gag you used then the same kind of instrument as that which has been in use recently? It was not, sir.
5715. Was it more severe or less severe? It was a more severe instrument; it was a straight piece of stick like a window-blind stick, with a cord at each end, but they used to work that out of their mouths.
5716. When was that gag done away with? After Mr. Maclean was appointed there was some objection to using the gag—I don't know whether it was by him or not—and it was not used until the mutiny of 1864.
5717. Did you ever know a time, in your experience, when the gag was not used in the gaol in cases of emergency? Only for a short time—shortly after I went to Berrima.
5718. When you went there did you find the gag a recognized instrument of repression? Yes, sir; a straight stick.
5719. You do not know when it was introduced? No, sir.
5720. Have you ever seen a gag used in other places than in gaols? I have seen it used on board ship; I saw a man gagged once on a whaler.
5721. Anywhere else? No, sir.
5722. When did the gag first come into use in its present shape? I think it was somewhere about 1865 or 1866. I made a model and sent it down to the Comptroller, who forwarded it to Darlinghurst, but Dr. West there objected to it. It was three-eighths of an inch longer in the shank then than it is now. It was then sent back to Berrima for Dr. Williamson's approval. I talked the matter over with him, and we agreed to cut three-eighths of an inch off the shank. It was then passed by Dr. Williamson and Dr. West, and became the authorized gag.
5723. For what purposes was the gag used? When prisoners made use of very foul language they were requested to stop, and the gag was shown to them. If they would not stop, the gag was put into their mouths, and they were told that when they were prepared to give in they were to nod their heads, and the gag would be taken out.
5724. Was the gag ever used as an instrument of punishment? Never.
5725. Simply for the purpose of repression? That is all.
5726. The 68th regulation, which has been recently cancelled, says that the gaoler shall not cause the gag to be used beyond the necessity for compelling a prisoner to submit and cease from shouting or making use of offensive language. Has that regulation always been complied with in your experience? As far as I know it has. I am not aware that it has ever been abused in any way.
5727. The regulation goes on to say: "And the gaoler will report in writing to the Sheriff, as well as to the Visiting Justice, the circumstances of every case wherein he may have found it necessary to resort to any of the means of coercion as above specified," the gag being amongst them. On every occasion when the gag has been used have you reported to the Sheriff and Visiting Justice the circumstances of the case? I have reported to the Comptroller on every occasion, and on almost every occasion the gagging has been done by the order of the Visiting Justice and in his presence. It has almost always been done in the office when prisoners have been brought up for punishment.
5728. Do the warders carry one of these things about with them? Certainly not. The gags are kept in the office, and not out of the office at all. They never were kept out of the office. I made a rule and gave orders that no one was to gag but myself, and nobody did it but myself so far as I know. I never gave anybody else instructions to do it.
5729. Have you a record in your books of how many times the gag has been used? I have the different letters sent to the Comptroller. I have had great difficulty in finding them out, owing to the clerk writing "The prisoner named in the margin," and omitting to write the name in the margin. But I feel confident that every case has been reported to the Comptroller that I had any knowledge of.
5730. It would be contrary to the Regulations for anyone to do it without your knowledge? Certainly it would.
5731. You have been examined on this matter before? I have, sir.
5732. You stated then that you did not think that the gag had been used more than twice or three times within the last five years, and that you thought it was recorded to have been used five times in thirteen years? Yes, sir.

5733.

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5733. Do you adhere to that? I stated that I had no record of Slattery being gagged; but since then I have found that he was, and I reported it to the Comptroller. I found it in the record-book.
5734. Did you not have time to make a thorough search before? I had sufficient time, but it was overlooked through the prisoner's name not being in the margin. Since then I have searched the books thoroughly and found it.
5735. What do you say now then as to the number of times within the last 13 years? I believe there are not more than six at the outside, that is since the time of the mutiny of 1864.
5736. What time of the year was that? It was the latter end; about November or December.
5737. But you have books that will enable you to tell us accurately? Yes. [*Refers to book.*] It was on the 15th of December, 1874.
5738. Have you received an abstract of the evidence given before this Commission, with the gist of the charges against you and the names of the witnesses? I have, sir.
5739. You say that since December, 1864, there have not been more than six occasions on which the gag has been used in Berrima Gaol? With my knowledge there have not.
5740. Can you tell us the names of the six prisoners on whom it was used, if there were six? There were Bragg, Slattery, Shultz—I cannot recollect them now, but I can tell you in a moment. [*Refers to published correspondence in regard to the prisoners who have been gagged.*]
5741. *Mr. Pinhey.*] Was Gleeson one? I have no recollection of his ever being gagged at all. I have no record of it. Cunningham was one, but that is quite recently; only two or three months back.
5742. *Chairman.*] I want to get exactly if possible the names of the prisoners, and the dates when they were gagged? There were four gagged in the time of the mutiny.
5743. But I want to make December, 1864, the starting point. If you refer to the paper in your hand you will see that, on the 12th of February, 1878, you write, giving the names of the prisoners gagged since 1867, viz., Joseph Bragg, Patrick Giltinan, Henry Shultz, and Charles Cunningham *alias* Smith. Do you say that you have carefully examined the records, and that those are the only instances you can find? Yes, sir, and since then I wrote to the Comptroller informing him of the record of Slattery being gagged. I don't know that there is anybody else.
5744. Do you know a prisoner named Green? I do, sir.
5745. Was he ever gagged? Never, with my knowledge.
5746. Did you ever hear of it? No. I know that he was a very refractory prisoner. I came down to get a warrant out for him, because he threatened my life on his release.
5747. If it has been sworn before us by one of the witnesses that he knows Green was gagged and that several of his teeth were knocked out, can you say whether it is true or not? I do not believe he was. I have no knowledge of it—not the least.
5748. Have you any record of it? No, sir; I never knew a man's teeth to be knocked out in the gaol.
5749. You have no record whatever in regard to the prisoner Green? No, sir; none whatever.
5750. Was Callaghan ever gagged? Never, sir; I positively swear he was never gagged nor spread-eagled.
5751. What enables you to speak more positively with reference to Callaghan than with reference to Green? Because I saw him so frequently, and because the Roman Catholic Chaplain was almost daily in his cell with him. He complained of dysentery, and was attended by Dr. Lamb for a short time. When Dr. Lambert came, he kept him in the hospital all night, and next morning he found that his motion was a hard one. I was in the hospital with him. The case is so very recent that I can easily recollect it.
5752. Do you know anything of the case of a young man named Joseph Barnes, who is now free? I know the young man. I recollect some ten or eleven years ago having a dispute with him when he came into the gaol.
5753. Was he gagged? I would not swear that he was not. I can find no record of it though I have searched. I know that he was very insolent in the office.
5754. But although you have no record of it, can you not state positively whether he was gagged or not? No, sir; ten or eleven years is a long while to look back upon, and I will not swear to it. It is possible; he might have been.
5755. Then do you wish to modify your statement, in which you positively assert that there have not been more than six cases since 1864? I have no knowledge of any other case; that is what I say.
5756. Suppose that Barnes has stated that you yourself gagged him within a few minutes of his being received into the gaol, when he was sent there for not being able to pay a small fine of £1—does not that recall to your recollection whether you gagged him or not? I know there was some dispute, and that after his release his father reported it to Mr. Rowley, the Visiting Justice, but the Visiting Justice ordered him away, and threatened to give him in charge to a constable.
5757. I want to keep you to the point whether Barnes was gagged or not? I do not recollect.
5758. Do you think it could have happened without your recollecting it? I have no recollection of it, and I have inquired of my officers, and none of them can recollect it.
5759. I wish you to speak of your own knowledge. I was desirous of preventing any communication between you and your officers in regard to the evidence as far as possible. I will read you what Barnes says about the matter:—"The time that Mr. Small gagged me I had been fined £1 or one week, and I had not money to pay the fine. * * * It was twelve or thirteen years ago. * * * I had not the pound so I had to go to prison. After I had been in about half-an-hour Mr. Small made me strip and go into the bath, and then took me over to one of the wings and gagged me. He called me a dirty, lousy, filthy scoundrel, and when I said I was no such thing he whipped the gag into my mouth. * * * I did not just open my mouth for him to put the gag in, so he hit it in with his hand. * * * It made me bleed, and my teeth are loose now." The gag was kept in, he says, for a minute or two, and there were some warders present. Does that recall to your recollection the circumstance of this young man's coming into the gaol, and does it enable you to say positively whether or not he was gagged? I could not say. This much I know, that I have never attended prisoners to the baths.
5760. Still you cannot say whether or not you gagged him? I cannot say.
5761. And whether he was gagged or not you have no record of it? No, sir.
5762. Do you know a prisoner named Coghlan? I do, sir.

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5763. Was he gagged? After I got your abstract I spoke to the chief warder about him, and he told me, that on one occasion Coghlan was gagged, at the same time as Bragg, for refractory conduct. They were sent up from Parramatta together. But he was not gagged by me, and I have no recollection of it. Hill, who was chief warder at the time, gagged him. My present chief warder, Mr. Everett, says he recollects Hill doing it.
5764. Have you any record of it? No, sir.
5765. Can you account for there being no record of it? If it was done without my knowledge I would have no record of it.
5766. Can you swear positively that it was not done in your presence? I swear that I have no recollection of it.
5767. Is your trust in your memory so good as to enable you to swear that it was not done in your presence? I would not like to do so, though I swear that I have not the slightest knowledge of it.
5768. That was in 1868? I could not say in what year it was.
5769. Well, this is the account Coghlan gives of the circumstance:—He is asked, "Did you see anybody during those twenty-eight days?" and his answer is, "Only the gaoler and the man who brought my rations. Whilst I was doing them I was charged with talking, and the gaoler came down with another man and gagged me. I asked him not to knock my teeth out, and he put the gag in my mouth and struck it with his hand, knocking me down on the floor.—*Question:* Was it such a gag as that (*showing gag*)? *Answer:* Yes, except that the part which covers the mouth was round instead of square.—*Question:* Then, when it was in your mouth, without any cause on your part, he struck you? *Answer:* Yes, he struck the gag violently—sufficient to knock me down.—*Question:* Did it break any of your teeth? *Answer:* No, but it loosened them, and made my gums bleed inside.—*Question:* How long was it in? *Answer:* Three or four hours.—*Question:* How long after you began your sentence of twenty-eight days? *Answer:* It was within a week after I went up there.—*Question:* Who was present besides Mr. Small? *Answer:* The chief warder, Mr. Hill, and the chief warder there now, Mr. Everett. He was not chief warder then.—*Question:* And these two men saw Small assault you in this way? *Answer:* They did, sir." Now, I want you to say whether you can undertake to give that a positive denial, or whether you can only say that you do not recollect it? I have no recollection of it whatever; and if it had not been for what Mr. Everett told me, I would have said that he was not gagged at all.
5770. I want you to confine yourself to your own recollection. Have you a good memory? No; I have not a really good memory.
5771. You see it is ten years ago. You remember Coghlan, and the fact that he had twenty-eight days in the cells? Yes, and I remember that he was very refractory. He was sentenced from Parramatta.
5772. You remember that he was sentenced from Parramatta? Yes.
5773. And that he was a very refractory prisoner? Yes, I have had him off and on since, so that I am not likely to forget him.
5774. Well, can you not say whether it is true that the gag was struck by you? I am satisfied that that is not true, because I never was so cowardly.
5775. Or whether the gag was in for three or four hours? That is false, because I never knew the gag to be in for more than an hour at the longest. If it was so, it was done without my knowledge.
5776. Do you positively deny that you did it? I deny that I have any knowledge of it.
5777. Do you think you could forget it if it happened? I scarcely think it possible.
5778. Do you remember a prisoner named Henry Faulkner? I never had any prisoner of that name in my gaol. I have an idea who he is, but I never had him under that name. I have been informed by my clerk that a prisoner I had up there had taken that name in Parramatta Gaol.
5779. He went to Berrima from Tamworth in July, 1868, under a sentence of ten years, for mail robbery. Of course you have a record of every prisoner who has been in your gaol? Yes; I have the record book with me (*refers to book*). There is an entry of a prisoner named William Ross, *alias* Edward Shortland, sentenced to ten years at the Tamworth Quarter Sessions, in July, 1868, for mail robbery. He was discharged to Parramatta in October, 1868.
5780. On reference to that book I see an entry, dated November 5th, 1873, of a man named Henry Bamfield, *alias* Faulkner, *alias* Ross, *alias* Shortland, received a second time under sentences of ten, five, and five years roads, the last two being concurrent, making fifteen in all. He was sentenced at the assizes at Tamworth, and was discharged from Berrima to Parramatta on the 15th of May, 1874. These circumstances seem to clearly indicate that he is the man examined as Henry Faulkner. Can you undertake to say whether that man was gagged or not? I recollect him well, but I have no knowledge of his ever being gagged. I think he was suspected of being partly a lunatic. The doctor was continually with him. I have no recollection of his ever being gagged.
5781. Well, I will read you what he says with reference to his being gagged. He says:—"I rang the bell one day, and asked the warder to allow me to go to the closet. I had the dysentery very bad, and I had rung the bell two or three times; the third time I was let out there was a man in irons going into his cell, and, as I passed him, he asked what my name was. I did not speak because I was frightened, but the warder came down, and said, 'This is what you want to get out for—to talk.' I said, 'I was not talking;' and he replied, 'You were.' I was taken back to my cell, and when I got there he drew his staff and threatened me. I went out to exercise as usual, and thought there would be no more about it; but a few days after I was brought before the gaoler, and he asked me what I had been doing. I replied, 'I do not know.' He said, 'How many of you came here the other day?' I told him 'Seven;' and he asked, 'How many natives out of that?' I said, 'Four or five;' and he remarked, 'You are an unfortunate race of men.' Then he said, 'You don't know what you are brought here for;' and having asked the warder to state the case, he inquired of me what I had to say to that. * * * He asked me what I had to say, and I said, 'I hope I may be struck dead if that warder has stated the truth.' With that Mr. Hill and a warder named Buckley rushed me, got hold of my hands, twisted them behind me, and handcuffed me. Then Mr. Small jumped up, and rushed over for the gag which was hanging up, put it into my mouth, and buckled it behind me. He was in a great passion, and asked me how I liked that. Of course I could not speak. Then he said, 'I think it is hurting you,' and he came over apparently to shift it, but he hit it with the palm of his hand, and split my mouth with it." What do you say in answer to that statement? I am confident that it is false so far as he speaks of me.

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5783. That was in July or August, 1868, shortly after he had gone to Berrima. Can you undertake to swear positively that what he has related did not occur? I am prepared to swear that I never made use of the expressions he mentions, because I never made use of such language to any prisoner, and I do not believe that I ever gagged him at all. I do not believe that he was fit to be gagged.
5784. I want you to state positively if you can? I do not believe that he ever was gagged.
5785. Will you state positively that he was not? I say positively that I know nothing about it.
5786. Have you any record of it? None whatever.
5787. And notwithstanding his detailed story you cannot undertake to say positively whether it occurred or not? I know it is false in regard to the expressions.
5788. Do you think it could have occurred without your knowledge? The gagging could have occurred, but not those expressions.
5789. You have told us you know that in every case in which you used the gag a record was made? The clerk wrote immediately by my instructions, but he may not have copied the letters.
5790. Have you at any time detected a neglect of duty on the part of the clerk in making entries? I had a very poor clerk for many years. He was Mr. Johnston. I had a great deal of bother with him. I think I had him for 12 years, and I have had many times to stand by and see him do his work. He was not only a poor clerk but he was given to drink.
5791. Do you remember a prisoner named William Lee, who was one of the Bargo Brush men? Yes, I know him well. I never can forget him.
5792. Has he ever been gagged by you or in your presence? I almost think that there is some record in the Letter Book of his being gagged.
5793. He states that on the 8th April, 1868, he was gagged. Can you turn up your punishment record for April, 1868? It was never entered in the Punishment Book. Whenever a prisoner was gagged a letter was written to the Comptroller and then copied. (*Punishment Book from September 9th, 1867, to June 3rd, 1877, produced.*)
5794. I see that there is no entry about Lee on the 8th April, 1868. This is what he says:—"On the 8th April I was taken over to Mr. Small's office and charged by Mr. Small with having written a note. I promptly denied having written it. *Question:* Had you written the note? *Answer:* No. He said that I did write it. I said to him, 'I know you would sooner oppose me than assist me'; and jumping off his chair he exclaimed, 'What do you say, you scoundrel?' Then telling Mr. Hill, the chief warder, who now lives at Newcastle, to 'handcuff him,' Small brought the gag. I did not open my mouth; so Small jobbed me in the mouth and knocked out these five teeth. He got my head against the wall and said, "You wretch, I will gag the tongue out of you.' Dr. Williamson said, 'Don't choke the man.' The blood flowed out of my mouth, and down my clothes, and Dr. Williamson ran out of the office. After I had come out of the office I told the doctor that the gaoler had knocked my teeth out, and he said, 'I cannot help it; I cannot put them in again.' This was said two minutes afterwards, at the door. Small had taken out the gag by that time. When he had put the gag in my mouth he got my head against the wall, my hands being handcuffed behind me, and he jagged the gag about. Warder Hill came up to my cell that day while my mouth was tied up, and he said, 'Lee, I don't like such treatment as that.' I replied, 'I wish to make a complaint about it,' and I asked the chief warder to send for the priest, but he was not at home. When he did come I saw him, and told him what had occurred. *Question:* What was his name? *Answer:* Father M'Guinn. It is only the other day that I jogged his memory about this. *Question:* When did Small knock out the five teeth? *Answer:* My head was against the wall, and as I would not open my mouth he jobbed me in the mouth, and knocked out my teeth by wrenching the gag about. *Question:* Where were the teeth? *Answer:* One front tooth, and two on each side." Can you undertake to say whether that is true or false? It is utterly false.
5795. Can you swear positively whether he was gagged or not? No, sir; only that if he was not gagged he ought to have been.
5796. But there is nothing in that to justify you in gagging him? Well, no, not if you believe everything he says there.
5797. Well, what makes you say that if he was not gagged he ought to have been? Why, because a more filthy-tongued man there never was.
5798. You mean generally, but I want you to confine yourself to specific instances? I have no recollection of the circumstance at all.
5799. But this circumstance is related very particularly? I believe it to be villainously false.
5800. He says that he complained to Mr. Rowley of your treatment, and that Mr. Rowley told him to make a complaint to the Sheriff. All this took place in your presence, according to his story. Can you not remember the circumstance at all—his being charged with writing the note? No, sir; he was so frequently charged that I cannot remember that particular instance.
5801. There is no punishment whatever recorded against him in 1868? Then he could not have been charged.
5802. But you say he was frequently charged? Perhaps he was not in gaol in 1868.
5803. Let me see the record book showing when he was discharged. (*Book handed in.*) At pages 41–42 I find that he was there from 22nd August, 1866, to 28th August, 1868. He seems to have been there at the time he speaks of—April, 1868. You say you have no recollection of your having gagged him, or of anybody having gagged him in your presence? No, sir, I have not. I have considered whether he was or not, seeing his name there, and knowing the manner of man he was, but I cannot call it to my recollection.
5804. Where is Buckley now? I do not know. He has been dismissed some time.
5805. Where is Hill? He has been dismissed also.
5806. Dr. Williamson is dead? Yes, sir.
5807. And Mr. Rowley is dead? Yes, sir.
5808. Do you remember a prisoner named James M'Grath? I have had several M'Graths in the gaol. The one you speak of is a big man, with a sandy complexion, is he not?
5809. Yes. He says he first went to Berrima in November, 1868? I know the man you mean.
5810. Can you undertake to say whether he was gagged at all by you, or in your presence? No, sir, I do not believe he was.
5811. Did you ever hear about it? No; not until I saw the report of his evidence at Parramatta.
5812. This is the story he tells about it: Nine or ten days after he had gone to Berrima he was locked up

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up for talking to another prisoner in the yard, of which offence he was guilty. He says:—"I was locked up, and was not allowed out for two days. The night after I was locked up there were some men talking, and Mr. Small came and opened the door of my cell. Warder Hill, I believe, was with him. The warder had a bull's-eye lamp in his hand, and Mr. Small said to me, 'Get up; you are not satisfied, it appears, with being locked up.' He called for a gag and handcuffs. My hands were handcuffed behind my back, and then he tried to put the gag into my mouth. I did not like the appearance of the gag, and I, shoving my head away from it as he tried to put it in, he got the gag about half way in, and then struck it with the heel of his hand, breaking one of my teeth and splitting the next one to it. *Question:* Had you been guilty of talking? *Answer:* Not then. I had been locked up for talking. *Question:* But you were not guilty immediately before this occurrence? *Answer:* No. *Question:* Did you try to get away from him? *Answer:* No, I only moved my head to prevent him from putting the gag in my mouth." He says that one tooth on the left side near the centre was knocked out, and that the next one, which was splintered, has decayed since. Will you positively swear that that never happened? I have no recollection of his being gagged at all, and I feel confident that it is false, because I never knew nor heard of any man having his teeth knocked out in the gaol, until it has been brought forward within the last few months.

5813. He says that the gag was left in his mouth for close on three hours? That is false certainly. I never had any difficulty in putting the gag in any man's mouth. I do not know what Hill might have done. He was a bad fellow, and I had a job to get rid of him. He caused more trouble in the gaol than anybody else.

5814. In what way did you use the gag? I used to put the man's hands behind his back, press him against the wall, and put the gag in his mouth. I have sometimes held up my hand, with the gag in it, and said, "Open your mouth," but I never had any trouble.

5815. *Mr. Voss.*] If a man resists, might not one of his teeth be splintered? I never heard of such a thing.

5816. *Chairman.*] The five men you have mentioned as remembering to have been gagged, and of whom you have records, are Bragg, Giltinan, Shultz, Cunningham, and Slattery? I may mention that I don't remember them all.

5817. But those are the only ones you have any record of? Yes, sir.

5818. You found that there was a record of Slattery having been gagged? Yes, sir.

5819. Let me see it, will you? [*Copy of letter, dated July 26th, 1865, produced, showing that Slattery was gagged for shouting and for using grossly offensive language. In the same letter Mr. Small mentions that he is getting a new style of gag made, which, when finished, he will submit to the Sheriff for his approval.*]

5820. There is only one entry of Slattery being gagged in Berrima? That is all, sir.

5821. The regulation on the subject says that you are to report in writing to the Visiting Justice as well as to the Sheriff? Yes, sir.

5822. Did you report in writing to the Visiting Justice? No, sir; he was present on almost every occasion.

5823. He was not present when Slattery was gagged? No, sir, but I went at once and reported it to him verbally.

5824. But the regulation says you are to do it in writing? I have not thought it necessary. I always reported it in writing to the Comptroller.

5825. How long has the gag been kept in a man's mouth? The longest time to my knowledge was about an hour. That was in 1864. A warder was always left with them to watch them, and they were told that when they nodded their heads as a sign that they would give in, the gag would be taken out.

5826. What is the longest time since 1864? I have no recollection of any time reaching 5 minutes.

5827. Was there ever a metal gag in use? Never, I positively swear.

5828. Never a gag made partly of metal? There never was any metal whatever about them, except the tacks in the leather, and the buckle behind.

5829. But with reference to the thing put into the mouth? There was never anything approaching to metal.

5830. Did you ever see the gag produced before the Legislative Assembly? No, sir; but my brother-in-law, who lives at Parramatta, told me that he made the strap for it.

5831. But if any gag made wholly or in part of metal was produced it was not used in Berrima? No, sir.

5832. Were you ever asked by any person at all to show him a gag? Visitors have frequently asked to see it.

5833. Have you ever been asked, and have you declined, to show it to any person who had a right to ask to see it—a Magistrate, or Member of Parliament, or member of the Press? No; I have shown it to anyone who wanted to see it. In fact, I think I have shown it too freely at times, and that has perhaps caused a little of this.

5834. I have been asking you with reference to prisoners who were gagged since 1864;—have you any records of the use of the gag before 1864? No, sir; we looked upon it as a right till Mr. Maclean came.

5835. Was it more frequently used then? No, sir. I recollect that, when I had charge of the wing in Darlinghurst, twenty-five men were sent from Cockatoo for mutiny, and I prepared twenty-five gags in case the men should commence their tricks there, but we never had to use them, except upon Terry.

5836. You stated in your evidence before the Select Committee that the gag had been bitten through;—who did it? I think it was Shultz. He was gagged before the Visiting Justice, and he chewed the gag up like grass.

5837. Have you ever to your knowledge been complained of to the Comptroller General for having improperly used the gag? No, sir; I have no recollection of it. I see that the Comptroller says he has censured me. He has had occasion to censure me two or three times, but not for using the gag.

5838. Do you think such an instrument as the gag is necessary to preserve discipline in the gaol? I do, sir. There have been proofs of it since it has been given up.

5839. What proofs are there? There is the man that Mr. Hussey spoke of—Lagan. He put his tongue out to the warder, and told him to bring his b—— gag. He said there were detectives outside.

5840. Did he do that in your presence? No, it was reported to me, and when I went to his cell he behaved in a very excited manner.

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5841. Has any instance come within your personal knowledge—I don't mean reports from warders—of any bad consequences ensuing from the repeal of the regulation? No, sir, not yet.
5842. Do you think it is not unlikely to bring about disorder and want of due discipline in the gaol if the power to gag is taken away from gaolers? I hope not, sir.
5843. But if it is permanently taken away, do you think the knowledge that is so will be prejudicial to the maintenance of order and discipline in the gaol? I do, sir.
5844. *Mr. Oatley.*] Do you not think that something very different from this gag might be used for the purpose of stopping a man from shouting—for instance, a sort of pad to place across the mouth? The difficulty is this: For instance, when we had a straight piece of stick the men used to get it out of their mouths by rubbing it against the corner of the brickwork.
5845. But if you always had a warder watching them, how could they do that? That was in 1864, at the time of the mutiny. Since then we have not had a man watching.
5846. *Chairman.*] You must see that this instrument is likely to be very severe, being so hard and having such sharp edges. Do you not think it might be made less severe, and yet be equally efficient as a means of repression? It might, sir.
5847. *Mr. Voss.*] About the time that Mr. Driver is reported to have exhibited the gag in the House, did he or anybody else apply to you for the loan of a gag? No, sir.
5848. Did you hear any complaints at all about the mis-use of the gag at any time before the examination by Mr. Taylor at Parramatta? I never did, sir; unless it was on one occasion when the Estimates were being discussed in the House. Sir Henry Parkes was speaking about the gaol, and saying how well it was conducted and that nobody was sufficiently paid, when Mr. Driver interjected, "Yes, for gagging." I spoke to him about it at Berrima, and he said it was not me, it was the Government he was aiming at.
5849. In the *Herald* of February 8th, 1878, Mr. Driver is reported to have said that "the gaol at Berrima was a horrible place of torture, and the only consolation prisoners found was in access to chaplains. He had known cases of torture of this description. Men were gagged for eight or ten hours at a time, besides being spread-eagled, and the gaoler had himself admitted that this was done, but it was because they had made use of bad and filthy language in the hearing of females." Assuming that this is a correct report of what Mr. Driver said, is it a fact that you ever admitted to him or anyone else that men were gagged for eight or ten hours at a time besides being spread-eagled? It is false.
5850. Is there any foundation at all for the statement? None whatever, sir.
5851. Did you ever admit to Mr. Driver that men were gagged and spread-eagled because they made use of bad and filthy language in the hearing of females? No, sir; I remember having a conversation with him once about the gaol.
5852. *Chairman.*] Tell us, as nearly as you can, what that conversation was, and when it occurred? It is as nearly as possible between seven and eight years ago. It was before the Quarter Sessions were removed from Berrima. Mr. Driver had a case up there and I met him on the verandah of the Court-house, and asked him what he meant by continually bringing the gaol before the House when the Estimates were on. He said, "It is not you Bill;" (he knows me very well from a boy) "it is the Government."
5853. I want you to state, as well as you can, the exact words that were made use of? Those are the exact words. I remember the occurrence as well as if it had taken place yesterday. I said, "Well, you come in and go round the cells, and you will have a different opinion." He said, "Very well, I will, by-and-by." I spoke to Mr. Rowley, and he gave me permission to take Mr. Driver round the gaol. I took him round and introduced him as Mr. Driver, a Member of Parliament, to each prisoner. He said to them, "Well, how are you treated here?" and they said, "As well as in any other prison; we get what the Government allows us, and we can't expect any more." He came at last to a young fellow that he knew, who had been sent for punishment from Cockatoo for misconducting himself. He said to him, "What brings you here—isn't Cockatoo a palace to this?" The prisoner said, "No, Richard, this is a palace to Cockatoo; you get here what the Government allows you, but if you ask for it in Cockatoo you get put down in a hole cut in the rock." I remember the circumstance well, because the prisoner called him "Richard," and it seemed strange to hear him address Mr. Driver in that way. I believe they were schoolmates together, and that Mr. Driver defended him.
5854. Had you and Mr. Driver any words? It is about seven years ago since I met him coming out of the "Three Tuns hotel." He shook hands with me, and introduced me to Mr. Powell, who was with him. He said to Mr. Powell, "Bill thinks he is the smartest gaoler in the Colony, but they can wind him round their finger like that; I get letters from prisoners every week out of his gaol, and he knows nothing about it." I was annoyed at his saying that, and I said to him, "I will bet you five sovereigns you can't show me any such letters." He said, "It would only be robbing you; I have a pile of them like that." I said, "You are a liar." He gave me a sort of snarl and went away, and ever since then I believe he would do anything to persecute me.
5855. Were you on friendly terms before that? Yes, sir, for years.
5856. Have you not been on friendly terms since? I do not know that I have met him since—I so seldom come to Sydney.
5857. Why do you believe that ever since then he would do anything to persecute you? Because he brings every little trifling thing before the House to try and damage me in some way. Prisoners are continually going to his office to see him. They look upon him as their friend; he will listen to anything.
5858. Yes, but to be a prisoner's friend is, in some circumstances, to be a very estimable character? Yes, when they are really friends, but it is not those who encourage them in their vicious habits who are their friends.
5859. But you cannot say that of Mr. Driver? No, sir, I don't mean to say that he does.
5860. In regard to the question of the gagging, I have had occasion to ask you about several of the men, but I wish to give you an opportunity of answering more particularly the charges which each of them brings against you, not merely with reference to the gagging, but with reference to other matters. The prisoner Thomas Gleeson was one of those whose evidence was under consideration at the time the Select Committee held its inquiry, and you have been asked questions with reference to his evidence before? Yes, sir.
5861. Do you remember how long Gleeson was under your charge? Several times, off and on; I cannot tell you how long each time.
5862. He says he went to Berrima first in August, 1869, and came away in the January or February following. Can you tell us whether this is a fact:—He says, "I was not in the gaol two minutes before

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Mr. Small threatened to gag me and knock me down for not standing at attention when I was in the leg irons. He took me into the office, took the gag off the wall, choked me, and threatened to put the gag in my mouth"? I am sure nothing of the sort occurred.
5863. He says that, about 5 o'clock one Sunday afternoon you came to him and said, "What game is this you have been up to?" He said that he had been up to no games. You said, "It's a lie; give me no back answer," and hit him on the mouth with a whip you had in your hand. Is that true? It is not, sir.
5864. Is there any foundation for that statement? None whatever that I am aware of. I do not recollect coming into contact with him at all, except in the office when he was charged. You will see that he has been charged several times, but never by me.
5865. Did you ever threaten to put him into the dark cells, and keep him there until he rotted? No, sir; I have no recollection of anything of the sort.
5866. Did you ever make use of such language as that to any prisoner at all? Certainly not. The prisoners themselves know very well that I cannot put them into the dark cells without bringing them before the Magistrate. I used to do it some years ago. We used to put prisoners who committed themselves into the dark cells until the Visiting Justice came, but now there is an order against it.
5867. Did Gleeson ever complain to you about the officers ill-using him? No, sir; he never did.
5868. Did he ever offer to take his clothes off and show you marks on his body where he had been beaten with a baton? Never, sir.
5869. Did he ever complain of a warder named Colvin? No, sir; I have no recollection of anything of the sort.
5870. Do you remember any occasion when a bayonet was used, or threatened to be used, on Gleeson? The bayonets are never brought into the yard during the day, and at night-time the prisoners are all locked up in their cells, and I don't see how it is possible that anything of the sort could have occurred.
5871. Do you remember an occurrence like this in March, 1871. Gleeson says:—"I was charged with talking in the night, and they came to my cell—to me and another man—opened my cell-door, and took me out. Warder Everett, in taking me out, struck at me with a bunch of keys he held in his hand, but I stooped, and he hit the keys against the door. As I was walking up the passage he called to a warder to stick me with his bayonet if I did not stand. The other warder was, I believe, Mr. Kelly. * * * When he made a hit at me with the keys I ducked my head and went up the passage. He then shut the door and called out to the warder, and then walked into the other man's cell. The warder wanted to get me into a corner with his bayonet to keep me there until the others came up to ill-use me. While this was taking place Mr. Small came up the stairs in a very blustering manner, saying, 'What's all this? Stick that into him if he doesn't stop.' In trying to get away I missed my footing and fell down stairs. The warder with the bayonet walked down stairs; when I picked myself up they had got the other prisoner at the top of the stairs, and Small and Everett, each catching me by one leg, dragged me down the stairs." Is that true? No, sir, it is false.
5872. Do you recollect the occurrence? No, sir; I do not recollect coming into contact with him at all.
5873. Have you ever placed any prisoner between the double doors of a cell? No, sir; I positively swear that I never heard of such a thing before I read the report from Parramatta.
5874. Where are these double doors? The only double doors we have are the black cell doors. There are three black cells.
5875. And you positively swear that no man with your knowledge was ever placed between those double doors? I positively swear they have not, with my knowledge.
5876. What is the object of having those double doors? I could not tell you. They were arranged by the Colonial Architect. I think it is for darkness, and to drown the sound in case the men should be shouting.
5877. Then if Gleeson says that you ordered him to be placed between the double doors of a cell, and kept there till morning—is it true or not? It is false; I do not believe he was ever kept there.
5878. Will you swear positively? I swear positively that I never knew him to be there.
5879. Nor any other man? Nor any other man.
5880. One witness has described a case which occurred about 1868 or 1869, in which a prisoner was gagged by Hill, and put between the doors of a dark cell. He says, "The prisoner was lying on the floor with his head towards me; the chief warder, Hill, had one knee on the prisoner's chest, and had the gag in the prisoner's mouth, and the strap turned round his hand tightening it; he struck him on the gag when it was in his mouth, and used some very reproachful expressions * * * The prisoner was then placed between the doors of the first dark cell * * * I think one of his lips was bleeding a little, the wood having cut it. * * * The space between the doors is about 18 inches." Can you remember any occurrence of that kind? No, sir; no such occurrence was ever reported to me.
5881. Did you ever hear of it? I never did, sir.
5882. Is there any record at all of a man having been put between two doors? None whatever, sir. I could hardly say what Hill would not do. He was a bad fellow, and caused a lot of trouble. I got him dismissed for drunkenness and for beating his wife. In fact, I had to turn him out of the gaol.
5883. When was he dismissed? Sometime in 1869.
5884. And he has not been in the Government service since? No, sir.
5885. Gleeson, you say, never complained to you of illtreatment at the hands of any warder? No, sir.
5886. Did you ever hear of his complaining to the Comptroller General? No, sir.
5887. Did he ever make any complaint about the quality of the rations? I have no recollection of it. There have been very few complaints about the quality of the rations by any prisoner. I have no recollection of Gleeson making any complaints.
5888. Did he complain at all of not being allowed to go out of his cell to make water? No, sir.
5889. Have you had many complaints of that kind? Very few indeed. I have impressed it upon the warders in charge of the wings never to let a man wait a second.
5890. Has that been the practice all the time you have been there? Yes, sir; all the time separate treatment has been going on there, and I believe the men have always been well attended to.
5891. I may tell you that a very great number of prisoners who have given evidence have complained of that matter—prisoners at Parramatta and Darlinghurst. Some of them say that they have had to make water down the cracks in their cells? That would very soon be detected. 5892.

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5892. Has such an occurrence ever been brought under your notice? No, sir. You would soon have a bad smell in the cell if that were done.
5893. What character of a man was Gleeson? He was a very bad fellow. He was taken out of separate treatment once, and allowed to go into the special yards. From there I got him into ordinary treatment, but he had only been out of special treatment two or three days when he asked me to let him go back, as he was likely to have a row with some of the men and lose his remission. I allowed him to write to the Comptroller, and he was put back into special treatment, and kept in a yard by himself all day.
5894. Have you any power at all to place a man in the dark cells before bringing him up before the Visiting Justice? Not now, sir.
5895. Since when have you ceased to have that power? I do not know that ever I had the power. We used to do it three or four years ago.
5896. How long would the men be kept there? Until the Visiting Justice came next morning, or perhaps the same day.
5897. No longer? I do not think so, sir.
5898. Does the Visiting Justice go every day? He goes twice a week, and when he is sent for.
5899. Would you send for him on an occasion of that kind? Certainly.
5900. Then the confinement in the dark cells would only be for the few hours between the committal of the offence and the bringing of the prisoner before the magistrate? Yes, sir.
5901. And you say that for the last three or four years no prisoner has been put into the dark cells without being first brought before the magistrate? No; I had instructions to that effect from the Comptroller.
5902. You have power to put prisoners into solitary confinement in the light cells before bringing them before the magistrate? Yes sir, when they commit themselves.
5903. How long do you keep them there? Only until we get the Visiting Justice in. I am also allowed by the regulations to keep them on half rations for seven days, but I have never done it.
5904. *Mr. Voss.*] You have power to keep a man in solitary confinement for seven days before bringing him before the magistrate? Yes, sir.
5905. But not for a longer period? No, sir.
5906. Then if Gleeson says that he was confined in that way for thirteen or fourteen days, his statement is untrue? It is untrue, sir, certainly.
5907. *Mr. Oatley.*] Have you ever released prisoners from confinement without having them brought before the magistrate? There is no doubt that I have looked over many cases when a prisoner has been locked up by a warder. I generally look over first offences.
5908. *Chairman.*] Do you take it upon yourself to punish prisoners without bringing them before the magistrate, and then let them out so that the magistrate may not investigate the matter, to see whether you are to blame or not? The prisoners are generally locked up and charged by the warders. The charge is reported immediately. I go to the cell to inquire into the report, and if I find it is frivolous I let the prisoner off.
5909. *Mr. Voss.*] And if it is not frivolous? Then I allow him to remain locked up.
5910. *Chairman.*] But do you take it upon yourself to punish a prisoner, and then, rather than have the matter investigated, let him go back to his cell? No, sir; I have never locked up half a dozen men in my life.
5911. *Mr. Voss.*] You do not lock them up for punishment, but merely until they can be brought before the magistrate? That is all.
5912. *Chairman.*] Have you ever refused to allow a man to see the magistrate? Never, sir; and moreover than that, they can write to the Comptroller whenever they please. I never prevent them.
5913. Have you ever prevented prisoners from seeing the Chaplain? Never, sir.
5914. What are the arrangements for bathing? They are now very good. The men have every chance of bathing properly. For some years we had great difficulty, owing to having nothing but washing-tubs, and I think you will find in these books many letters which I have written, asking for baths. When the cells have been full they have had to go and wash themselves in the closet.
5915. Do you know how many men used to bathe in one tub? I gave instructions that every man should have clean water.
5916. Were your instructions carried out? Yes, as far as I know. The chief and senior warders used to carry them out.
5917. Is there an abundance of fresh water? There is now, and there has been within the last two years.
5918. Before that time, do you think it ever happened that as many as twenty men used to bathe in the same water in the passage? I do not think it possible. I have seen the wardsmen carrying water continually, and boilers on the fire making the water warm. I have heard men complain of the water being too hot, and ask for cold water to be put into it.
5919. You remember Michael Slattery being under your charge? I do, sir, well.
5920. When did he first come under your charge. He says himself that it was in October, 1864, when he went? I dare say he is right. I know that he was in the mutiny that year.
5921. What is the first thing that you remember about him and his prison history—anything specially noticeable? I think the first thing I recollect was his either being a lunatic or shamming lunacy. The doctor pronounced him to be shamming.
5922. Was that before the time of the mutiny? I would not be sure whether it was before the mutiny or not.
5923. But there were two mutinies in your time? There were. One was in 1863.
5924. Tell us the circumstances of the one in 1863, shortly? The prisoners had a large mess-room that they used to go into for their meals. One morning they went to breakfast at 8 o'clock, and about 9 the warder reported to me that they would not come out. There were about seventy-five of them there altogether. I went to one of the windows to ask what they meant, and they began yelling and shouting and saying that they would not come out until the Sheriff, Mr. Uhr, came. Several of them threw their hominy dishes at me. I put my men under arms, and sent for Mr. Badgery, the Visiting Justice. When he came they insulted him, and refused to come out. I telegraphed to the Sheriff, and he telegraphed back to me, telling me to apply to the Inspector General of Police for help. I telegraphed that I had enough help if he would let me bring the men out by force. Mr. Badgery would not give the order for my doing so. About half-past 4 I received another telegram from the Sheriff, telling me to do what I thought

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thought necessary. I then placed my men abreast of the door, and went to the wood-heap and got an axe to break the door open. The men then surrendered. I then took them, a few at a time, to the cells, under guard, and locked them up. Mr. Uhr came up a few days after and investigated the matter, and some of the ringleaders were punished. Several of the men stated that they were kept in the mess-room against their will.

5925. Slattery was not in that? No.

5926. Was Fordyce there? He was in the gaol, but I do not think he was in the mess-room. He might have been.

5927. How long did the mutiny last? From 8 in the morning until half-past 4 in the afternoon.

5928. When was the next mutiny? The next was in the latter end of 1864.

5929. Was Slattery in the gaol then? Yes.

5930. Was he engaged in the mutiny? Yes, he was one of the leaders.

5931. What were the circumstances of that? I was outside the gaol between 7 and 8 o'clock in the evening when I heard a dreadful commotion in the gaol, and yelling. I went into the gaol, and inquired of the chief warder what was the matter. He said he did not know; that they had started it all at once. I sent for the Visiting Justice. He wanted to know what could be done. I said I did not know. The prisoners had armed themselves with their bed-boards, and were using them as battering-rams against the doors. I said we would have to keep the men on guard all night, under arms, and we would see what could be done the next morning. They kept the noise up the best part of the night, and the next day. I had to send my family out of the gaol. Some of the prisoners broke through the door and came out into the corridor. One of the warders reported to me that a prisoner named Hindmarsh had crawled through one of the panels of the door with one of the staves of his night-tub. He said, "They are threatening to knock our brains out." I got a revolver, put it in my belt, and ordered the warder in charge of the gate to open it and let me into the corridor. He remonstrated and said they would murder me. I said, "Do as I order you," and he opened the gate, and I went in. I said to Hindmarsh, "Go to your cell," and he said he would see me b—— first. He did not then see the revolver. I drew it from my belt, and again ordered him to go to his cell. He went in and said, "Shoot, and be b——." I sent for the blacksmith to iron them. When I got Lee out in order to iron him he said to the blacksmith, "If you touch me with those irons I will kick your brains about the yard." I drew my revolver, and threatened to shoot him if he kicked the man; and after that he stood still, trembling. The Comptroller came up, and tried a lot of the men. I think the most of them got twenty-eight days solitary confinement.

5932. How was Slattery punished? I think he got twenty-eight days.

5933. How long did that second mutiny continue? I think for four or five days.

5934. Were the men in a riotous condition during the night as well as during the day? Yes, night and day; you could hear their yells nearly half a mile from the gaol.

5935. Who was the Visiting Justice at the time? Mr. Rowley.

5936. *Mr. Voss.*] And who was the Sheriff? Mr. Maclean. There was a mutiny in Darlinghurst at the same time.

5937. *Chairman.*] While Slattery was confined on that occasion by way of punishment, was he visited by the warders or officers of the gaol? After the prisoners had been brought out and tried they were visited regularly; but before that the warders were afraid to go near them.

5938. And were they kept night and day in the cells for some few days without anybody going near them? Yes.

5939. For how many days? I could not tell you how many. I think the Comptroller came up in three or four days. They were yelling when he came up.

5940. And during that time were they kept separate? Yes.

5941. And never let out at all? No, sir.

5942. Neither for the purposes of nature, nor for any other purpose? No, sir; nothing; no one would go near them.

5943. Then I suppose all the dirt and excrement was on the floor of the cell? No, sir; they used to wrap it up in a piece of blanket and throw it out of the air-hole in the cell.

5944. Bar-irons you say were put on Slattery? I put the ordinary leg-irons on first. They were put on several prisoners; but they were smashed just like thread; and the handcuffs were broken and thrown out through the air-hole in two pieces. I do not know how they broke the chains. The locks of the handcuffs are easily sprung by striking them against the wall. I found the handcuffs broken, lying in the yard; I did not know what to do; I thought they would overpower me. Then I got these bar-irons made. I think Slattery was the first who had them on.

5945. Do you remember the time when that occurred;—was it June or July, 1865? No, I think it was the latter end of 1864. I won't be sure.

5946. What are bar-irons? They are the ordinary rings of the chain-irons joined by a bar and swivel, so that the prisoners may put one foot before the other. The bar is about ¾ of an inch thick.

5947. And what length? About 15 inches.

5948. What is about the weight? I think from 5 to 6lbs.

5949. Could they have been anything like 14lbs.? Certainly not.

5950. Are the irons you have in the gaol now, and which the Commission inspected, the same as those that were used on the occasion that you speak of? Yes; they are the only bar-irons I ever had.

5951. Do you remember how long the bar-irons were kept on Slattery? I think it was something like from twenty-four to forty-eight hours—forty-eight hours at the outside. I have often spoken to the blacksmith about it, and he says it was certainly not longer than forty-eight hours.

5952. You say that the bar-irons were not put on Slattery until he had broken the chain-irons? He had broken three sets of chain-irons. I sent for the blacksmith each time to put fresh irons on.

5953. Was that the first time you ever used bar-irons? Yes, that was the first time that ever I saw bar-irons.

5954. While Slattery had these bar-irons on, was he secured in any other way; had he any handcuffs on? Yes, I think he had handcuffs on.

5955. Was he handcuffed to any rings? I think I have some record showing that he was handcuffed to ring-bolts, and gagged too.

5956. Is that the record you showed us this morning? Yes.

5957. You have only a record of his being gagged once? That is all.

5958. And how long was the gag kept in his mouth? I do not think it was kept in any length of time at all.

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5959. What do you call any length of time? It was kept in only a few minutes.
5960. How was he fastened to the ring-bolts? There is a ring-bolt here, and another there [*indicating the positions on the walls of the room*], and the prisoner is stretched out in this way [*extending his arms.*]
5961. At arm's length? Yes.
5962. Can you remember whether his arms were not fastened behind his back to one ring-bolt? I remember on one occasion when he went to get the axe to strike me, he was put into a cell, the first cell on the left-hand side, which you saw, where there is only one ring-bolt, and if he was handcuffed to the bolt in that cell it must have been to one. But the only way in which I have any recollection of a man being handcuffed to the ring-bolts is with his arms spread out.
5963. Are you quite sure that he never was kept with the gag in his mouth for three or four hours? There never was a man who had the gag kept in half that time.
5964. He says that the gag was kept in his mouth for four hours while his hands were handcuffed behind his back to a ring-bolt, and his legs in the bar-irons, which were 14 lbs. weight, in a position in which he could barely stand upright, because the ring-bolt was so high that it would have dragged the shoulders out of him if he had attempted to stand with his heels on the ground? It was nothing of the sort.
5965. Is that story true or not? It is false, sir.
5966. And you swear that the gag was not kept in his mouth for more than a few minutes? Only for the record here I have no recollection of his being gagged at all, but I have no doubt that he was, for here is the report to the Comptroller.
5967. *Mr. Pinhey.*] How long were those bar-irons kept on? I feel sure they were not on more than forty-eight hours.
5968. *Chairman.*] You remember his coming back in June, 1866, after he had been convicted of the Bargo Brush murder? Yes, I remember his coming back shortly after he was convicted.
5969. Did you ever say anything to him about his having spoken to Judge Cheeke in reference to his treatment in Berrima? No; this is the first time I ever heard of his speaking to Judge Cheeke.
5970. Can you remember whether this took place when he came back to Berrima in 1866:—"The first salute I got from Small was, 'Well, you have come back again.' I said 'Yes, I have, unfortunately.' He said, 'What are all those complaints you have made about being gagged and about my throwing water in your face?' I denied having made any complaint about water being thrown in my face. I told His Honor about my head splitting for want of water when I was on the ring-bolt. Small said, 'Well, I have got you now, and we will see whether you will make another complaint.' He said, 'I have got you for life now.'" Do you remember saying anything of that sort to him? No, sir; I am quite sure I never did.
5971. Can you undertake to say whether you ever did taunt prisoners with having been there before, or with any of their previous misconduct, or anything of that sort? I will tell you as near as possible what I say to prisoners when they come into the gaol. They are first taken to the bath, and get a clean suit of clothes; then they are brought to the office to have their description taken. I ask them whether they are aware of the regulations, and tell them that they are hanging up in their cells and in the exercise yards; and I say "I hope you will adhere to them, or you will be punished." Most of the prisoners are punished for talking or for making use of bad language, or something of that sort; so I say, "Do you know what punishment you will get if you make use of bad language?" I show them the gag, and say, "If you do, this will be put in your mouth;" and the invariably reply is, "I hope to God, sir, I will never get that."
5972. But that is not what I mean. Do you taunt them, and say, "Oh! I see you have come back here again," or "You are an old gaol-bird, and now I have got you here I will keep you here?" Never. There are always officers of the gaol present, and I am certain none of them can say that they have ever heard me taunt a prisoner in that way.
5973. *Mr. Oatley.*] When this man Slattery had the irons on, did Dr. Williamson order them to be taken off? I do not know. I have no recollection of it. I do not think so.
5974. During the time he had the gag in his mouth were the warders present the whole of the time, or was he left alone? I do not think the gag was in for more than a few minutes.
5975. He says it was in from 5 o'clock until 9? It was no such thing.
5976. Can you say positively whether or not the doctor ordered the irons off? No; the doctor never interfered with the discipline of the gaol. He never ordered irons off a prisoner except in the case of one being sick.
5977. And you say these bar-irons were kept on—how long? I think forty-eight hours was the outside.
5978. *Chairman.*] Do you remember an occasion when Warder Colvin and Warder O'Connor were with Slattery, and his being struck by either of them? No, sir.
5979. Do you remember an occasion when Slattery was near the wood heap in the yard, in 1870 or 1871? Oh yes, sir; the time he made the attack upon me.
5980. State what the circumstances were? I have a report of it which I sent to the Comptroller General.
5981. Was the report you speak of written at the time? Yes.
5982. Will you find it? Yes. [*Letter-book produced.*]
5983. This is the report you made:—"12th January, 1870. I have the honor to state that this morning when the Visiting Surgeon and myself came to the yard where the prisoner named in the margin [Michael Slattery] was confined, he asked the doctor to allow him tobacco, and the doctor said he could not allow him any, and that he had better write to the Sheriff. Slattery said, 'B———r the Sheriff; he is the greatest enemy I have.' I then said if he made use of any more such language I would put him somewhere else. He said, 'B———r you—who are you? Do your best and worst.' I then ordered the senior warder to put him in the cell. The prisoner came out of the yard, and the senior warder stopped to lock the gate of the yard. I took the prisoner round and the senior warder overtook us. When we came near my house the prisoner made a sudden bolt and rushed towards the wood heap. The senior warder and I overtook him and upset him. He fell close to where the axe was lying. The warder on the post threw his baton at the prisoner and missed him. Prisoner got hold of the baton and struck the senior warder several times. We took the baton from him and carried him over to the cell. On the way he said if he had got the axe he would have done for me; that he had came back determined to do for himself and me. I brought him before the Visiting Justice and another magistrate this afternoon, and he received a sentence of four weeks in the dark cells.—W. SMALL, gaoler." Does that report, which was written at the time, correctly represent the state of the case? It does, sir.
5984. Do you remember whether he did these twenty-eight days? I really could not say.

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5985. Do you remember anything about his attempting to starve himself? No, sir.
5986. Do you not remember any such occurrence at all? No, sir, I do not.
5987. If he says that he went ten days without his rations and without eating anything, is that true? It is not true. I have seen a prisoner go that long without his food, but Slattery never did.
5988. Do you not remember anything at all about his refusing to take his food? No, sir.
5989. He says that he did not do these twenty-eight days because he refused his rations, and that he went ten days without eating a crumb. He says that this is well known to the officers of the gaol, and to many of the prisoners too. Do you know whether or not he served the whole of his sentence? When anything is taken off it is generally noted.
5990. Can you tell us by referring to your books? Yes.
5991. That will be four weeks from the 12th January, 1870? I find this entry in the book:—"12th January, 1870, Michael Slattery, under sentence for life, insubordination and riotous conduct, offensive conduct, and assaulting an officer; witness, the gaoler; four weeks dark cells. Signed—G. H. Rowley, J.P., J. W. Bray, J.P."
5992. That was the occurrence of the wood-heap? Yes, sir.
5993. There is nothing in this book (*Misconduct Book*) giving the date of his release from that confinement? That would be in another book. (*Book handed in.*)
5994. This book shows that Slattery was locked up at half-past 10 a.m. on the 12th January, and released at half-past 4 p.m. on the 12th January. It appears to be on the same date? There must be something wrong about that.
5995. Do you think he could have gone ten days without eating anything without your knowledge? It is impossible that he could do it without my knowledge. He never went without his rations.
5996. What officers of the gaol were there then? The present chief warder, Mr. Everett, was there.
5997. Was Mr. Brayne? He was not there then.
5998. Was Colvin? Yes, Colvin was.
5999. When prisoners are confined in the dark cells what rule is there with regard to a supply of bedclothing? Prisoners sentenced to the dark cells are allowed for the first seven days one blanket, or in cold weather more, and no bedding until after the first seven days.
6000. That is in the dark cells? Yes.
6001. Have you any gaol order specifying that? Yes, sir.
6002. Will you produce it? Yes.
6003. *Mr. Voss.*] What orders are those? General orders sent by the Comptroller. This is the order:—"Prisoners confined in the dark cells for punishment will not be allowed bedding other than a blanket, or if very cold, blankets, until they may have been in seven days."
6004. *Chairman.*] This order has been in force since June, 1867? Yes, sir.
6005. And it is in force now? Yes.
6006. Are the blankets good, or are they worn? They are good blankets; I have examined them frequently.
6007. Have any complaints been made to you of insufficiency of clothing in the dark cells? No, sir.
6008. Have you ever known a case of illness through insufficient bedding in the dark cells? Never, sir. When a weak prisoner has been sentenced to the dark cells I have put his bed in.
6009. There is a warder named Clemens who was present when Slattery was gagged; do you know where he is now? He is at Maitland. He is the man Slattery tried to murder.
6010. There is also a warder named Flanagan? I do not know where he is. He was dismissed from the gaol. He was senior warder.
6011. *Mr. Pinhey.*] You know the blankets that we saw in the corridor at Berrima the other day? Yes, sir.
6012. May we take those as a fair sample of the blankets used in the dark cells? As I sit here, sir, they are.
6013. *Chairman.*] What was Slattery's character as a prisoner? He was a dreadful man. I have the whole of his depositions, and if you will look at them you will see that his language even to the Visiting Justice and everybody else was something dreadful. Even now, though he may appear quiet, I have no doubt in saying that he would not hesitate to commit murder if he had a chance.
6014. Mr. Hussey says he has been well conducted? Yes; he is building on the hope of getting a remission of sentence. I believe he has been getting on well during the last ten or twelve months. He was for a long while at Darlinghurst, and I do not think Mr. Read would speak well of him.
6015. *Mr. Pinhey.*] Is it true if Slattery has stated that he was twice gagged in your gaol? I have no record of it.
6016. *Chairman.*] There seem to be a good many cases in which you assume the possibility of a man being gagged, though you have no record of it? I had a man there as chief warder whom I could do nothing with. His name was Hill; he was a dreadful man. I feel sure he has sworn to prisoners talking in their cells, and has had them punished when they were really not guilty. I have often spoken to Mr. Rowley about him, and asked Mr. Rowley to take his evidence with very great caution. He may have gagged prisoners without my knowledge.
6017. But there are cases in which the men swear that you yourself gagged them, and you are not able to swear that you did not do so. You say you have no recollection of it, and no record of it, but you won't go further than that? I won't, sir.
6018. Have you ever taken strangers round to prisoners in their cells, and said, "This is so-and-so; he is here for such-and-such a crime; he is a desperate ruffian;"—or in any way exhibited the men? To show how false that is, I daresay you noticed the tickets on the doors of the cells. I did that so that visitors might see what the prisoners were in for, and not ask questions in the prisoners' presence. I used to caution them not to ask questions in the presence of the prisoners.
6019. But did you ever say, in the case of Slattery, "He is a desperate ruffian; he is one of the Bargo Brush murderers?" No; I should fancy that doing that would irritate him, and make him commit himself. I never did anything of the kind.
6020. He says you used to keep him as a show, and point him out as one of those Bargo Brush murderers? It is false.
6021. He mentions a particular case. He says that when he was in the hospital, bound up in a straightjacket, in a miserable wretched state, you brought four young ladies, two of them daughters of the Visiting Justice, to see him, and pointed him out to them; that he shouted out, and the young ladies ran away; that

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that you caught him by the throat, and tried to induce the young ladies to come back? It is false, I assure you. It is scarcely possible that I would do that in the presence of young ladies.
6022. *Mr. Pinhey.*] Do you remember having ever alluded to him as a Bargo Brush murderer? No, sir; I never did.
6023. *Chairman.*] Such a thing as I have mentioned could scarcely have happened without your remembering it? No, sir. If I had any respect for any young lady I would never think of doing such a thing in her presence.
6024. Slattery was in the Lunatic Asylum for some time—was he not? He was.
6025. Do you believe that he was insane, or that he was shamming? Only from what he told me; he has told me that he was not mad.
6026. But apart from what he said, while he was in this supposed condition of madness did you believe him to be mad? No, sir.
6027. At any time? No, sir, I never did. When Dr. Williamson passed him away from the gaol I was of opinion that he was not mad. On one occasion, in the hospital, when he had a straight-jacket on, he cut the jacket against the brickwork, and pitched into the men that were looking after him. I asked the doctor to do something with him, and he said, "Get him stripped and I will cup him." He was stripped, and the doctor cupped him near the kidneys. He had been blistered before that on the back of the neck and the doctor said he intended to cup him every morning until he reached the blister. The next morning Slattery came to me and asked to be allowed to go back to his cell. I said, "I cannot let you go," and he said, "Oh! I am all right." I said, "The doctor was talking about cupping you again this morning," and he replied, "For God's sake don't let him do it again; I am all right."
6028. Did you ever interfere in any way with Slattery when he wanted to complain to the Visiting Justice of your conduct, or of the conduct of the warders? I never did, I assure you, sir.
6029. Used you to keep horses in the gaol? I have always kept one horse; I have only stable-room for one.
6030. You never kept more than one at a time? No, sir.
6031. Were these horses ever fed on hominy? When I first went there we used to do as we thought fit with the refuse hominy. It was not sold, and I have given it to my horse. I have seen Mr. Read give it to his cows; warders have taken it away; and people have come to the gaol gate for some. But latterly it has been sold. I think £8 a year is given for it.
6032. Was the hominy ever taken out of the prisoner's coppers for the horse before it was served out? No, sir; no one will say that.
6033. Slattery has sworn it? He swears falsely, then.
6034. Several men have sworn it? If they would tell who the cooks were you could easily find out.
6035. And that while the men used to be half-starved the horses used to be fattening on the hominy? Nothing of the kind.
6036. How long has this rule been in existence, forbidding you to use the refuse hominy? Three or four years.
6037. Then you are not allowed to give it to your horses now? No, sir.
6038. Who buys it? Mr. Powell, who lives opposite the gaol.
6039. What does he do with it? Gives it to his pigs, I think.
6040. Did you ever ridicule Slattery in any way about his wearing some image—an Agnus Dei? No, sir. I do not know that I ever noticed such a thing on him. Many prisoners wear them, but I never interfere with a prisoner's religion in any way.
6041. *Mr. Voss.*] Have any of the chaplains who have frequent communications with the prisoners, ever at any time made any complaints to you, either about the blankets or about these unpleasant remarks said to be made by you before visitors, or of not being allowed out of their cells for the purposes of nature—have any of them complained to you on the part of the prisoners about these three things? I have never heard a complaint from them, but prisoners have complained to me two or three times.
6043. *Chairman.*] Do you remember a prisoner of the name of James O'Mara? I have some recollection of him. I remember the name very well.
6042. He went to Berrima on the 18th May, 1877—last year? Yes, sir, I recollect him.
6044. He says he was in separate treatment eight months. Do you remember his being in the hospital at all? I recollect him going round to the doctor, and I think the doctor had some bother with him. I do not recollect whether he was in the hospital or not.
6045. You say you do not remember his being in the hospital? I do not remember his being there a night.
6046. Is it a fact that you ordered him out without consulting the doctor? I dare not attempt anything of the sort; I never did such a thing in my life to any man.
6047. He says that when he went to Berrima he was suffering from internal injuries; that he asked to see the doctor, and the doctor ordered him into the hospital; and that next morning he was taken back to his cell by your orders. The senior warder, he says, told him that the gaoler had ordered it. Three days afterwards he was obliged to see the doctor again? I do not know what the senior warder may say, but I am quite sure that I gave no such orders.
6048. Do the men complain of being hungry? Yes, they do; and yet they gain in weight.
6049. It is part of the discipline, I suppose, to give them just as much rations as would keep them hungry? It is part of the discipline. The doctor receives a return of the weight of the prisoners every week, and they often go to him and ask for more rations; and after referring to the weights and examining the men, he very often gives them more rations. Sometimes he does not think fit to do so.
6050. Have you ever, in any way, interfered with their getting rations from the doctor? No, sir; I have no interest in doing it. Whatever the doctor orders for them, if it was a boiled fowl, they would get it.
6051. *Mr. Pinhey.*] Is it true that you locked O'Mara up five days without the order of the Visiting Justice? What was the date, sir?
6052. Shortly after he went there. He went in May, 1877; is there any record of it? No, sir. I do not think his name is here at all. Men are frequently punished for talking up there. Here is the man:—"James O'Mara, twenty-four hours' solitary, for telegraphing; July 19th, 1877."
6053. *Chairman.*] But it would not be entered there; he complains that he was not brought before the Visiting Justice? As soon as ever anybody is locked up the clerk makes a record of it. Sometimes I have struck my pen through it after withdrawing the charge.

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6054. Well, finding no record of it, can you say that it never occurred? I am quite sure it never occurred. Such a thing might have occurred if the Visiting Justice was away for several days, which was a very rare occurrence.
6055. *Mr. Pinhey.*] He complains that you told visitors what he was there for;—is that true? No, sir; it is not true.
6056. *Chairman.*] Do you remember a prisoner named Henry Williams? Yes, sir.
6057. He complains of not being allowed out for the purposes of nature? The only thing he complained of was that he had not enough to eat, and the doctor allowed him an extra dish of hominy morning and night besides his bread and meat. That was 6 lbs. of hominy in the morning, and 6 lbs. at night, solid hominy. We did not weigh the tin; the hominy was weighed without the tin.
6058. Do you say that he ate 12 lbs. of hominy a day? Yes, and half a pound of meat for dinner, with soup, half a pound of potatoes, and a quarter of a pound of bread; and he gained in weight, although he said he was losing.
6059. For how long did he have that? It went on for a month or two, and then he would commit himself, and be put back upon ordinary diet. After that he would come back for more. He got as fat as a whale in his cell.
6060. He said he once went to ask for more rations, and that he was prevented from getting them by your interference? If you knew the doctor as well as I do you would know that that is untrue.
6061. He complains of not being able to get a good wash for nine months, and of the bedding not being changed from one year's end to the other? There is a man employed doing nothing else but washing for the men in the separate treatment cells.
6062. He says that his body was quite black through not having enough time to wash;—would a man be allowed to get into that condition? No; I do not think there is a gaol in the Colony that will compare with ours for cleanliness. It is difficult to get men to wash themselves sometimes. They will not do it unless you stand by them and make them do it. He was one of those. He was what is known as "a forty," and a garrotter.
6063. Well, now we come to Callaghan's case;—you were asked some questions before the Select Committee about Callaghan? Yes, sir.
6064. Do you adhere to what you said then with reference to him? Yes; it is a tissue of falsehoods from beginning to end.
6065. How are the men bathed? They go to the ordinary baths.
6066. Is the water hot or cold? There is hot water continually; we never use cold.
6067. Callaghan complains that he was suffering from dysentery or diarrhœa, and that you forced him into a cold water bath? I never attend the prisoners at the bath.
6068. Do you remember seeing him when he arrived? I must have seen him, but I never saw him bathed.
6069. Do you say cold water is never used? Yes; they always use hot water, and sometimes a little disinfecting fluid to clean the men when they come from other gaols covered with vermin.
6070. Do men ever come from other gaols covered with vermin? Yes; I have seen them when their guernseys could almost walk. It is impossible to help it.
6071. Have you any reason to believe that Callaghan was shamming in regard to the dysentery he complained of? There was proof of it. He was treated by Dr. Lamb at first for a little while, but when Dr. Lambert came he left word with the hospital attendant to see Callaghan's motion, and next morning it was found that he had a hard motion. Dr. Lambert told him to go back to his cell, and said if he tried it on again he would have him punished. Another proof was that he gained in weight, and I think Dr. Alleyne will agree that he would not have gained in weight if he had been suffering from dysentery.
6072. Do you weigh the men? No, the chief and senior warders do that. The men are weighed on Saturday, and they can see for themselves what their weight is.
6073. Do you remember an occasion when there was some charge against this man Callaghan for having abstracted a leaf from a book? Yes, sir.
6074. On that occasion did you make use of any blackguard language to him—calling him names, such as "a bloody villain?" I am not in the habit of making use of such language at all, sir.
6075. But did you? I did not, sir, The senior warder brought the leaf of the book to me, and I went to the prisoner and said, "Did you write this?" He said that he did not. I got the book and compared the leaf with it, and found that he had. Then for telling the falsehood I brought him downstairs, as we usually do with the men who have committed themselves. The following morning, before the Visiting Justice arrived, the Roman Catholic clergyman came to me, and said that Callaghan had begged him to intercede with me to let him off; and the clergyman asked me to let him off. He said, "That blackguard Callaghan ought to be punished for tearing the book, but he promises that he never will commit himself again if you let him off this time;" and I replied, "Very well, Father Riordan, I will do it for you." Then he asked that Callaghan should be allowed to go back to his cell upstairs, and I allowed it.
6076. Did you grab him by the comforter, drag him up three or four steps, kick him, throw him down on the floor, and then, picking him up by the two feet, drag him down another stairs? No, sir, I did nothing of the sort. The senior warder was with me all the time.
6077. Who was he? Mr. Brayne. I never go by myself; I never handle the keys.
6078. Was Callaghan ever gagged? No, he never was gagged.
6079. Do you swear positively he never was gagged? I swear positively I never heard of such a thing until I saw it in the *Cumberland Mercury*.
6080. There is no defect in your recollection about that? None whatever; it is so recent, and it is a long time since any man was gagged.
6081. Was he fastened to any ring-bolts by you? Certainly not.
6082. Nor by any warders in your prison? No; I never heard of it. I do not think it at all possible.
6083. Did you ever order any warder to do it? Never; and I have never heard of anything of the sort.
6084. He says that you were bullyragging him for more than half an hour; that you then sent for the handcuffs, and he was gagged for about two hours? It is false, sir, I assure you.
6085. *Mr. Voss.*] You say Brayne was one of the warders at that time? It was he who reported him, and went with me to his cell.
6086. *Chairman.*] Was Callaghan a well-behaved prisoner? He never was brought up charged with anything. I do not think he was ever brought up—I am sure he was not. I think I found fault with him once for not keeping his table clean.

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6087. Do you remember a prisoner named Richard Hanson? I do, sir; he was in the last mutiny I think.
6088. Was he one of the ringleaders? He was. I think there were about thirty of them, desperate fellows, who led the others on. There were about seventy-five prisoners in the room altogether.
6089. He says he was kept locked up twenty-four days before he was brought before a magistrate? It is not true, because the Sheriff came up in four or five days and had the whole of them before him.
6090. Do you remember a prisoner named Michael Minton? I recollect the name well.
6091. He went there in April, 1876. He says that when he got there you said, "Which of these men is Minton?" I do not know why I should say that.
6092. Did you ever threaten him for saying that he would complain about you when he got to Parramatta? I have no recollection of it, sir. If he had said any such thing to me I should have brought him up before the Visiting Justice and made him state it; I would not have had it hanging over me.
6093. He complains of the blankets being old and worn out? When any of the blankets are in any way worn they are brought before the Visiting Justice and condemned. Then they are either sent away or are torn up and used in the gaol.

WEDNESDAY, 28 AUGUST, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, Esq., M.D.
WILLIAM TOWNLEY PINHEY, Esq., J.P.,
JAMES OATLEY, Esq., J.P.,
HOULTON HARRIS VOSS, Esq., J.P.

Mr. William Small further examined:—

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6094. *Chairman.*] Do you remember a prisoner of the name of Edward Tansley? I recollect that we had such a man, but I cannot call his appearance to mind.
6095. He says that he went there on the 26th April, 1876? Yes, sir; I know there was such a man there about that time.
6096. He says that in the month of August or September you came into his cell and asked him what he had been locked up for. He said he hardly knew, and that then you told him, making use all the time of dirty, beastly language, calling him a scoundrel and other names too numerous to mention, that if you had been there when the warder had locked him up you would have broken his jaw or knocked him down with a baton. Do you remember that occurrence at all? It never occurred.
6097. He says that he was brought before the Visiting Justice, but the offence was so light that the Visiting Justice dismissed the case. Can you not remember the case at all? No, sir. The name of the man is quite familiar to me, but I have no recollection of his appearance. When I got your abstract, giving me the name and date and substance of the charge, I looked the matter up as well as I could, but I have been unable to remember any such circumstances at all.
6098. Can you undertake to say that you never did make use of such language to him? I swear that I never make use of any such language to any prisoner; I am not in the habit of doing so. Any one who knows me will say I am not in the habit of making use of bad language.
6099. He says also that the hominy was absolutely rotten at times—that the potatoes also were mostly rotten, and the bread generally bad;—is that a fact? It is not, sir; many of the prisoners tell me that they cannot get such provisions in any other gaol in the colony.
6100. When complaints are made as to the bad quality of the rations, is the matter investigated? There is a delegate told off to inspect the rations with the chief warder every morning; if the delegate objects I am sent for, and if the rations are such as I would accept for my own house I do not call a Board; but if the prisoner can show me that there is anything wrong with them, then I call in a Board.
6101. Is any record made of the fact of a Board being summoned? Yes, and it is sent to the Comptroller.
6102. Can you find out how many times there has been occasion to call in a Board to investigate complaints as to the quality of the rations within the last five years? The last instance I know of was in regard to some sugar; it was really bad. I sent first for the contractor, and he said, "You know what you have to do." Then I sent a warder to bring in the first man he could see, to act on the part of the gaol, and the contractor was to bring in another. The contractor was bringing in a publican, and the publican said, "I do not want to go in, or to breed quarrels between me and my neighbours." The contractor spoke to him, and then they came in together. The publican said the sugar was very good. We drew up a memorandum, which the Board signed. I then sent the sugar to the Comptroller, and he sent it to Darlinghurst Gaol for Mr. Read to bring it before the most intelligent of his officers, and it was pronounced to be not fit for human food.
6103. When was that? Something like three years ago.
6104. Is that the last occasion in which you had a Board in? I think that is the last occasion.
6105. How is the Board constituted? I get one man, and the contractor gets another.
6106. Do the prisoners have any representative? No, sir.
6107. You are supposed to represent them? Yes.
6108. If the two members of the Board disagree, what then? We send for a third.
6109. *Mr. Oatley.*] How many times has a Board been called in during the last five years? I scarcely think we have had more than two.
6110. *Chairman.*] You say that this statement of Tansley's, that the hominy was rotten, is untrue? On one occasion perhaps the hominy might have been bad.
6111. But this is within the last three years? If he speaks of it as being rotten as a rule it is false.
6112. No, but at times? It never was rotten; nothing of the sort ever occurred.
6113. *Mr. Oatley.*] Has the hominy ever been condemned? It has been condemned several times.
6114. *Chairman.*] Since April, 1876? Very likely it has.
6115. Without a Board being called in? Yes; the contractor would supply bread instead. If the contractor will supply anything else there is no necessity for a Board.

6116.

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6116. For what period are the contracts taken? Every year.
6117. *Mr. Pinhey.*] Are samples of each article in your possession? No, I have nothing to do with that; all the arrangements are made in Sydney.
6118. *Chairman.*] Who is the present contractor? Mr. Powell; I think he has had the contract for the last three years; this is the third year.
6119. Then he was the contractor in 1876? I should imagine that he was. I am sure he was.
6120. *Mr. Pinhey.*] But how are you to know, if you have not samples of the food and clothing, whether the things supplied are according to the contract or otherwise? I have nothing to do with the clothing; the Superintendent of Stores sends it up to me. In regard to flour, the prisoners are supposed to have ordinary ration flour, but they get superior flour to that. I wrote to the Comptroller, asking him to allow me to have seconds flour, because it made more bread, and it became quite as cheap as the ordinary ration flour.
6121. *Chairman.*] Tansley says that on another occasion he asked the doctor for more rations, and that through your interference he did not get them; that you interposed, and said he had been there only a fortnight, and that he was getting a head on him as big as a bullock;—do you remember that? No, sir; nothing of the sort occurred. I think the present doctor must have been there then.
6122. *Mr. Oatley.*] You did not say anything of the sort? Certainly not, sir. When a new Visiting Surgeon comes to me I usually go round to the surgery with him to see that he is not imposed upon, and to show him what he is empowered to do by the Regulations.
6123. *Chairman.*] Do you remember when Dr. Lambert came? I do, sir; I think it was somewhere about two years ago. I very often go round to the hospital with the doctor; in fact, the doctor considers himself safer while I am there.
6124. With regard to the bathing, do the men have to go naked any distance in the sight of others? It is impossible at the present time, because they have to pass near my house in going down to the baths. But when the tubs were used I never saw them go naked; if they did so it was wrong, and the parties who caused it to be done—the chief and senior warders—did wrong.
6125. Where did they undress? In the cell where they bathed.
6126. Not in their own cells where they were confined? Certainly not. No complaints were ever made to me of anything of the sort.
6127. Do you remember a man named John Ambrose? I do, sir.
6128. Do you remember when he was at Berrima? It is not very long back, I think; he went in February last year.
6129. He complains that you came round to his cell one day, threatened to lock him up, and called him a damned scoundrel and a damned dog. Can you remember whether you made use of any such language to him? I am perfectly sure that I never made use of such language to anybody, and everybody that knows prisoners is aware that "damned dog" is a regular prison expression.
6130. But it is also an expression that the gaoler is likely to use? Yes, but I should be sorry to pick up any of their slang terms.
6131. Do you remember the case of Joseph Holloway O'Neil, who went to Berrima in September of last year for the first time? I recollect it very well.
6132. Well, was there anything particular about his conduct in gaol? I looked upon him as being somewhat silly; he was continually going to the doctor; he had all the complaints under the sun, and the doctor could do nothing with him. He almost drove the doctor out of his mind. He would have one complaint to-day and another to-morrow. His eyes got very badly inflamed, and the warder in charge of the wing where he was confined detected some rags about his body one day with lime on them, and lime was found in the kid he washed himself in. The doctor examined him and found that he had been putting lime into his eyes, and the doctor brought him before the Visiting Justice and had him punished for malingering.
6133. Where did he get the lime from—do you know? Off the wall. The warder drew my attention to the place where he had scraped it off the wall.
6134. He states that on one occasion his Bible and Prayer-book were taken away from him; that he was illtreated by Everett, and that you came there shortly afterwards? I never heard of his being illtreated. If his Bible and Prayer-book were taken away from him they had no right to be taken away; the other books are taken when a prisoner is under punishment, but not the Bible and Prayer-book.
6135. Are the Bible and Prayer-book never taken away? Never, except when the prisoners are in the black cells. A prisoner's Bible and Prayer-book were taken away from him once, by mistake, and the parson or the priest wrote to the Comptroller about it.
6136. Do you know who the prisoner was? I forget now.
6137. Was it O'Neil? No.
6138. Do you know whether he wore any peculiar kind of hat? He complained that he had epileptic fits, and he asked me to allow him a cap or something to wear, because he rolled out of bed and was frightened of cutting his head. I used to humour him a good deal, so the senior warder got him a cap made with padding. I brought him before the doctor to see whether it was necessary for him to have it. The doctor said he might wear it, but he did not think it necessary; he did not believe that he had fits.
6139. When you went into his cell did you call him a b——y scoundrel, and pull off his cap, and knock his head against the wall with your fists? No, sir; I can bring proof that he thanked me on leaving the gaol for my kindness to him.
6140. Who heard him say that? Warder Flynn heard him.
6141. Did he say it in a sarcastic manner? No, he told me he would never forget my kindness to him. I believe the man has been worked up by other prisoners to make that statement. I swear positively that nothing of the kind ever occurred.
6142. Was O'Neil brought before the magistrate on any charge do you know? Several times.
6143. What were the charges? The doctor brought him up for malingering, and he was brought up several times for other things.
6144. Was he ever brought up for an attempt to commit suicide? It was scarcely an attempt to commit suicide. He got under the table in his cell, with a bit of listing round his neck, and tied it to the bracket, and he was found lying underneath the table in that manner. But you could break the listing with your hand without the slightest exertion. I looked upon the man as being silly.
6145. What made you think him silly? That circumstance alone was sufficient to make me believe that. I don't know whether he was silly or trying to make trouble.

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6146. You have spoken of a warder named Flynn;—is he at Parramatta now? Yes.
6147. Did you ever know him to ill-treat anybody? No, I do not believe he ever did; he was a very kind man.
6148. Did O'Neil ever complain of ill-treatment at the hands of Everett, or Brayne, or Flynn? No.
6149. Or of any other warder? No; the only complaints he made were about his eyes; he used to say that he would never leave that place—that he was going blind—that the doctor was not doing him any good—that some prisoners had told him that everybody got blind after being in Berrima a few months. I said, "Well, you will be the only man who has gone blind here." Those are the only complaints that ever I heard.
6150. *Mr. Voss.*] Were his eyes improved in the dark cells? Yes, they got quite well, and never got bad again.
6151. *Mr. Oatley.*] Did the magistrate send him to the dark cells? Yes.
6152. *Chairman.*] Did you ever have any struggle with him or use him roughly? I never used him roughly in any way.
6153. Well, all these things he has stated you say are a tissue of lies? I swear they are, sir.
6154. Did you, at any time, make a show of him by bringing visitors to look at him and say, "This is so-and-so who set fire to so-and-so"? No, sir, I never did anything of the sort.
6155. Do you remember a man named George Richard Preston? I have a slight recollection of him.
6156. Did you ever use any violent or insulting language to him? No, sir. Perhaps if he committed himself I may have threatened that he would be punished; but I have no recollection of it in any way. I do not think he was punished at all; I do not see his name in the Punishment Book.
6157. Do you remember a man named Henry Johnson? Yes, sir.
6158. His complaint mainly is that you were gaoler and magistrate too, and that when he went before the magistrate you would say, "Here is a man, brother to a bushranger; we had his brother here, and could do nothing with him, and this man would be the same if he had some one to edge him on"? I positively swear that I said nothing of the sort. I think Mr. Wilshire is the wrong sort of person to allow me to interfere with his duties; if I attempted anything of the sort he would very soon tell me to hold my tongue. One time I recommended to the Visiting Justice that a man should be let off with a caution, and he told me to hold my tongue and mind my own business.
6159. Do you remember a man named Robert Smith, who went to Berrima on the 16th January, 1877? I recollect such a man being there.
6160. Do you remember anything particular about him—anything in regard to a sash? No, sir.
6161. Do you remember whether he wore a sash? No; I have known men come in with silk sashes on.
6162. He said that without his doing anything at all you came up to him and said, "What is that you have got round your waist?" and that when he said "It is a sash, sir," you said "I suppose you are a flash man," and that if he was a flash man you would soon take that out of him; that you considered every man who wore anything like that was a bushranger. Did you say anything like that? I deny using the expression, but if he had a sash on no doubt I took that from him. I never allow prisoners to wear private clothes, except flannels or comforters; anything like neckties or sashes I take away.
6163. He says that a Board sat on one occasion in reference to some bread, and that they condemned the bread; that is since January, 1877;—do you remember that occurrence? No, sir; I do not think we had any Board in 1877.
6164. He says the bread was piled up in the yards; that it could not be eaten because it was sour and doughy; that there was a Board called, and the Board said the bread was bad? I do not know anything of such an occurrence; the bread was never piled in the yard.
6165. You keep records of these Boards? Yes, the Letter-book containing a copy of the letter sent to the Comptroller would show it; but I am positive that there was not a Board at that time.
6166. Do you remember a man of the name of Thomas Duncan? Yes, sir.
6167. He went to Berrima in June, 1877;—do you remember his being in hospital on any occasion? I do not, sir; he may have been there.
6168. He remained in the hospital six days, he says? It may be the case, but I do not recollect it, though I visit the hospital every day.
6169. Do you remember seeing him in the surgery before he went into the hospital? No, sir; I do not recollect.
6170. He says it was six or eight months before he came away; that would be somewhere about August? No, sir; I have no recollection of it.
6171. He said that you insulted him while he was very bad; that you said, "If you were to die now no one would care—in fact it would be a good job for the public, for what you have done lately." Did you ever make use of language of that sort? I am confident I did not.
6172. Do you remember saying anything to him that was calculated to irritate or annoy him? I have no recollection of coming into contact with him in any way; I see that he has been punished, but I am satisfied that I did not make use of such language. If I did it would be in the presence of the doctor and some of the officers. The chief or the senior warder is generally there.
6173. He says you tried to irritate him to make him commit himself;—is that a fact? It is not, sir; in fact, I always try to work prisoners in a way to keep them from committing themselves.
6174. Do you remember a man named John Finnerty being in your gaol? Yes, he was a young man sentenced with Cheeseborough for highway robbery with arms.
6175. He speaks of an occurrence in April, 1875, shortly before his time at Berrima was up. He was charged, he says, with attempting to communicate with another prisoner by writing to him; that you came in when he was walking about in his cell, and ill-treated him. Do you remember any occurrence at all when you had any struggle or scuffle with him? No, sir; I remember going up one evening when he was charged with writing or having some paper in his possession, and I took him by the arm and led him down stairs.
6176. Where to? To one of the lower cells. Prisoners found attempting to communicate are taken to one of the lower cells until the following day when they are brought before the Visiting Justice. But nothing more than that occurred. Either Mr. Brayne or Mr. Flynn was present, but I cannot tell which.
6177. Well, this is the account he gives:—"Sometime afterwards I was walking about my cell. Mr. Small came in, looked at me, then got hold of me by the back of the neck, pulled my shirt as tight as he could, and pushed me about the cell, keeping the collar of my shirt tight all the time. Then he put his other

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other hand to my trousers, and ran me downstairs to a small cell, and when he got me there he slewed me and said, 'I will never let you go away from this gaol to disgrace me; I will keep you here all the time.' He called me a rascal, and put his fist up to my face, and butted my head against the wall?" That is false.

6178. "When Mr. Small knocked my head against the wall of the cell he said, 'If you deny it I will gag you.' I said, 'I did not do it;' and he said, 'If you deny it again I will gag you.' I then kept silent." Is there any truth in that? None whatever; except that I took him down by the arm. I always take them by the arm, and lead them down; I have always done that since Slattery made for the axe at the wood heap. No doubt they did not like me handling them; but I have risked my life two or three times, and I think it absolutely necessary.

6179. He pleaded guilty to attempting to communicate, and got thirty-six hours dark cells, and seven days solitary. Did he serve that sentence? No; the Visiting Justice took him out after being in twenty-four hours.

6180. Is it a fact that he was locked up seven days without being brought before the magistrate? It is not, sir.

6181. You swear that, positively? Yes, sir.

6182. There was no book in existence at this time to show how long men were locked up previous to being brought before the magistrate? Yes, sir, there was; the senior warder makes an entry of the time when he locks a man up, and when he lets him out.

6183. When we were at Berrima this question arose, and Senior-warder Brayne showed that there was no book kept by anybody. There was such a book kept until four years ago, but it was stopped then, and taken up again a few months ago? The first question that the Visiting Justice always puts, is how long the man has been locked up.

6184. *Mr. Oatley.*] Have you power, after a man has been sentenced by the Justice, to discharge him from punishment? No; in Finnerty's case the book shows that the punishment was remitted by the order of the Visiting Justice; I do not think there is any gaoler in the Colony who is more strict with warders than I am. Some scores have been suspended or dismissed; still none of them come forward to say anything against me.

6185. *Chairman.*] Do you remember a prisoner named William White, who got five years for stealing from a dwelling? I have no recollection of him; his name is not in the Punishment Book.

6186. No; he was never punished; he says you only threatened him? I may have threatened him; perhaps I do wrong in threatening instead of bringing them up.

6187. What do you mean by threatening? It is quite possible that if a man does wrong I threaten to bring him before the Visiting Justice.

6188. But this man swears that you called him a scoundrel and a vagabond? I swear positively that I did not.

6189. Do you remember the case of James M'Grath, now in Parramatta Gaol? I recollect him well; he was sent to me from Cockatoo Island for punishment.

6190. I will read to you again what he says [*passages from M'Grath's evidence read*]? I have no record, nor have I any recollection, though I have taxed my memory, of his being gagged, nor can I get any information about it from anybody in the gaol. There are two warders who have been with me for fifteen years, and I can get no information from them.

6191. Where is Warder Welsh? The only Welsh that ever I had in the gaol is a warder who was dismissed some time ago for allowing a prisoner to escape; I do not think there was a Welsh there then.

6192. You observe the circumstantiality with which he relates this story; does it not call to your recollection anything about the occurrence? No, sir.

6193. Can you conceive that a man could have invented all this. This man says, when he is asked if he persists in his statement, that he is suffering from a disease, so that he does not know when he may drop dead, and that he is not going to tell a lie for anybody. It is ten years since it happened. He speaks well of you subsequently, and says that you gave him a good character. He does not appear to be influenced by any malicious feeling towards you, but he persists in swearing to that story? Well, if I did so I should not hesitate to admit it, because he must have committed himself.

6194. But the question is not whether he deserved it—the question is whether you gagged him or not? I have no record of it, nor can I recollect it, and I have tried every officer, and they have no recollection of it. If it occurred I think that very likely the Comptroller would have a record, because whenever a man was gagged I am certain that a letter was sent to the Comptroller. With reference to my showing the gag to a prisoner when he comes in it is quite true; I show it to every prisoner; I do that as a preventive.

6195. He says he complained to the chaplain, Father M'Guinn. This is the same M'Grath, the substance of whose statement is published in the *Cumberland Mercury*, and with reference to which you reported once before and gave evidence once before? There were two other M'Graths, but they were smaller men than James M'Grath. I remember when he came to me first; he was minus a tooth on each side of the jaw.

6196. Before the Select Committee you stated, in answer to Mr. Samuel, that you were perfectly certain that what M'Grath stated had never occurred? Yes.

6197. Can you speak with the same positiveness here? I do not wish to tell a lie if I can help it; I feel sure that nothing of the sort ever occurred.

6198. *Mr. Voss.*] Is it possible that a man could be in prison so long as M'Grath was and never see the Visiting Justice? It is utterly impossible.

6199. *Chairman.*] How is it impossible? No Visiting Justice that ever I have been under has omitted a week, unless, perhaps, when he has been on a visit to Sydney, and then he might.

6200. But that is going into the gaol. Prisoners in the cells might not see him for all that? Every man who wants to see the Visiting Justice puts his name down on the warder's list.

6201. Then he merely sees the men who put their names down? No; as a rule he goes round. I have known the present Visiting Justice to go round on a Sunday.

6202. Has that been the practice for years? Yes, sir, it has; whenever a batch of prisoners comes in the Visiting Justice sees them the next day or the day after. He goes round the cells and I explain that he is the Visiting Justice, and ask them if they have anything to say to him. After that he makes alternative visits.

6203. You say that nearly every week he makes it a practice to see every man in the gaol? Sometimes he may omit to see a few, but at other times he will go round to see them all.

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6204. And the men know who he is? Yes, I introduce him to every new prisoner.
6205. *Mr. Oatley.*] Is that the case with the doctor? He does not go round every day. The warder goes round every morning to inquire who wants to see the gaoler, or the Visiting Justice, or the doctor. Since you have been up there the doctor has been making weekly visits, but he did not do so before.
6206. Now we come to the case of William Lee: You say you know him very well? Yes, sir; very well.
6207. He mentions that on the 24th of August, 1863, there was a Board of inquiry in reference to some ill-treatment you had been guilty of towards a man named Thomas Jones at the time when Mr. Uhr was Sheriff;—do you remember anything of that case? No, sir; I suppose he means the time of the mutiny.
6208. Was there a man named Jones there at that time? There was a man of that name.
6209. Was there a Board of inquiry in regard to your conduct? No, sir.
6210. He swears that on the 24th August, 1863, there was a Board of inquiry in reference to some ill-treatment on your part to a prisoner named Thomas Jones? Nothing of the sort occurred, sir.
6211. I will read you again what Lee says. [*Lee's evidence from question* 2122 *to question* 2130 *read.*] I have read this evidence to you again in order to refresh your memory? It is one tissue of falsehoods right throughout; I am quite certain that nothing of the kind could have occurred.
6212. He says that he kept a memorandum against you for eleven months (this was in 1863), and that he has day and date for everything that happened in June on the 16th, 17th, and 18th. He says also that he has reason to believe that prostitution was carried on to a great extent in the gaol from your neglect of duty? It is quite untrue. How could it have been carried on?
6213. *Mr. Voss.*] Is this the first time you have heard of such a thing? Yes.
6214. *Chairman.*] Is it true? No; how could it be true?
6215. What was Lee's character generally? He was a dreadful man; he was one of the worst out of ten or a dozen; I never met with such men until I came into the gaol. No one outside can understand what they are. That man, and Slattery, and some few others that I could enumerate, would not hesitate to commit murder. I have letters here showing that they have threatened the lives of warders, and my own life. Mr. Hassall, a clergyman, would tell you that that man was not like a human being at the time of the mutiny of 1863.
6216. In what regard? He was raving at the bars of the window like a madman. What is now the cook-house was then the mess-room, and when the men were shut in there he would come to the window and yell and shout, "The b—— wretch; his children are going about naked, and if the people outside did not feed them the little b——s would starve." I think if Mr. Badgery had allowed me to burst the door open on that occasion, Lee would have been shot.
6217. Was there any danger at that time of the men breaking out of the gaol? Yes, the wall of the mess-room was the boundary-wall of the gaol, and I had to put a man on guard outside to see that they did not get through the wall. It was not until half-past 4 in the afternoon that I got an order from the Sheriff telling me to do what I thought necessary to get the men out. The time that I put the revolver to Lee's head, he cursed, and raved, and foamed at the mouth, and said to the blacksmith, who was putting the irons on him, "If you touch my legs I will kick your brains about the yard."
6218. Do you remember a man named Ambrose Blackford? Yes, sir.
6219. Do you remember putting him into a dark cell at all, in or about June, 1876? I think it is very improbable, unless it was ordered by the Visiting Justice, because we had an order long before that not to put prisoners there until they were sentenced by the Visiting Justice.
6220. Used you then on your own motion to put prisoners into the dark cells? Some prisoners found talking used to be locked up in the black cells until morning.
6221. When was that stopped? It is some years ago.
6222. He says that you came in one day and went on at him frightfully. He says this: "He said I would be flogged, and that he would be my flogger. Then he said I ought to be hung, and used several words of that description which I cannot recollect. I was in bed, and telling me to get out, he took me down and put me in a dark cell." Is that true? It is false, sir. Flogging is a thing that I detest, and I can show you letters which I have written, shewing that I have kept it out of the gaol for years when they have wanted to flog men.
6223. *Mr. Voss.*] Is John Owens one of the men who broke his chains during the mutiny? I do not think so; but he got a stone out of his cell, and covered the place over with paper.
6224. *Chairman.*] Do you remember Faulkner, alias Ross, alias Shortland? Yes, I recollect him.
6225. Do you want me to read again what I read yesterday in reference to his case? No, sir. I have no recollection nor record of the circumstance. He was generally shamming sickness, and was most of his time in the hospital.
6226. Do you know Thompson—Thunderbolt's boy? Yes, sir.
6227. Do you remember whether he was of a religious turn while he was in gaol? Quite the reverse. He was a very plausible person, but one that could soon be detected.
6228. Did he at any time show that he was converted, and that he was desirous of leading a religious life? I think he said so to Mr. Langley, and endeavoured to make him believe so, but Mr. Langley had a different opinion.
6229. *Mr. Oatley.*] Did you ever threaten to choke him? No, sir.
6230. *Mr. Pinhey.*] Do you remember having ordered a man named Hornby to be gagged? No, sir. I recollect the man, but I have no recollection of any such occurrence.
6231. Thompson says he saw you gag a man named Hornby? That could not be the case, because a prisoner is never gagged in the presence of another. You would soon have mutiny in the gaol if you did that.
6232. Then you give that statement a flat denial? Yes, sir.
6233. *Chairman.*] He says he was walking past the office from the schoolroom, where he had been to get a book? Well you know how the office-door is situated. There is a sort of lobby and a box for the prisoner to go into.
6234. Has it always been as it is now? Not always, but it has been so for a long time. The lobby has been there a long time, but I think the box has only been there during the last twelve months.
6235. Do you remember Alfred Laing? Yes, sir, I recollect him.
6236. He is another who complains of your having made use of abusive language towards him. He says that you called him a damned liar, and a wicked infamous liar, and so on? That is false. I am not in the habit of making use of that language at all to anybody.

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6237. Can you give us any explanation at all of how it is so many of these men swear that you have made use of this improper language to them? I cannot understand it, I assure you, unless there is a combination. In fact I know there is among some few. I know that in Darlinghurst there were more men who wanted to come forward and speak on my behalf, but they said, "If we do we will be called dogs," and that is one of the worst names you can give a prisoner.
6238. Have you heard any complaints from the prisoners against Everett and Brayne? They used to talk of Mr. Brayne having a peculiarly disagreeable way of speaking; but Mr. Everett was looked upon as a very great favorite. In fact I have always considered him rather too soft. Mr. Brayne, when speaking, would say "Heigh! here; you come and do this!" in a peculiar way that they did not like.
6239. Do you know Joseph Foley? Yes, he is back again with me.
6240. From Darlinghurst? Yes, for insubordinate conduct; threatening a warder.
6241. When did he come back? About a week before I came down.
6242. Have you ever on any occasion struck him upon the mouth? Never, sir; I should scarcely think I should be so unmanly; he was quite a boy when he came to me.
6243. He says that he came down on the 21st December, and that what happened was on the 3rd May this year. He says, "I was sitting down on the baskets in the cell one day, and Mr. Small came in and said 'What is this mess in your cell'? I did not hear him and I did not answer. He spoke again, and I told him that I had spilt some water; he said, 'You have no reason to do that,' and he hit me with the back of his hand on the mouth; then he hit me again on the mouth"? I positively deny it; though he tells me now to my face that I did so. Warder Flynn, who had charge of that wing, would have been with me.
6244. He says that a warder was present, but he does not know his name. If there was a warder present you say it must have been Flynn? Yes, sir.
6245. But the thing never happened? No, sir.
6246. Do you remember his ever spilling any water? No, sir. He expressed a wish to be allowed to remain with me, and he wrote to the Comptroller asking to be allowed to remain. He said to me the other day that he wanted to write to the Comptroller to know what he was there for, and I told him it was for insubordination.
6247. Do you remember a man named Patrick M'Donald? I cannot call him to mind, though I know we had such a man there.
6248. He says he was reported for writing his name in his library book, and that in the afternoon you came round and said "You b—— you are commencing your games very early; you know that you were sent here to be tamed, and if you were the devil himself I would take it out of you." He says that you kept prodding him in the breast with your shut fist all the time; that you knocked him down on the baskets, and threatened to put him on the ring-bolts for a couple of hours with the gag in his mouth. He says also that on another occasion, when he was charged with talking, you came in and went through the same form as on the previous occasion; that you kept shoving him back, and said you would stick the gag in his mouth this time; that you would not threaten—you would do it. Do you remember any such occurrence as that? Nothing of the sort ever occurred, sir, I am sure. That is one of the things I punish for more than anything else—making use of bad language. I have my wife and children in the gaol, and if I hear a man making use of bad language I bring him up for punishment for that sooner than for anything.
6249. Do you remember a man named Thomas Barry, who went to Berrima in March, 1875? I recollect an old man named Barry, who had a stoop.
6250. Do you know what religion he was? I could not tell you.
6251. Did you ever ask him? The clerk, in taking his description, would ask him.
6252. Do you remember his having a white tie? No, sir.
6253. Well, he gives this account:—"When I was released from separate treatment in 1875 by the order of the Comptroller General, I had occasion to write to my friends, and I went into the office to ask for permission. Mr. Small said, 'Well, what is your business?' I told him I had come to ask him for paper to write to my friends, and he said 'You have been keeping pretty square lately.' He asked me what religion I was. He said, 'Are you a Wesleyan, or a ranter, or what are you?' I said, 'I am Church of England, but I am sorry to say that I do not adhere as I ought.' He said, 'You understand me; I am as fly as you are. That white choker you have on your neck is a bushranger's signal.' I said, 'I am no bushranger.' He said, 'I know the whole of your career since you were that high (*holding his hand about 3 feet from the floor*), and if you diddle other people you won't diddle us.' Then he said to Everett, 'Don't give him paper or anything else.' He told me that if I did not watch myself narrowly he would put me into the stone-yard, and when I said that I had not committed myself, he started from his seat and said, 'If you say another word I will take you and run you into the stone-yard before your feet touch the ground.' Thinking discretion the better part of valour, I did not say anything more. A few days after he told me to go and clean the tubs. I told him I wanted to see the medical officer. He said, 'Oh; you think you will diddle me that way. I'll tell you what I'll do: You are released from separate, but I will put you in the stone-yard.' I defy anybody to say that I committed myself in any way. I say if a person conducts himself properly let him be treated properly. Then when I was walking in the yard he called out, 'Heigh;' and then came to me and said, 'Look here, we tumble to you as well as you tumble to us.'" Did anything of the kind occur? No, nothing of the sort. He was a very old and feeble man, and I think he was taken out of separate on account of a rupture he was suffering from.
6254. Do you remember John Coghlan? Yes, he has not been a long while down.
6255. He was sent to you first for secreting himself on Cockatoo Island, trying to escape, he tells us. He says that he went to Berrima under a sentence of twenty-eight days dark cells and separate treatment until further orders; and that his socks, comforter, and flannels were taken away from him. Are a man's socks, comforter, and flannels taken away from him? Not the socks or flannels, the comforter may be because a man may use that to strangle himself with.
6256. While he was doing that sentence of twenty-eight days he says that you came down with another man and gagged him. He asked you not to knock his teeth out, and you put the gag in his mouth, and struck it with your hand, knocking him down on the floor, and making his gums bleed inside. He says, also, that the gag was in his mouth for three or four hours. Does that enable you to say whether you gagged him or not? I have no recollection of anything of the sort. I know that he was a very refractory prisoner. He and a prisoner named Bragg were sent up together from Berrima Gaol. He was once or twice concocting escapes from my gaol; but I have no recollection of his being gagged.
6257. Do you think it possible that he might have been gagged? It is possible.
6258. You have no record of it? No.

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6259. Is the fact of there being no letter reporting the occurrence sufficient to enable you to say positively that the man has not been gagged? If there is no letter in the Comptroller's office I will swear he was never gagged to my knowledge.
6260. And no one else had a right to use the gag? No; I gave orders that no one should use it but myself.
6261. He says, "When I came out of the dark cell I was placed in separate treatment, and I committed myself again; the gaoler came and said, 'You have been at your tricks again.' He told me to put a spoon in my mouth, and said he would gag me with that. I told him I thought the proper course was to bring me before the Visiting Justice. He went away and came back again with Mr. Everett and three other warders, and I was beaten in my cell, and dragged from that cell to a dark cell." Did such a thing as that take place—when Everett, Hill, and Blackford ill-treated him as he says? No, sir; I know nothing about it. Of course if he was fighting they would have to drag him down or get him down the best way they could. Cases have occurred where prisoners have had to be partly dragged and partly carried down when they have been fighting.
6262. Was Coghlan violent in his resistance on different occasions? He was, sir, with the warders, but not with me. He was a fighting man, and he got punished for wounding a policeman.
6263. Have you ever known the meat to be maggotty? No, sir; I never heard any complaint of its being maggotty.
6264. Do you remember having a scuffle with a man named Cornelius Sullivan? No, sir.
6265. Do you remember George Harrington, who went in September, 1875? I recollect the name well.
6266. He says that after he had been there about six months he made a complaint about the hominy. He states:—"That Small came to the cell and took it away, saying he would show it to the doctor. I put my name down to see the doctor, but when I did see him there was no hominy forthcoming such as I had had for my breakfast; but Small got some out of the copper, as it was being got ready for the evening, and the doctor pronounced it good. I said it was not the same as I had complained of. Small said it was. I said, 'It is not, begging your pardon,' and he caught me by the neck and ran me into the cells. He brought me before the Visiting Justice, and charged me with being insolent. The Magistrate believed what I said about the hominy, because it was not shown, and he let me off with twenty-four hours dark cells." He says that when you came round to his cell next time you said, "This is what you get for making groundless complaints; if you get up to any of your Sydney tricks I will make you curse the mother who bore you." Do you recollect anything of that? No, sir; I recollect something about the hominy, and when I brought it before the doctor he pronounced it good.
6267. Did you substitute good hominy for the bad? No, sir; I am prepared to swear it was the same hominy.
6268. His complaint is that you took away the hominy of which he complained, and produced some other hominy before the doctor? I do not know who took it away; I did not take it; I may have ordered it to be taken, but it must have been the same hominy because there is only one lot boiled in the morning.
6269. But he said you produced some of the hominy made in the afternoon? That is not true. The doctor comes in in the morning; it is seldom that he is later than 11 o'clock, and the evening hominy is not cooked until 4 o'clock.
6270. Do you know Robert M'Gregor? Yes, sir.
6271. He says that for denying an accusation you used improper language to him. He says, "I cannot exactly state the words, but he said I had the look of a scoundrel, of a hangman, and worse than that. He said I appeared to him to be a bloody scoundrel—that my looks were quite sufficient for him. I told him I could not help my looks, and that I did not suppose he would look much better in the same condition. He told me to stop my mouth or he would put something in it to stop it for me." Did you make use of any of those expressions? No, sir; I have no recollection of saying anything to him, and I know from the language that I never made use of it.
6272. *Mr. Voss.*] There is a William Thompson alias Carr;—do you know him? Yes; he is up with me now.
6273. He was one of the mutiny men, was he not? Yes.
6374. He says, speaking of you, "We had some words; I abused him and he abused me; he had a revolver in his hand, and jobbed at me with it; if I had stopped until I was hit with the revolver it probably would have exploded, but I got away; Small said he would blow my bloody brains out?" That is untrue about the revolver. A revolver was never brought into the gaol, except at the time of the mutiny.
6275. But this was at the time of the mutiny? Then it might have been so.
6276. Do you remember a man named Walter Hughes? Yes, sir; he was a thoroughly bad man.
6277. Did you ever, at any time, keep three horses in the gaol? No, sir; I never kept more than one.
6278. Then it is untrue if this man states that he has known you to have three horses fed on hominy? It is false, sir.
6279. *Chairman.*] Did you ever knock a man named Cummings down? Lawrence Cummings, was it?
6280. I suppose so? I will tell you what I did: He was shamming mad, and the chief warder came to me one day as I was about to go for a ride, and said, "I wish you would come in; here's Cummings has stripped himself naked, and torn his clothes up into ribbons." When I went into his cell he made a blow at me, and I gave him a skelp with the whip, and ran him into a corner, and sent for a straight jacket. After that he left off shamming mad and starved himself. He would not eat anything. I got my wife to make him some arrowroot, but he would not eat it. He used to spit it out. I had him shifted to the hospital, and I put two prisoners in with him. One of them I took into my confidence. Next morning this prisoner came to me and said "Oh, he's all right, sir; he wants me to bring him a bit of tucker." I went to him and told him that the doctor had said he could do nothing more for him, and that I was afraid he would be a dead man in a few days. After I had gone he sent for me to beg the doctor to see him. The doctor had agreed not to see him, but under his directions I got some beef-tea made, and fed Cummings on that, and he got all right. When he went to Parramatta he made a long report about my whipping him, and I had to answer it.
6281. Hughes says he has known you to knock Cummings down for smiling? It is false. Cummings has written me twelve or thirteen letters from a station he was on up about Singleton. He said that he would never forget me for my kindness to him, and that if he met a dog of mine in the bush he would feed him.

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6282. Have you any of his letters? No, sir; I am sorry to say I have not. I never expected anything like this to happen.
6283. Do you know where Cummings is now? I do not know. The Fish River is the place where his people live. The last I heard of him was that he was taking horses to Melbourne.
6284. And you say that his letters always expressed gratitude to you for your treatment of him? Yes, sir, and that he had me to thank for being what he was.
6285. Now we come to Joseph Bragg. He is one of the men whom you say were gagged? Yes, sir.
6286. How often was he gagged? I can only recollect one occasion.
6287. Can you produce any record of his being gagged? (*Letter-book referred to, and copy of letter found, showing that on the 18th November, 1867, Joseph Bragg was gagged for insolence to the Visiting Justice.*)
6288. You say that is the only instance you can remember of Bragg being gagged? Yes, sir.
6289. And it is the only instance of which you have any record? It is the only one I can find. For many years nobody could do anything with Bragg but me.
6290. *Mr. Voss.*] Do you recollect his ever being brought up for communicating with Callaghan, when there was a vacant cell between them? No, sir.
6291. He says that is the first time he was gagged, and that it was five or six days after he had been in the dark cell? I have no record of Bragg being in the gaol at all in 1866.
6292. *Chairman.*] He says it was on a Sunday that he was gagged the first time, and that there were three separate gaggings on the same day? It did not occur to my knowledge. I have no recollection of it, and there is no record of it.
6293. I will read you the account which he gives of the occurrence. (*Evidence from Question* 3114 *to Question* 3143 *inclusive, read.*) Can you undertake to swear positively that what he has related never occurred? I have no recollection of it at all, sir; none whatever.
6294. Can you not go further than to say that you have no recollection of it? It was never reported to me, and I have no knowledge of it whatever.
6295. But he says that you did it yourself, so that if what he says is true there would be no occasion to report it to you? I do not think I did.
6296. He said that it was on a Sunday, after you had come from church, and that you strapped the gag tightly and struck it with your hand? I will go so far as to say that if I gagged him at all I did not strike the gag. There never was the least occasion for it. I could always put the gag in without striking it.
6297. Twice on that day you yourself, according to his account, gagged him; the first time without violence, and the second time violently. Can you not remember the circumstance at all? No, sir. Instead of ill-treating him I used to humour him. Nobody could do anything with him but me.
6298. Are you prepared to swear that if he was gagged there would be a letter in the Comptroller General's office, and a record in this book? Yes; if he was gagged there must be a letter in the Comptroller's office.
6299. The gagging which you have reported occurred in the office? Yes; in the presence of the Visiting Justice.
6300. Who was the Visiting Justice? I think that would be Mr. Garrett.
6301. What led to Bragg being gagged on the occasion you have mentioned? It must have been for some insolence to the Visiting Justice.
6302. Mr. Rowley, I see, was Visiting Justice at the time? He must have ordered it.
6303. Do you remember the circumstance? No, sir; I do not.
6304. Do you know who gagged him? It must have been myself, because I do not allow anyone else to do it.
6305. Can you remember whether you did it? No, sir; I cannot recollect the gagging at all.
6306. Can you recollect whether Mr. Rowley was drunk or sober? I never saw him drunk in the office, in the discharge of his duties.
6307. But on this particular day? No, sir; I never saw him drunk.
6308. Never saw him drunk? Not in the office, in the discharge of his duties. I could not say that I never saw him drunk.
6309. Do you remember an inkstand being upset by Mr. Rowley? No, sir; I do not.
6310. Bragg says "The magistrate was very drunk. * * * While I was getting tried the magistrate upset his inkstand, and I happened to smile. He said 'Give me none of your impertinence, Bragg,' and I said 'I am giving none, sir.' * * * I laughed outright, but not loud. He made some other remark, and with that Small springs up, pounces on me, catches me by the throat, and half knocks me down. The chief warder, who was in the office, got hold of the gag, and they gagged me there and then, handcuffed my hands behind my back, and took me over to the model." He says he was guilty of no impertinence but smiling, which he could not help? That is not true. I never saw Mr. Rowley in the office when he was not quite capable of doing his duty.
6311. *Mr. Oatley.*] You do not remember having gagged him at all? I do not remember, though there is no doubt I did.
6312. *Chairman.*] Can you remember how long the gag was in Bragg's mouth in December, 1867? Do you mean in the office, sir?
6313. Well, at all. But that is the occasion that you remember? It could not have been more than two or three minutes, because on each occasion it has been put in before the Visiting Justice.
6314. But in Bragg's case. You say there is only one occasion on which he was gagged; I want you to confine your attention to individual cases? Well, it could not have been in above 5 minutes.
6315. Was it taken out of his mouth before he left the office? Undoubtedly; I never saw a prisoner taken across the yard with the gag in his mouth.
6316. And you say the gag was not in more than 5 minutes? I am certain it was not.
6317. *Mr. Pinhey.*] Do you arrive at that conclusion from memory of the special circumstances? I do not recollect the circumstance at all.
6318. *Chairman.*] If he says that the gag was kept in his mouth for three-quarters of an hour, is there any truth in that? There is not, sir.
6319. He says that he was taken over to the model gagged. Was he taken out of the office with the gag in his mouth? No, sir.
6320. What food was Bragg allowed in the dark cells? Bread and water.
6321. How much bread in the twenty-four hours? I think 1¼ lb. of bread is allowed.

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6322. No more than that in the twenty-four hours? No more.
6323. Would there be any record of his weight when he went in and when he came out? I should think there would be, but I do not think I have the book here which would show that.
6324. *Mr. Voss.*] Do you recollect this man ever trying to commit suicide? Yes, sir.
6325. *Chairman.*] Can you tell us the circumstances? I think I have a copy here of the report to the Comptroller. He cut his throat slightly. It was after he heard of his father's death. I took the letter to him, and directly after he cut his throat.
6326. Is he one of the men who pretended occasionally to be insane? Yes, sir. I may tell you a circumstance that will prove that: He told me that at his trial the Crown Prosecutor offered to bet the Judge, Sir Alfred Stephen, that he (Bragg) would write one of the finest works that ever was written, and that Sir Alfred said, "Done—I'll bet you," and they shook hands over it. He said, "I will do it, too." The Crown Prosecutor, he said, remarked that he had a head like Lord Byron.
6327. Was the wound that he made on his throat a slight one? It was a slight one; it did not touch the windpipe.
6328. How long was he in the hospital? A week or so, I think.
6329. Can you remember what part of the throat it was? I think it was in front here—just across the windpipe.
6330. The scar he showed us was on the left side of his neck? I would not be sure. I think Mr. Fosbery was in the gaol when it happened.
6331. Who was the doctor there then? Dr. Williamson.
6332. Is there any entry with regard to his being in the hospital? I suppose there would be.
6333. Is the hospital book here? No, sir.
6334. When did he attempt to make his escape with Cummings? They were in one of the special yards at the time. They pulled down some of the deal boards.
6335. Do you remember whether he made much progress in learning while he was at Berrima? Yes, sir; it was astonishing the progress he made in Greek, Latin, and French. I lent him my children's French books, and Mr. Hassall lent him a Greek Testament.
6336. Do you know if he could read the Greek Testament? Mr. Hassall told me that he could read it through very creditably.
6337. And could he translate French? Yes, sir.
6338. You remember a man named Shultz being at Berrima? Yes, sir.
6339. Do you remember his being under medical treatment? Yes, sir.
6340. And having a seton in his neck? I do not recollect that. I know he had a blister on his neck more than once; and more than that, I knew him to be blistered under the penis.
6341. It is said that you used to twist the seton in his neck to irritate him? It is false, sir. He was a very desperate man.
6342. But however desperate he was it would not be a proper thing to do that? No, sir; but I mention that to show that if you attempted to go near him to put your hand on him he would strike you.
6343. Where is he now? In New Zealand. He was allowed to exile.
6344. Do you remember, about the latter end of 1875, a warder named Welsh accusing you of stealing medicines? No, sir; I never was accused of any such thing.
6345. Did Bragg ever tell you that he had heard a conversation between Warder Welsh and a prisoner about your stealing medicines? Never, sir. I am allowed medicines.
6346. He says this: "When I had about nine or twelve months more to do, I overheard a warder talking to a prisoner in the dispensary, and I could tell by what the warder said that he had a great down on the gaoler, and that he was encouraging the man to speak about something. * * * They were talking pretty loud, and I could hear them say that the gaoler had been taking the medicines out of the dispensary for his wife. The warder said, 'Yes, the dog has been stealing the medicines, and you take my advice and crush him.' I sent for the gaoler and told him what I had heard. He clenched his teeth and said, 'The wretch!'"? I am sure he said nothing about the medicines or the dispensary.
6347. He goes on:—"The affair was reported to the Comptroller General, who came up in a few days and held an inquiry. Mr. Small was examined, but he kept back part of the information. I am sure he said nothing about the dispensary. The warder was removed to Darlinghurst"? Nothing of the sort occurred.
6348. *Mr. Voss.*] Why was the warder removed? He was removed on his own application.
6349. *Chairman.*] Did Bragg give you any such information as he states he did? Never, sir.
6350. Was any such affair reported to the Comptroller General about the latter end of 1875? No, sir.
6351. Was there any matter about which the Comptroller went to Berrima about the end of 1875 to hold an inquiry? I am not aware of it, sir. He has been up on several occasions.
6352. Have you anything that will show when Welsh was removed from Berrima to Darlinghurst? No, sir; I could not tell unless I were in the office.
6353. Would there be any record at the gaol? I could tell when he was removed and why he was removed.
6354. How could you tell? I could tell by the abstract book.
6355. Bragg states also that he has seen the hominy taken to the horses. But you say the hominy used to be given to the horses at that time? Some years ago we used to do whatever we could with it, but not since the Comptroller has ordered it to be sold.
6356. Where did you say Cummings was now? The last I heard of him he was at Gippsland, but somebody told me that he saw him going in the train, south; probably he was going to the Fish River to see his mother.
6357. Bragg says that when Cummings went back from Parramatta to Berrima you were very partial to him, and treated him in an altered manner; but he says you treated him badly before? He treated himself badly, sir; it was not me.
6358. Was Bragg in hospital at any other time than when he attempted to commit suicide? I am not aware, sir.
6359. *Mr. Oatley.*] Did Bragg ever complain to you of insufficient food? Never. He used to make a good many complaints.
6360. But about the food I am speaking? Not about the food.
6361. *Chairman.*] He said he used to dream about food, and that he became actually mad from hunger?

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He used to be allowed more indulgences in the way of rations than any other prisoner. He used sometimes to get as much as 12 lbs. of hominy a day, and he was allowed a cabbage a day for more than twelve months, on account of his gums.
6362. Did the scurvy come on after he came into the gaol, or was he affected with it when he came in first? I think he always had scurvy in the gums. There was a lot of green stuff about his teeth. The gums would fall away from the teeth, and his teeth would be so loose that you could shake them about. He would complain to the doctor, and the doctor would give him cabbages.
6363. *Mr. Voss.*] Then his teeth were loose before he could have had the gag? Certainly they were.
6364. *Chairman.*] Do you remember the case of a prisoner named James Brady, who is now in Berrima Gaol? Yes, sir.
6365. Do you remember his being charged with having injured his Bible? He was, sir; I think I have the record here.
6366. It was in February or March, 1877. He was brought up and punished, and, according to his account, he was innocent.
6367. *Mr. Pinhey.*] There is a charge against you by this prisoner of having, on a Sunday, called him a low-lived scoundrel, a devil incarnate, a low, mean scamp, and so on. Is that true? It is quite untrue, sir, I assure you.
6368. *Chairman.*] Do warders receive commendation for bringing charges against prisoners? No, sir.
6369. Is a warder or an officer in the gaol supposed to be more meritorious in proportion to the number of charges he brings? No, sir; he is considered rather troublesome if he is too free in bringing frivolous charges. It has been the case, but not so much for years.
6370. Were they induced to bring frivolous charges upon the idea that they would receive commendation? Certainly not.
6371. Where are the prisoners locked up? If a prisoner in the yard commits himself by abusing a warder, or anything of that sort, the warder locks him up in one of the cells, and then writes a report and brings it to me at once.
6372. Suppose a man who has gone out for his hour's exercise is guilty of something 5 minutes after he has gone into the yard, is he locked up at once? Yes; the chief warder is sent for, and the prisoner is locked up.
6373. And does he lose his exercise for the day then? Yes, until he is brought before the Visiting Justice.
6374. Would a prisoner charged with an offence be brought over for trial on a Sunday? No, sir.
6375. This man, Brady, says that he was brought over to the office on a Sunday? He may have been brought over for me to inquire into the circumstances of his being locked up.
6376. But he says that he was locked up on Friday or Saturday, and that he was brought over on the Sunday? I cannot understand that, sir. Whenever a prisoner is locked up, either I go to the cell to inquire about the charge, or the prisoner is brought to the office, because, perhaps, the officer may have been wrong in locking him up.
6377. *Mr. Oatley.*] If a man is locked up on Saturday, I suppose he is not brought before the Magistrate until Monday? No, sir.
6378. Does he get any exercise during that time? No; he is confined to his cell all the time.
6379. *Chairman.*] Do you remember Brady making any complaint about the way in which the tobacco was weighed out? No, sir.
6380. When the scales were sent for by the Commission at Berrima, they were found on examination to be against the men by the exact weight of a sovereign. Can you give any explanation of that? No, sir; I think they were old scales. They were the scales that the provisions are weighed on.
6381. And the tobacco? And the tobacco too.
6382. But you see that would make a serious difference to the men in regard to the tobacco? There is so much tobacco supplied, and if any is left over it is divided among the men.
6383. He says also that you used to take away the yeast. Have you ever had any yeast? Yes; my wife would give the baker sugar and hops to make it with.
6384. Was Brady a well-behaved prisoner? No, sir. He did his separate with me, and he was sent back afterwards for having a skeleton key found on him. He has just come out of solitary confinement now for something he has done in the gaol. He was very insolent before the Visiting Justice, and said that the gaoler had a down on him and was trying to do him an injury.
6385. When did the rule about selling the hominy come into operation? Several years ago.
6386. Before 1876? Oh! yes, long before that.
6387. But this man swears that he has seen buckets of hominy going to your stable twenty or thirty times? I chastised one of my boys once for taking some hominy for a pony.
6388. Did you have a groom named Burgess? Yes.
6389. Well, in his time, was any hominy ever given to your horse? He has never done it with my knowledge. I was going to lock the prisoner gardener up some time ago for taking some round in a bucket to the horse.
6390. *Mr. Pinhey.*] But we understand you to say that whenever it was done it was refuse hominy that was taken? Yes, sir, after being put into the slop tub.
6391. *Chairman.*] Do you know a prisoner named Augustus Ernest? I do, sir; he is with me now.
6392. With reference to his case,—do you know anything of that matter of breaking a plate? Yes, sir.
6393. What do you know? He was my cook. I came round the corner of my house one day, and found him raving and swearing in a very excited manner. He said, "Put the b——y gag in my mouth, and the leg-irons on me." I locked him up, and came back to my wife, and she asked me not to let Ernest come back again. She said that something had annoyed him, and that he had dashed a plate down on the ground and broken it. I brought him before the Visiting Justice, and he pleaded guilty, and said that his temper had got the better of him, and that it was the ruin of him.
6394. Did he say anything about breaking the plate? He was not charged with breaking the plate.
6395. He says that there was a row between your wife and him; that he was washing a plate with soda and water, and that it slipped out of his hand and accidentally broke? I locked him up for cursing. My wife did not report him at all.

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6396. He says also that you took his Bible away from him, and left him locked up in a light cell without a Bible? There was a Bible taken away from a prisoner—I think it was he—but it was by mistake, and I did not take it away.
6397. He says you did? I do not recollect it; I do not think I did.
6398. There is a man named Henry, *alias* Webster, *alias* Fuller;—do you know him? Yes, sir; he is still with me.
6399. He speaks of Slattery; he was there during the disturbed time, but was not among the prisoners who made the disturbance? Yes; I think he was a wardsman.
6400. There is a warder named Hornby that he speaks of? There was a warder named Ormsby.
6401. I suppose that is the man he means. Henry complains of your keeping a letter of his for several weeks, and that you falsely stated that there was none, though he knew there was? Mr. Dixon and I had some falling out about that. The prisoner asked me to allow him to write to his father's executors about some land that had been left to him. I told him that I could not allow him, but I allowed him to write to the Comptroller for permission to write in the following month. The letter came back with "This may be allowed" written on it. I gave it to the clerk to register, and to read to the prisoner, as he usually did.
6402. What happened then? I went to Sydney, and during my stay there Mr. Dixon complained to the Comptroller that the prisoner had not got his letter.
6403. Had he got it? He had not. Mr. Johnson's (the clerk) excuse was that, as the prisoner wanted to write the following month he was not in a hurry taking the letter to him.
6404. Where is Mr. Johnson? He is in Sydney; he is not in the service now.
6405. Was there any correspondence about the matter? I think there was.
6406. Can you produce it? I do not think it is here.
6407. Is it a fact that you kept the letter back at all, or that you told the prisoner that you had not received an answer, though you knew that you had? It is not, sir. He asked me if I had received an answer, and I promised to inquire in the office and let him know. I saw it in the office after that, but I forgot to tell him before I went to Sydney.
6408. *Mr. Voss.*] But you gave it to the clerk to read to him? Yes, sir.
6409. *Chairman.*] Then it was the clerk who was to blame? Yes.
6410. How long was the letter there before you came to Sydney? It might have been two or three days, but I do not think it was so long.
6411. *Mr. Oatley.*] This man says that he saw Slattery gagged and spread-eagled with bar-irons on. Can you say how long Slattery was spread-eagled? I cannot tell.
6412. He says that he saw him in the cell lying on a board with a strap across him, and his two arms spread out? I never knew a man to be strapped in the gaol. I have known the doctor to pass a sheet round a man in the hospital.
6413. Was a straight jacket put on him on that occasion? No, sir; he was not shamming lunacy then.
6414. This man also states that you and your officers knocked Cummings down, and caused cuts on his head and face; that after a time the flies blew in the sores and there were maggots in them. Is that true? It is not, sir, and I can bring plenty of warders to prove it.
6415. Where are the warders? There are five in Parramatta, and seven in Darlinghurst. I never saw a mark on Cummings' face in my life. He bled himself one night, in the arm, and in the morning he was lying in his cell as if he was dead. That was the time he shammed to be mad. But for three years he was a smart well-behaved fellow, and I believe I was instrumental in getting him his liberty.
6416. Do you know a prisoner named Alfred George Davies? I do, sir.
6417. Is he a well-behaved prisoner? He is not, sir; he is very bad.
6418. In what way is he bad? While he was in association he was continually trying to work the other prisoners up to mischief and to mutiny.
6419. He was a sort of assistant clerk to the overseer, Mr. Herbert, was he not? He was, sir.
6420. Do you remember his making a complaint to the Comptroller General about the filthy condition of the blankets? He made a complaint that the prisoners did not get their own blankets when they were shifted from one cell to another, and the Comptroller ordered that when prisoners were shifted their bedding should be shifted with them.
6421. When he was in the office making his complaint, did you interpose and say, "This prisoner has been reported to me this morning by my cook, Read, for using the most filthy language in his cell at night?" I do not know whether it was that morning or not, or some time previously, but my cook did ask me to remove Davies from the cell, on account of his bad language.
6422. Where is Read now? I think he is at Ryde; but Cheeseborough was in the cell too, and he is still in the gaol.
6423. But you say Read did make that complaint to you? I positively swear it.
6424. *Mr. Oatley.*] He complains that fore-quarters of beef are always brought into the gaol, and no hind-quarters, and that through there being a greater quantity of bone in the fore-quarters the prisoners do not get the quantity of meat allowed? It is specified that the meat shall come in in fore and hind-quarters alternately.
6425. In regard to the mutton, do you get an equal number of fore and hind quarters? We generally get a sheep right throughout. He made a complaint some time before you came up, when we had half beef and half mutton. There were two fore-quarters of mutton, and he wanted a fore-quarter and a hind-quarter. I refused to bring in a Board, because the meat was beautiful, and was 7 lbs. overweight.
6426. *Chairman.*] Have fore-quarters ever been brought in so as to deprive the prisoners of the proper quantity of meat? No, sir; I have always been particular in telling the warders to see that the meat was properly brought.
6427. He says that you ordered him to be locked up for complaining? That is not true. He complained another time about a bullock's heart which had been thrown in, and I had the meat weighed without the heart, and it was 7 lbs. overweight. I told him that I did not require to have his approval, and he said, "Very well, I will go away," and turned and walked away. I told him to come back and look at the meat, but he would not come, and I had him locked up for refusing to come back when I told him.
6428. *Mr. Oatley.*] He says this:—"On one occasion dinner came down to me and my fellow prisoner who shared with me. We were allowed a pound of meat and bone, but there was an immense quantity of

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of bone on this particular day. I was urged by the complaints of others, and I went with the plate containing the rations for two of us to the chief warder, and got him to weigh the rations with the bone cut out. He did so, and there were 6 ozs. of meat between the two of us." Is that true? No, sir; it is untrue. [*Depositions in the case of Alfred George Davies, of date 30th May, 1878, handed in and read.*]

6429. *Mr. Voss.*] Have you ever known men to go mad in your gaol? I never knew of any unless they were men who came up mad and who were sent back immediately. I never knew any man to go mad through separate treatment.

6430. Do you know an instance of a man named Davis going mad? No, sir.

6431. Do you know of any men who went away from the gaol mad or supposed to be mad? Yes, there were the two Slattery's and another man convicted of murder at Bathurst, whose sanity was doubtful. But he was not with me any length of time before the doctor sent him down for examination, and he was passed to the Lunatic Asylum. I suppose there are four or five cases like that.

6432. *Chairman.*] A witness before us says it is remarked in Parramatta Gaol that every man who comes from Berrima is more or less mad, and that he has seen men going on with madmen's tricks flogged and sent back again. Have you ever heard it said that the separate treatment has affected the minds of prisoners? I have heard just the contrary. Mr. Read and Mr. Hussey have told me that the prisoners are better men and reformed.

6433. Do you remember the case of a man named Dunn who was supposed to be mad? No, sir.

6434. Do you know of three men named Power, Joyce, and Holland, who were sent away from Berrima as being mad? Power was suspected of being insane when he came, and he was sent away a short time after. Joyce and Holland were not sent away as being mad.

6435. Do you know a prisoner named Horn in your gaol? Yes, he was with me some time, and was sent back again for trying to get through the roof at Darlinghurst.

6436. Do you know anything about the case of Bolton who died in Berrima Gaol, and on whom an inquest was held? I recollect there was such a man who died there.

6437. There was a man named Crabtree who died in irons we are told? He did, sir.

6438. Do you know anything at all about the case? Yes; when he came into the gaol the doctor was present. The doctor took more interest in him on account of the crime he had committed. In speaking he was very hoarse, and when the doctor asked him the cause he said it was an old disorder. Next day when going through the cells I asked him if he felt ill, and if he wanted to see the doctor. He said no, that it was an old disorder, and that he did not want to see the doctor because he could do him no good. Early next morning it was reported to me that he was dying, and when the doctor came he was dead.

6439. How long was it after you had sent for the doctor before he came? About 20 minutes.

6440. What was the time? It was somewhere about breakfast time.

6441. Is there any means of getting the irons off a man who is dying? Yes, they could be struck off without hurting him while he was lying on his bed.

6442. The irons are riveted on? Yes.

6443. Not locked? Not when a man is sentenced to irons.

6444. Then if a prisoner is in a fit it would be difficult to get them off? They are not taken off then. I have seen a man in a fit with irons on.

6445. *Dr. Alleyne.*] Was this man suffering from a cut throat when he arrived? No, sir; it had completely healed up then.

6446. *Mr. Voss.*] What sort of a bill of health had he from the gaol he came from? I almost think there was "good health" marked on his papers. They are not generally sent unless they are in pretty good health.

6447. Suppose a man comes up with a certificate of "bad health," what is the custom in regard to the doctor? The doctor is sent for immediately, and in all cases if the men are in bad health they are put into the hospital.

6448. But if he has not a certificate of bad health you let the doctor see him in the usual way? Yes; but it is very rarely that we get a man in bad health. It is an unusual thing.

6449. *Chairman.*] Do you know a prisoner named James Sullivan? Yes, sir.

6450. Were you present on an occasion when he was brought up on a charge of making groundless complaints? Yes, sir; I was present.

6451. He had made some application to the Comptroller General, had he not, about flannel drawers? Yes, sir; he asked the Visiting Surgeon for flannel drawers, and the Visiting Surgeon would not give them to him, and then he wrote to the Comptroller complaining of it.

6452. Did anything particular take place between the Visiting Justice and Sullivan on that occasion? I do not recollect, but I imagine that the Visiting Justice rather leaned towards the prisoner, and could not see that there was any charge against him.

6453. Did you hear the Visiting Justice make use of any strong language to Sullivan? No, sir.

6454. Did you hear him say, "Draw it fine and cut it short, or by God I will make it hot for you"? I never heard him use any such language.

6455. He says it was in the presence of the Visiting Surgeon, yourself, and Mr. Everett. That was on the 7th June this year? I could not forget that in so short a time if it occurred. I am certain it was never said.

6456. Will you swear that the Visiting Justice did not swear at the prisoner; you would be likely to remember? I am sure I would. I have heard it since I have been connected with the gaol, but I do not think I have heard Mr. Wilshire swear.

6457. Have you ever heard any magistrate swear on the Bench? I think I have, some years ago, heard a magistrate say "damn," "damned scoundrel," or something like that, but never so bad as what you have read.

6458. With reference to a remark that Lagan makes — he says that for twenty-four hours dark cells a prisoner gets one blanket, and after that two blankets;—is that the rule? Oh! no sir, it depends on the weather. They get two blankets in the winter.

6459. Do they always get two blankets in the winter? There are always two blankets there.

6460. *Chairman.*] Have you been able to remember, since yesterday, whether what Barnes says is true or untrue?

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untrue? No, sir; I have some recollection of having words with him, but I have no recollection of the gagging. He was impudent, I think. I know that when he came out his father complained to Mr. Rowley.
6461. You say that gagging was a very unusual thing? It was, after the time of the mutiny, and even for some time before that.
6462. But this was not an ordinary prisoner; he was only a boy put in for a short time because he was unable to pay a fine? He has done twelve months in Darlinghurst, and I have had him three or four times, but he has since turned out a really first-class man, and has worked well and made money and bought himself a waggon and a fine team of horses. His father was with me two or three times.
6463. But do you know of any reason why he should come forward and make a false charge against you? The only reason I can give is that Mr. Dixon has worked this matter up. He is a vindictive man, and would stop at nothing to injure me.
6464. But you cannot suppose that he induced this young fellow to come forward and swear falsely against you? I do not say that for a moment, but I say it is through him speaking of me that this man has been induced to act as he has done.
6465. *Mr. Oatley.*] That is, to come forward, not to state what is untrue? I do not think he would ask him to tell an untruth.
6466. *Chairman.*] But is it likely that Barnes would invent a thing of this sort? Perhaps not; I would not swear that he was not gagged. I know that he was a very bad character up to that time, and since then he has turned out a really good man.
6467. Have you any warders with you now who were in gaol at that time? Yes, sir, Mr. Everett.
6468. Does he remember it? I have not spoken to him about it, except when this matter was first worked up, and I asked all the officers to state any cases of gagging that they had seen. Their reports were sent down, and they have appeared in print, but since then I have not spoken to any of them on the subject.
6469. Have Herbert and you got on well in gaol? Until the last two years we have; but on one occasion I reported him and the chief and senior warders for making away with the Government property. The senior warder was dismissed, and the Comptroller told the chief warder and Mr. Herbert that there was a slight doubt in their favour, and that he would give them the benefit of it, but he advised them to be careful.
6470. Do you remember any occurrence recently in regard to a Mr. Hart? A month or six weeks ago when I was going to the muster of the prisoners I heard that some one was in Mr. Herbert's room, and when I went there and knocked I found the door locked. The prisoners were mustered right across the door. I asked if anyone wanted to see me, and Mr. Hart came forward and said that Mr. Burnand had sent his compliments to me, and that he had been sent up to see Mr. Herbert. I told him that I wished he had told me that before as it was contrary to all Regulations for him to come into the gaol without an order from the Comptroller or the Visiting Justice. He apologized, and said he was not aware of the rules of the gaol. I told him that I did not blame him but that I blamed Mr. Herbert. I reported the matter to the Visiting Justice, and he thought it was not worth while to do anything further in the matter, though he said I would be justified in suspending Mr. Herbert.
6471. Were you rude to Mr. Hart? No, sir; I only told him that I wished he had seen me before he came into the gaol.
6472. *Mr. Voss.*] Were you in the gaol when he came? I was in my office when he passed over.
6473. *Chairman.*] Has the matter been reported at all to the Government by Mr. Hart? I have never heard anything of it.
6474. You have not been called upon for any explanation? No, sir.
6475. Was Mr. Hart indignant at the way in which you addressed him? No, sir. He said, "You must excuse me, I am not aware of the rules of the gaol." I said, "I do not blame you, I blame Mr. Herbert; he had no business to bring you here."
6476. Did Mr. Hart threaten to lay the matter before the Government on going to Sydney? No, sir, certainly not. Nothing more passed than what I have told you.
6477. *Mr. Voss.*] Are you sure you were in the gaol at the time; it is stated here that you were out of the gaol at the time. Are you quite certain that you were in your office, or might you not have been out of the gaol? I positively say that I was in my office when Mr. Hart came into the gaol.
6478. *Chairman.*] Whom was he with? Mr. Herbert.
6479. Not Mr. Everett? I do not know whether Mr. Everett was with them. I was preparing my ticket for muster, and someone said, "There is somebody going over with Mr. Herbert."
6480. Were you not at the post office? Not then; I was afterwards. Mr. Herbert told me that he thought I was out.
6481. Did you ask Mr. Hart how he dared to go into the prison without your authority? No, certainly not; and if he is a gentleman he will say that I did not.
6482. Have you a warder of the name of Mulligan with you? Yes, he has been with me 15 years.
6483. Has he ever seen any gagging, do you know? I think there is something from him in the reports that went down.
6484. Was he there at the time of the mutinies? Yes, sir, and took an active part.
6485. There was a good deal of rough usage then? Yes, and he got a good deal of the rough usage.
6486. Many men were gagged at that time? Yes.
6487. Then surely Mulligan must have seen some of the gagging? No doubt he did, while the gagging was going on.
6488. But he says that, though he has been in the gaol fourteen years, he has never seen a prisoner gagged or spread-eagled? I believe that whatever he says he speaks conscientiously. It is possible that he was not on duty where the gagging took place.
6489. *Mr. Voss.*] Mr. Herbert was likewise called upon to report the cases of gagging that he knew, was he not? He was, sir.
6490. Do you recollect what he reported? I almost forget. I think he said that he had seen one case of gagging, but no more.
6491. Since that report was sent in has it come to your knowledge that Mr. Herbert did know of another case? Not until I heard from the Commission.
6492. Then, although Mr. Herbert has reported only one instance of gagging to the Comptroller General, and

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and has himself appeared before the Commission and stated that he knows of two cases, he has not, in any way, made it known to you? No, sir.
6493. And you were only made aware of it by the Commission? Yes, sir. I called him into the office, and asked him to think and to write any case of gagging that he had witnessed.
6494. *Chairman.*] How often have you been in collision with Mr. Herbert since you have been together? Several times; I had to suspend him on one occasion.
6495. Do you remember when that was? It must be three or four years ago.
6496. Did the Comptroller-General decide in your favour or in Mr. Herbert's? The Comptroller sent up a minute saying that I could have done nothing else than suspend him. He used very impertinent language to me in the office.
6497. Do you remember making a charge against him for conveying a letter out of the gaol in a clandestine manner? I recollect it was for taking a letter out for a prisoner.
6498. Do you remember whether Mr. Maclean exonerated him or not? He certainly did not exonerate him. I think he was reprimanded.
6499. Have you any record? No; the Comptroller has all the correspondence.
6500. Would not his decision be communicated to you? It would, and then it would be returned.
6501. Did you, in any way, attempt to support your charge against him by telling a falsehood? I was never charged with anything of the sort.
6502. Did you admit that you had told a falsehood? Certainly not. I do not think the Comptroller would have allowed me to remain there if I had.
6503. Listen to this:—"At the time Mr. Small brought the charge against me of taking a letter out of the gaol in a clandestine manner, he attempted to support it by telling a falsehood. Had the charge been substantiated, I should have been dismissed, but I made a vigorous defence, and Mr. Maclean, in cross-examination by letter from Sydney, elicited that Mr. Small had told a falsehood. Mr. Small confessed it. I felt very much aggrieved"? I am perfectly satisfied that I did not confess to telling a falsehood, nor did I tell a falsehood.
6504. Is this a correct extract from the Comptroller's minute:—"As the case now stands, I do not hesitate to exonerate Mr. Herbert, and to say that I am not induced by the present accusation in any way to modify any previously expressed opinion of him as an intelligent and trustworthy officer. I am far from pleased with the information given respecting the facilities for mischief afforded to the three prisoners by access to the office and schoolroom, contrary to the gaol regulations"? I don't think it is sir. In Mr. Garrett's time a prisoner came to me and charged Mr. Herbert, the chief warder, and the senior warder, with taking a lot of new lasts from the store, and putting old ones in their place, and the prisoner said that he had been making boots for the chief warder and the senior warder. Mr. Garrett wrote to the Comptroller about it, and he came up. The senior warder said that he had never had the boots, but next day he confessed that his wife had thrown them into the fire, and he was dismissed. The others stuck out that they knew nothing about it, and the Comptroller said there was a shadow of a doubt in their favour, so they got out of it.
6505. Who was the senior warder? Flanagan.
6506. What was the first occasion of your falling out with Mr. Dixon? On the occasion of his reporting to the Comptroller that I was trampling on the Comptroller's orders, by detaining a prisoner's letter, and that my conduct was arbitrary with the prisoners.
6507. The question of his not being shaved in the gaol on Sunday was not the first occasion of your falling out? No, sir.
6508. So you do not attribute the making of his complaint to an ill-feeling on account of your refusing to allow him to be shaved? I did not prevent him from being shaved. The barber was in the habit of shaving prisoners on Sunday, and I ordered that they should not be shaved.
6509. Has it not been the practice for the chaplains to be shaved in the gaol on Sunday? There never was one shaved on Sunday, and I do not recollect any chaplain being shaved at all.
6510. Was Mr. Langley never shaved in the gaol? No, sir, he was not; and Mr. Hassall, who was before him, never shaved at all.
6511. Mr. Dixon says that on one occasion, while he was inquiring from a warder about his sick child, you came to him, trembling with passion, and told him that he had no right to speak to a warder on duty. What is your version of that occurrence? I was sinking a tank near the wall, and there were several prisoners there with picks and shovels and crow-bars. Mr. Dixon spoke to the warder in charge of them and walked away with him for some distance from where the prisoners were working, and the warder stood with his back to them. I stood at the door of the office looking at them for about a quarter of an hour, thinking that the warder would see me. Then I went over and said to the warder, "This is not doing your duty." Mr. Dixon said, "Am I not allowed to speak to the warders?" I said, "No; if you wish to speak to him I will have him relieved, and you can see him in the schoolroom, but you must not interfere with the discipline of the gaol by speaking to a warder on his post."
6512. How long had Mr. Dixon been chaplain then? Nine or twelve months, I think.
6513. Did he officiate every Sunday in the gaol? Yes, sir.
6514. And had he been shaved? I think so.
6515. And was it on the following Sunday that you ordered the prisoner not to shave him? No, sir; I never ordered that he was not to be shaved, I simply told the prison barber that he was not to shave any more prisoners on a Sunday, and not to have the razors out.
6516. Did you order him not to shave prisoners, or Mr. Dixon either? I never mentioned his name.
6517. Did you say you would not allow any more shaving? I said I would not have any more shaving on Sunday morning.
6518. That was shortly after you had had the disagreement with him? Yes, sir, it was.
6519. It looks very much like as if you had done it in revenge. Can you explain that? Well, the fact of the matter is that he had no right to be shaved in the gaol at all. I can't get shaved myself without permission.
6520. But that only struck you after he had reported you for misconduct? It might have influenced me, but I do not think so. He has reported me again, because I did not speak to him as he was going out of the gaol. I certainly would not salute him; I have not spoken to him since.
6521. Since that time he has been shaved on week days;—has he not? Yes, sir.
6522. Another thing he says is that the regulations affirm that the Bible and Prayer-book shall be left with

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with each prisoner on all occasions, but that they were taken away by your orders from every prisoner who was punished, and that he represented this to the office? Through some misunderstanding the Bible and Prayer-book were taken away from prisoners under punishment on one or two occasions. It was found to be a misunderstanding, but I suppose, like myself, Mr. Dixon was ready to charge me with anything he could. I had ordered that the books (meaning the library books) should be taken away, and it was through that that the mistake occurred; but the regulations say that the Bible and Prayer-book shall at all times be left with the prisoners.

6523. But Mr. Dixon says it was after you and he had come into collision that the Bible and Prayer-book were taken from the prisoners? If he had spoken to me I could have rectified the matter, but he wrote to the Comptroller without speaking to me.

6524. *Mr. Pinhey.*] Is it within your knowledge that the chaplains, one or both, have been in the habit of taking letters out of the gaol for prisoners and receiving answers without your knowledge? It has been done, because one letter in particular I detected. There were two or three which I forwarded to the Comptroller. There was a prisoner confined for horse or cattle stealing, and Mr. Dixon wrote a letter for him to his father, telling him where to find some cattle and to sell them. The letter came to the gaol, as it had been addressed to the son instead of to the father, and I reported the matter to the Comptroller. I do not know what occurred; the Comptroller did not write to me again.

6525. *Chairman.*] He says that on another occasion he was reported for visiting a prisoner in the dark cells. Did you report him for that? Yes, sir.

6526. Do not the regulations say that the chaplains are to have access to the prisoners at all times? Yes, sir.

6527. Prior to Mr. Dixon's coming there, used it to be the rule that chaplains were allowed, without restriction, to see prisoners in the dark cells? I never knew the chaplains to attend prisoners in the dark cells, neither in Darlinghurst nor Berrima.

6528. Mr. Dixon swears that he did, and that he used to do it without restriction? I never heard of it.

6529. Is there any objection to the chaplains seeing the prisoners in the dark cells? I think there is objection, because the prisoners are there for punishment, and the punishment is done away with to a great extent if anyone is allowed to visit them. It was not allowed in Darlinghurst in my time.

6530. Is that the reason why you think it objectionable? Yes, sir.

6531. It is not on account of any danger to the chaplain? No, sir.

6532. Then you think there is no objection on that ground? No, sir. There is always an officer with a candle with him.

6533. *Mr. Voss.*] How did it come to your knowledge that Mr. Dixon went to the dark cells? It was reported to me that he had been to see prisoner Davies. I said I had never heard anything about it before; that there was no regulation for or against it; and I wrote to the Comptroller about it. I think the Visiting Justice wrote on the margin of my letter that he had great objection to it; that if the chaplain visited a prisoner in for twenty-four hours, and stayed with him for three quarters of an hour with a candle, it was no punishment at all.

6534. Was the same restriction placed on other chaplains? Yes, sir.

6535. Is the Roman Catholic chaplain allowed to visit prisoners in the dark cells unrestrictedly? I have never known him to visit a prisoner in the dark cells.

6536. Do you know anything of the case of a prisoner named Shaw, in reference to Mr. Dixon? Not in reference to Mr. Dixon.

6537. Where is Shaw now? He is at Darlinghurst.

6538. What is his Christian name? Henry, I think.

6539. Was he trying to starve himself to death? I don't think he was trying to starve himself to death, but he ate nothing for four or five days.

6540. Did Mr. Dixon say anything to you about it? No, he was not there; it was Mr. Langley.

6541. Did you give him bacon and eggs for the prisoner? Yes, from my own house.

6542. Are you sure whether you gave the bacon and eggs to Mr. Langley or to Mr. Dixon for the prisoner? I am sure it was Mr. Langley.

6543. I will read you this:—"A prisoner named Shaw assured me that he would commit suicide—that Mr. Small by many little acts of petty tyranny had irritated him beyond endurance. Many besides him have attempted suicide; but for several days and nights he neither ate nor drank. I went into his cell to see him. He was lying perfectly helpless on the floor in a corner of his cell. I asked him what was the matter, and he said, 'How often have I told you that I have been tyrannized over until my life has become a burden to me, and I would die sooner than live under such tyranny.' I spoke to him kindly, and went to the gaoler and asked him to give me a plate of eggs and bacon. He would not touch it at first, but afterwards he said, 'On one condition only I will try to bring back my life and that is that you use your influence to get me removed to another gaol.' *Question:* Did Small give you the bacon and eggs? *Answer:* Yes. I told him I would pledge my word to see him removed, and he said, 'If you will pledge your word to have me removed from Small's control and tyranny, I will endeavour to get my life back.' I had to feed him then. In twenty-four hours more he would have been dead." Can you not remember now whether it was Mr. Dixon? The bacon and eggs were got ready by my wife at my suggestion, and I believe it was either Mr. Langley or Dr. Stilwell who took them to the prisoner. I will ask Mr. Langley to-night if possible, and let you know to-morrow.

6544. Mr. Dixon says it occurred a few months after he went there? I am almost positive that it was Mr. Langley.

6545. *Mr. Oatley.*] Do you know of the Roman Catholic clergyman ever visiting a prisoner in the dark cells? No, sir.

6546. Has it ever been reported to you that such a thing has taken place? No, sir.

THURSDAY,

THURSDAY, 29 *AUGUST*, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

Mr. William Small further examined:—

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6547. *Chairman.*] The point at which we left off last night was with reference to the case of the man Shaw. Have you been able to refresh your memory as to whether Mr. Dixon or Mr. Langley was the chaplain? It was Mr. Dixon.
6548. Had Shaw any reason to starve himself? None that I am aware of; I do not think he had any; his treatment was the same as that of the ordinary class of prisoners. He was a stubborn, bad man, and had attempted to escape just before that; he got out of the hospital in the night-time.
6549. *Mr. Pinhey.*] How long anterior to the time of your giving him the eggs and bacon did you become aware of his attempting to starve himself? Something like four days; and there was continual communication with the Comptroller about it.
6550. *Chairman.*] Was Shaw removed from Berrima shortly after that? Yes, shortly after that.
6551. Are you aware of any complaints being made in regard to your conduct towards Shaw? No, sir.
6552. Were you never called upon by the Comptroller General to give any explanation of your treatment of Shaw? I am not aware that I was; I have no recollection of anything of the sort.
6553. Was there anything particular in the case of Shaw beyond this attempted starvation? On one occasion he attempted to hang himself in his cell. There was a noise heard in his cell, and the man in the next cell knocked, and when the warder went down he said to him, "There is something the matter with the man in the next cell." They went in, and found him with a piece of rope tied to the bar of the air-hole. The rope had broken, and he was sitting on the basket. He said, "I am all right." I think it was directly after that he attempted to starve himself.
6554. Was the rope round his neck? Yes; it had broken.
6555. Was he partially strangled? No, sir.
6556. Then why do you say that he attemped to hang himself? Because there was a piece of rope round his neck, and a piece hanging from the bar; and the man in the next cell said he had heard something fall.
6557. How long after that was the matter of the starvation? I think it was directly after that.
6558. Are you aware whether any of the warders had been persistently ill-treating him; or whether anything had happened to make his life a burden to him? I do not think it is possible; he is the sort of man that would complain of it at once.
6559. Were you ever in any way made aware that he considered you had by many little acts of petty tyranny irritated him beyond endurance? Never, sir.
6560. Have you ever until now been aware that Shaw complained particularly of your treatment of him? No, sir.
6561. Do you swear that? I do. He was punished on several occasions, and he may have made some trifling complaints, but not of any ill-treatment on my part; they were simply complaints of being brought up when he considered himself innocent, or something of that sort.
6562. This man, who was before us, said that he had been to Berrima more than once—on one occasion in 1869, and again in 1874. He is serving a sentence now for wounding with intent to do grievous bodily harm. Is that the man? That is the man, I am satisfied. He is a dangerous man, and would do something in the gaol if not watched closely.
6563. Do you remember saying that you never liked the look of him, and his saying to you, "That is mutual, I don't like you." No, sir, nothing of the sort ever occurred, I am satisfied.
6564. Was he there at the time a man named Crotty was there? He was; he and Crotty attempted to escape together. They got out of the hospital, and were getting over the wall.
6565. It has been said that some clergyman has spoken of Berrima Gaol as being a "hell upon earth" under your government? Yes, sir.
6566. Have you any idea at all who that clergyman can be? I understood it was the Rev. Mr. Dixon.
6567. But if Mr. Dixon denies it, is there any other clergyman whom you can imagine to have made use of such an expression? No, sir. I have written to nearly all the clergymen who were at Berrima, and have received letters from them which I have forwarded to the Colonial Secretary. Mr. Hassall wrote a very long letter; he is in Queensland now, and he wrote to me stating how he had found the gaol. Then there was Mr. Langley, who also wrote, and Father Hewitt, and Father Riordan.
6568. *Mr. Pinhey.*] Are those the whole of the chaplains who were at Berrima during your time? No; there was Father M'Guinn, but I did not write to him because we were on bad terms, owing to family disagreements.
6569. *Chairman.*] Are you aware whether Father M'Guinn ever made any complaint of your management of the gaol? I never heard of it.
6570. Is there any reason to believe that he could have described the place in that way? I do not think it is possible.
6571. Is there any other clergyman who was there in your time? The present Bishop of Goulburn was the first Roman Catholic chaplain there; he was there only a short time after I went.
6572. Bishop Lanigan? Yes, sir; I do not think it possible he could say anything against Berrima. I have no doubt that a short time before I went there the place was a hell upon earth. There was a warder murdered, and the place was in a bad state.
6573. You have some letter from Mr. Dixon which you showed us the day before yesterday;—do you wish to produce it? Yes. [*Letter produced and read as follows*:—"Parsonage, Berrima, 23 August, 1876.—I have much pleasure in testifying to Mr. Small's general fitness for controlling a large establishment. That he is an excellent disciplinarian the good order in which he keeps the gaol under his charge sufficiently proves.—E. DIXON, Incumbent, Holy Trinity Church."] 6574.

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6574. How long had Mr. Dixon been chaplain of the gaol at the time he wrote this letter? I could not say, but he had been there some time; it must have been twelve months or more.
6575. How came he to write that letter? I was applying for a situation as Superintendent of the Randwick Asylum. I had received a lot of testimonials, and he brought that in one morning, saying, "I see you are getting testimonials from everybody; you may as well take this; it may be of some service to you."
6576. Then you did not ask for it? I did not.
6577. Did Mr. Dixon know you were applying for that position? Yes.
6578. Do you yourself think that there would be any objection to the prisoners communicating, through the chaplains only, with members of their families upon purely domestic matters? Well, I think it would be objectionable for several reasons. Clergymen at all times are scarcely particular enough; they let the thing go too far, and explain to the friends what is going on in the gaol, and to the prisoners what is going on in the outer world, too freely.
6579. *Mr. Pinhey.*] In other words, you are of opinion that they are not sufficiently competent judges to have such a responsibility in their hands? Yes, sir; I can assure you that even at the present time Mr. Dixon is in the habit of receiving letters for certain prisoners. The letters are directed to the prisoners in his care; he opens them, and then lays them on my table, open. Once I received one that had come from the mother of a prisoner, and she said in it, "I herewith enclose you so many stamps"; but there were no stamps there. I forwarded the letter to the Comptroller, and explained the difficulty I was in—that the prisoner, on his release, would probably complain of not getting the stamps.
6580. *Chairman.*] Did you speak to Mr. Dixon about it? I did.
6581. What did he say? He said that he got no stamps.
6582. How long was that ago? About eighteen months.
6583. Before you and he had any falling out? I think it was shortly after that.
6584. After the falling out? Yes, I think so.
6585. *Mr. Voss.*] The rule against receiving letters applies only to the nine months' separate treatment? Yes.
6586. Are you aware whether Mr. Dixon's predecessors were in the habit of writing for prisoners and receiving answers in return? I am not aware of it.
6587. Are you aware that Mr. Dixon still continues that practice of writing on domestic matters only to prisoners' friends, and receiving answers, without your knowing the contents of the letters? I am not aware of it, though it may be going on.
6588. *Mr. Oatley.*] Did ever you hear of any other clergyman doing that? I understand from Mr. Langley and Father Riordan that they never did it. Father Riordan has refused to do it.
6589. Or any other chaplain? No, sir.
6590. *Chairman.*] But do you not think that in such cases as this which has been specified—where two children of a prisoner died—it would be humane at all events to allow the prisoner to be made aware of it, and also to be made aware of the state of his family in cases of very serious illness? Certainly I do; and a prisoner would not have the slightest difficulty if he asked me to allow him to write. I would take it upon myself to allow it, and write to the Comptroller about it afterwards. The Comptroller on many occasions allows a prisoner to write. A prisoner can write to the Comptroller for permission any time he likes, and if it is a special case he is allowed by the Comptroller to write. A prisoner often asks for permission to write to his friends to tell them where he is, and he is allowed to do so.
6591. I see by one of the Regulations, number 63, that "any prisoner will be permitted, if he desires, to complain of the treatment to which he is subjected, or to address, in writing, the Sheriff or Colonial Secretary, and such communications shall forthwith be forwarded by the gaoler, with his report thereupon, to the Sheriff." Now, I want to know, on your oath, if there has ever been a single case in which that rule has been violated by you, or with your knowledge? On my oath there never was but one.
6592. What case was that? Some five or six years ago a prisoner wrote a letter to the Comptroller.
6593. What was the name of the prisoner? I really could not tell you now, but probably the Comptroller will recollect it. It was a highly insulting letter, and I put it into a pigeon-hole and did not forward it. When the Comptroller came up, the prisoner told him that he had written and had got no reply. The Comptroller said, "What is this, Mr. Small?" I showed him the letter, and he said, "Why did you not send this on?" I said, "Because I considered it was insulting to you." "Never mind," he said, "let them all come on, and if a prisoner writes an insulting letter he will be punished for it. But let them all come on."
6594. Was that said in the presence of the prisoner? No, sir; the prisoner was in separate treatment; it was in the office.
6595. And that you swear is the only instance in which this rule 63 has been violated with your knowledge? I positively swear that is the only instance.
6596. What time elapsed, do you remember, between the prisoner having given you the letter to forward and the arrival of the Comptroller General at the gaol? I think some weeks; it might have been a couple of months; I know it was a good while. I always keep these letters on record. A letter like that coming to me, I would not let pass.
6597. How often does the Comptroller General come to the gaol? As a rule, he has been in the habit of attending about twice a year; but he has not been there for twelve months nearly, I think.
6598. Has he been there since the Commission were at Berrima the other day? No, sir; I have been under the impression that that was keeping him away.
6599. What was the date of his last visit to the gaol? I could not tell you.
6600. Have you any book that will enable you to say? No, sir; there is no book here. I do not think he signs his name in the Visitors' Book, as a rule.
6601. Can you from memory say? I think it is over twelve months.
6602. Over twelve months? Yes, sir.
6603. *Mr. Oatley.*] Does not every person visiting the gaol sign the Visitors' Book when they go in? All visitors, and the visiting officers too, sign it, and a copy goes to the Comptroller every month, showing the names of the visitors, and who gave the orders.
6604. *Chairman.*] Has the Colonial Secretary, or any member of the Ministry, visited the gaol within the last twelve months or more? No, sir.

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6605. I suppose visits from the Colonial Secretary are very rare? Very rare. Sir John Robertson has been once in the gaol since I have been there, and Sir Henry Parkes has been two or three times.
6606. When was Sir Henry Parkes there last? It is some years ago.
6607. When he was Colonial Secretary? Yes, sir.
6608. Was Sir John Robertson there when he was Colonial Secretary? Yes, sir.
6609. *Mr. Voss.*] I want to know what the rule is about corresponding with regard to the nine months' separate treatment men; it does not appear among the Regulations? They are not allowed to correspond with anybody but the Comptroller General or the Colonial Secretary while they are with me during the nine months. If they write to the Colonial Secretary it passes through the Comptroller.
6610. But it is not among these Regulations? It is a general order.
6611. And does the order apply merely to Berrima? Yes.
6612. *Chairman.*] Do you mean to say that the Regulations here do not apply to the men in separate treatment? No, sir; there is a general order.
6613. And is a man in separate treatment not allowed to write to his wife or children, or father, or mother, during the whole of those nine months without he gets special permission from the Comptroller? No; that is provided for by subdivision 2 of regulation 27, under the head of "classification."
6614. *Mr. Voss.*] Then, if Mr. Dixon corresponds in the way you have stated, he is breaking one of these Regulations? Yes, sir.
6615. Has that never been brought under your notice? Yes, through a letter being returned to me on one occasion; and the warders reported to me that they had seen Mr. Dixon carrying letters in his hand to the cells.
6616. Have you reported that to the Comptroller? Yes.
6617. What became of it? It never comes to me. The Comptroller writes to the Visiting Justice.
6618. *Chairman.*] Did you know all this before Mr. Dixon and you had the falling out? No; I have detected several letters since.
6619. How is it these things have come to your knowledge since? I almost think I did detect one before, and I think it had a good deal to do with the falling out.
6620. What I want to direct your attention to is whether you were aware of these breaches of the Regulations on the part of Mr. Dixon, and looked them over until he had reported you for something, and then you suddenly woke up to a clearer perception of your duty? No, sir; while I have been there I have never allowed any one, clergyman or others, to commit any breach of the discipline of the gaol.
6621. That is not an answer to the question. I want you to fix the two times—whether your conduct was different to him before from what it has been since? Nothing more than that I do not speak to him; that is all, sir.
6622. *Mr. Oatley.*] But did you know previous to having the quarrel that he was in the habit of communicating with the families of prisoners by letter? I certainly did not know so far as to be able to prove it.
6623. But did you hear of it? Yes; for some time before I could prove it.
6624. Did you remonstrate with him? I am not sure that I remonstrated with him. The warders said that they saw him taking letters into the cells, but I did not see any ground in that for making a report.
6625. *Chairman.*] Do you remember a man of the name of James Farrelly being at Berrima? I do, sir.
6626. Where is he now? I do not know whether he is in gaol or not.
6627. Do you know whether he is at his liberty, as they call it? I do not know, sir.
6628. Did he have any occasion to complain of you while he was with you? I do not know whether he had occasion, but he did complain of me.
6629. When was that? I think it must be four or five years ago, just after he and Shaw attempted to escape.
6630. I thought it was Shaw and Crotty? He is the man.
6631. Then Farrelly is Crotty? Yes, it is Farrelly *alias* Crotty.
6632. Do you know a warder of the name of Tinson? Yes, sir.
6633. Where is he now? He is in Goulburn Gaol.
6634. In June, 1875, Farrelly's report went to the Comptroller General; have you any record of that? No, sir, it does not appear in the record book, if he made a report.
6635. Was there a young man named Reynolds there at that time? Yes.
6636. Where is he now? He died in the gaol.
6637. At Berrima? Yes.
6638. There was an inquest held upon him, was there not? There was, sir.
6639. State as well as you can the facts from your point of view which led to Farrelly *alias* Crotty making the complaint against you? One evening after the prisoners were locked up, Warder Brown ——
6640. Give us the month of the year, if you can? I do not know whether I can find it in the punishment book. [*Punishment book for* 1875 *handed in.*]
6641. On reference to the punishment book I find that about the beginning of August or the end of July, 1875, James Farrelly *alias* Crotty is charged with having made a false and malicious statement against the gaoler, for which he received forty-eight hours' dark cells, from the Visiting Justice, Mr. Wilshire. Your memory being refreshed as to the time, just state from your point of view the circumstances of the case? Warder Brown reported to me that the prisoner Farrelly and another prisoner were communicating in their cells. I went to listen, and I heard Farrelly describing to the other prisoner how he had managed to get out of the hospital.
6642. Who was the other prisoner? I believe it was Reynolds. I went into Reynolds' cell, and told him to come with me. When I attempted to get hold of him he said, "Leave me alone; don't you attempt to put your hands on me," and made a struggle. I got hold of him by the arm, and led him to another cell further away from the other prisoner. I then went to Farrelly, and charged him with talking, and told him to come along with me, I was going to shift him. He did not offer to get up, and I got hold of him by the arm, or the shirt, I do not know which, to raise him, and he complained that he had a sprained ankle and could not walk. I then allowed him to remain there. In the morning he produced his shirt, torn in the front, to the Visiting Justice. Warder Brown, and myself, on oath swore that I merely got hold of him by the arm, I believe it was, and raised him gently, when he pulled about a bit, and then complained that his ancle was sprained badly. This was all reported to the Comptroller at once by myself, and the depositions were forwarded to him. 6643.

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6643. The case was investigated before the Magistrate, and depositions were taken? Yes.
6644. Where are those depositions now? At the Comptroller's office.
6645. Can you send for them? Yes. (*Depositions sent for.*)
6646. This you say was a short time after an unsuccessful attempt at escape made by Farrelly and Shaw? Yes, sir, two or three days.
6647. Was he then able to walk? He could limp along, but he was worse than I thought he was; I found that his ancle was swelled a good deal.
6648. Are you sure that he had not a crutch then? I am not sure; I scarcely think he had at that time.
6649. He states that he had;—can you say whether that is untrue? I could not say; I would not be sure.
6650. When you went into his cell first, after Warder Brown's report to you, was Farrelly lying in his bed? He was lying on the bed with his back against the wall; the basket that the bed lies in was sloping, and his head was against the basket.
6651. Did you pull him out of bed? No, sir.
6652. Are you sure of that? Yes, sir.
6653. Did you not pull him out by his neck, tear his flannel, and leave the marks of your nails on his neck? Certainly not, sir.
6654. *Mr. Oatley.*] Was anybody present? Yes, Warder Brown.
6655. *Chairman.*] When you went into Reynolds's cell did you strike him at all? Certainly not, sir.
6656. Did he swear that you did? No; I think he said that I threatened to knock his head against the wall if he put his hands up.
6657. Did you say, "I had your father here, and your brother, and now I have you; and you are all a damned pack of vagabonds," or anything like that? I asked him on one occasion if it was his father and his brother I had there.
6658. Did you ask him on the occasion I refer to? No, sir.
6659. Did you taunt him with his father and his brother having been there? I did not, sir.
6660. And it was not on that occasion that you asked him if his father and brother had been there? No, it was during one of my visits.
6661. How long after this did Reynolds die? I think it was seven or eight months.
6662. Was there any suggestion that your ill-treatment to him had accelerated his death? I never heard of such a thing.
6663. Did Farrelly apply for paper to make a report of your conduct to the Comptroller General? I forget, sir; I would not be sure.
6664. Do you remember whether or not he asked the Visiting Justice to allow him paper, and that the Visiting Justice allowed it to him? It is very likely, sir.
6665. Suppose he says that you detained it, and would not comply with his demand for four days after the Visiting Justice had allowed it? He tells a falsehood; if the Visiting Justice allowed it he would get it as soon as he applied for it.
6666. Did you forward his report to the Comptroller General directly he had written it? I do on all occasions.
6667. But did you on that? I feel certain that I did; I know that it must have gone directly; we never keep them in the office.
6668. Did you ever go into his cell with it, after receiving it, before forwarding it to the Comptroller? I do not believe I did. I have no recollection of it.
6669. Did you ask him to withdraw it in any way? I am certain I did not.
6670. Did you return to his cell that day or the following morning, and threaten to bring a charge against him for making an unfounded report, if he did not withdraw it? I positively swear nothing of the sort occurred.
6671. Was he charged after that with making an unfounded report? Not after the charge you see in the book.
6672. But when he made this report in writing was that after the investigation before the Visiting Justice? I suppose it would be, sir; I do not recollect.
6673. I want to know if the charge against him was for making the report which he did make, and which you say you forwarded immediately to the Comptroller General? I could not tell you, sir, I am sure; in fact I have no recollection of the report at all.
6674. Did you in any way influence Warder Brown at all to give evidence that was untrue or unfairly coloured? Certainly not, sir. I have always kept my warders at a distance. I never make so free with them.
6675. Were you in any way reprimanded by the Comptroller for your conduct on that occasion? No, sir.
6676. Do you know whether the matter was laid before the then Colonial Secretary, Sir John Robertson? I never knew that it was. [*Papers in the case referred to produced.*]
6677. I will read the report which he made at the time. (*Farrelly's report to the Comptroller General, dated 28th July, 1875, and received at the Comptroller General's Office on the 30th of the same month, read.*) Is that the report for the writing of which, as being a false and malicious statement, he was brought before the Visiting Justice? No, sir; I think the report he would be brought up for would be that which he made to the Visiting Justice. He made a charge to the Visiting Justice.
6678. But it was evidently not till after this that he was brought up, because he got 48 hours dark cells, and his punishment was on the 4th August, four or five days afterwards? It may have been for that; I do not recollect now what it was for.
6679. The charge was heard on the 2nd August; he is charged with making a false and malicious charge against the gaoler; the report of the Comptroller General is produced by you on that occasion as the ground of the charge, so that you must be mistaken as to his report to the Comptroller General not being the cause of the charge? Yes, sir. (*Depositions and reports read.*)
6680. I suppose you have nothing to add to the statements you made on oath in the depositions now before us in regard to that matter? No, sir.
6681. And you say that you never heard that the case had been before the Colonial Secretary? I never heard, sir.
6682. Is that the last time that you and Farrelly were in a collision of any kind? I believe it was, sir.
6683. *Mr. Oatley.*] Was it the only time? I think it was; I never had much trouble with the man.

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6684. Has the Rev. Father M'Guinn made any complaint to you with reference to any of the prisoners? Never.
6685. Not on any occasion? No, I have no recollection of anything; and it would certainly have come to me if it had.
6686. There is a man named James M'Grath. He states that he complained of you to the chaplain, Father M'Guinn, and he says, "He told me that it was useless to make complaints. That he had complained to the Magistrate himself about a man who was ill-used to such an extent that he was left for dead, and had to be carried to the hospital, and that the Magistrate took the gaoler's part. Small said, 'If I had had my revolver in my hand I would have shot him, because he lifted his hand to me'; and the Magistrate said, 'You would be quite justified, Mr. Small.'" Did Father M'Guinn make any complaint about that at all? No, sir. I have no recollection of Father M'Guinn ever making any complaint.
6687. *Mr. Voss.*] During the years 1868–9 did Mr. Herbert ever report to you a case of very severe gagging, and of the man being then placed between the dark cell doors? On my oath, sir, I never heard it.
6688. Well, Herbert states that there were several others there;—did anybody else report it to you? I never heard of it until now.
6689. Warder Hill being the principal? I could understand him doing anything, but I cannot understand how it could be done without my knowledge.
6690. *Mr. Oatley.*] If you were not there it could? But I think it would come to my knowledge afterwards. Hill was a very bad man; he would do anything.
6691. *Mr. Voss.*] I should like to hear your description of the occurrence that took place about two months ago, when Cunningham was dragged to your office? It occurred on several occasions. When the prisoner found fault with the chief warder, you mean. I was in Sydney at the time.
6692. You have seen him brought across yourself? I have.
6693. What was the cause in your opinion? He was charged with mutinous conduct and attempting to strike a warder. When the warders went to his cell they had to lift him. He would stretch his legs out stiff, and they would have to partly carry and partly drag him, his heels or his toes dragging—I am not sure whether they dragged him back up or face up—and take him that way to the office, and lay him down on the floor. He declined to answer any questions. The Magistrate said to him, "You are not like a human being at all; why don't you speak?" and he said, "There's a pair of us you b——r." Another day I was compelled to strike him. He clenched his fist and ran at Mr. Wilshire to strike him, and I reached over the table and struck him on the ear. I think I came to Sydney the next day, and I reported it verbally to the Comptroller.
6694. Did he not walk because he was unable to? No; he would walk to the bath, and he would generally come out with me when I would go to him.
6695. What do you understand by the term spread-eagling? Handcuffing a man this way, with his arms extended, from one ring-bolt to another.
6696. Did you ever know an instance in Berrima Gaol of a man being spread-eagled—that is, being triced up by his wrists, with his feet not quite resting on the ground? As I sit here before my God I never did, nor ever heard of it.
6697. *Mr. Oatley.*] Will you swear that no man has been spread-eagled, with his hands behind his back, to one ring-bolt? I will not swear that that has not been done since the mutiny; but I do not think it has.
6698. *Chairman.*] Has there been any case of spread-eagling since the mutiny? I do not think so; I have no recollection of it.
6699. We noticed some ring-bolts close to the ground in some of the cells. Do you know what they were intended for? I do not know. They were there when Berrima used to be an Assize town. I think those were the condemned cells.
6700. *Mr. Voss.*] There is No. 28 cell where there are two ring-bolts low down? I know the cell you mean. There is a high one in the same cell; but those ring-bolts were never used.
6701. Did you ever have any ring-bolts put in any of the cells? Never.
6702. Were all the ring-bolts in the cells before you took charge? They were.
6703. Then it is not true, as stated by one of the witnesses, that "Small had a big ring-bolt put into Cummings' cell, and they used to bring ropes to tie him?" There never was a ring-bolt put into a cell since I have been there.
6704. Then it is not true that you tied Cummings to a ring-bolt that you had put in? No, he was never on a ring-bolt at all.
6705. *Mr. Oatley.*] Has there been any alteration in the treatment of Cunningham since the Commission was at Berrima? Yes, sir.
6706. And has that been beneficial? I do not know about being beneficial; it was through his improved conduct that his treatment was altered; he is conducting himself well, and it was through that I got his treatment altered.
6707. What has been the alteration? He is passed from the cell in the morning over to the special yards; there he has full rations, tea, sugar, and tobacco, the same as in ordinary treatment, and he does more work than any man in the yards, which he has not done for twelve or eighteen months. I have reported his improvement weekly to the Comptroller.
6708. What was the reason of that change? I went into his cell one day and said to him, "I am very glad to see you are going on so well." I said, "What is the use of running your head against a stone wall; why not take work like the other prisoners, and get out of this treatment, it is killing you; wouldn't you rather be in the special yards?" "Yes, sir, I would," he said. Before this you had a job to get him to speak at all. I wrote to the Comptroller recommending that he should go into special treatment, as a step towards ordinary treatment, because I do not think it is safe for him to be put in ordinary treatment at present.
6709. Is he not with other prisoners? No, but he can see them and talk to them through the railing.
6710. Did you receive any communication from the Comptroller General before you wrote to him? We were continually writing.
6711. But since the Commission was there? I do not recollect.
6712. *Chairman.*] Have you not been made aware that the Commission made a special recommendation in the case of Cunningham? I have not, sir; I got a letter from the Comptroller asking me to report upon his conduct every week.

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6713. Since the Commission was at Berrima? Yes.
6714. *Mr. Voss.*] What class of prisoners go to Berrima? Every prisoner receiving a sentence of three years or upwards come to me to do the first nine months—that is, from the time of his sentence; and incorrigibles, men that they can do nothing with in other gaols are sent to me for coercion, and I have to report on them in six months' time. In fact they are reported on every month, but I have to report specially just previous to their finishing six months.
6715. Then refractory and turbulent prisoners in other gaols are sent to Berrima Gaol? Yes, sir.
6716. A great many prisoners in their evidence before us have complained that they did not know that they had a right to complain to the Visiting Justice and the Visiting Surgeon, and so on; what I want to know is, how are prisoners who go to Berrima for the first time made acquainted with the regulations as touching the making of complaints and writing to the Comptroller General and the Colonial Secretary? A warder goes round the cells every morning to ask the men if they want to see the gaoler or the doctor, or the Visiting Justice. Some men may want to see the doctor, some the gaoler, and some the Visiting Justice.
6717. Is this made known to them when they enter the gaol? Undoubtedly; the chief warder reads the regulations to them right throughout, and then they are brought to me, and I explain the regulations to them, and ask them to go on all right. I give them every opportunity I possibly can, and tell them what they have to do, and how to act, in order that they may pass their time quietly and well.
6718. During the period of Fordyce's imprisonment, what character did he bear? I think he was once brought before the Visiting Justice for a squabble with a prisoner—a bit of a fight—and I think the Visiting Justice made a note that it was not to be brought against him because he was not in fault; the other prisoner struck him first. I think I had him twelve years, and he was only brought up that once.
6719. What was his character otherwise? Very good indeed; he was very willing, and we never had a fault to find with him, except on one occasion.
6720. *Mr. Oatley.*] So much so that you made a wardsman of him? He was a sort of assistant; he used to take the meals to the prisoners.
6721. *Mr. Voss.*] You do not know of any complaints made against you as gaoler by any of the late chaplains? No, sir; they have always spoken to me very highly about the management of the gaol.
6722. *Mr. Pinhey.*] One of the regulations is that the surgeon shall visit the men in separate treatment daily;—is that carried out to the letter? He comes every day, but he does not visit all the men every day. The warder goes round and asks who wants to see the doctor.
6723. How often does the doctor go round? This doctor would not do it once a month; but since the Commission has been up he has gone about once a week.
6724. *Mr. Voss.*] What is your impression about the effect of separate treatment on prisoners generally? My opinion is that it has worked wonders. I do not think anybody is as capable of knowing as I am, and I assure you it has worked wonders.
6725. *Chairman.*] In what direction? In a reformatory way. The only thing is, as I mentioned to Lord Belmore when he visited the gaol, that the good done there is destroyed in Parramatta. Instead of giving men five years for cattle-stealing I would give them eighteen months, and never let them see anybody else. They would never come back to gaol again.
6726. Would you keep them in separate treatment all the time? No; in separate and special treatment. I would have some way of classification; but with eighteen months' sentence I would give twelve months separate and more exercise.
6727. *Mr. Oatley.*] Do not you think it would be better to have part of the separate treatment at the beginning of the sentence and part at the end? No; not if you allow them to associate with other prisoners in the meantime. I believe some men who have gone away would never have come back if they had been discharged after their nine months; but after mixing with the prisoners in Parramatta they are regular rascals. There is another thing in reference to garroters. Instead of sentencing a man to twenty-five lashes I would give him seventy-five, and let him have twenty-five at the beginning of his sentence, twenty-five in the middle, and twenty-five about a week before the end. Then he would remember it after he had left the gaol.
6728. *Chairman.*] I thought you said you were opposed to flogging? So I am, sir; unless it is in the case of garroters. I think the Comptroller can say that I have begged him to keep flogging out of the gaol; but I think I could stand by and see a garroter flogged. I could not stand by to see Cunningham when he was flogged a few weeks ago. I took him over to the place, and then left.
6729. What age are you, Mr. Small? Fifty-four.
6730. And you have been fifteen or sixteen years in the Government service? Sixteen years.
6731. Have you ever had a charge of any kind brought against you? No, sir.
6732. Of no kind? No, sir; never in my life.
6733. Have you ever been dismissed from any situation you held? I never held any situation until I got into the gaol service. I had a law suit, and lost it; then I had to take a situation. I had a little money, and I thought I was right, and I would not have called the Queen my aunt; but I lost it, and I had to take a situation.
6734. Is a gaoler's life a happy one? No, sir, it is a wretched one. I have often been sorry that I have undertaken it, but I have spent the best part of my life in the service, and I have my wife and children to look after.
6735. What is your salary? £200 a year is mine, and £42 that of my wife: and it is just bread and butter, I assure you; I have to watch every shilling as it goes.
6736. What allowances do you receive? Fuel and light.
6737. *Mr. Pinhey.*] Have you received that all the time? No; when it was an invalid establishment I had £150; it was a smaller gaol, and there were only eight warders there then.
6738. *Chairman.*] How many warders have you now? Fifteen warders, and a chief and a senior warder.
6739. How many prisoners? From 86 to 110.
6740. What is the maximum number for which you have accommodation? 110.
6741. Is it frequently full? Frequently; sometimes over-full. They come to me so quickly that I have to associate in one cell two or three men who are near their time to go out. I have had 115 or 116 in at one time.
6742. *Mr. Oatley.*] What has been the conduct of the prisoners since the Commission was at Berrima—

better

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better or worse? I think it has been better; they are going on very well; I do not think there has been a man punished since you have been there.
6743. Does the doctor attend now when you receive prisoners, to inspect them when they come into the gaol? If he is present he does, but if not he waits until the next morning.

Ghiblin Everett, Chief Warder, Berrima Gaol, called in, sworn, and examined:—

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6744. *Chairman.*] What is your name? Ghiblin Everett.
6745. What are you? Chief warder in Berrima Gaol.
6746. How long have you held that position? Since the 15th March, 1869.
6747. How long have you been a warder? Since the 19th September, 1863.
6748. And how long have you been at Berrima? Ever since then.
6749. Then was that your first appointment? Yes, sir.
6750. And you have been at Berrima all the time? Yes, sir.
6751. What age are you? I am 46.
6752. What positions did you hold before your appointment as warder? I was a builder by business, but I had also been in the gaol service in England, in the county I came from, Cornwall, in the Sheriff's department.
6753. Have you known many instances of complaints on the part of prisoners of ill usage received by them at the hands of Mr. Small? I have heard of several during the time I have been there; they have been generally reported to the Comptroller. Farrelly's case was reported to the Colonial Secretary; I gave evidence on the case at the time.
6754. Are you sure it was reported to the Colonial Secretary? Yes, sir.
6755. Did the Colonial Secretary investigate the matter? Only by writing; he sent his reply to the prisoner; I never saw it.
6756. Who told you that any reply had come? The prisoner himself.
6757. Can you say how many complaints have been made? No, sir, I could not say.
6758. Can you say whether there are scores or not? There might be half a dozen or more to my knowledge since I have been chief warder, but I do not think there have been.
6759. And you say they have been reported to the Comptroller General and investigated? I believe so, sir.
6760. Did you give evidence in any other case than that of Farrelly? No, sir; there was a case about Cummings in which I was alluded to, but I did not give evidence.
6761. When was that? I think it was when I was senior warder.
6762. That would be before 1869? Yes.
6763. Do you remember the year? Somewhere about 1867—I would not be sure.
6764. Do you know a man of the name of Thomas Gleeson? Yes, Gleeson *alias* M'Auley.
6765. What character of man was he while he was at Berrima? He had a very bad name in other gaols, but he conducted himself very well in Berrima, with the exception of slight offences such as talking; I think he was once punished for talking.
6766. But he has been sent to your gaol from other gaols with a bad character? He has been there once or twice.
6767. Do you remember one occasion, about March, 1871, when he was charged with talking in his cell. He says that you were there, and that you took him out of his cell in company with a warder of the name of Kelly. Do you remember that circumstance? I never had occasion to take him out, because when a man is talking he is reported and brought before a magistrate.
6768. But about this particular time was there any warder with a bayonet? No, sir; I never took him out in my life with a warder having a bayonet.
6769. Was there any time, day or night? The warder called me to him one night when he was talking, and I spoke to him about it, but he was never taken out of his cell.
6770. I want, if I can, before I tell you what he has sworn, to recall the occurrence to your recollection, if possible? No, sir; I have no recollection of it.
6771. I will read you what he says [*Questions* 124 *and* 125 *of Gleeson's evidence read*]? There never was such an occurrence in the gaol.
6772. Do you think Gleeson is a man who would tell an untruth? He goes by the name of "Tom, the liar," and "Tom, the fool," in gaol.
6773. *Mr. Oatley.*] Do you think he is both? I do, sir.
6774. *Chairman.*] Is there any truth whatever in his statement? There was never such an occurrence happened in the gaol since I have been there; and as for striking a man I never did so in my life. He had a habit, when going into his cell, of calling out as if some one was striking him, though no one was near him; he has been punished several times for it. You must be aware that I am the person who has mostly charged him with this offence in Berrima—talking.
6775. *Mr. Voss.*] Was he much given to that—talking? That was chiefly his offence.
6776. And you have had occasion to bring him up, principally? In nearly all cases.
6777. *Chairman.*] Did you ever know of men not being allowed out of their cells for the purposes of nature—to make water? No, sir; I go round every day, and I never have heard of such a complaint while I have been in the gaol.
6778. A great number of the men have sworn that, systematically, when they have rung their bell, it has never been attended to, and that they have had to make water through the cracks in their cells? It is false; they would very soon make a complaint to me if the officer had neglected his duty.
6779. Not one, but more than a dozen men have sworn that this used to go on systematically? There has never been a report made to me.
6780. And you speak of the whole time you have been there? Yes, as senior and as chief warder. We have had men who did it out of villainy; we had a man who committed a nuisance out of villainy, but he was punished for it.
6781. Who was that? Lagan.
6782. The "Derwent Nugget"? Yes, sir.

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6783. Were you at Berrima at the time of the two mutinies? I was not there when they fastened themselves in the mess-room; I was there when they broke the cell doors.
6784. In the mutiny which lasted some days? Yes.
6785. Was Michael Slattery there then? Yes.
6786. Was he engaged in that mutiny? He was; I think there were ten of them.
6787. Did he take a prominent part? Yes, as regards shouting. I know he worked his handcuffs off by grinding them on the floor, and then threw them out of the cell window.
6788. How long did that mutiny continue? I think they were pretty quiet the second day; we had to gag them the first night.
6789. How many? Six or seven.
6790. Do you know who they were? There were Slattery, Richardson, and Tomlins, *alias* Smith, who was shot in the Bargo affair. One man broke through the door; that was Hindmarsh. I helped to gag five or six. They used a straight bar then, not the present gag.
6791. Can you say whether any greater force was resorted to than was necessary on that occasion? No, sir; there was not. There was no brutality, such as striking a man; they were only handcuffed and gagged.
6792. Do you know at all whether Slattery broke any irons? I do not recollect Slattery doing it; Richardson broke his in the middle on the floor, and Slattery ground his handcuffs in two.
6793. Do you know whether any particular kind of irons were put on Slattery? I could not say how many had straight bars put on; Lee had, I know.
6794. Did you see any man spread-eagled? Not at that time; there was a man shortly afterwards that I saw spread-eagled—Matthew Britten.
6795. What is the operation? He was put across the cell, the same as you saw when you were up there. At that time they had bed-boards with legs to them, and tubs, and the prisoners broke them up and smashed the doors with them.
6796. *Mr. Oatley.*] Was the man who was spread-eagled gagged at the same time? No, sir.
6797. *Chairman.*] Is he the only man you have ever seen spread-eagled? He is the only man I ever assisted to spread-eagle, and the only man I ever saw spread-eagled.
6798. Did you ever see Slattery fastened up to any ring-bolts? I saw him fastened up on one occasion when he ran to the wood heap and got an axe. He was handcuffed with his face to the wall to keep him from injuring himself, because he was running the length of his cell and beating his head against the wall.
6799. *Mr. Oatley.*] That was to one ring-bolt? Yes; he raised a large lump on his head by the first blow, and it was done to him out of kindness to keep him from butting his head.
6800. *Chairman.*] But he could butt his head then? Yes, but he had not the force of running then.
6801. *Mr. Voss.*] Do you recollect his being fastened to a ring-bolt with bar irons on? No, sir.
6802. *Chairman.*] You say you assisted to gag Slattery? Yes, sir.
6803. How long was the gag kept in? Not more than 20 minutes; I never knew it to be kept in longer.
6804. How often have you known Slattery to be gagged? Only twice.
6805. When was the second occasion? When he ran for the axe at the wood heap.
6806. Was that shortly after the mutiny? No; that was after the Bargo affair.
6807. And on both occasions do you say that the gag was kept in for about 20 minutes? I never knew it to be kept in longer.
6808. While he had the gag in his mouth would there be anybody watching him? No; he would be left.
6809. How would he be handcuffed? With his hands behind his back.
6810. Any leg-irons on? No, sir.
6811. *Mr. Oatley.*] Did Mr. Small know that he was triced up to this ring? He was there, and ordered it to be done; I never gagged a man, nor triced him up on my own responsibility since I have been in the gaol.
6812. *Chairman.*] Slattery says he was kept with the gag in his mouth, his hands fastened behind his back to the ring-bolt, and his legs in bar irons 15 or 18 inches apart, for four hours? It is a falsehood, sir.
6813. Did you ever know or hear of his being treated in that way? Never, sir.
6814. *Mr. Voss.*] Did you say you saw two gaggings? Yes; one was in '63, and the other on the occasion of his running to the wood heap; once with the present kind of gag, and once with the straight gag.
6815. *Chairman.*] What was Slattery's general conduct in prison? Very wild; he was better last time than previously.
6816. Do you think he is a reformed character now? I have heard that he has a good character from Parramatta and Darlinghurst.
6817. *Mr. Voss.*] Did you ever see Mr. Small assault this man Slattery? No; I did not, sir; I was not there when he ran for the axe; I went to assist when they were putting him into the cell; the senior warder and the gaoler were with him, and he bolted away from them when they were bringing him round.
6818. Do you recollect his striking Clemens in the yard? I heard of it; I did not see it.
6819. He says you were present. He says that in consequence of that, "Small came up and got me by the neck and the seat of my trousers, pitched my head against the wall, and threw me down as if I had been an infant"? I know nothing about that.
6820. *Chairman.*] He says that Warders Colvin, O'Connor, Flanagan, and the chief warder, Mr. Everett, saw it? No, sir; I never saw it; I believe it was a prisoner who ran to the warder's assistance; I heard of it, but I never saw it.
6821. I want to ask you about Joseph Holloway O'Neil;—did you know him? Yes; he has not long since gone down.
6822. What was his character? He was a regular schemer.
6823. How do you mean? I found him out in scheming—he was malingering—and I charged him, but as the doctor did not press the case he was discharged. He used to take lime from the wall of his cell and rub it into his eyes to make his eyes bad, and I ordered the warder to be particular and have the kid scrubbed clean, and to see that clean water was put in it; and next morning there was fully ⅛ of an inch of lime in it. The doctor sent him some eye-water, but I changed it and gave him some pure water instead, and he said it was too strong for his eyes.

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6824. Where did he get the lime? Off the wall of his cell; I charged him with this.
6825. Did he have any fits? The doctor said they were all shamming fits.
6826. Did you ever see him in any violent fits? I saw him struggling once a little, but it was only for a few minutes.
6827. Did you think yourself that he was in a fit? No, sir.
6828. Do you think he was pretending all the time? I do, sir.
6829. Did you ever threaten to knock his brains out if he did not get up at once? No, sir. He shammed to hang himself on one occasion; he tied his hands to his legs; and he had some listing round his neck and tied under the table, but it would not hold a cat up.
6830. Do you know whether his Bible and Prayer-book were taken from him? They were certainly never taken away.
6831. Did you yourself never take them away? No, sir; I have taken his library books when he has been locked up.
6832. Have you ever seen Mr. Small assault him in any way? No, sir; I am sure of it.
6833. Did he ever wear any particular kind of hat? The doctor ordered him some sort of cap, because he said he knocked himself about in his cell at night.
6834. Was it padded? Yes.
6835. Did you ever see Mr. Small pull that off his head? No, sir.
6836. Or knock his head against the wall? No, sir; I never saw him do anything of the kind.
6837. This is what he swears [*Joseph Holloway O'Neil's evidence, question* 1024, *read*]? It is a falsehood; I never put a hand on him; all I did was to undo his fastenings.
6838. He says you sent for Small, who called him a b—— scoundrel, and pulled off his hat. Is there any truth in that? No, sir; I never sent for Mr. Small at all; I told him to get up and make his bed, as I knew he was shamming.
6839. Did you ever prevent him from putting his name down to see the doctor or the Visiting Justice? No, sir.
6840. Have you ever prevented any prisoner from doing that? No, sir.
6841. Have you ever known any officer to do that? I do not think any man would do it unless from forgetfulness; it would not be done wilfully. They naturally conclude if the Visiting Justice does not come—he being perhaps out of town—that their names have not been put down.
6842. *Mr. Voss.*] Did you ever see Edward Callaghan gagged? Never, sir.
6843. Have you ever seen him handcuffed to the ring-bolts in opposite corners of the cell, and gagged at the same time? Never, sir.
6844. He says that there were warders present, but he does not know their names;—did you see that? No, sir.
6845. Did you ever know him to be gagged? No, I never heard of it; in fact, I know he never has been; he has never committed himself to bring himself under it.
6846. *Mr. Pinhey.*] Do you go round with the Visiting Justice? Generally speaking, I do.
6847. Were you round with him more than once; and, if so, how frequently when he visited O'Neill? Yes, several times.
6848. You say you were in the habit of going round with the Visiting Justice frequently? Yes, sir.
6849. Were you in the habit of going round with the gaoler? Very seldom.
6850. At any time, when you were round with the gaoler, do you remember his alluding to any prisoner's past career, or doing what may be termed showing him up? No, sir; I have never been round with the gaoler unless when the Comptroller General was there, or any Minister of the Crown who might require information from me on any point.
6851. *Chairman.*] Did you ever see Callaghan dragged down any flight of steps by Mr. Small or the warders? I saw him taken by the collar, and brought down.
6852. Did you see him dragged down by his legs, his body bumping from step to step? No, sir; Mr. Small had him by the back of his collar, and was leading him down.
6853. But not dragging him down with his body on the ground, either sitting or lying, and his head bumping, or any part of him bumping? No, sir.
6854. Have you ever made use of insulting language to Callaghan? No sir; I never had occasion.
6855. He says that on one occasion, when he asked you to send for the priest, you called him a flash larrikin? He asked me once to send for the priest, and I sent for him. At that time the senior warder had charge of him.
6856. Do you remember the case of a prisoner named John Finnerty? Yes, sir.
6857. Did you ever see Mr. Small ill-use him in any way? No, sir; he was brought down in a similar way to Callaghan for some offence—I think it was talking—but he was not ill-used, far from it.
6858. Do you remember a prisoner named George Richard Preston? Yes, sir. There were two Prestons in the gaol; George Preston was the younger.
6859. Did he make any complaint at any time of your having misconducted yourself towards him? No, sir, not that I am aware of. I charged him once or twice for talking.
6860. Do you remember his complaints about the bread not being good? No, sir.
6861. Was there a warder named Peabody? No, sir, there was a warder named Freebody.
6862. I suppose that is the man he means. In his presence did he ever complain to you about his bread? Not that I remember, sir.
6863. He says that on one occasion he complained about his bread being underdone and sour, and that the chief warder taking it up actually wiped his nose with it. Is there any truth in that statement? No, sir; it is a falsehood.
6864. Do the men complain of the rations? Sometimes; and when they do I bring it under the notice of the doctor at once. If a delegate complains I send for the gaoler.
6865. Is the matter rectified then? Yes, as far as it can be done.
6866. Are the rations supplied to the men tolerably good? Yes, they are tolerably good.
6867. Is the bread equal to that used by labourers and others outside the gaol? Yes, sir, it is made of seconds flour.
6868. *Mr. Pinhey.*] You remember the time when the Commission was at Berrima? Yes, sir.
6869. Was the bread we saw there a fair sample of the bread generally issued? Yes, sir; it is even

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better now than it was then; we have another baker, and the bread is of better quality than it was then.
6870. Looking at the matter in the aggregate, are the complaints which these men make of their provisions generally sustained? No, sir; in three or four cases where they have complained of their hominy the doctor has tasted it, and proved it to be good. We have had a Board on the rations on several occasions, and they have said it was too good.
6871. *Chairman.*] Do you think the complaints of the prisoners receive fair consideration, or do you think that because they are prisoners they are anxious to make grievances where none exist? Well, I will give you a very good idea of what it is: Most of the complaints are made by prisoners who have been in gaol before; a new chum, as we call him, scarcely ever makes a complaint. That will give you an idea of the grounds of their complaints.
6872. But do the complaints receive fair consideration? I think so, sir.
6873. And it is not the case that because the men are old prisoners, their complaints receive no consideration? No, sir; for myself I treat an old hand as well as a new one, if he behaves himself.
6874. *Mr. Pinhey.*] Of whom are the Boards composed? The officials take two, and the contractors take two, outside men.
6875. *Mr. Oatley.*] And what voice have the men in it? None, sir.
6876. *Chairman.*] Does the gaoler in any way derive any benefit from insufficient or inferior rations being provided? Not that I am aware of, sir.
6877. I suppose it would be a great offence on his part if it were shown that he was in collusion with the contractor, and deprived the men of anything they were entitled to? I should say that it would.
6878. Have you ever known any such charge as that to be brought against Mr. Small—that he was in collusion with the contractor, and deriving any benefit from conniving at the contractor supplying inferior or insufficient rations? I have never known of any such charge being brought against him.
6879. Do you remember a prisoner named John Coghlan? Yes, Coghlan alias Mackay; his first conviction was under the name of Thomas Mackay; he went through Berrima as a boy, on escort, under the name of Coghlan, to Darlinghurst, but when he came to do his treatment he was under the name of Mackay.
6880. Have you ever seen him ill-used? No sir; nor heard of it—only that he was gagged on one occasion.
6881. When was that? Somewhere about 1867 or 1868.
6882. Were you present? Yes, sir; he and Bragg were gagged at the one time.
6883. How long was the gag kept in his mouth? About 20 minutes; I took it out myself; I had orders to keep it in that time.
6884. Did he nod his head to have it taken out? He did, sir.
6885. Who put the gag in his mouth? The gaoler and the chief warder there then, James Hill.
6886. Was any violence used? No, sir; he was very young at that time; it was on a Sunday morning—I recollect the circumstances as if it were yesterday.
6887. Did Small strike the gag while it was in his mouth? I did not see him, sir.
6888. Could he have done it without your seeing it? I do not think so.
6889. *Mr. Oatley.*] Was there a light? Yes, we never go without a light.
6890. *Chairman.*] You were then senior warder? Yes, sir.
6891. He swears that Small struck the gag violently, sufficient to knock him down? To give you some idea of it, the gag was not properly in, and he was shouting worse than ever, and I replaced it.
6892. But it might have been struck for all that. Could Small have struck it without your knowledge? No, sir.
6893. Was Coghlan making use of bad language? Yes, sir, very filthy language indeed.
6894. If he says that the gag was kept in his mouth for three hours is that true? It is quite untrue; I had orders to keep it in 20 minutes, and at the end of that time I took it out. I am as sure of that as I am of sitting here; and that is the only time I recollect his being gagged in Berrima.
6895. *Mr. Voss.*] Was it for talking? It was for shouting and making use of filthy language.
6896. What year was that in? About the latter part of 1867, or the beginning of 1868; Coghlan and Bragg were sent from Parramatta for coercion. I think they were in adjoining cells, and they were using this disgusting and beastly language on Sunday morning.
6897. Obscene language? Yes, sir; very filthy, beastly language.
6898. *Chairman.*] How old was he then? He was a boy then. A warder who had just come up from Parramatta remarked next morning that was the first time he had heard that youngster say "sir" in his life.
6899. Did you see Bragg gagged? Yes; they were gagged at the same time.
6900. Did Small strike Bragg at all? No, sir; he had no occasion; they never resisted.
6901. How often was Bragg gagged? I think he was gagged once afterwards for making a noise.
6902. Did you see him gagged the second time? No, sir.
6903. Then why do you think so? I heard of it. A good many of the gagging cases took place in the office, and I was not there.
6904. How many cases of gagging have you yourself seen since the mutiny at the end of 1864? I might have seen seven or eight cases altogether. I know Shultz was gagged more than once.
6905. But how many different prisoners have you seen gagged? There were Coghlan, Shultz, Bragg, Cunningham, Slattery, and Giltinan.
6906. Do you know a man named Faulkner or Ross? Yes, I know Ross; he has three or four aliases.
6907. Have you ever seen him gagged? No, sir.
6908. Are you quite sure? Yes, sir.
6909. Have you ever seen Lee gagged? No, sir; except in the mutiny.
6910. Do you know James M'Grath? Yes, sir; he made a complaint that he had been gagged by Hill, and his tooth knocked out.
6911. Did he mention Small as being present? Yes, he said Small was there.
6912. When was it that he complained to you about being gagged? Shortly afterwards.
6913. Do you know that he was gagged? Only by hearsay.
6914. When was it? About 1868, I think.
6915. What did he say? He said the gaoler and the chief warder gagged him, and knocked his front tooth out.
6916. Could you see then that he had had any tooth recently out? No, sir, and I told him so.
6917. What did he say then? He pointed to the tooth that he said had been knocked out.
6918. How long had he been there before he made this complaint? A good many months. 6919.

6919. And when he told you that he had been gagged, how long did he say it had happened? Three or four days. G. Everett. 29 Aug., 1878.
6920. Up to these three or four days did you notice that he had any teeth missing? I remarked that he had teeth missing when he came from Parramatta.
6921. Did you notice that any more teeth were missing after this complaint? No, sir, and I told him of it; and he pointed to where he said one was knocked out.
6922. Did you believe what he told you about his having been gagged? I could not contradict him.
6923. But did you believe it? He has been in gaol so many times that you scarcely know when to believe him.
6924. But I want to know did you believe him? I did not know what to believe.
6925. Did you ever speak to Hill about it? No, sir.
6926. Did you ever speak to Mr. Small about it? No, sir.
6927. Did he complain of having been gagged without cause, or did he admit that he deserved it? He spoke to me in a casual way about it.
6928. Where were you speaking to him? In his cell.
6929. What took you into his cell? I go round the cells every day to examine them.
6930. *Mr. Oatley.*] Did any other prisoner tell you the man had been gagged? No, sir.
6931. What was Shultz's offence? Forgery.
6932. Was he a badly-behaved prisoner? Frightfully, sir; making use of bad language and shouting more like a maniac than a sane man.
6933. *Mr. Voss.*] Have you ever seen the gag put in for anything else than bad language? There was on one occasion a man named Hornby. The gaoler accused him of grinning at me as he was brought to the office, and they had some words in the office, and he was gagged.
6934. *Chairman.*] Were you present when he was gagged? Yes, sir.
6935. What were the circumstances? He said he was not laughing at me, and the gaoler said he knew better. He stuck out that he was not doing so, and the gaoler said he was sure he was, and that he was insolent, and he said he would gag him if he persisted in saying it.
6936. Did he go on persisting in saying "I did not, I did not," or did he call Mr. Small a liar? No, he simply persisted in saying that he did not do it.
6937. But I understand the reason a man is gagged is for using obscene and violent language, not because he simply persists in answering back? That is the only case in which I have seen a man gagged, except for shouting.
6938. And you think the gag was used unnecessarily? I do think so, conscientiously speaking. It was the time when he was charged with taking a piece of cake out of my quarters.
6939. Who were present? Myself and Mr. Wilshire.
6940. Did Mr. Wilshire see it? Yes, sir.
6941. Did he not remonstrate against Hornby's being gagged? No, sir.
6942. Did he not say, "For God's sake do not do that to the man"? No, sir. The man was not punished for the offence he was charged with.
6943. What did Mr. Small do? He put the gag in his mouth, and held it back with his hand for a few minutes.
6944. Not strapped? No, sir.
6945. Then he had all the talk to himself? Yes, sir.
6946. What year was that in? 1875 I think, sir.
6947. Only the other day, comparatively? Yes, sir.
6948. *Mr. Pinhey.*] Did that transpire in the Court, with Mr. Wilshire sitting as Magistrate? Yes.
6949. And Mr. Wilshire apparently approved of what Mr. Small did? He made no comment at the time.
6950. *Chairman.*] How long was the gag in Hornby's mouth? Only a few minutes.
6951. How long was it in Bragg's? 20 minutes.
6952. What is the longest time the gag was in Shultz's mouth? Not more than 10 minutes.
6953. And in Coghlan's mouth 20 minutes? Yes, sir.
6954. And in Slattery's mouth 20 minutes? Yes, sir; I never knew a prisoner to be gagged longer than that.
6955. *Mr. Pinhey.*] You say you took the gag out of Coghlan's mouth yourself? Yes, sir.
6956. Is it a fact that some of his teeth were loose? No, sir, that is untrue.
6957. When did you hear of Bragg being gagged a second time? I heard a warder on the post speak of his being gagged for some insolence to the gaoler in the yard.
6958. Did you hear whether the gag was in his mouth more than once the same day? No.
6959. Was the gag put in more than once on the day you saw him gagged? No, sir.
6960. *Chairman.*] Is there any other case that you can remember? That is all I can remember.
6961. Did you ever see Cummings gagged? No, sir; I did not see it; I heard of it. There was a report about that at the time.
6962. *Mr. Oatley.*] How many men have you seen triced up to the ring-bolts? Matthew Britten was spread-eagled, and Slattery was triced up by the handcuffs.
6963. *Mr. Voss.*] Are you sure you are not making a mistake when you make use of the name Coghlan instead of Callaghan. You speak of Bragg being gagged on a Sunday morning; either you or Bragg must be making a mistake; he says it was Callaghan? That is a mistake; Bragg must have been misunderstood, and when he is made to speak of Callaghan he must mean Coghlan.
6964. *Mr. Pinhey.*] When Coghlan came out of the dark cell do you remember anything occurring between the gaoler and him in your presence, when a spoon was threatened to be used as a gag? No, sir.
6965. *Chairman.*] Coghlan says this, "When I came out of the dark cell I was placed in separate treatment, and I committed myself again; the gaoler came and said, 'You have been at your tricks again'; he told me to put a spoon in my mouth, and said he would gag me with that; I told him I thought the proper course was to bring me before the Visiting Justice; he went away, and came back again with Mr. Everett and three other warders, and I was beaten in my cell, and dragged from that cell to a dark cell." Is that true? No, sir; I never laid hands, nor saw anyone else lay hands, on the young fellow in my life, and I have locked him up more than anyone else in the place.
6966. What kind of a character was he? Very bad indeed, sir.
6967. In what way did he show his badness? In giving insolence and talking; those were chiefly the

G. Everett. charges against him. He came up with a bad character from Darlinghurst and Parramatta; but he was quite altered for the better when he left Berrima.

29 Aug., 1878. 6968. Have you ever heard Mr. Small make use of bad language to the prisoners? I have.

6969. *Mr. Oatley.*] Calling them scoundrels and damned blackguards? Yes, sir, similar language to that.

6970. *Chairman.*] Is that proper language for a gaoler to use? Mr. Small is a man of very excitable temperament.

6971. Do you think it wounds the feelings of the prisoners? I dare say it does; some are more sensitive than others. I have never used any language to irritate a prisoner; I never lose my temper with them.

6972. Do you know a man named Brady there? Yes, sir.

6973. Did you ever know Mr. Small to abuse him? No, sir.

6974. He says that on a Sunday, in your presence, he was brought over to the office about a Bible, that the gaoler called him names, and went on at him awfully in the presence of the chief warder, and got a gag, and was going to gag him? No, sir; he was never threatened with anything of the sort. At the time I accused him I found the very articles in his possession, but he denied it to the last. When he was brought up on a second charge he would say—"I was guilty on the first charge, but I am innocent of this," though he had said he was innocent of the first.

6975. *Mr. Pinhey.*] You remember Shultz? Yes.

6976. Had he a seton in his neck, or was he blistered? He was blistered.

6977. We have evidence that you were guilty of twisting his arm? I do not know about that; we have often had to put the straight jacket on them.

6978. Do you mean to say you used no unnecessary violence? Yes, sir.

6979. *Chairman.*] Brady made a complaint about the scales on which the tobacco was weighed out;—are they large scales? Not particularly large.

6980. Do you remember the scales being produced before the Commission? Yes.

6981. Are those the scales on which the tobacco is weighed? Yes, sir.

6982. An ounce and a half of tobacco? Yes, sir.

6983. The scales were shown to be against the men by the weight of a sovereign? I received 2 ounces over the weight that day, and I was ½ an ounce short in weighing it out.

6984. Out of how much? 2 lbs. 10 ozs.

6985. That is I suppose because there are so many drafts? Yes, sir.

6986. The scales you see were wrong when they were shown to us? I have adjusted the scales every time I have weighed with them.

6987. *Mr. Oatley.*] They are too large for weighing 1½ oz. of tobacco? Well, I have got the small office scales lately, and I am behind in the weight just the same. When you have to weigh twenty-eight men's shares out of 2 lbs. 10 ozs. it is almost impossible to make it go; I have sometimes had to make it up myself.

6988. *Chairman.*] Do you know a prisoner named Alfred George Davies? Yes, sir.

6989. Have you ever seen him ill-treated in any way? No, sir.

6990. What is his character? He is a very excitable man. I accused him of trying to excite the prisoners over Cunningham's case, and he got four days in the dark cells. I think his motive was to excite the other prisoners to make a fuss.

6991. Do you suppose that Davies is a truthful man? I know nothing about him previous to his coming there.

6992. Well, about the case of this man Cunningham—I want you to tell us what was done to him with regard to dragging him on various occasions? He was only dragged across on one occasion.

6993. Who dragged him? Myself and the senior warder, by the Visiting Justice's order. I went over first to him, and asked him to come out of the cell to go to the office. He refused to walk; and I went back and reported to the Visiting Justice that the prisoner would not walk. The Visiting Justice said not to carry him, but to drag him with his face downwards. I complained to the Visiting Justice, and said, I would not do it again, because I considered it was degrading me in the eyes of the prisoners.

6994. Did he bump against the floor at all? No, sir; I had him by one arm, and the senior warder by the other.

6995. Was that the occasion on which he was gagged? No, sir.

6996. Did he walk over on the occasion when he was gagged? Yes, sir.

6997. Did he stand upright in the office? Yes, sir.

6998. What took place? He made use of some dreadful language; he was told to desist, but would not, and he was gagged in the presence of the Visiting Justice by Mr. Small.

6999. Did he resist being gagged? No, sir; he attempted to assault the senior warder at the same time, but was not quick enough.

7000. Do you think the gag was necessary then, in order to stop him from making use of bad language? Yes, sir.

7001. That was not like the case of Hornby? No, sir.

7002. When Hornby was gagged do you think Mr. Small lost his temper, and did it out of passion simply? He may have been excited at the time.

7003. Is Mr. Small a passionate man? I think he is rather excitable.

7004. Does he lose his temper when he is crossed by the prisoners? Not very often.

7005. *Mr. Oatley.*] But does he sometimes? Sometimes he does lose his temper.

7006. *Chairman.*] As far as you can see does he bear any grudge against men for any length of time? I have no proof that he does.

7007. Have you ever seen or heard anything to make you think so? No, sir; prisoners, as a rule, will tell you, if you charge them a second time, that you have a spite against them.

7008. Do you think that if a prisoner had thwarted him he would set himself to make that prisoner's life a burden to him? No, sir; I do not think he would go to that length.

7009. If a clergyman has said that he would, do you think that is a fair judgment of Mr. Small's character? No, sir; I would not take it as a rule at all.

7010. Is there any case? There was one case where a prisoner named Shaw complained to me that he would commit suicide if left there.

7011. Did he say why? Because the gaoler had a down on him. I reported it at once to the parson and to the doctor, and the doctor had him afterwards put into a straight jacket.

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7012. *Mr. Pinhey.*] But that may have been an unjust charge? I do not know what grounds he had.
7013. If so it is no complaint to make against Mr. Small—how can you reconcile that with the statement he made to you? He did make an attempt upon his life.
7014. But can you account for his making a statement of that sort? No, sir; he refused to take his food, and had to be coaxed by the visiting chaplain to do it.
7015. *Chairman.*] Were you there when he did take the food? No, sir; I saw the parson take it in and bring the plate out again.
7016. Do you know who gave it? Mr. Small, I think.
7017. Who proposed it? I think it was the doctor. The same man made an attempt with a razor, and we did not shave him afterwards. While he was being shaved he darted his neck against the edge of the razor.
7018. You think that he intended to kill himself? Yes, sir.
7019. You do not think it was a sham attempt? No, sir.
7020. Do you think the starving was a sham? I think that was done to get away.
7021. Was that affair in reference to the razor before or after the starving? Just after.
7022. Was he shortly after removed? Yes, sir, after that; it was through the intercession of the visiting chaplain that he was removed.
7023. *Mr. Pinhey.*] You have alluded to the time when Cunningham would not walk—were Davies and Ernest there at that time? Yes, they were in the yard.
7024. Did they say "Do not drag the man; there are plenty here to carry him"? It was Davies who said that.
7025. Those men seemed to think that you were using undue severity? I asked Mr. Wilshire if we should carry him, and he said no. I told him at the time that I objected to it.
7026. *Mr. Oatley.*] Speaking of Mr. Wilshire have you ever heard him use any gross language to the prisoners? No, sir.
7027. *Chairman.*] Do you remember a Mr. Hart coming down from the Government Printing Office? Yes, sir.
7028. Do you remember when he came? Yes, I received him.
7029. Where was Mr. Small? He was at Mr. Powell's.
7030. Are you sure he was not in the office? I am sure he was not.
7031. How do you know? Because I waited 10 minutes for him, and he came in afterwards.
7032. Did you see him come into the gaol? Yes, sir.
7033. Are you quite sure he was not in the office? Yes; Mr. Hart asked for Mr. Small. A fortnight before this I saw a letter from Mr. Richards, stating that the gentleman was to come to the gaol.
7034. Who had the letter? Mr. Herbert.
7035. Mr. Small did not know he was expected? No, sir.
7036. But you did? Yes.
7037. And when he knocked at the gate you let him in? Yes.
7038. I want you to be particular, because Mr. Small says he was in the gaol all the time? He was not, for I waited at the gate until he came, and told him about the gentleman's visit, and where he was.
7039. He says he was in the office and saw you take him across? No, sir; he was at the store. I waited fully 10 minutes, keeping this gentleman waiting, and then he told me he wanted to see Mr. Herbert in his operating room.
7040. Then you let him in, and as soon as Mr. Small came you informed him? Yes.
7041. What did he do then? He went over to the operating room.
7042. Did he seem annoyed? He said I had no business to let Mr. Hart in, and I said that I knew he was a Government officer and that he was coming.
7043. *Mr. Voss.*] Do you know what took place? No; I heard Mr. Hart say he was insulted, but I did not hear the conversation.
7044. *Mr. Oatley.*] Did he say by whom? By Mr. Small.
7045. *Chairman.*] Do you think any of the warders are in terror of Mr. Small, or that they dare not act with independence consistent with discipline and obedience? There are some men whom I have complained of as scarcely fit to be officers, because they are partly imbeciles.
7046. But nothing to do with Mr. Small? No, sir.
7047. My question is whether you think Mr. Small, from his overbearing or arbitrary manner, gets these people improperly under his thumb. You know what I mean? No; there may be two or three men who would not know what they were doing if he spoke harshly to them.
7048. Do you think there are any warders there who would do anything he required of them? No, sir; I do not think there is anything of that sort. Some of them make a mark instead of writing their names, so you may judge of their abilities.
7049. Did Mr. Dixon ever make a complaint to you? No, sir; I think he made a complaint to the Comptroller about the Bibles being taken from the men.
7050. Do you know how that came about? I think it was owing to the men destroying them—cutting them for what they call stiffs.
7051. What are stiffs? Cutting them up for writing to one another.
7052. For how long were they deprived of their Bibles? For several years.
7053. What! after the passing of these Regulations? Yes, sir; that is when they were locked up for punishment.
7054. *Mr. Oatley.*] Do they get their Bibles now when they are locked up for punishment? Yes, sir.
7055. *Chairman.*] How long had that ceased? Four or five years.
7056. What put a stop to it? I think the clergymen communicated with the Comptroller about it.
7057. Did you ever hear of a severe case of gagging, and putting a man between the doors of a dark cell? I never heard of such a thing being done in the gaol. Mr. Small has foolishly gone and told visitors that he has put men there, though it is false; there has never been a man put there to my knowledge.
7058. Have you ever heard him say so? Yes.
7059. Did he say it as a joke? I do not know what he meant by telling them so.
7060. Did he say that he put men there, or did he say, "This is a place where we can straighten them," or anything like that? He expressed himself that if the dark cells would not satisfy them they could be put in there.

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7061. That is a different thing from saying that he put the men there;—you never heard him say that? No, sir.
7062. Are the communications of prisoners to you pretty free? Yes, sir.
7063. *Mr. Oatley.*] Do they consider you as a friend to them? They generally come to me first if they have any complaint to make. I dare say I have locked up more prisoners than any other officer in the gaol; the principal offences are for talking at night after the gaol is quiet; I have heard as many as six or seven talking and telegraphing; that is the way so many are locked up by me.
7064. *Mr. Voss.*] Suppose a man is locked up for twenty-four or forty-eight hours what bedding do you give him? One blanket in summer and two in winter.
7065. *Chairman.*] Will you swear they get two blankets in winter? Yes, sir; and when a man has been weak and decrepit he has had as many as three; the regulation does not say "two blankets," it says "blankets."
7066. *Mr. Oatley.*] Do you know whether any of the men are put into the dark cells without going before the magistrate? No, there is an order against it.
7067. Does any warder ever gag a man? No, I have never seen a warder gag a man on his own responsibility.
7068. *Chairman.*] What sort of a man was Hill? The prisoners give him a bad name.
7069. Was that name justly given to him? I think he was pretty harsh.
7070. How did he leave the gaol? I think he was removed from the service.
7071. Do you know for what offence? I think it was through a row he had with his wife; I was not a witness to it.
7072. When the men are in the dark cells do the chaplains have access to them? There was some fuss about it, a month or so ago, and there was an order from the Comptroller that they should first ask permission.
7073. What do you mean by a month or so? I think it is within this year at any rate.
7074. How came it to be reported? Through Mr. Dixon going to see Davies.
7075. How did Mr. Small know? I do not know who told him, but he wrote about it to the Comptroller.
7076. Before that did Mr. Small know that the chaplains visited the prisoners in the dark cells? I suppose he did; I always let them in.
7077. How long did they stop? About 10 minutes or a quarter-of-an-hour.
7078. How often has the Roman Catholic chaplain been there? Two or three times.
7079. Has Mr. Dixon often been? No, sir.
7080. How many times? Two or three. Chaplains have sometimes refused to see prisoners in the dark cells.
7081. Was Mr. Dixon with Davies long? Not a great while.
7082. Mr. Small did not go and turn him out? No, sir.
7083. He wrote for instructions for the future? Yes, sir.
7084. About the shaving in the gaol;—are the chaplains in the habit of being shaved in the gaol on Sunday morning? Mr. Dixon has been on several occasions.
7085. Was Mr. Langley shaved on Sunday mornings? No, sir, I am not aware that he was ever shaved on Sundays.
7086. And Mr. Dixon's shaving on Sundays has been stopped? I have heard that it was; I did not see the correspondence.
7087. Your position is, I suppose, independent of Mr. Small—he cannot do you any harm? I cannot tell; there are many ways in which harm can be done, and I not know it; I am independent of him in regard to my duties.
7088. Well, can you give us any opinion as to whether he is a humane man, or whether he is severe or cruel? I think he is severe enough, but I do not think he is firm enough with some classes of prisoners.
7089. I am not speaking of the period since these complaints have been made in Parliament; I want you to go back for the last few years before this matter arose at all? It has been necessary to be severe with some of the men we have had, because they were sent there for coercion.
7090. You say he is not firm enough? Sometimes he is in the habit of letting prisoners off after they are locked up, when they ought to be severely punished. It degrades the officer if the prisoner is not punished, and the prisoners talk about it afterwards.
7091. *Mr. Voss.*] Do you think he is a cruel man? No, I have never seen him cruel.
7092. *Chairman.*] Do you think he is a man who would inflict pain simply for the purpose of revenge? No, sir, I do not think he would do that.
7093. *Mr. Voss.*] Do you think it would be a very easy thing to replace Mr. Small? I do not know; I wish they would shift me out of it.
7094. *Chairman.*] Suppose Mr. Small were dismissed, do you think it would be easy to get a man as capable of managing the gaol as he is? I think so.
7095. Why do you wish they would shift you out of it? Because I do not approve of Mr. Small's manner towards myself.
7096. Why do you disapprove of it? I think he is a bit jealous. I was eulogised by the Comptroller in reference to the escape of a prisoner; I caught the prisoner a few minutes after he got away from the gaol. Mr. Small was in Queensland at the time, and when he returned he wrote a letter to the Comptroller saying that if he had been at home the prisoner would not have been employed at the labour he was on, and that there would have been no escape. But I proved to Mr. Maclean that the prisoner had been in the same employment some weeks before Mr. Small left. I asked the Comptroller to remove me.
7097. Does Mr. Small get on well with well-behaved officers? Yes, latterly he does. There have been a great many officers going in and out since I have been there; as a rule, officers do not care about stopping there; they all try to get shifted if they can.
7098. Why is that? I do not know, sir.
7099. What sort of a man is Warder Mulligan? He had an accident to his head; I do not think he is fit to be in a responsible post.
7100. He has been a long time there, has he not? Yes; he was there a month before I was.
7101. When was the accident you speak of? Eight or nine years ago.
7102. You say you cannot tell whom Mr. Herbert speaks of as being placed between the double doors? No, sir; I have no recollection of anything of the sort.

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7103. *Mr. Oatley.*] Have you talked the matter over with Mr. Herbert? Yes.
7104. *Chairman.*] Did he tell you that he had seen it? Yes, after he had been examined.
7105. *Mr. Voss.*] Have you seen the Rev. Mr. Dixon writing or receiving letters for prisoners? I know that he receives letters regularly for one prisoner, but they go through the office.
7106. What prisoner is that? Cheeseborough. Mr. Langley did it before.
7107. *Chairman.*] Do you think Mr. Small is guilty of unfair partiality? No, sir; I have no proof of anything of the sort.
7108. Has anything taken place to make you think so? No, sir; there is no case that I know of.
7109. *Mr. Oatley.*] Do you know if Mr. Langley wrote letters for prisoners and then communicated the answers to the prisoners? No, sir; I could not say that he did. I think there was some communication about writing letters in cases of domestic affliction.

Charles George James Brayne, senior warder, Berrima Gaol, called in, sworn, and examined:—

C. Brayne. 29 Aug., 1878.

7110. *Chairman.*] What is your name? Charles George James Brayne.
7111. What are you? Senior warder in Berrima Gaol.
7112. How long have you been senior warder? Four years; and, as ordinary warder, four months.
7113. Then your experience of Berrima Gaol is within the last five years? Yes, sir.
7114. What were you before that? I had been on the diggings for a good many years, but previously I belonged to the Police Force. I came out here under engagement to the Colonial Government as a sergeant for three years in Sydney.
7115. Since you have been at Berrima Gaol I suppose you have had many opportunities of observing Mr. Small's conduct towards the prisoners? Yes, sir.
7116. What is your opinion as to whether Mr. Small's conduct is on the whole satisfactory or not? On the whole, from my observation, I think his conduct is satisfactory. Of course, you will allow me to explain that there are times when it is necessary for an officer to use his authority amongst these men.
7117. Do you believe him to be a fair man amongst the prisoners? Yes, sir.
7118. Do you believe him to be unnecessarily severe? In answering that question I may say that I might think him severe sometimes when another person would not.
7119. But what do you think? I have never seen him unnecessarily severe.
7120. Have you and he ever been in any collision—in conflict? We have not been on the best of terms, in consequence of some private misunderstanding.
7121. Have you ever had occasion to complain of him to the Comptroller General? No, sir.
7122. Have you ever seen any conduct on his part towards any of the prisoners which you consider to be deserving of censure? No, sir.
7123. Never on any occasion? I do not remember any occasion.
7124. Can you say at all whether he treats the prisoners with unfair partiality? There are some prisoners who receive more partiality than others.
7125. I do not mean well-behaved prisoners, who deserve encouragement, but unfair partiality? No, sir.
7126. Is he a man of hasty temper? Very hasty temper.
7127. Does he not have his temper under control? At times he has not, sir.
7128. Can you remember any instance in which you have seen him lose his temper? He has lost his temper sometimes with me. He has fancied that things have gone wrong, and he has lost his temper, but I have not taken any notice of it.
7129. When he has lost his temper on these occasions what has been his conduct? Talking very loudly, not actually abusive, but simply talking loudly, and giving instructions very loudly.
7130. In a hectoring sort of tone? Yes.
7131. Is he a foul-mouthed man? No, sir.
7132. Have you ever heard him make use of blackguard language? No, sir; the worst I have heard him use is "damn."
7133. Do you think he is a man that respects his position before prisoners? Yes, sir, I do.
7134. He does not lower himself to abuse them in ruffianly or blackguard language? No, sir.
7135. *Mr. Oatley.*] Does he abuse them at all? I never heard him use any language worse than I have said.
7136. Did you ever hear him call them "damned scoundrels" or "damned blackguards"? No, sir; I am always in the wings.
7137. *Chairman.*] Have you ever seen any case of gagging? No, sir.
7138. Have you ever seen any case of spread-eagling? Never, sir.
7139. Did you see Cunningham gagged? No, sir.
7140. Did you see Hornby gagged? No, sir; I never saw a man gagged in my life, nor spread-eagled.
7141. Have you ever been complained of yourself for your ill-treatment of the prisoners? Never, sir, that I am aware of.
7142. Do you remember a prisoner named John Fox? Yes, sir.
7143. Did you ill-treat him? No, sir; I never laid a hand on him.
7144. Suppose he says that on one occasion when he went to fetch his bed from the end of the passage and did not go very quickly, you came behind him and knocked him on his hands and knees;—is that true? It is untrue; I never had a word with the man while he was in the prison, and never laid a hand on him.
7145. What can have induced him to invent a lie of this kind? I have no idea; I have never touched a man but once since I have been in the prison, and that was Cunningham. That was on one occasion when I pushed him back with my hand into his cell.
7146. Do you know O'Neil? I do, sir.
7147. What character of man was he? He was always complaining of sickness; he attempted to hang himself on one occasion.
7148. Do you think he meant it or gammoned it? He had his hands tied with some edging of cloth and his neck was tied to the table.
7149. Do you think he really meant it? No, sir.

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7150. Had he a fit? Some sort of shamming fit. I thought it was a fit, and I got a quart of water and rubbed some over his face. Then it struck me that it was not a fit and I lifted the can up and let a few drops fall on his face. When he felt them he got up immediately.
7151. Did you afterwards get a small hose and fire cold water in his eyes? No, sir; we have not a hose in the gaol.
7152. Did you say "We will soon cure him of those b—— games"? No, sir, I never swear; there is no prisoner or officer who heard me use such a word.
7153. He says, "I saw the doctor after I had been there a week or ten days, and told him what I was suffering from; he gave me some medicine; I told him I was subject to frightful fits, and that I knocked myself about in my cell; and that I wished him to give me something to protect myself in the cell. Some three or four days after I had seen the doctor I had a very bad fit, which lasted about two hours and a half—from 4 o'clock in the morning until half-past 6. Senior-warder Brayne and another warder, whose name I forget, came to my cell; Brayne remarked to the warder who was with him, 'Oh, this is what he has been complaining to the doctor about—we will soon cure him of these bloody games.' He then got a bucket of water which he threw over me; he afterwards got a small hose with a pipe to it and fired cold water into my eyes and ears?" It is false, sir.
7154. He says that half-an-hour after that you came back with another warder and dragged him and knocked his head against the wall;—is that true? It is untrue; I never laid a hand on him; I stood at the door while the others were assisting him in his fit.
7155. Was he suffering from any affection of the eyes? Yes, sir.
7156. What was it? Through putting lime in them. We could see he had rubbed the lime off the wall under the table, and we could see lime in the corners of his eyes.
7157. Then you think him a consummate schemer? Yes, he was more trouble than six other men.
7158. Did you interfere with his seeing the doctor? No, sir.
7159. He says that he saw you and Everett drag Cunningham, one by the hair and the other by the neck;—is that true? It is quite untrue, and he could not have seen it if we had.
7160. Could he not have seen from the cell-door? No, the doors are always shut, and Cunningham was never on the same side with him.
7161. Do you know Henry Johnson? Yes, sir.
7162. Did you make use of abusive language to him? No, sir; I am not in the habit of using such language.
7163. Was he an ill-behaved prisoner? He was locked up two or three times for talking.
7164. Do you remember any complaints being made about prisoners not being allowed out for the purpose of making water? Yes, sir, I have on two or three occasions.
7165. Were those complaints well founded? They may have been kept sometimes 10 minutes. I have full charge of the wing, and I have sometimes had forty men there, and you could not go to all of them at once; there may have been ten bells out at a time, and some of the men stop in the closet 5 or 10 minutes.
7166. Do you remember any complaints of prisoners having to make water down the cracks of the cell? No, sir; I have to examine the cells every day, and if I detected anything of that kind I would make inquiry about it.
7167. Johnson says that you stood at the door of his cell and bully-ragged him, calling him a scoundrel, and a cur, and a thing? I am sure no one can say that they ever heard me use such language in the prison.
7168. Then you say these are untruths? Yes, sir.
7169. Do you know a prisoner named Charles Ryan, who was there in May, 1876? Yes, sir.
7170. Did you ever illtreat him in any way? No, sir.
7171. Did you ever take the bed from under him when he was ill? No, sir; we have no authority to allow a prisoner a bed unless we see him ill, and then we send for the doctor immediately, and if the doctor allows him the bed it is all right, he gets it.
7172. Did you ever pull him out of bed? No, sir; I would not attempt to pull him out, he was a tremendously big man.
7173. He says you bounced him on one occasion? I do not remember anything of the sort.
7174. Do you think it occurred? No, sir.
7175. Do you remember a prisoner named John Finnerty? Yes, sir.
7176. Did you ever see Mr. Small ill-treat him? No, sir.
7177. Did you ever ill-treat him yourself? No, sir.
7178. He states this:—"I was walking in the exercise yard when the senior warder came, called me out, stripped me naked, and examined my clothes; then he charged me with attempting to communicate with another prisoner by writing to him; he told me he had found a piece of lead in my cell, and I replied that it must have been left there by another prisoner." Do you remember that occurrence? Yes.
7179. "He said a piece of writing had been found on another prisoner, and that he would make it hot for me. He took my books out, and locked me up. Sometime after, as I was walking about my cell, Mr. Small came in, looked at me, then caught hold of me by the back of the neck, pulled my shirt as tight as he could, and pushed me about the cell, keeping the collar of my shirt tight all the time. Then he put his other hand to my trousers, and ran me down-stairs to a small cell, and when he got me there he slewed me, and said, 'I will never let you go away from this gaol to disgrace me; I will keep you here all the time.' He called me a rascal, and put his fist up to my face, and butted my head against the wall." Did you see anything of that? I did not see that. This man was continually attempting to communicate with a prisoner named Scott, and this day I found a piece of lead-pencil. I brought him into the wing and stripped him; I do not remember whether I found anything else on him. I reported it, in writing, immediately to the gaoler; the gaoler went to the cell and asked Finnerty about it, and he denied it. [*Entry produced, showing that John Finnerty for destroying a library book was sentenced to seven days in his own cell, and thirty-six hours' dark cells, for communicating with another prisoner.*] The gaoler went up-stairs and talked to him. I always go with the gaoler to the cells. On this occasion he talked to this prisoner, but he did not lay hands on him at all. He left the cell, and I took the prisoner down-stairs.
7180. You swear he never laid hands on him? Yes, sir.
7181. *Mr. Pinhey.*] Did he threaten to gag him? No, sir. I took him down-stairs, and put him into one of the small cells. He was sentenced on the Saturday, and on the Sunday he was released by the Visiting Justice on the two charges. 7182.

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7182. *Chairman.*] Do you remember a prisoner named James Brady at Berrima? There is a John Brady.
7183. Have you ever seen Mr. Small ill-treat him? No, sir.
7184. He has been in the dark cells? Yes, frequently.
7185. What blankets are allowed? One in summer and two in winter.
7186. Are you sure two are allowed in winter? Yes, I have charge of the dark cells.
7187. He says that he saw Cunningham used rather roughly;—tell us what was done to him? He had been carried to the office before, but this day I was in the wings by myself, and the chief warder came and said, "The magistrate is coming; bring Cunningham over." I said, "He won't walk." He said, "He will have to." We went down to the prisoner, and I said, "Well, now, Cunningham, come over and see the magistrate," and he said, "Go to hell." "Well," I said, "you will have to come somehow or other," and he said, "I shan't walk." I said to the chief warder, "You hear this?" He went away, and came back and said the magistrate had ordered that we were to drag Cunningham over if he would not walk. I remonstrated against it, and asked why not get some wardsmen to carry him, because I had hurt myself through pulling him about. Then we handcuffed him, and each of us linked an arm through his arms, and we dragged him across.
7188. Did he kick, or how did he go? He threw all his weight upon us. He had previously bitten the flesh off my knuckles, and it was necessary to handcuff him.
7189. *Mr. Voss.*] Have you ever seen him dragged across the yard when he was gagged? No, sir; I never saw a gag until one was sent down to the Select Committee. I have never seen any occasion to use the gag; there are only Lagan and Cunningham that I have heard using foul language.
7190. *Chairman.*] Do you think the gag is necessary to restrain men from using foul language? I do not know; I would not use it.
7191. Would you use it if females were within hearing? I might then.
7192. What has been the conduct of the prisoners since the gag has been abolished? Directly after it was discontinued we had the "Derwent Nugget" up, and one morning he refused to make up his bed, and the warder complained that he was up to his tricks again. I went to him, and he refused to make up his bed because he could not see. He said he wanted a candle, and said also, "I will not make up my bed for you nor anyone else." I had a truncheon up my sleeve, and I had the thong in my hand. I think he saw the end of it, and he opened his mouth, put out his tongue, and said, "Gag me, you b———." But after that I reasoned with him and talked with him, and it has done him a great deal of good.
7193. Was he punished on that occasion? I had to report him; I think the magistrate let him off.
7194. *Mr. Oatley.*] That is the only case since the gag has been abolished? Yes, sir.
7195. *Chairman.*] Do you remember a Mr. Hart coming down from the Government Printing Office to see Mr. Herbert? I did not see him, sir; I heard he was in Mr. Herbert's office, but I did not see him. We were mustering at the time; it was night.
7196. Do you know whether the men when they were in the punishment cells were allowed a Bible and a Prayer-book? No, sir. About eighteen months ago Ernest was locked up, and I gave him a Bible. In the afternoon Mr. Small came round and saw this Bible on the table. He said, "What is this Bible doing here?" and took it away. I referred him to the regulations, which say that the prisoners shall at all times be provided with a Bible. He said it was not so, that I had no business to give him a Bible. The circumstance was reported to the Comptroller General, and he ordered that Bibles should be given to them.
7197. What has been the practice in reference to giving Bibles to prisoners during the five years you have been there? They have always had Bibles.
7198. Do you remember a man named Alfred George Davies being deprived of his Bible while under punishment? I think that was about the same time—about the 23rd September, 1877.
7199. How long were the Bibles stopped? About two or three months.
7200. Davies says that he asked the senior warder for a Bible and that the senior warder said he could not give it him as the gaoler had taken a Bible away from a prisoner shortly before—and that other prisoner was Ernest? Yes.
7201. *Mr. Voss.*] Who reported to the Comptroller General about the prisoners being deprived of their Bibles? I fancy Mr. Small reported it to the Visiting Justice, and the Visiting Justice may have reported it to the Comptroller.
7202. But the result was that an order came up from the Comptroller General that they were to have their Bibles while under punishment? Yes.
7203. *Chairman.*] Can you in any way account for so many prisoners coming forward and stating things that are untrue? I cannot account for it more than that it is a thing I expected as soon as the inquiry commenced.
7204. Do you think prisoners are to be believed? There are some I would believe without any hesitation, but there are others I would not.
7205. Is there anything at all that you think wrong in the management of Berrima Gaol, or anything that could be improved; have you given the matter consideration at all? I have thought of many little things, but the heads of the department seem to be satisfied. There are many little things that could be cured. If you look at the punishment book you will see that prisoners are locked up continually for communicating, and immediately a man is taken away a ticket is put on the door of the cell; the other men going through the corridor can see who the occupant of the cell is, and they get a chance to talk.
7206. Then you think it is undesirable to allow a prisoner to know who the occupants of the other cells are? I think so. I think they ought to be called by their numbers and not by their names. It is not done in England.
7207. Have you ever seen Mr. Small take visitors round to make a show of these men—taunting them and saying "This is the celebrated So-and-so"? No. As he has been walking along the corridors I have seen him whisper to them, and draw their attention to the ticket.
7208. So that the prisoner inside could not hear? Yes, sir.
7209. *Mr. Oatley.*] Have ever you heard Mr. Wilshire make use of improper language to the prisoners while they were being tried? I have never heard him use improper language; I have heard him warning them that if they did not behave themselves he would charge them again.
7210. Have you ever heard him say he would make it damned hot for them? No, sir. I do not think he would say such a thing.

FRIDAY, 30 *AUGUST*, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

Mr. John Cecil Read, Principal Gaoler, Darlinghurst Gaol, called in, sworn, and examined:—

Mr. J. C. Read. 30 Aug., 1878.

7211. *Chairman.*] Your name is John Cecil Read? Yes, sir.
7212. You are Principal Gaoler? I am, sir.
7213. How long have you held that office? Seventeen years and a-half.
7214. You gave evidence before the Select Committee of the Legislative Council on the treatment of prisoners in Berrima Gaol, did you not? I did.

[*The following evidence, given by Mr. Read before the Select Committee was ordered to be embodied in the Minutes:—*

Mr. J. C. Read. [Evidence before Select Committee 7 May, 1878.]

7215. "96. *Chairman.*] How long have you been Principal Gaoler? Seventeen years last February.
7216. "97. What were you before? I was Inspector of Police before that.
7217. "98. Complaints have been made of a gaoler having unnecessarily used a gag to prisoners;—what is your opinion as to the necessity or otherwise for the use of the gag? It is the only prompt and effectual way to prevent prisoners from shouting and from using obscene and most disgusting language, and not only doing so themselves, but encouraging their fellow prisoners to do it. That was the effect before it was used in Darlinghurst Gaol.
7218. "99. *Sir George Innes.*] That was the evil it was intended to remedy? Yes; for about the last seven years and a half we have not had occasion to use it on a man, but merely to show it to the prisoners, and let them know that it could be used.
7219. "100. *Chairman.*] How long is it since it was used in the gaol? About seven years and a half since it was used on a man. I think it was used on a female about fifteen months ago.
7220. "101. What kind of language was she using? The most frightful language—for instance, comparing a female warder's private parts to those of a cow. The other prisoners were laughing at and encouraging her.
7221. "102. The gag was put on to prevent that? Yes.
7222. "103. *Mr. Docker.*] How long was it actually applied in that case? Only for about 3 minutes.
7223. "104. *Chairman.*] Do you conceive it to be necessary that this power of using the gag should be absolutely vested in the gaoler, subject to his subsequent report of it? Yes; perhaps I am rather prejudiced in my opinion about it; I have only used it a few times in seventeen years, and now not for seven years and a half; but I have always entered in the punishment book when I have used it, and that is reported monthly.
7224. "105. *Sir George Innes.*] Have you ever known an instance of its being used without proper cause? Never.
7225. "106. During the whole seventeen years? No; in fact it has never been used without my permission. Perhaps it might have been once or twice by the matron; but it has always been immediately reported to me.
7226. "107. *Chairman.*] Has it never been used for more than 3 minutes? From 3 to 5 minutes.
7227. "108. Do you consider the use of the gag a punishment, or merely an instrument of repression? Merely an instrument of repression, the same as the dark cells. They also prevent prisoners from being violent.
7228. "109. Does the knowledge by the prisoners that it can be used, operate *in terrorem?* Yes, it has done so; because when they have been very violent and have been shown the gag by a warder they have submitted.
7229. "110. Do you think that if it becomes known that it cannot be used at all, these beastly expressions, horrible, violent, and mutinous language will continue to be used? It is known in Darlinghurst Gaol now. It was known two days after the Colonial Secretary's order. Some prisoners going to Maitland shouted the most frightfully obscene language, and told the warders that the (adjective) gag was done away with, and could not be used.
7230. "111. Do you remember some men escaping from your gaol in or about the year 1861? Yes. seventeen of them. It was on the 25th February, 1861—eight or nine days after I took charge.
7231. "112. Immediately after that escape do you remember having had occasion to use the gag? We had no gags then—no regulation gags. The gags they had in use then were merely sticks placed across the prisoners' mouths.
7232. "113. They were of no use? No, the prisoners knocked them out.
7233. "114. That was six years before these Regulations were passed? Yes.
7234. "115. Was any other method of repression used? We could do nothing to prevent them shouting and bellowing all night long. The noise they made could be heard in Oxford-street, and the people of the neighbourhood complained of it.
7235. "116. You had no proper gags that you could use? No.
7236. "117. If you had had the gag in use, and had placed it on five or six of them, do you believe the shouting and abominable language would have ceased? I do. I believe it would have been very deterring to the whole of them.
7237. "118. Do you believe the use of the gag to be a necessary instrument of repression in a gaol? I think it is a very good one.
7238. "119. How otherwise are you to stop brutal women and infuriated men from shouting horribly blasphemous and dreadfully indecent language? I might put them in a dark cell; I have six dark cells for men, but no dark cell to put a female in.*
7239. "120. Is the language of the women generally more atrocious than that of the men when they get infuriated? It is very bad; frightfully disgusting. 7240.

* If we had it would be illegal to confine female prisoners therein.—Sec 5 Vic., No. 3.

Mr. J. C. Read. [Evidence before Select Committee, 7 May, 1878.]

7240. "121. There are occasionally in the gaol of course very decent people who have fallen into crime, to whom beastly language must be painful? Very few indeed.
7241. "122. The female warders I suppose would hear it? Yes, it is generally used to them by the women.
7242. "123. They are respectable women? Very.
7243. "124. Is the language used by prisoners, when in this violent uproarious state, very often of a mutinous character, inciting others to disorder? Yes, they nearly all do it—men and women—the men very often; they call the warders abominable names, and use language calculated to make others break out. The language the females use is calculated to make the others bawl out also.
7244. "125. Are we to understand you that the use of the gag is not painful? Very little. I believe it causes a very unpleasant sensation if kept on long.
7245. "126. Do you think it a torture? If kept on long it would be.
7246. "127. How long? 20 minutes or half-an-hour of it would very likely make a prisoner stomach-sick.
7247. "128. Do you know of any instance of the gag having been kept on more than 5 minutes? No.
7248. "129. Have you reason to believe it has been done? I am sure it has not been done in Darlinghurst Gaol.
7249. "130. *Mr. Docker.*] Have prisoners that have come to Darlinghurst Gaol from other gaols ever said it has been kept on longer? No, they have not.
7250. "131. *Sir George Innes.*] Have you repeatedly had men from Berrima Gaol at Darlinghurst? Yes, but they generally come through Parramatta Gaol first. I think I have fifty-seven now who have been at Berrima.
7251. "132. What stay do they make in Parramatta Gaol? According to the length of their sentences; it may be a few months only.
7252. "133. That is the invariable rule? The invariable rule. There are exceptions to that rule. A few have come direct to me that have been sent to Berrima for misconduct.
7253. "134. Have any of the men that have been sent to Berrima for misconduct ever made any complaint, in any one instance, of ill-treatment at Berrima? Only one—a man named Kerr.
7254. "135. *Mr. Docker.*] What was the nature of his complaint? He said he had been forcibly gagged at Berrima Gaol, and his front teeth knocked out by it.
7255. "136. *Chairman.*] Can you state the date of that? About three months ago. He made his complaint after he had been brought up for writing a letter clandestinely to Mr. Driver, solicitor, which he threw over the wall by tying a stone to it. He said something trifling about it before, but when he was caught and punished for writing in this way to Mr. Driver he made the statement more circumstantially.
7256. "137. He was punished for that breach of the Gaol Regulations? Yes, he got seven days in solitary confinement for that.
7257. "138. *Sir George Innes.*] What was the misconduct for which he was sent from Darlinghurst to Berrima Gaol? I think he was sentenced to Berrima, and broke out from there, and was sent back when recaptured. He was in first for stealing, and broke out and got a fresh sentence for the escape.
7258. "139. *Chairman.*] What is meant by spread-eagling? I do not know from my own knowledge. I have heard it was done twenty years ago in Parramatta Gaol. It is done by tying a man's outstretched hands to two rings in the wall. It is done in the American prisons, I believe. I have seen illustrations of the method of doing it at "Sing Sing" and the "Tombs," in New York, in illustrated papers.
7259. "140. What has been the effect, in your opinion, upon the prisoners generally of the establishment of the Berrima system? It has subdued them very much; they are much afraid of being sent there. We have tried the system, on a small scale, at Darlinghurst, of keeping them in separate treatment when their sentences have been too short to send them to Berrima, and we have found it very deterrent indeed; in fact they are more afraid of it than of a sentence of bread and water.
7260. "141. What is the difference between solitary confinement and separate treatment? In solitary confinement a prisoner only gets bread and water. The Visiting Magistrate can only sentence him to it for seven days; but in separate treatment a long-sentenced man can have as much as nine months of it; he gets the regular scale of rations and the usual amount of exercise every day. It was carried out at Pentonville for eighteen months.
7261. "142. *Mr. Docker.*] In carrying out the original sentence it is subject to separate treatment? Yes.
7262. "143. But solitary confinement is a punishment for offences committed within the prison? Yes; all men sentenced for three years and upwards go to Berrima for separate treatment.
7263. "144. *Sir George Innes.*] You said the effect of the Berrima treatment was to subdue the prisoners? Yes.
7264. "145. Do you think it has been necessary for the maintenance of proper discipline? I have always heard so; and I have seen a work upon it by an eminent barrister, in which it is maintained that it gives a prisoner opportunity of thinking over his crime and reforming himself.
7265. "146. In what sense did you use the word subdued? They are afraid of it.
7266. "147. *Sir George Innes.*] Do you think it is reformatory? Yes, as far as it is possible to reform these people.
7267. "148. Do you consider the Berrima system as a part of the necessary discipline of the gaols of the Colony? Yes; I know before the system was adopted at Berrima I had an immense deal of trouble in making the prisoners realize their situation in the gaol, and in making them submit to discipline.
7268. "149. *Mr. Cox.*] If it were possible to conduct every gaol in the country under that system do you think it would be very desirable? I do. There are a number of people coming into Darlinghurst Gaol to serve short sentences, who, for want of accommodation, cannot be kept separate from the others; and they bring in the news of the town, and everything that is bad, and encourage the others in bad conduct. The separate system would prevent that."

Mr. J. C. Read. [Evidence before Commission, 30 Aug., 1878.]

7269. *Chairman.*] Did you revise that evidence before it was printed? I did.
7270. Do you adhere now to the evidence which you gave on that occasion? Yes, with a very slight alteration. I did not recollect then the number of cases of gagging, but I have looked the books up since. There were six men and six women.
7271. Have you a list of them? I have.
7272. *Mr. Voss.*] Then, with that exception, the evidence is correct? With that exception it is all correct.
7273. *Chairman.*] Have you searched thoroughly in order to ascertain all the cases of gagging since 1866? I have, sir.

7274.

Mr. J. C. Read. 30 Aug., 1878.

7274. Is 1866 the earliest date? That is the earliest date I have.
7275. Was your search carried further back? Yes, sir; five or six years.
7276. As far back as 1863? Yes, sir.
7277. And these you say are all the cases of gagging that are recorded in Darlinghurst—since 1863 at all events? Yes, sir. [*The following statement was handed in and read:—*

6 March, 1866—Kate Kelly.
21 December, 1868—Edward M'Auley.
24 April, 1871—James Johnstone, *alias* Sterne.
5 June, 1871—Antonio Verange.
13 December, 1871—Mary Jane Nash.
18 January, 1872—Antonio Verange.
5 October, 1872—Peter Campbell.
6 October, 1872—Edward Shortland.
27 November, 1872—Bridget Bramble.
1 April, 1873—Robert Scott.
16 August, 1875—Mary Coghlan and Mary Butler.
17 August, 1875—Ellen Hock.]

7278. *Mr. Voss.*] Has Shortland an *alias*? Oh, yes; several of these have *aliases*.
7279. *Chairman.*] There is a M'Auley here? Yes; he is M'Auley *alias* Gleeson.
7280. There is also a man named Shortland. Is that Faulkner *alias* Ross? That is the man.
7281. Can you say whether any of these persons have been gagged more than once on the same date? No, sir.
7282. You say they have not? Yes, sir.
7283. Edward M'Auley *alias* Gleeson says he was gagged fifteen or sixteen times in Darlinghurst? That is the only case reported.
7284. Do you think it is possible that he could have been gagged without its coming to your knowledge? Certainly not; if a warder did that he would be suspended immediately.
7285. But that does not prove that it was not done. Do you think it could have been done without detection? No, sir; I think I would have been told, and I could hear any scuffle in the corridor.
7286. Have these gaggings taken place in your presence? If not in my presence it was by my authority; and it has been for the foulest and most dreadful language in every case.
7287. Gleeson says that he was gagged in Darlinghurst fifteen or sixteen times, and that in 1868 he had a tooth knocked out? This is the first I have heard of it, excepting his being once gagged.
7288. *Mr. Voss.*] He says that you made it a point not to see these gaggings;—is that correct? I did not make a point of it, but I have not seen them all. I have given the order to have it done when it was absolutely necessary to repress shouting and obscene or blasphemous language.
7289. *Mr. Oatley.*] Have you any objection to seeing a prisoner gagged? I would not if I could avoid it, neither do I care to see flogging or hanging.
7290. Is any bedding allowed to men in the dark cells? Yes, at night.
7291. What description of bedding? The usual bedding.
7292. I should like to know how long the gag was generally kept in in Darlinghurst? Generally, only a very few minutes.
7293. *Chairman.*] By what warder do you know was Gleeson gagged? I do not know; it would be done in the presence of my chief warder, Mr. Burke, or whoever was chief warder at the time.
7294. Had you then a warder named Carroll? Yes, sir.
7295. Do you know whether he gagged Gleeson at all? I could not tell from memory.
7296. Gleeson specifies Carroll as being the man that knocked his tooth out? I could tell you by referring to the book. This is the first I have heard of it, and I do not think anything will be found in the hospital books about it.
7297. Do you remember what character of a man this Gleeson was? Very bad, indeed.
7298. Can you say at all whether any reliance can be placed upon his statements on oath? He bore the name in Darlinghurst Gaol of being the greatest liar in it, and that is saying a great deal. He was proverbial for his lies, and his fellow prisoners used to call him "The fool," for the palpable and useless lies he used to tell.
7299. *Mr. Voss.*] Do you recollect Slattery being gagged in the gaol? No; I don't think he was gagged in our gaol.
7300. He says he was gagged in 1864? No, sir; I went back further than that in the books, and there is no record of it.
7301. What kind of a character had Slattery? He was a very violent man; he was feigning insanity for a time.
7302. Then you have no recollection of his being gagged? No, sir. The late visiting surgeon recommended him to be flogged, his conduct was so bad.
7303. Was his character for veracity as bad as Gleeson's? He was not so bad as Gleeson in that respect, but he was more violent.
7304. *Mr. Pinhey.*] It was during the time of the riot that he was gagged? There is no record of it whatever. He has been locked up in the cells for punishment.
7305. *Chairman.*] Have ever any complaints been made to you at all, or have you heard of any instances of gagging other than those which you have recorded? Never.
7306. Have you, in all these instances that you have spoken of, reported the matter to the Comptroller? Invariably.
7307. And to the Visiting Justice? Yes; the record is in the punishment book, and it is brought before him every time he visits the gaol.
7308. *Mr. Oatley.*] What is the longest time that the gag has remained in the mouth of a prisoner in Darlinghurst? I wish to correct my former statement with regard to that; a woman was once gagged for half an hour—the gag had not been put in effectually—but that was an exceptional case; and a man once for 20 minutes.
7309. *Chairman.*] Who was the man? I think it was Verange. He was feigning insanity.
7310. *Mr. Oatley.*] But, as a general rule, you say, it was kept in from 3 to 5 minutes? Yes, from 3 to 5 minutes.

7311.

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7311. Do you think it amounts to torture when kept in as long as 20 minutes? I am told not.
7312. I see that before the Select Committee you were asked that question (*question* 126–7) and you said that 20 minutes or half-an-hour of it would probably make a prisoner stomach-sick? I was not prepared for the question then, but I have made inquiry since, and I do not think it would be a torture.
7313. Do you wish to correct your evidence in this particular, that instead of saying you have not known the gag to be kept in more than 5 minutes you say it was kept in half-an-hour on one occasion and 20 minutes in another? Yes, sir.
7314. Are those the only occasions on which the gag has been kept in more than 5 minutes? Those are all I have any knowledge of.
7315. Was the present gag used, or the former one? The present one; the old one has not been used for fifteen or sixteen years.
7316. Going back to the bedding in the dark cells: you say the prisoners are allowed their regular bedding? They are.
7317. And what does that consist of? A straw mattress containing about 9 lbs. of straw, a rug, two blankets in summer and three in winter.*
7318. *Chairman.*] Do you make it your business to go into the dark cells when prisoners are confined there to see that they have these things? I visit them daily.
7319. Berrima is a much colder place than Darlinghurst, is it not? I understand so.
7320. *Mr. Oatley.*] What is the longest time that you keep a prisoner who has committed himself in any way before he sees the Visiting Justice. If it is a serious case I send for him at once, but he always comes twice a week, and as much oftener as he is required.
7321. *Chairman.*] Do you ever, in the case of misconduct, put a prisoner in the dark cells before bringing him before the magistrate? Latterly I have put two or three in for bad language. One of them not only used the most horrible, revolting, and obscene language, but took down his breeches and told the warder that he would like to commit a horrible crime on him.
7322. *Mr. Voss.*] Is that since the gag has been done away with? Yes; the language was not only revolting for ourselves to hear, but the other prisoners could hear it, and were laughing at it.
7323. *Chairman.*] Since the regulation has been repealed, have there been other instances in which you have been obliged to resort to strong measures of that kind? There has been more talking in the cells, but I have not used any means of repression, except two or three times putting prisoners into the dark cells and bringing them before the magistrate for disorderly conduct.
7324. Then there is no regulation prohibiting you from putting a man in the dark cells before bringing him before the magistrate? Not if he commits himself.
7325. *Mr. Voss.*] What means would you adopt to repress foul language on the part of females? I would be obliged to allow them to continue as long as they liked. I might put a straight jacket on them.
7326. Have you had any trouble with them? Yes; I have trouble now with one woman.
7327. But before the gag was suppressed you would have used that? I would have shown it to her, and that would have been quite sufficient.
7328. *Chairman.*] The main efficacy of the gag is not in its actual use but in the knowledge that it can be used? Yes; it is very deterrent. The prisoners have a great dislike to it. I think the women, in particular, have a great horror of the gag. The woman on whom the gag was kept so long assaulted the late Visiting Surgeon, and used the most offensive language. She threw some water on him, and was preparing to throw the contents of her night-tub on him. The filthy and blasphemous language she made use of necessitated the use of the gag.
7329. How do the prisoners show that they are willing to give in when they are gagged? A warder always stands by, and they are asked if they will be quiet, and, if they are willing to do so, they nod their heads.
7330. *Mr. Oatley.*] Do you handcuff their hands behind? Yes, or they would pull the gag out directly. Some men would manage to get their hands in front, under their legs, if the warder did not stand by.
7331. Then someone always stood by? Always.
7332. *Mr. Voss.*] Did you see the gag that was exhibited in Parliament by Mr. Driver? No, sir.
7333. You did not supply either Mr. Driver or Mr. Taylor with a gag, about that time? No, sir; I would not have given it to them if they had asked for it.
7334. *Mr. Oatley.*] Have you ever seen a man spread-eagled in Darlinghurst? No, sir; there is no means of doing it.
7335. No ring-bolts? No, sir.
7336. *Mr. Voss.*] Have you ever had any complaints made to you of ill-treatment in Berrima Gaol? Never, except by one man named Kerr.
7337. I do not mean by prisoners only, but by chaplains, or medical men, or others? Both the chaplains—Mr. Langley and Father Riordan—have told me the reverse. They told me, in conversation, that they did not believe a word of it; that it could not have happened without their knowledge.
7338. *Chairman.*] Have you had any conversation with Mr. Dixon? No, sir; I saw him up there.
7339. Have you had any conversation with Father M'Guinn? I have had some conversation with him, but I do not think he said anything either for or against the gaol.
7340. Do you know Mr. Dymock, a Presbyterian minister? No, sir.
7341. Have you, yourself, been to Berrima Gaol? I have, sir.
7342. Frequently? Once only; for two days.
7343. When was that? Last February twelve months.
7344. Did you stay in the gaol: were you a guest of Mr. Small? No, sir; I stopped at the hotel opposite.
7345. Did you go thoroughly through the gaol? Yes, sir.
7346. Did you converse with any of the prisoners? With some of them, I did. I spoke to one prisoner of the name of Vaughan, who was in the cells for punishment for improper communication with another prisoner during the night.
7347. Did any of the prisoners complain to you? No, sir. I made the remark that the discipline seemed to me superior to what I had seen in Victoria and Tasmania. I thought there was a smartness about Berrima Gaol that I did not see in the others. I do not speak of the building. 7348.

* NOTE.—I forgot to say that, latterly, hammocks have been substituted for the straw mattresses, but the covering is as I stated, viz., three blankets and a rug in winter—two blankets in summer.

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7348. What about the cleanliness? The cleanliness was almost perfection in Berrima Gaol when I was there.
7349. Did the prisoners know who you were? Oh! yes, very well. In fact, I was known in Pentridge. I heard the prisoners in the silent class telling one another who I was.
7350. They have the silent system there, which we have not here? Yes, sir.
7351. And we have the separate system here? Yes, sir, so they have there.
7352. And they have the silent system there as well? Yes, sir.
7353. Then how did you hear the prisoners telling one another who you were? They were sitting at dinner with their faces all one way, and were supposed to be silent, but I could hear them as I passed along telling who I was.
7354. What is the longest time that you have had a man confined in the dark cells at Darlinghurst? I think fourteen days was the longest time.
7355. *Mr. Oatley.*] Bragg says that the cells there are worse than at Berrima? They are dry and roomy, and larger than the light cells which prisoners are confined in.
7356. *Mr. Voss.*] You say you have been to Berrima Gaol and have noted the system. Do you approve of the system carried out there? Very much, sir. And I may state that I am borne out in that opinion by the evidence of eminent experts. I would refer you to the evidence given before the International Parliamentary Congress in July, 1872. If I may refer you to the numbers of the pages you will find that the experts at home highly approve of the system, and there is one gentleman in Bavaria who gives an instance of a man being kept thirteen years in that treatment, but I would not go so far as that. The book is in the Parliamentary Library, and the pages I refer to are 471, 485-490.
7357. *Mr. Voss.*] I want to ask you whether, having seen the system in operation, you can suggest any improvement in it? No, sir. I cannot think of anything, and I have studied the question very carefully indeed. I think the system at Berrima is very deterrent.
7358. Do you think it would be advisable to carry out the system in all the gaols of the colony? I think so, particularly with short-sentenced prisoners.
7359. *Chairman.*] What do you consider the advantages of the treatment, if, after it has expired, they are allowed to associate with experienced and hardened criminals? They are merely let out of separate at home on medical grounds, but I would suggest that they should have a month or two separate treatment before their discharge, to break them off from their prison associations.
7360. Do you think that two or three months' isolation would undo the effects of association with experienced and hardened criminals for years? It would, in a great measure, because these people are always moving about, and they would lose what they call "the run" of one another.
7361. Is it not possible to introduce a more complete system of classification, or some approximation to a more complete system of classification, so as to keep first-convicted men entirely from association with men whose life-time has been one of crime and imprisonment? We try that as far as we can in Darlinghurst Gaol.
7362. We find that when the men leave Berrima they go to Parramatta, and that in the Parramatta yards there is unrestricted association; that men convicted for the first time have unrestricted communication with men who have been convicted half a dozen times or oftener? Except you keep them in separate treatment you would require an immense number of officers to look after them—about three times as many as we have at present. They tried it in Coldbath Fields prison, but the punishments were so numerous that they were obliged to discontinue it. The prisoners were continually attempting to communicate with each other, and there was more than 25 per cent. of punishments.
7363. *Mr. Voss.*] And what prevents the reforms hinted at by the Chairman is the expense? Yes, and on account of the punishments. These people would communicate whatever the chances of detection were.
7364. *Chairman.*] I did not mean keeping them in isolation, but to see that their associates were men who, like themselves, had been convicted for the first time. Would that not lessen the evil effects of association? It would do a great deal, but there is not a prison in the colony that has the accommodation for it. We are attempting to carry it out as well as we can in the workshops at Darlinghurst. For instance, in the case of Vaughan, I had him removed from a room where first offenders are at work to another part of the shop. I have done the same thing in other cases.
7365. *Mr. Oatley.*] Is Vaughan a very bad man? Yes, but he can work well when he likes.
7366. *Chairman.*] I observe that you say you think the Berrima system is reformatory so far as it is possible to reform? Yes, sir.
7367. Do you still adhere to that? Yes, and not only from my own opinion, but from the opinion of eminent authorities at home.
7368. Do you not think that it has a hardening and brutalizing effect? No sir, I think it has more of a softening influence. I know that the prisoners come back to me quite changed men,—much subdued and quiet.
7369. And Berrima ever since it has been a "separate" prison has been under the governorship of Mr. Small? Yes.
7370. Do you know Mr. Small? Yes. He was nearly two years under me before he went to Berrima.
7371. What character of officer was he? Very efficient; he was promoted for efficiency.
7372. Was he supposed to be a cruel man? No; he was very firm. There was a time when they used to bring refractory prisoners from Cockatoo—as many as 60 or 70 in a batch—and I found him very efficient in repressing them.
7373. A man of great determination and firmness, but not cruel? I never knew nor heard of his being cruel.
7374. Have you had any reason to change your opinion of him since he has been away from you? No, sir.
7375. Was he a foul-mouthed man? No, sir.
7376. Was he a man addicted to irritating, by petty annoyances or taunting language, prisoners unfortunate enough to be in his charge? I never heard of such a thing on his part.
7377. I suppose a man in that position, getting promotion somewhat rapidly, if there were weak points in his character it would be brought to your notice by other warders or other persons? I am sure it would, because I had him at a most trying time, one likely to call out any bad qualities if he had them. I know

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know that if it had not been for Mr. Small, and others like him, I would not have been able to keep the place at one time.
7378. Did you ever hear any well-grounded imputations on his veracity? I never heard any, well or ill-grounded; I always looked upon him as a most truthful man.
7379. *Mr. Oatley.*] Is it usual for prisoners to complain of one gaoler to another? Yes, if they have anything to complain of. I think there have been trivial complaints about some of their property not having come in the list.
7380. *Chairman.*] But are those complaints peculiar to Berrima, or are they equally applicable to Goulburn, Maitland, and Parramatta? I think there are less from Berrima than from any other place. I cannot recollect a single instance of anything going astray from there.
7381. If the discipline is faithfully carried out prisoners, are not as a rule contented persons are they? No, sir; I am under the impression that the majority are bordering on insanity, they are so unreliable in temper and everything else.
7382. *Mr. Oatley.*] Do you think they are more so after they come from Berrima? No; I think they are more subdued after they come from Berrima.
7383. *Chairman.*] Have you ever had reason to believe that the Berrima system of treatment operates prejudicially to the mental vigour of prisoners? I have never heard anything of the kind.
7384. Can you give us any suggestion by way of explanation of all these charges having been made against Mr. Small? I cannot understand it. I cannot conceive why they should do so. There is no doubt that the prisoners dislike the separate treatment.
7385. Irrespective of who is in charge of its administration: is that what you mean? Yes; no matter who it may be. I know they have a great horror of going to Berrima. They pretend that they do not mind it when they are going; but I understand from others that there is a great dislike to it.
7386. The treatment is more severe and the discipline is more strict? Yes, sir.
7387. And the one thing they dislike, I suppose, is being kept separate from their fellow-prisoners? Yes, sir; they dislike it in Darlinghurst Gaol, where we carry it out on a modified scale as far as we can.
7388. And while the separate treatment gives the men time for reflection it gives them also the opportunity of brooding over anything that they may consider hardship or injustice? Yes; and I believe that prisoners deceive themselves by imagining things and thinking and talking them over so long.
7389. That kind of result would not be peculiar to prisoners; would it not be the case with any other human beings who were, through force of circumstances, separated from their fellow creatures? No doubt it would. Prisoners have not to consider how they are to pay for their lodging and food, or anything of that kind, as free men have. If they had some such thoughts to occupy their minds they would not be so bad.
7390. Is the present system at all self-supporting by the labour of the prisoners? The cost of the prison last year, exclusive of the buildings, was £19,974.
7391. That is in Darlinghurst? Yes, sir. The total earnings for the year amounted to £11,543. The average cost per head was £33 13s. 7d. From this must be deducted £19 19s. 3d., the average earnings of the prisoners, which leaves a cost to the country of £14 4s. 4d. per prisoner.
7392. And what is the average number of prisoners? 663 a day for the year. But one-third of those are incapable of working. Last year there were 8,016 prisoners in the gaol during the year. The largest number I had at one time was in March last, when there were 739.
7393. Do you satisfy yourself that as much work is got out of the prisoners as ought to be got out of them, that is with due consideration for their health? It is not half the work that a free man would perform; but I think we average more than the prisons either at home or abroad. It is more than at Dartmoor.
7394. Do you suppose that the overseers in charge of the workshops would culpably wink at laziness or idleness? Some have done so.
7395. A prisoner named James Sullivan, who was sent from Darlinghurst to Berrima, has told us that Mr. Sutton, the overseer in Darlinghurst Gaol, for purposes of his own, would not allow the prisoners to do nearly as much work as they could do? I feel convinced that Mr. Sutton would try to get all the work he could out of the prisoners. I believe him to be an exceptionally good overseer.
7396. Sullivan says that the tasks which Mr. Sutton gave for a week could be performed in a day? No, sir; it would be to his interest to get all the work he could out of them.
7397. He says: "Mr. Sutton, the overseer in Darlinghurst Gaol, is the man I complain of most. I will go out of gaol as big a booby as when I entered it. I am deprived of the trade I was learing and the money I was earning, which would be about £3. *Question:* How could it be detrimental to Mr. Sutton that you should do this great amount of work? *Answer:* Because it showed that he was not fit for his post in prescribing tasks. *Question:* That he was not getting as much out of the men as he might? *Answer:* Yes. *Question:* Do you think the labour of the men could be utilized to a much larger extent. *Answer:* Yes; the tasks he gave for one week could be performed in a day." Do you think there is any truth in that statement? Not in the least. Besides, there is the chief overseer overlooking Mr. Sutton, to see that he gets the proper amount of work out of the prisoners. I believe that Mr. Sutton is a man who is not liked because he will not traffic with the prisoners and give them any indulgences. There are some overseers and warders who are great friends with the prisoners because they bring them in tobacco and other things. We have had one man dismissed lately. He was overseer of the mat shop. Mr. Sutton is greatly disliked for not doing that kind of thing. I look upon Mr. Sutton as a very respectable man, who would be above this traffic or misconduct in connection with the prisoners.*
7398. *Mr. Voss.*] You say you have been lately travelling through the gaols of Victoria and Tasmania? Yes, sir.
7399. Did you hear of gagging or spread-eagling taking place there? No, sir. I did not think of inquiring.
7400. Did you see ring-bolts in any of the cells? I did not in Victoria. I may have seen them in Tasmania.

7401.

* Note.—A prisoner, some time ago, wrote to the Comptroller General of Prisons making such a complaint, which was investigated at the time and satisfactorily answered. I did not recollect that circumstance when questioned on the subject.

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7401. *Chairman.*] Are you aware whether the gag was in use in the penal establishments of the neighbouring colonies? I do not know; but I have been told that this gag is formed upon the model of a gag used on Norfolk Island.
7402. *Mr. Oatley.*] Do you not think it would be possible to make some leathern thing to put across the mouth instead of this gag? I know they have a gag something like that in the Lunatic Asylum called the Weiss gag.
7403. *Chairman.*] After the man who invented it? Yes, sir.
7404. *Mr. Voss.*] Did you ever have Bragg in your gaol? Oh! repeatedly; since he was a child. He used to be so small that he could crawl between the bars of the trial yard.
7405. What was his conduct? Very bad, even to the magistrate; and he was a great liar. He used to insist before Mr. Chatfield that his name was Albert Burke, and that he was not Bragg at all. My experience of these people is that even when it is to their interest to speak the truth they will tell a lie.
7406. *Chairman.*] Lying becomes a disease? It is a moral disease. They think any man can tell the truth, but that it requires a clever man to be a good liar.
7407. *Mr. Voss.*] There is one witness who speaks of Darlinghurst Gaol as being considerably worse than Berrima. Do you know Walter Hughes? Oh, yes.
7408. What sort of a character is he? He is an infamous character. We have had to keep him by himself. He is one of those men said to be given to acts of abomination. We have to take care of him because we have so many boys in the gaol. There is a lady who comes to the gaol to teach boys singing, and Hughes wanted to join the class. She was willing for him to join, and I did not know how to tell her my reason for objecting. I suspected directly that he wanted to go there for the boys.
7409. *Chairman.*] You have spoken of the conduct of the men being better after coming from Berrima. Do you know how the treatment operates on their physical health? I do not see any difference in it.
7410. Prisoners sentenced to three years and upwards only remain with you a short time before going to Berrima? Yes, sir.
7411. Are prisoners often in a bad state of health at the time of their conviction? Frequently.
7412. And when they come back from Berrima are they improved in health? They are. I have found that there have been no less than 27 cases of prisoners suffering from venereal disease when they were received at the time of their conviction, and they have come back from Berrima in a perfect state of health. I may mention to you an extract from the *Lancet*, showing that experts at home recommend that prisoners undergoing separate treatment should get a more nutritious diet, and that prisoners on the works should get a larger quantity.
7413. *Mr. Voss.*] Do you recollect a prisoner named Joseph Holloway O'Neil? Yes, I recollect him.
7414. Can you recollect whether he was sent to Berrima for bad health, or for having fits? No, sir; he had no fits.
7415. Was he suffering from bad eyes, or anything of that kind? No; but he looked delicate when he left us. I think he was sent up for misconduct. He escaped being sent to Berrima in the first instance on the ground of ill-health; but it was found out that he was shamming. It was found out also that he was getting up a conspiracy to turn the prisoners against the chaplain.
7416. Was he sent up for bad health? No, sir.
7417. He did not suffer from bad eyes before going to Berrima? No, sir; I recollect that the chaplain complained of him.
7418. *Mr. Oatley.*] Do you remember a man named Crabtree being sent to Berrima? I recollect something of him. I think he must have been in Darlinghurst on transit.
7419. *Mr. Voss.*] Did you ever hear anybody stigmatise Berrima Gaol as a "hell upon earth"? I have heard that Mr. Dixon said so; but all the other chaplains tell me different.
7420. *Chairman.*] You are sure you heard that he said so? It was reported that he said so; I only know from what I saw in the paper. You asked me whether I could suggest any improvement in the present system. With reference to that, I may say that I would like to see short-sentenced prisoners in separate treatment. I can give you a number of pages where the Congress find the same complaint as I do. There are pages 494 to 500 and 624 to 728 on short-sentenced prisoners. We have had as many as 75 come in in one day, all covered with vermin. If a man comes in for a couple of days in that state there is no time to clean his clothes, and I am compelled to discharge him with his clothes as they were when he came in. I see that the Hon. C. F. Burke says that short sentences are injurious to prisoners. They make them worse than ever.
7421. What sentences do you mean? Only a few days.
7422. When we were at Darlinghurst taking evidence, was every means afforded to all the prisoners who were there to come forward and give their evidence? I had all the prisoners who had been at Berrima Gaol paraded, and told them that the Commission was coming, and that they could give any evidence they thought proper.
7423. *Mr. Voss.*] How was the list made out? The names of those who wanted to give evidence were taken down by the chief warder.
7424. *Chairman.*] Do you think any of them were deterred? Certainly not.
7425. Do you think any of them were deterred from coming forward to speak favourably about Berrima? That is more likely, because these men are great tyrants to one another.
7426. *Mr. Voss.*] They are afraid of the term "dog" I suppose? That is the worst name they have among them. A prisoner once reported to me that another prisoner had called me a "dog," and I called the man up and told him that it was a senseless thing to call me a "dog"—that there was no meaning in it—but that if he had called me a dishonest man I would have said something about it. He was quite surprised that I should think so little of the name.

Ghiblin Everett recalled, and further examined:—

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7427. *Chairman.*] I forgot to ask you yesterday about the case of a lad named Barnes. Were you at Berrima on the occasion of his being received into gaol for not being able to pay a fine? Yes, sir; I was senior warder at the time.
7428. Where did you see him? In the wings.

7429. Did he make any complaint at all of his treatment at the hands of Mr. Small? No, sir.
7430. Did you see anything about him at all to indicate that he had been ill-used? No, sir, I did not.
7431. Did you know at the time that he had been gagged from anything you had heard on that day? No, sir, not for sometime afterwards.
7432. How long afterwards was it before you heard anything? It was some days, and I heard it from somebody outside the gaol.
7433. Did you ever speak to the lad himself about it? Never in my life, sir.
7434. Then you are unable to say of your own knowledge whether he was gagged or not? I could not.
7435. If he swears that he was, and Mr. Small swears that he has no recollection of it, and that to the best of his belief it never occurred, you are not able to say on which side the truth is? No, sir. I heard that Mr. Small and Mr. Hill gagged him in the office on his arrival.
7436. What other warders were there at that time who are there now? There is only Mulligan who was there at that time.
7437. Would Mulligan be likely to have seen that? It is not very probable.
7438. Do you remember Mr. Buckley? Yes, sir.
7439. Where is he? He has left the service, I think.
7440. And Mr. Burns? He died in the Lunatic Asylum.
7441. And Hill? He lives at Newcastle.
7442. Was Barnes' hair cut? I can't say whether it was on that occasion. I know it was when he came for felony—stealing corn from Cobb and Co.'s stables.
7443. For many years he has been a well-conducted man? Yes, sir; I believe he supports his father, who is blind. He has brought wood for us to the gaol.
7444. *Mr. Voss.*] Did you see him just before he was let out of gaol? Yes, sir.
7445. And how long do you say he was in? An hour or two.
7446. Well, if he had been bathed and had had his hair cut, how long would that have taken—the shortest time? It would not take more than half-an-hour.
7447. If you saw him just before he went out of gaol, can you say whether he was bleeding about the mouth? I never saw any part of his body disfigured at all.
7448. You saw no blood whatever about him? No, sir.
7449. When was the time, do you remember? I do not recollect now.
7450. Would there be any record in the gaol of his being received and being discharged? It would be in the record book.
7451. *Chairman.*] It appears from the record book that it was on the 30th of April, 1868. He was fined £1, in default 14 days imprisonment, for obscene language. There is no record at all of his having been gagged? No, sir; it would be in the letter book if it was recorded. (*Letter book examined, and no record found.*)
7452. *Mr. Oatley.*] There is no doubt about the occurrence of the gagging which you say you saw in the office? No, sir; it was on the 28th of May, 1875.
7453. *Chairman.*] Where is the letter book for that year? It is not here, sir. But I know that the clerk could not find the record.

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John Hanley, warder in Darlinghurst Gaol, called in, sworn, and examined:—

7454. *Chairman.*] What is your name? John Hanley, sir.
7455. What are you? A warder in Darlinghurst Gaol.
7456. How long have you been a warder in Darlinghurst Gaol? Fourteen years.
7457. Have you been in a similar capacity in any other gaol? I was, sir; in Berrima.
7458. When were you there? I went there in June, 1863, and left in October, 1864.
7459. And you have not been to Berrima since? No, sir.
7460. You were there then at the time of the first riot? I was, sir.
7461. When the men were in the mess-room? Yes, sir.
7462. How long did that riot last? It commenced about 9 o'clock, and continued until late in the afternoon.
7463. How many men were engaged in that riot? A great many; I do not exactly know the number; nearly all the men in the gaol. The room was crowded.
7464. Was there any danger of the men effecting their escape? They were yelling and making all sorts of noise, and using threatening language.
7465. But, from the position of the building, was there any danger of their getting at large? Mr. Small considered there was, because he put a sentry outside to protect the place. It was a brick wall.
7466. Was the wall of the room the outer wall of the gaol? Yes, sir.
7467. Were the prisoners armed in any way? No, sir.
7468. Did they break up any of the tables? They broke up some of the tables and put the forms and tables against the doors, and blocked the doors so that no person could get in.
7469. How was the riot quelled? Mr. Badgery was sent for and he spoke to the men for a considerable time, but they would not give in until it was getting late in the evening, when Mr. Badgery spoke to them again. They then gave in and walked across to the gaol.
7470. Then Mr. Small had nothing to do with the quelling of the riot? He did his utmost to subdue it, but it was all to no purpose. They would not hear him speak.
7471. Where were you? I was in the yard.
7472. How did the men come out of the room? They came out quietly.
7473. Were any of the warders ranged up under arms? Yes, they were opposite the entrance-gate under arms.
7474. *Mr. Oatley.*] You say that it was through what Mr. Badgery said that the men gave in? Yes, sir.
7475. *Chairman.*] Do you know what communications had passed between Mr. Small and the authorities in Sydney? No, sir.
7476. You do not know what steps he was about to take? No, sir.
7477. And your observations were made from a distance, where you were a warder in the yard? Yes, sir.

J. Hanley.
30 Aug., 1878.

J. Hanley. 30 Aug., 1878.

7478. Do you remember whether, immediately prior to their coming out or their submitting, Mr. Small was armed with an axe and about to break open the door? I did not see him sir; I do not recollect seeing an axe in his hand.
7479. *Mr. Oatley.*] But if he had had an axe in his hand you would have seen it, I suppose? Yes, sir.
7480. *Chairman.*] During the time you were at Berrima did you ever hear any complaints of Mr. Small's treatment of the prisoners under his charge? Never sir.
7481. Had the prisoners opportunities of communicating to you complaints of ill-usage at his hands? Yes, sir, at any time.
7482. And do you swear that you never heard any complaints of ill-usage on his part? I do, sir.
7483. Did you ever witness any misconduct on his part? No, sir.
7484. Were you yourself ever brought into conflict with Mr. Small? No, sir. I was assaulted and severely beaten on one occasion by eight or ten prisoners because I would not let them go and see Mr. Small. I told them that when Mr. Small came I would let them know. Then they rushed at me and beat me severely, for which they were punished.
7485. Who did that? The prisoners.
7486. Which of them? There was a man named Forster, and a man named Cavanagh, and several others.
7487. Has Forster any alias? No, sir; his name is John Forster.
7488. You say you left Berrima in October, 1864? Yes, sir.
7489. Was Mr. Small in charge when you went there? Yes, sir.
7490. Why did you leave? I applied to Mr. Maclean to allow me to come down in consequence of my family.
7491. Was it through any complaints you had against Mr. Small? No, sir; I could live with him any length of time.
7492. Did you ever hear that he was a bad man for warders to get on with? I have heard warders say that they liked him well. I never had any fault to find with him.
7493. Have you ever heard from prisoners who have come from Berrima any complaints of Mr. Small's ill-treatment? There was one prisoner that said he was badly treated.
7494. Who was he? Kerr; he is the only man that ever I heard complain.
7495. Of all the prisoners who have come from Berrima to Darlinghurst during the fourteen years that you have been warder there Kerr is the only man you have heard to complain of ill-treatment on the part of Mr. Small; you say that on your oath? Yes, sir; all that I have personally heard.
7496. What complaint did Kerr make? He complained that his teeth were knocked out, that he was injured in the body, kicked, or something like that.
7497. Kerr is now at his liberty, I believe? Yes, sir.
7498. Have the prisoners in Darlinghurst who come from Berrima opportunities of speaking to you? I do not speak to them unless I am on duty.
7499. How was it that Kerr made these complaints to you? I heard that he made a complaint, and got liberty to make a statement.
7500. Did he not complain to you? No, sir.
7501. Never mentioned it to you? No, sir.
7502. Then do I understand you to say that they have no opportunity of complaining to you? We are not allowed to speak to them about such matters.
7503. You heard of Kerr's complaint indirectly? Yes, sir.
7504. Is that the only complaint you have ever heard of, directly or indirectly? That is the only complaint I have heard.
7505. *Mr. Voss.*] Do you know who were the leaders in that first riot? There was Hugh Montgomery Bland, a half-caste named Williams, and William Carr, *alias* Thompson. These were the parties that caused the others to rise up.
7506. There were none of them gagged or ironed on that occasion? No, sir.
7507. You came away before the second riot? Yes, sir.
7508. *Chairman.*] Have you ever seen any man gagged? Not at Berrima; at Darlinghurst I have, for a few minutes.
7509. How many? Not many; there is seldom any occasion to gag them, and the gag is kept in for a very short period.
7510. Can you state the number and the names? I can't remember the names.
7511. *Mr. Oatley.*] Were there four or five? Oh, yes, there were.
7512. *Chairman.*] More than that? There may have been more than that.
7513. Do you think you have seen as many as twenty men gagged? I don't think I have, sir.
7514. Or a dozen? I could not exactly say, sir, what number.
7515. Do you know Thomas Gleeson? Yes, sir.
7516. Have you known him long? Yes, sir.
7517. Have you ever seen him gagged? Yes, sir.
7518. How often? I could not say how often.
7519. More than once? I think so, sir.
7520. Can you remember whether you saw him gagged more than once? I could not remember.
7521. Will you swear that you have not seen him gagged five times? I don't think I have.
7522. Have you gagged him? No, sir.
7523. Do you know whether Carroll gagged him? No, sir.
7524. Do you know the names of any men who were gagged more than once? No, sir.

Nicholas Abbott, warder in Darlinghurst Gaol, called in, sworn, and examined:—

N. Abbott. 30 Aug., 1878.

7525. *Chairman.*] What is your name? Nicholas Abbott.
7526. What are you? A warder in Her Majesty's gaol, Darlinghurst.
7527. How long have you been in that position? Since about August, 1875.
7528. Prior to that were you in the Government service? I was temporarily—from April to August, 1875—at Darlinghurst.

7529.

N. Abbott.
30 Aug., 1878.

7529. Have you ever been to Berrima? I have. I went there on the 23rd September, 1875.
7530. How long did you remain? Fourteen months. I left in November, 1876.
7531. You were there as warder? I was, sir.
7532. During the time you were there did you witness any ill-treatment of any of the prisoners by Mr. Small? I did not, sir.
7533. Or by any of the warders? I did not.
7534. Did you ever hear any complaints of Mr. Small's ill-treatment of prisoners? I did not, sir.
7535. What was the occasion of your leaving Berrima? I applied for a transfer to Darlinghurst for family reasons.
7536. Was it on account of any disagreement with Mr. Small? It was not, sir.
7537. Did you ever see a man gagged in Berrima Gaol? I did not, sir.
7538. Are you quite sure? Yes, sir.
7539. Did you ever see a man spread-eagled? I never did, sir.
7540. Have you seen any man gagged in Darlinghurst? I have not, sir.
7541. Did you hear of any cases of gagging while you were in Berrima? I never did, sir.
7542. Did you hear, while you were at Berrima, of any case of spread-eagling? I did not.
7543. Were you at Berrima when there was a prisoner named Edward Callaghan there? I was, sir.
7544. How long were you there at the same time as he was? I think I was a few weeks in charge of the uppermost part of the building where he was.
7545. Do you know at all of his being punished for misconduct while you were there? I believe he was, for misconduct in the cell.
7546. Did you ever hear at all of his being gagged? No, sir.
7547. Did you witness his being taken from his cell to the office, or being brought back? If you will allow me to explain I will. The prisoners have a portion of work to perform in their cells. I think Callaghan had some boot-closing to do at the time. We had always to see if there were any marks or scratchings on their work, and I found some writing on the boot-uppers that Callaghan had. I called the attention of the senior-warder to it, and he reported it to the gaoler, I understood. I was told to let Callaghan out of his cell, as he was to go down below. That is all I know about it. I believe he was punished, but what he got I don't know.
7548. You were there until November, 1876? Yes.
7549. Callaghan was received on the 23rd of February, 1876; therefore you must have been there for some months after he came? He may have been down below for some time before he came to the upper cells where I had charge.
7550. *Mr. Oatley.*] Was the occasion you have spoken of the only time that he was taken away for punishment? Yes, sir.
7551. Was he ill-treated? Not to my knowledge. He was taken away to be brought before the Magistrate, I understood.
7552. Did you ever speak to him afterwards? I did not.
7553. *Chairman.*] Did you have opportunities of speaking to him while he was in your wing? I don't know that I ever had anything to say to him.
7554. Do you know anything of any charge of his defacing a Bible or tearing a Bible while you were there? I do not remember anything about it.
7555. Do you remember who the chaplain was who used to visit him? It would be the Rev. Father Riordan, I think.
7556. Did you ever see Callaghan fastened to any ring-bolts? I never did, sir.
7557. Did you ever see him dragged in any manner, up any steps or down any steps, or along any corridor? I never did, sir.
7558. In fact you never saw any ill-usage of any kind to him? No, sir.
7559. While you were there what were the arrangements with regard to letting the men out for the purposes of nature? The men used to ring, and they would be taken to the closet.
7560. Was the ringing attended to? Yes, sir. When the bell rang, a plate outside the cell would strike out, and you would go and attend to the prisoner.
7561. Did you ever hear of the men being kept so long that they had to make water down the cracks of their cells? No, sir.
7562. Were you in the upper wing all the time? No, sir; we used to take it in turns.
7563. How are the cells floored in the upper part? With wood.
7564. And the lower ones? With stone flags.
7565. There are likely to be cracks there, where the flags join? Yes, there would be cracks there.
7566. Have you ever heard of prisoners having to make water through the cracks in those cells? No complaint of the kind was ever made to me.
7567. While you were there did you hear the men complain of the insufficient quantity or inferior quality of the rations? I have occasionally heard them complain of the quality of the hominy, but never of any of the other provisions.
7568. Did you have opportunities of seeing the hominy? Yes, sir; I always considered it was good. They used to say that if it was cracked it was bad hominy, but I could never find anything wrong with it by the taste or by the smell.
7569. Used you to have to pass the hominy round to the men? Yes, sir.
7570. Could you say whether it was good? If I had found it bad I would have reported it to the officer, but I never did so.
7571. Were the complaints of the men frequent? No; I do not think it was more than two or three times.
7572. That is during the fourteen months you were there? Yes; that is while I was on duty in the wings; while on a post I would not have an opportunity of knowing.
7573. *Mr. Oatley.*] Was the hominy at Berrima as good as the men get at Darlinghurst? I should say it was, sir.
7574. *Chairman.*] Do you remember a prisoner named John Coghlan? Yes, sir.
7575. Was he at Berrima while you were there? I am not certain; I fancy he was there and that he came back again. I fancy he was there on two occasions.
7576. Did you ever see him gagged? I did not, sir.
7577. Did you ever hear of it? I did not, sir.

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7578. *Mr. Pinhey.*] Do you remember a warder named Murphy? Yes, sir; there is a man named Stephen Murphy.
7579. Where is he now? I do not know, sir.
7580. Did you hear of Callaghan being spread-eagled while you were there? No, sir; I never heard of it.
7581. *Chairman.*] Did you ever put any prisoners in the dark cells, or assist to do so? I went one morning to take a bed out, in company with a man named Tinson.
7582. Who was the prisoner? I think it was Cunningham.
7583. Did anything particular occur then? No. It appears, from what I understood, that he assaulted the chief warder, and so that he should not assault the chief warder again I was ordered to go with Tinson to bring away his bed in the morning.
7584. Did you ever see him ill-used? No, sir.
7585. Did you see him dragged to the office? I don't know whether I saw him go to the office or not; I think I did.
7586. *Mr. Voss.*] Was he in your wing? I don't know whether I was in the wing at the time.
7587. *Chairman.*] Do you know what bedding is allowed in the dark cells? I do not know.
7588. When you were in the wings above you say that the prisoners sometimes complained of the hominy. Did they press it as a serious complaint, which should go further? No; it was simply a remark they made among themselves, because it was cracked.
7589. The complaint was not sufficiently strong for you to report it to your superiors? No, sir.
7590. With regard to answering the bells to let the men out to the closet, would you consider that any neglect in that matter would have been treated as a serious offence if proved against any officer? Yes, sir; if a man wanted to go to the closet and was not allowed.

John Cotter, warder in Darlinghurst Gaol, called in, sworn, and examined:—

J. Cotter. 30 Aug., 1878.

7591. *Chairman.*] What is your name? John Cotter, sir.
7592. What are you? A warder in Darlinghurst Gaol.
7593. How long have you been at Darlinghurst in that capacity? A year and eight months.
7594. Were you at any time a warder in Berrima? Yes, sir.
7595. For what time? Fifteen months.
7596. When? From September, 1875, to January, 1877.
7597. While you were there did you witness any ill-treatment of the prisoners at the hands of Mr Small? No, sir.
7598. Or of any of the warders? No, sir; I did not.
7599. Do not be afraid to speak out if you know anything at all? No, sir; I am speaking the truth.
7600. Did you hear any complaints, while you were there, of any ill-treatment? No, sir; I did not.
7601. Did you ever see anybody gagged at Berrima? Never, sir.
7602. Did you ever see anyone spread-eagled at Berrima? Never, sir.
7603. Did you ever see any prisoner assaulted or hustled in an improper manner? No, sir.
7604. Were you there while Edward Callaghan was there? Yes, sir.
7605. Were you in the wing where he was? Yes, sir; I had charge of it for a month.
7606. Did you ever witness any ill-treatment of Callaghan at all? No, sir, I did not.
7607. Did you ever hear him complain of any ill-treatment? I heard him say that the gaoler caught hold of him and ran him down the stairs on one occasion.
7608. Did you see that occurrence? I did not, sir.
7609. Did he ever complain of the gaoler assaulting him, or dragging him down any steps? No, sir, he did not; he just said that the gaoler caught hold of him and locked him up.
7610. Did he appear to you to have been ill-used? I did not see him till a day or two after it had occurred.
7611. Quite time for him to have recovered if he had been ruffled? Yes, sir.
7612. Did he ever complain of being gagged or fastened to ring-bolts? No, sir. I was there the whole of his time.
7613. What sort of a character was he? He was a very troublesome character.
7614. In what regard? Breaking the rules, talking to other prisoners, and making a noise in his cell.
7615. *Mr. Oatley.*] Have you had occasion to report him for that? I have not, sir.
7616. *Chairman.*] Were you there while a prisoner named John Coghlan was there? I was, sir.
7617. And a prisoner named Joseph Bragg? No, sir, I don't recollect him.
7618. Did you ever see Coghlan ill-treated in any way? No, sir.
7619. Did you ever hear of it? No, sir.
7620. Was he in the wing in which you were warder? Yes, sir.
7621. Did he ever complain to you? No, sir.
7622. Had the prisoners opportunities of mentioning to the warders when they had been ill-treated? They had, sir.
7623. Do you suppose they would be afraid to tell a warder if they had any complaint to make? I do not think so.
7624. Might they not think that the warder would tell Mr. Small? I do not think so. They generally make known any complaints they have.
7625. Had the men any difficulty in seeing the Visiting Justice? None that I am aware of.
7626. What was done when a man wanted to see the Visiting Justice? His name was taken down and submitted to the gaoler.
7627. And do you believe that when their names were taken down in that way, they would always see the Visiting Justice? Yes, sir.
7628. Where did the Visiting Justices see them? In the wing.
7629. They would not go to the office? On some occasions I have seen them taken to the office, and sometimes the Visiting Justice would go round to the cells.
7630. Had they any difficulty in seeing the doctor? Not the slightest.

J. Cotter. 30 Aug., 1878.

7631. How often did he go to see them? Any one who wanted to see him was taken to the hospital to see him.
7632. Have you ever seen him go round? I have seen him go round, but he has not generally gone.
7633. *Mr. Voss.*] Whose duty is it to take down the names? The senior warder takes the names. The warder in charge of the wing opens the cell-door, and asks the prisoner if he wants to see the doctor, and if he does, his name is taken down and given to the senior warder.
7634. What was the occasion of your leaving Berrima? Through family arrangements.
7635. Was it by reason of any disagreement with Mr. Small? No, sir, I had no disagreement with him.
7636. Did you ever hear him spoken of among the men as being a man of a cruel disposition? I have, sir.
7637. Frequently? Yes, sir.
7638. By prisoners alone, or by prisoners and warders? By warders principally, sir.
7639. Did you ever yourself observe anything to justify a complaint of that kind? Not as far as I am concerned.
7640. Did you ever see anything in Mr. Small's conduct to justify it? I did not; I have never seen anything myself.
7641. Who were the warders who complained? They were men who were trying to get away for several reasons.
7642. Who were they? There was Mr. Cairncross, Mr. Murphy, who has left the service, Mr. Hammett, and several others.
7643. Can you recollect the names? No, sir.
7644. Where are Cairncross and Hammett? Cairncross is in Berrima, I believe; and Hammett is in Bathurst.
7645. What was the nature of their complaints generally? The manner in which Mr. Small used to speak to them.
7646. They thought it harsh? That was the only reason I knew of.
7647. Did they ever complain of any injustice? Not exactly that I am aware of; I do not recollect it.
7648. Did they complain of any physical ill-usage? No, sir.
7649. Did they make their complaints merely about themselves or about Mr. Small's manner of treating prisoners? About themselves. I never heard them speak about prisoners.
7650. But you never witnessed anything yourself? No, sir; I did not.
7651. *Mr. Oatley.*] Is Mr. Small a man of violent temper, or a good-tempered man? He has a very hasty temper.
7652. *Chairman.*] But does he keep it under control or allow it to get the better of him? I saw very little of it.
7653. *Mr. Oatley.*] Does he give way to it? Yes, sir.
7654. *Chairman.*] In what way does he? If he thought a man was doing wrong he would go and speak to him in a kind of bullying manner.
7655. But if he did not think he was doing wrong? I expect he would say nothing.
7656. It is faults of manner that you complain of? Yes; I never saw him do anything.
7657. *Mr. Voss.*] You would not call him a cruel man? No, sir; I never saw any cruelty on his part.
7658. *Chairman.*] Has not a man in his position to be often pretty firm, and bounceable too? Yes, sir; he has.
7659. Did you hear many complaints of the condition of the rations while you were there? No, sir; I did not.
7660. You had an opportunity of seeing the rations? Yes, sir.
7661. What was the quality? It was good, as far as I know.
7662. Do you believe the prisoners got the regulation amount? I do, sir.
7663. Did you ever hear any complaints about the men not being let out to go to the closet? I did, on one occasion.
7664. Only on one occassion? Yes, sir.
7665. Whom was that from? Callaghan.
7666. What did he say? He said that he would not be let out of the yard.
7667. But out of the cell? I never did, sir.
7668. Did you ever know men to be kept so long in the cells that they had to make water in the cracks? I never knew of it to my own knowledge, but I have heard of it.
7669. Did you hear that they had done it because they were not let out or for wickedness? One of the prisoners one day showed me that he had had to do it in a spittoon in his cell.
7670. Who was that? I could not exactly say.
7671. And Callaghan's complaint was about his not being let out of the yard? Yes, sir.
7672. *Mr. Voss.*] Was his complaint about you and to yourself? Yes, sir.
7673. Why could you not go sooner? Because I had to attend to the men in another passage. I had thirty-three men to attend to.
7674. Then a man may sometimes have to wait a quarter of an hour before you can let him out? Yes, sir.
7675. Bells may be ringing while you are attending a man to the closet? Yes, sir; you can only let one man out at a time. There is only one closet.
7676. *Mr. Oatley.*] Then there is not sufficient accommodation. You say you can only let one man out at a time, and that there is only one place to go to? Yes, sir.
7677. *Chairman.*] Is there unrestricted communication between the warders? Yes, sir.
7678. Do you think it possible that for years a series of cruelties could go on—repeated gaggings, assaults, and harshness of various kinds—without the warders knowing of it? I am certain it could not.
7679. And you are quite positive that none of these things ever came under your knowledge? Yes, sir.
7680. Have you any idea how charges of this kind could be made falsely? I do not know, sir. I have no idea unless it is from a vindictive motive.
7681. *Mr. Voss.*] Do you know whether the prisoners in Darlinghurst have a great objection to being sent to Berrima;—do they generally dread Berrima? Of course, sir, because it is a place of punishment.
7682. *Chairman.*] Is Darlinghurst not? Yes, but not so severe.
7683. *Mr. Voss.*] But you say they dread Berrima? Yes, sir.
7684. *Mr. Oatley.*] On account of the separate treatment? Yes, sir.
7685. *Chairman.*] You have mentioned some warders who you say spoke against Mr. Small. Had those warders been in collision with him by being reported or by making complaints? Yes, sir. 7686.

J. Cotter. 30 Aug., 1878.

7686. Had there been investigations in most of those cases? Yes, sir.
7687. Do you know any instances of prisoners who have misconducted themselves in Darlinghurst being sent back to Berrima for separate treatment? Yes, sir.
7688. What effect has the separate treatment had on these men? I found that they were a great deal better afterwards.
7689. And men who used to be subjected to constant punishment, have you known them to behave well ever afterwards? I have, sir.
7690. So that, on the whole, it was much better for them that they were sent to Berrima? Yes, sir.

John Carroll, warder in Darlinghurst Gaol, called in, sworn, and examined:—

J. Carroll. 30 Aug., 1878.

7691. *Chairman.*] What is your name John Carroll.
7692. What are you? I am a warder in Darlinghurst Gaol.
7693. How long have you held that position? Between sixteen and seventeen years.
7694. Have you ever been to Berrima as a warder? Never, sir.
7695. I observe that you have a stripe on your arm. Are you a senior warder? No, sir; I am a first-class warder.
7696. Do you know a prisoner named Thomas Gleeson, *alias* Edward M'Auley? Yes, sir, very well.
7697. Did you ever see him gagged? Yes, sir.
7698. How often? Once or twice.
7699. I want you to state as often as you can remember? I have seen him once; I do not remember more than twice.
7700. Will you swear that you have not seen him gagged twice? I will not.
7701. Will you swear that you have not seen him gagged three times? I do, sir, positively.
7702. Who gagged him when he was gagged? I gagged him on one occasion.
7703. And who on the other? I do not know.
7704. What was the cause of his being gagged? For violent and refractory conduct, and for obscene and improper language.
7705. When was it? It is some years ago.
7706. How many;—do you remember the year? I do not. I suppose it would be five or six years ago.
7707. No more than that? Not this occasion I am speaking of.
7708. Was it as long ago as 1868? I believe he was gagged in 1868, but I had nothing to do with that.
7709. Why do you think so? Because I heard of it, and I think I saw something in the book about it.
7710. But it is five or six years ago that you gagged him? I think it is about that time.
7711. Was it absolutely necessary to gag him, in order to stop his language? Certainly it was.
7712. Had he lost any teeth do you know? I do not know.
7713. Do you know whether he lost any teeth under that operation? I am not aware.
7714. Might he have done so—is it possible that you may have knocked one of his teeth out? I do not believe it is possible.
7715. Why? Because it was not put in with such force.
7716. Did you put it into his mouth violently? No, sir.
7717. Will you swear that? Yes, sir.
7718. Did you strike the gag at all? No, sir.
7719. How long was it kept in? That I can't remember.
7720. After you gagged him was he left in his cell? Yes, sir.
7721. Nobody was left with him? No, sir.
7722. Did you take the gag out? I can't remember; probably I did.
7723. Did you see him shortly after the gag was taken out? Yes, sir.
7724. Can you not say how long it had been in? It may have been in a quarter of an hour.
7725. Was it in longer? I do not believe it was.
7726. Will you swear it was not in half an hour? To the best of my belief it was not, but of course I cannot speak to a minute or two.
7727. After it was taken out did he complain of having lost a tooth under the operation? He did not complain then, but I heard him complain to the Visiting Justice when he was brought before him.
7728. What did he say? He said that they gagged him and knocked a tooth or teeth out.
7729. Did he show where any tooth was out? No, sir.
7730. Did the Visiting Justice ask him to show? No, sir.
7731. Were you reprimanded for doing so? No, sir.
7732. Nor any other warder? No, sir.
7733. Is every case of gagging brought to the knowledge of the Visiting Justice? It would be in the report.
7734. And to the Comptroller General's knowledge? It would be reported to him.
7735. Could Gleeson have been gagged 15 or 16 times in Darlinghurst? I do not believe that he could have been gagged more than twice.
7736. Did you ever hear him complain that he had been gagged more than once or twice? No, sir.
7737. Did you ever hear from anybody that he had been gagged that number of times? Never.
7738. What character for truthfulness had he? If he was any way vindictive or wished to carry out any spite, I don't believe he would stick at the truth.
7739. Was he noted for his lying propensities? I never had much to do with him except when he would be locked up.
7740. Did you ever hear that he had any particular soubriquet? They used to call him "Tom the fool" when he came in as a youth.
7741. Do you know why they called him "Tom the fool"? I think it was a name the boys outside gave him.
7742. What do you know about his being gagged in 1868? I know nothing about it, but I saw the report.
7743. Have you been looking it up? No, sir; I did not know what I was coming here for.
7744. Were you assisting Mr. Read in looking up the record? Yes, sir, and I came across this.

J. Carroll. 30 Aug., 1878.

7745. Was there any record of this occurrence of five or six years ago? There must have been a report, because he told the magistrate himself.
7746. *Mr. Voss.*] Did you, before you applied the gag, report to the gaoler that the prisoner was making use of this beastly language, or did you do it on your own responsibility? I don't think I reported it to the gaoler, but it would be reported to the chief warder.
7747. Did you put the gag in because you heard him making use of the language, or did you get orders? There never was a gagging yet without authority.
7748. But you do not recollect who gave you authority? I do not recollect whether it was the principal gaoler or the chief warder.
7749. *Chairman.*] Where did you get the gag from? We had some in a drawer in the wing.
7750. You do not carry one of those things about in your pocket? No, sir.
7751. *Mr. Oatley.*] When you gagged Gleeson did you leave him locked up in his cell? Yes, sir.
7752. How long was he there before you went back to see him? It may have been a quarter of an hour or more.
7753. And his hands were handcuffed behind him? Oh! yes.
7754. *Mr. Voss.*] Have you ever heard any of the prisoners who have come from Berrima complain of ill-treatment there? Never to me.
7755. Did you ever hear about their making complaints to that effect, or did you ever hear warders say that they had heard complaints? No, sir.
7756. You know now, of course, that there are complaints of ill-treatment at Berrima Gaol? Yes, sir.
7757. How did it first come to your knowledge that there were charges against the gaoler? Through the press.

NOTE.—I can now positively assert, after due consideration and having refreshed my memory, that it was for being gagged only that Gleeson complained, and not for having the tooth out. I can also positively say that I never saw a tooth out, and am well aware that he did not lose a tooth on the occasion referred to. Moreover I have since, accompanied by the dispenser, searched the hospital books of that period, and no entry can be found that he complained to either doctor or dispenser, which, if he did, it would be recorded therein. As I was in charge of the wing at the time, about nine years ago, I can safely say that it never took place, which, if it did, he would take the first opportunity to report the matter to either the gaol or medical authorities before he saw the magistrate. Telling the magistrate about being gagged was the cause of my mistake.

The Rev. Charles Francis Peter Collingridge, Roman Catholic Chaplain, Darlinghurst Gaol, called in, sworn, and examined:—

Rev. C. F. P. Collingridge. 30 Aug., 1878.

7758. *Chairman.*] What is your name, sir? Charles Francis Peter Collingridge.
7759. You are Roman Catholic Chaplain to Darlinghurst Gaol? Yes, sir.
7760. How long have you held that appointment? I think it is from February or March of the present year.
7761. Have you ever been to the gaol at Berrima? No, I have not been there.
7762. Have you ever held the position of Gaol Chaplain before? No.
7763. In your position as chaplain to the gaol have you perfectly unrestricted access to all the members of your communion who are prisoners in the gaol? Oh! yes. Well, I am supposed to meet them at certain times in the chapel or sacristy, or in the case of a condemned prisoner, in his cell. Of course that is free access; I do not claim any other.
7764. And the men have every opportunity of communicating to you any complaint or grievance under which they suppose themselves to be labouring? Yes, but I have not received any complaints.
7765. Have you seen many men whom you have known to come from Berrima? No, I remember one being sent there, but I do not remember anyone coming from there.
7766. As a matter of fact, there are a great number of men who come from Berrima and who are afterwards drafted to Darlinghurst? I was not aware of that.
7767. Have you ever heard any complaints of ill-treatment at Berrima Gaol? No, not one; except, perhaps, that when this prisoner Cassidy was to be sent there, he pleaded very hard with me to prevent his going there, because he did not expect such kind treatment as he got at Darlinghurst.
7768. When was that occurrence? About three weeks or a month ago.
7769. Was he a prisoner who had been at Berrima? I do not know; I do not think so.
7770. It was apprehension on his part? Nothing more.
7771. Not experience? I think it was apprehension inspired by his conversation with the other prisoners.
7772. Are you aware that the discipline at Berrima is more severe than at Darlinghurst? Yes.
7773. And, for that reason alone, a prisoner might object to go to Berrima? One of the reasons pleaded was independent of that. It was, that I might have more influence over him for his spiritual good. I daresay it may have had nothing to do with his treatment.
7774. Then it was a matter of personal attachment to yourself? Well, no; I rather think that having begun with him, and caused him to receive the Sacrament—having, as it were, converted him, made a Christian of him—he thought that I ought to go on.
7775. Who is this man Cassidy? I do not know what he was convicted for; I know he was convicted several times before.
7776. What age is he? I should say he has just turned 30.
7777. Why do you suppose that you made a Christian of him? I do not say essentially a Christian; but he did not know anything about the essential mysteries of Christianity. He had not made his first Communion, which we consider very important; and he did not know about the mysteries of the Blessed Trinity, and all the other mysteries of religion, which, of course, are essential.
7778. Have you ever known the case of a man sent from Darlinghurst to Berrima for misconduct, and who has been returned to Darlinghurst? No, sir, I have not.
7779. Are your relations with those prisoners who are members of your Church of such a confidential nature that they would communicate to you any complaints to which they wished to give utterance? I hardly think they would, because once or twice I have been asked to intercede for them, to communicate outside, and so on; and I have pointed to the regulations which prevent the chaplain from having any such communication, so that if they thought I would have anything confidential with them, in addition to the

Rev. C. F. P. Collingridge. 30 Aug., 1878.

the Sacrament, they would have small hopes. I was quite free, of course, to appear to take an interest in their temporal affairs, as Father Petre did; but I know that he was almost tormented to death, and I knew that what I had to do at the Cathedral would prevent me from doing anything of that sort, so that I have confined myself strictly to my duties as chaplain.

7780. Then you have not invited confidence on the part of the prisoners? No, sir, I was not aware until I saw it in the paper a short time ago, that the chaplain could do any such thing.

7781. You see prisoners have so few friends that it is desirable, if possible, to establish some kind of friendly relationship with them under safeguards, such safeguards as would particularly exist in the case of the chaplain, who might be made the recipient of confidential complaints? I believe it is a right thing to do, but I have not undertaken it, because I did not think it belonged to my duty; and having undertaken the chaplaincy without previous experience, I thought it better to wait and not interfere.

William O'Brien, warder in Darlinghurst Gaol, called in, sworn, and examined:—

W. O'Brien. 30 Aug., 1878.

7782. *Chairman.*] What is your name? William O'Brien, sir.

7783. You are a warder in Darlinghurst Gaol? I am.

7784. How long have you been in that office? About twelve months.

7785. Have you ever been a warder at Berrima Gaol? Yes, sir.

7786. How long? Nine months.

7787. In what year? I went there in May, 1876, and left in February, 1877.

7788. While you were at Berrima did you witness anything in the shape of ill-treatment of the prisoners by Mr. Small or any of the warders? No, sir, nothing whatever.

7789. Did you ever hear any complaints made by the prisoners of ill-treatment by Mr. Small or the warders? No, sir.

7790. You never heard of such a thing from any of the prisoners while you were in Berrima? No, sir, I never saw nor heard of anything wrong.

7791. While you were at Berrima was there a prisoner named Edward Callaghan there? I do not know him. He might have been there.

7792. He was serving a sentence of three years for stealing a horse and revolver? I heard about him, but I did not know him at Berrima.

7793. Was your appointment to Berrima your first appointment as warder? No, sir, I was appointed to Deniliquin when I joined the gaol service.

7794. Have you ever seen a prisoner gagged? No, sir, never.

7795. While you were at Berrima did you hear any complaints on the grounds of insufficiency of rations, or bad quality of the rations? No, sir, nothing whatever.

7796. Were you in attendance on the separate men in the wings? Yes, sir, I took it in my turn.

7797. Did you have to give them in their rations? Yes, sir.

7798. Were any complaints made about the rations? No, sir, no complaints were made to me.

7799. Did they say the hominy was rotten, and not fit to give to human beings? No, sir.

7800. Did you ever hear any of them complain that they were not allowed out for the purposes of nature? I have heard complaints of that nature, but it could not be avoided.

7801. Were those complaints frequent? Not very frequent. You had a lot of men to attend to, and the bells would go, but you could only attend to one man at a time.

7802. Have you known prisoners put to a straight for that? Yes, and I have been put to it myself, through not being able to leave my post.

7803. Have you known the men to be compelled to relieve themselves in their cells? No, sir, I never saw anything of that sort. Prisoners have complained that they suffered from their water, and could not wait.

7804. Did you bring that under the notice of the gaoler? I brought it under the notice of the chief warder, Mr. Everett.

7805. Did you do that more than once? I think it was only once that I brought it under his notice.

7806. *Mr. Oatley.*] Were they daily complaints? They were not daily complaints.

7807. But frequent you say, do you? They were not very often; in fact it could not be avoided.

7808. *Chairman.*] Whenever there was any ground for such a complaint was it done through caprice or cruelty, or indifference, or because there really was not accommodation? It was because there were not sufficient warders to carry on the work.

7809. Nor enough closets? No, sir. It would not do to let the men in separate treatment be clashing against one another in the corridors. We had to lock one man up before we could let another out.

7810. And was there only one place for them to go to? Yes; one in each wing.

7811. Did you ever hear of a man being spread-eagled? I have heard of men being spread-eagled, but I never saw it.

7812. While you were there? No, sir.

7813. Having been spread-eagled before? I have heard them talking about it, but I have never seen any cruelty since I have been in the gaol service.

7814. Did you hear of the spread-eagling as having been done there and then, or within a few weeks back, or years ago? It must have occurred years before.

7815. *Mr. Voss.*] Did they refer to any particular person who had been spread-eagled? Well, no, sir; I could not recollect now.

7816. *Chairman.*] Can you say at all what character Mr. Small bore amongst the prisoners and warders, I mean as to whether he was a cruel man or not? Well, he is not a very refined man; he is rather rough in his manner, but I do not believe he is a bad man at heart for all that.

7817. Do you think he is a cruel man? He is very determined.

7818. Do you think he is a man who would inflict pain for cruelty's sake? I do not think so.

7819. Did he ever have that character among the men? They spoke very hardly of him, but I know that he always treated me very well, and I had nothing whatever to say against him.

7820. Did they speak of him like that while you were down there, or since this business has come up? It is only while this Royal Commission has been sitting that there has been any talk about it.

W. O'Brien. 30 Aug., 1878.

7821. While you were a warder at Berrima did you hear these things said of Mr. Small? Yes, sir.
7822. That was before the Royal Commission was appointed. But you never knew anything against him? No, sir. He is very firm, and if anyone crosses him he is very determined.
7823. Do you think him an unjust man? No, sir; I never saw any injustice.
7824. *Mr. Pinhey.*] You believe him to be a thorough disciplinarian;—is that what we are to understand? Yes, sir; I believe him to be a very firm and determined man.
7825. *Mr. Oatley.*] What sort of a tempered man is he; is he hot-tempered? Yes, he is rather passionate.
7826. Does he lose control of his temper at times? I have heard him raising his voice.
7827. Have you heard him abuse the prisoners? No, sir.
7828. *Chairman.*] Do you know whether the prisoners were made a show of at all before visitors in a taunting or jeering way? No, sir; I never saw anything of it, and I have been several times around with him.
7829. To wound the feelings of the prisoners, I mean? No, sir, I did not.
7830. When you represented to the chief warder the complaints of the men about not being let out, what did he say? He said it could not be avoided; that they had made application for a man but the Government would not allow it.
7831. But what is the use of having another man if there is only one place for the prisoners to go to. Were there not two warders on duty? No, sir, only one warder.
7832. Do you think it a case of real suffering on the part of the men—severe suffering or incidental inconvenience? I have heard the prisoners say they suffered very much, but I do not see how it could be remedied, as there could only be one man let out at a time.
7833. Did any of the prisoners ask to complain to the superior officers? No, sir; none of them asked to make any complaint.
7834. Did they make it as a complaint to go further, or as a remark to yourself? They spoke to me about it, and I said it could not be avoided.
7835. Did the prisoners ring their bells unnecessarily in order to keep the warder on the trot? I do not know, sir. After dinner a lot of bells ring, but I don't think they do it to keep the warder on the trot. I think they only rang the bells when they really wanted to get out.
7836. How long do you suppose a man was kept waiting after ringing his bell? Suppose a dozen bells go. You commence with one man, and you let him out; and then you will have to go on until the whole of them are let out. The last man might have to wait 20 minutes or half an hour, or more than that.
7837. *Dr. Alleyne.*] Have you ever known as many as a dozen bells ringing at the same time? I have seen as many as a dozen plates out.
7838. *Chairman.*] Can the men keep on ringing? No, sir; they can only ring once. They cannot ring again until the plate is put back.
7839. *Mr. Pinhey.*] Did you leave Berrima at your own request? Yes, sir.
7840. *Chairman.*] You never had any falling out with Mr. Small? No, sir; I found him very kind to me.

Owen Smythe, warder in Darlinghurst Gaol, called in, sworn, and examined:—

O. Smythe. 30 Aug., 1878.

7841. *Chairman.*] What is your name? Owen Smythe.
7842. You are a warder at Darlinghurst Gaol? Yes, sir.
7843. How long have you been warder there? About two years.
7844. Were you a warder at Berrima Gaol? Yes, sir.
7845. For how long? About eleven months; from the 3rd of July, 1875, till the 16th of May, 1876.
7846. While you were at Berrima did you witness any ill-treatment of the prisoners by Mr. Small or any of the warders? No, sir.
7847. Did you ever hear any complaints at all of Mr. Small having ill-treated prisoners? I have heard rumours.
7848. Have you heard complaints from the prisoners themselves? No, sir; never.
7849. Would the prisoners have an opportunity of telling you if such had been the case? Oh, yes. If they had any complaints to make they could make them to the Visiting Justice.
7850. Was it part of your duty to take the rations to the men? I passed their rations in to them.
7851. And you had an opportunity of seeing whether they were good or not? Yes, sir.
7852. Did you ever hear any complaints of the rations? I did on one occasion. I heard a man complain that the hominy was not good, but it was shown to Dr. Williamson and he pronounced it to be good.
7853. And had the man to take it? No, he did not use it on that particular occasion.
7854. Did he get any other? No, sir.
7855. Who was he? George Harrington.
7856. Is that the only case in which there was any complaint of the rations at all? That is the only one.
7857. And what was your opinion as to the quality? Well, my opinion was that it was good.
7858. I do not mean that particular ration, but generally were the rations good? Yes, sir.
7859. Equal to what is supplied at Darlinghurst or any other gaol that you have been in? Yes, sir.
7860. Have you been in any other gaol? Yes, Mudgee.
7861. Are the rations supplied at Darlinghurst as good as those at Berrima? In my opinion they are.
7862. *Mr. Voss.*] Was the prisoner Harrington brought before the Visiting Justice? After the doctor had pronounced the hominy to be good he was charged with making a false complaint.
7863. Was he brought before the Visiting Justice, and was it there proved to be a frivolous complaint? I do not recollect.
7864. You did not show the hominy to the doctor? No; I reported the matter to the senior warder.
7865. *Chairman.*] Were you at Berrima while Callaghan was there? A part of the time, I think; but I was principally engaged in the wings upstairs, so that I had not an opportunity of seeing much of him.
7866. Did you ever hear of any ill-usage of him? No, sir.
7867. Did you ever see a man gagged at Berrima? No, sir, I did not.
7868. Nor spread-eagled? No, sir; I do not think anything of the sort was done while I was there.

O. Smythe. 30 Aug., 1878.

7869. Do you know if the men complained of not being able to get out of the cells to make water? I heard that they had made a complaint, but it was after I left there.
7870. Were you there during the winter at all? Yes, sir; I went there in the winter.
7871. Was it part of your duty to let the men out when they rang? Yes, sir, at any time they wanted to get out.
7872. Did they ever complain of having been made to wait? No, sir, I always attended to the bells as well as I possibly could. There is only one man allowed for the wings upstairs.
7873. From your opportunities of observing Mr. Small in his conduct towards the prisoners, can you say whether there is any fault to be found with him? I don't think there can be.
7874. I want you to speak with perfect frankness, and to tell the whole truth? I am doing so, sir—in fact, I thought Mr. Small rather kind. Many of the prisoners would rather have had him than the doctor. He prescribed for some of them when they were ill, and took them into the hospital promptly.
7875. Who was the doctor? There was first Dr. Williamson, then Dr. Lamb, and then Dr. Lambert.
7876. Which doctor did they find most fault with? Dr. Williamson.
7877. Why was that? They did not care about going to him.
7878. Had they not confidence in his medical skill or what? I don't know what it was.
7879. Did they ever say that whatever was the matter with them he only prescribed aperient medicines? I never heard of it.
7880. *Mr. Oatley.*] Did Mr. Small prescribe for the prisoners in lieu of the doctor? He sometimes prescribed for them when the doctor was not there.
7881. And they preferred that? Some of them.
7882. Is there sufficient accommodation for the men to obey the calls of nature? Yes.
7883. Though there is only one closet to each wing? Yes.
7884. And that is sufficient? It is quite sufficient.
7885. *Mr. Voss.*] During the two years you have been in Darlinghurst have you at any time heard complaints of ill-treatment in Berrima Gaol from the prisoners? Not directly from the prisoners; I have heard a rumour that there were.
7886. How have you heard it? From prisoners—hearing them talk about it.
7887. But not of ill-treatment to themselves? No, sir.
7888. You never heard anyone say that he had been ill-treated? No, sir, I have merely heard them talking about the gaoler being cruel to other men.
7889. But never to themselves? No; I have heard some of them say they would rather do their whole time there than go to Parramatta or Darlinghurst.
7890. *Chairman.*] Did you get on pretty well with Mr. Small? Yes, sir; I had no complaint while I was there. I applied to leave for private reasons. I got on with him very well, and I would go back to him to-morrow.
7891. Can you say whether you believe his conduct to be cruel or not? I do not believe he was cruel to the prisoners; I never knew an instance of it.
7892. Can you say whether you believe he was unjust to them? I do not believe he was.
7893. Can you say, on your oath, whether you believe there was any petty tyranny—no gross cases of tyranny, but a system of petty annoyances calculated to make a man's life miserable? Nothing of the sort. I believe if a man behaved himself he could get along very well
7894. *Mr. Voss.*] Were any of the warders at all at variance with Mr. Small? No, not during the time I was there.
7895. Did they all seem to agree with him as well as you did yourself? Yes; I do not think there was a report against a man all the time I was there, except in one or two instances.
7896. *Chairman.*] How long has a man had to wait after ringing his bell before being let out to the closet? I could scarcely answer that question.
7897. Suppose half-a-dozen bells rang together? Then you would have to let the men out one after another; but some may have rung their bells for other purposes—perhaps for more work, or instructions about their work.
7898. Would you not go at once to ask them what they wanted? Yes; I would ask them through the trap in the door.
7899. I suppose you would attend first to those who wanted to go out for the purposes of nature? Yes, sir.
7900. Have you noticed the men at Berrima to be more sullen or discontented than other prisoners? Yes, sir, they are.
7901. To what do you attribute that? I suppose it is to being so much alone, and having no one to communicate with.
7902. Are they as much inclined to be insolent or quarrelsome there as in other gaols? No, sir, I have seen them as quiet there as in other gaols.

SATURDAY, 31 *AUGUST*, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

The Rev. Canon Rich, Church of England chaplain to Darlinghurst Gaol, called in, sworn, and examined:—

Rev. Canon Rich. 31 Aug., 1878.

7903. *Chairman.*] What is your name, sir? Charles Hamor Rich.
7904. You are Church of England chaplain to the gaol at Darlinghurst? I am.
7905. How long have you held that position? It is now nearly fourteen years, I think.

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7906. Are the relations existing between you and the prisoners who are members of your Church confidential? Yes.
7907. Do the prisoners whom you see as a general rule speak confidentially to you? Very frequently.
7908. About matters that they do not communicate to other people? Quite so.
7909. And in reference to any grievance under which they suppose themselves to be labouring? Yes; they would speak to me about it.
7910. As a general rule do these relations exist between yourself and the prisoners whom you see as chaplain? Yes.
7911. Have you ever been to Berrima Gaol? No, I have not.
7912. During the time that you have been chaplain at Darlinghurst have complaints been made to you by prisoners with reference to ill-treatment experienced by them at Berrima? No, I think not, I have no recollection of any. The only instance that I recollect is that of a man named Kerr, who spoke to me in reference to the evidence he could give; that is all.
7913. Evidence before this Commission? Yes; it was simply with reference to the evidence he could give. I have no recollection of any other complaints whatever.
7914. And do you really suppose that the prisoners would unbosom themselves to you in the hope of obtaining redress or amelioration of their sufferings? I do, decidedly. It has often been the case in other matters; when they have had any fancied grievance they have very readily come to me about it.
7915. You must have seen many men who have been at Berrima? Very many; I have seen many of them before they have gone, and after they have returned.
7916. Have they spoken to you at all about their experience in one way or the other at Berrima? Only with regard to their separate treatment; not with reference to anything in the shape of complaint.
7917. But they have spoken to you about the system of separate treatment? Yes.
7918. Have you invited confidence from them so as to impress them with the idea that you might be useful to them, apart from the spiritual portion of your duties? Oh! yes.
7919. I mean apart from your more particularly spiritual functions? Of course if I think there is anything that will benefit them I am always ready to do it.
7920. What has generally been the nature of the communications you have received with reference to the Berrima experience of the men? It is merely with reference to their separate treatment; and perhaps they have thought it a somewhat hard part of the discipline they have to go through; not in reference to anything else.
7921. Is the feeling of the men opposed to the separate treatment as being unduly severe? No, I do not think so.
7922. Apart, I mean, from whose hands the administration of that particular branch of discipline may be in—apart from any consideration of Mr. Small personally? Yes; there have been one or two instances in which I have heard men speak of the treatment as being severe.
7923. I think I understood you to say that they did seem to regard it as a particularly severe part of their punishment? Yes; but I have not heard much from them in that respect. There have been only one or two instances in which I have heard men speak of the treatment as severe.
7924. Carry your recollection back as far as you can. Do you wish to represent to us that you never have heard any shadow of complaint about personal ill-treatment experienced at the hands of Mr. Small, or at the hands of any of the Berrima Gaol authorities? That is what I wish to represent as far as my recollection goes. The only case I know of is that of Kerr, who spoke to me about the evidence he would be able to give.
7925. Can you remember what he said? He spoke of having himself been violently treated.
7926. I want you to give us in his own words, as nearly as you can, what he said? He was just going out, and he was afraid that he would not be out in time to give evidence. I think he said he had been violently treated by Mr. Small, and that he had had two of his teeth knocked out, or something to that effect, but I think that was all.
7927. Did he state at all the circumstances under which he received this injury from Mr. Small? No; I do not think he did.
7928. Did you not question him about it? No. I have distrust very often with reference to these matters, so that I do not care to enter very much into them.
7929. Does your experience lead you to entirely distrust statements of that kind from prisoners? Not entirely, but they have to be received with very great caution.
7930. Yes, naturally; but, from your knowledge of Kerr in other respects, would you be led entirely to distrust what he said to you? No, I do not think that I should.
7931. Have you had any lengthened knowledge of him? No; I have seen him on several occasions before, but not with reference to this matter at all.
7932. Have you found that the prisoners have been ready to make complaints when they have had complaints to make? Oh, yes.
7933. Do you think it is likely they may be impressed with the idea that you have such a settled distrust of their statements that it would be useless to make any reference to you? No, I do not think that altogether. I judge from the manner in which they speak to me generally, and anything that they wish to be done, or any grievance which they fancy they have, they are ready to represent.
7934. Have you on any occasions followed up their matters of complaint, and endeavoured to obtain redress for them? Yes, wherever I found that there were grounds.
7935. Has that been several times? Yes.
7936. And have you seen that the matters have been investigated? Yes.
7937. And what you believe to be justice done to the men in these matters? Yes.
7938. You stated that you had known many of these prisoners before going to Berrima and after coming from Berrima? Yes.
7939. Does that enable you to give an opinion as to the effect of the Berrima treatment? Yes.
7940. What is your opinion? That it is very effectual. I have often remarked the difference in them, and I have been led to conclude that what they have passed through at Berrima has been very wholesome and useful to them. I have particularly remarked that. I have found them much more tractable; and I certainly concluded, without hesitation, that it had been very salutary.

7941.

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7941. Do you think that it has had the effect of cowing the men so as to take all spirit and energy out of them, or that it has had really a wholesome and salutary effect in awakening them to a sense of their responsibility? Yes, that is it; it has by no means cowed them; it has had the effect of awakening them to a sense of their duties and responsibilities. I have often been led to remark it in the cases of men I have known before and afterwards.
7942. Have you ever known an instance at all of a man who has been at Berrima, upon whose mind the treatment has had a prejudicial effect? I do not think I have.
7943. Have any complaints of gagging at Berrima ever been made, with the exception of Kerr's? Not any.
7944. Or of spread-eagling? Not any.
7945. Or of insufficient rations? Not any.
7946. Or of the bad quality of the rations? Not any.
7947. Or of any system of petty tyranny? No. There is a prisoner named Thompson who was at Berrima and is now in Darlinghurst, and who said, with regard to Mr. Small, that there were men who always got on very well with him, but that if a man was at all troublesome—I think that was what he said—he would have great difficulty with Mr. Small.
7948. Can you remember his exact words? I can scarcely use his exact words.
7949. As well as you can; was there any expression which made an impression on your memory? No, I think not. I think it was to the effect that if Mr. Small found a man troublesome he would be very cross with him, or something like that,—that he would be at cross-purposes with him.
7950. How long ago is it since that statement was made; is that Carr *alias* Thompson? No, it is Thompson, Thunderbolt's boy. I should think it must be about six months ago.
7951. Have you ever heard anybody describe Berrima Gaol as being a hell upon earth? No, I have not.
7952. Are you acquainted with the Rev. Mr. Dixon? Not at all.
7953. You have never met him? I have never met him.
7954. Have you been in communication with any of the chaplains who have been at Berrima Gaol? I have with Mr. Langley, who was chaplain previously to Mr. Dixon.
7955. Did you ever speak to him about the life that was led generally by prisoners in Berrima Gaol? No; he spoke to me in reference to some representations made by Mr. Dixon.
7956. That is since this trouble has arisen? I think it was at the commencement of the trouble.
7957. What opinion did Mr. Langley express to you? He expressed the opinion, which I felt myself, that Mr. Dixon had been rather injudicious. He said that he himself had always got on very well with Mr. Small, and that he should have to speak to that effect.
7958. Then you conversed about this matter generally? No, I cannot say that; it was just alluding to it.
7959. *Mr. Oatley.*] You speak of some of the men having made complaints, and that when you thought there were sufficient grounds you had them inquired into;—what was the result generally speaking, can you tell us, as to whether they were substantiated or not? Well, the complaints to which I allude were trifling matters.
7960. *Mr. Voss.*] Will you give us a few instances? I can scarcely do so; they were for the most part trifling matters. If any man thought he was subjected to any inequality or injustice he would complain.
7961. During your stay in Darlinghurst have you been on good terms with the Roman Catholic clergymen? Always.
7962. And do you at times confer with them in reference to the prisoners or anything they may state to you? No; once or twice it may have been so, but very rarely indeed.
7963. But you are on such terms that, if you heard of any complaint in which prisoners of other denominations were concerned, you would confer with your brother chaplain about it? I should do so, but I do not think that any occasion whatever has arisen for that.
7964. You stated in answer to the Chairman that you have never heard of the expression "hell upon earth," as applied to Berrima Gaol; I want to go a step further, and ask you whether you ever said to Mr. Driver, Member of Parliament, that Berrima Gaol was a hell upon earth? Oh, never.
7965. I am obliged to ask the question, because it has been stated in the House and published in the papers that clergymen have stated so, and I ask every clergyman who comes before us the same question? Oh, no; I never did.
7966. *Chairman.*] Who was the Roman Catholic clergyman before Father Collingridge? Father Petre.
7967. Is he in Sydney now? No, I think he is in the country.
7968. And who was the Roman Catholic chaplain before that? Father Ambrosoli.
7969. Do the prisoners understand that your relations with the Comptroller General are such that they could, without any apprehension to themselves, request you to bring under the notice of the Comptroller things which they would hardly like to divulge to the executive officers? Decidedly, sir; that is quite the case, and they would often come to me.
7970. Would they be satisfied that they would not get into trouble with the immediate gaol authorities by reason of their making complaints—because naturally prisoners may fear to make complaints, even if they are well grounded? Yes.
7971. Do they understand that they have no reason to fear such consequences when they make a complaint through you? Quite so.
7972. Do you think, then, that the relations existing between yourself and the prisoners are such that if they really had well-grounded matters to complain of in Berrima Gaol they would have communicated them to you? I think it would have been the case.
7973. This prisoner, Thompson, of whom you spoke,—is he a man of very great communicativeness? Yes.
7974. Exceedingly voluble and talkative? Yes.
7975. What is your opinion generally with regard to the truthfulness of prisoners, more particularly with regard to a tendency to exaggerate? I think there is a great tendency to exaggerate; in representing anything they have a great tendency to exaggeration, and, therefore, as I have said before, I have always felt, in my experience, that anything they say has to be received with very great caution; and it is one of the great difficulties of my position to be careful about representing anything or taking notice of what is represented to me.
7976. Is the inventive faculty largely developed in these persons in their narrations? I think it is.
7977. Do you have access to the prisoners while they are confined in the dark cells for punishment? Yes.

7978.

Rev. Canon Rich. 31 Aug., 1878.

7978. Unrestricted access? Oh, yes.
7979. You have not to apply to the gaoler for permission in each individual case? Oh, no.
7980. Has there ever been a time when you have been restricted in your visits to the dark cells? No.

Thomas Keirnan, Chief Warder at Goulburn Gaol, called in, sworn, and examined:—

T. Keirnan. 31 Aug., 1878.

7981. *Chairman.*] What is your name? Thomas Keirnan.
7982. What are you? Chief Warder at Goulburn Gaol.
7983. How long have you held that position? For four years.
7984. What were you before? Senior warder at the Berrima Gaol, and ordinary warder before that at Yass.
7985. How long were you in Berrima Gaol? About thirteen months.
7986. Can you fix the time? I think I went on the 24th May, 1873, and left for Goulburn on the 20th June, 1874.
7987. What was the occasion of your leaving Berrima? I was promoted to be chief warder in the Goulburn Gaol.
7988. Was it in consequence of any disagreement with Mr. Small? No, I do not think so. The chief warder at Goulburn had been promoted to be gaoler, and I was sent in his place.
7989. How did you and Mr. Small get on together? Very well, until some short time before I left, when there was a little disagreement, but not of any consequence.
7990. Did that disagreement have any reference to the treatment of prisoners? No.
7991. While you were there were you witness to any ill-treatment of prisoners by Mr. Small or any of the warders? I cannot say that I was witness to it. There was one man gagged there in my presence—in fact it was I who put the gag in his mouth.
7992. Who was that? Thomas Carney.
7993. Had he any aliases? I cannot remember; I do not think he had.
7994. What were the circumstances of the case? He was a very ill-conducted man indeed, and he was brought up this time—whether for disobedience of orders or not I cannot say; but he was brought over to the office and sentenced to the dark cells. While going down there his language was the most beastly that could possibly be made use of to Mr. Small about his family. After we got him down to the dark cell passage, Small said, "We had better gag him." Small had the gag, and he gave it to me, and I put it in the man's mouth,
7995. Was he then persisting in the language? Yes; and it was the most beastly language; I would be ashamed to use it.
7996. Was it necessary to gag him in order to restrain him? Yes, that was the reason the gag was put in.
7997. You yourself put the gag in his mouth—not Mr. Small? Yes, under Mr. Small's instructions.
7998. And in his presence? Yes.
7999. Did you strike the gag at all? I did not.
8000. Did you injure any of his teeth? Certainly not.
8001. How long was the gag kept in his mouth? It might have been between 5 and 10 minutes.
8002. Not longer? Not so far as I can remember.
8003. Had it the effect of quietening him? No, it had not indeed; after he was in the cell you could hear him going on with his beastly language, although his voice was smothered through being in the subterranean passage.
8004. And with the double doors deadening the noise? Yes.
8005. What induced you to take the gag out of his mouth if it had not the effect of quietening him? It was not allowed to be kept in longer than 5 or 10 minutes.
8006. Did he make any sign that he would give in? Not a bit; he was chewing the gag at the time, and I think he had broken it in his mouth; I believe he would have chewed it up altogether.
8007. What kind of gag was it—similar to that [*showing gag*]? Yes, sir, similar to that; any man with strong teeth could chew it up, and spit it out in your face.
8008. And that was the process it was undergoing in Carney's mouth? Exactly.
8009. Could you see that from the appearance of the gag when you took it out? Yes; the marks of his teeth were on it.
8010. Is that the only instance of gagging you saw? That is the only instance I saw.
8011. Was he gagged only once that day? That is all I saw; he was punished several times there.
8012. Do you consider that that was any case of ill-treatment on the part of Mr. Small? I do not; I think he had a great deal to put up with, because this was a very insulting man, and, from the language he made use of, I do not think Mr. Small exceeded his duty.
8013. And you say that the language was about Mr. Small and the members of his family? Yes, and it was beastly.
8014. Do I understand you to say that the language could be heard even when he was in the dark cell? Yes, anyone that liked to listen, could just understand it.
8015. Could it be heard by the other prisoners? No, they were upstairs; but anyone walking about the yard could hear it.
8016. The air-holes of the dark cells communicate with the yard, do they not? Yes.
8017. Do you think that the imprisonment in the dark cells would sufficiently restrain men from using language of that character? I did not see that it made any difference to him. He was a short-sentenced man, and on the eve of going out, and I think he did all he possibly could to annoy Mr. Small.
8018. Do you think that the gag, or some instrument in the nature of a gag, is absolutely necessary in order to restrain prisoners from making use of foul language? I think that, without the gag, you cannot restrain them from making use of this filthy language.
8019. Did you ever hear, while you were there, of any other case of gagging in your time? I might have heard that prisoners had been gagged formerly.
8020. But while you were there did you hear of any case of gagging occurring in your time? No, sir.

T. Keirnan. 31 Aug., 1878.

8021. I asked you to specify, if you could, any instances of ill-treatment, and you say that the case you have mentioned is not one of ill-treatment: is there any ill-treatment that you can mention? No, sir; I think Mr. Small was a kind man.
8022. We wish you to speak with perfect frankness, and without any fear of Mr. Small, or the Comptroller General, or anybody else? Yes, sir.
8023. What was the date of the gagging, as well as you can remember? It was between May, 1873, and July, 1873. [*The punishment book is referred to, and it is found that in the month of July there were three convictions against Carney—two for obscene language, and one for doing his work in a negligent manner.*]
8024. Did the men in your time make any complaint, in your hearing, of Mr. Small's ill-treatment of them? No, sir; I never heard of any.
8025. In any single case? No, sir; I do not remember any.
8026. Were you ever complained of yourself for ill-treatment? No, I do not think so; I am sure of it.
8027. Did the men complain of the quality or of the insufficient quantity of their rations? That is a thing I could hardly answer you, because there are a lot of men who, if the rations were first-class, I believe would complain; but I do not remember any complaints being made.
8028. Did you have an opportunity, yourself, of seeing the quality of the rations? Yes, every morning.
8029. And what was it like? The quality was very good.
8030. Were they equal to those supplied to the prisoners in Goulburn Gaol? No, sir; they were not, because the men were in separate treatment.
8031. I do not mean with reference to the quantity but with reference to the quality? Well, they were the best that could be supplied; the hominy, particularly, I thought it first-class; it was just as good as they get in Goulburn Gaol.
8032. Did you ever hear any complaints from the men of not being allowed out for the purposes of nature—to make water? Never, while I was there. I was in immediate charge of the separate-treatment men at the time, and I took good care that any man who wanted was allowed out at once. There never was any complaint while I was there.
8033. You stated that, in your opinion, Mr. Small was kind instead of being cruel? I believe he was; he might have been a little hasty at times.
8034. Was his temper often severely tried? No doubt it was, every day nearly.
8035. In what way? By prisoners wanting this thing and that thing; and of course if they did not get it they would begin to talk in a disagreeable manner to him. But though he had rather a hasty temper I still think he was a very kind man.
8036. In proportion as his temper was hasty I suppose the trial would be more severe; but did he keep his temper under control? While I was there, and while I was looking at him, he always kept it under control.
8037. You described him as being of a hasty temper;—would you describe him as being a man of ungovernable temper? Well, that would be a very hard thing for me to say.
8038. That is, a man who loses all control of his temper and gives way to rage? While I was there he did not. I thought him a very kind man myself.
8039. Have you seen any prisoners in Goulburn Gaol who had been imprisoned in Berrima? Several.
8040. Have you heard any complaint of ill-treatment from them? No; they never made any complaint to me.
8041. Would they be likely to? I could not say unless I asked them. There is no doubt there are many that would if they had any to make.
8042. Did you never hear them? No, sir.
8043. Do you know at all the origin of these charges which are being made against Mr. Small? I do not indeed, sir; and I was surprised when I saw a letter in the *Cumberland Mercury* with my name and the senior warder's mentioned.
8044. Why were you surprised? It stated that I could give evidence in reference to this man Carney being gagged, and that it had not appeared in the other charges.
8045. Where is Carney now? I think he is in California; I have not seen him since he went out.
8046. When did he go out? I think he went out in the latter end of 1873; and before he went out I heard him saying what he would not do to Mr. Small; that he would go and expose him to the Colonial Secretary and to the Consul for America. He was an Irish-American, as they style it. He said he would do this and that; but of course I took no notice of it.
8047. And you think he has gone back to America? I think he has.
8048. Have you any idea at all how you were mentioned as having been present at this gagging? I have not, sir. I might have dropped a word, and others taken it up.
8049. Was any secret made of the fact of Carney having been gagged on that occasion? No, sir.
8050. Would it be known to the other prisoners? Of course; because he would tell them when he came out.
8051. Would it be known to other warders? I dare say it might.
8052. Have you any reason to suppose that there has ever been any deed of violence committed by Mr. Small, or any of the warders, which has never yet found its way to the light of day? I have not. I was there only thirteen months; and of course I could not say what was done before I went.
8053. Do you think it is possible that there could be two or three cases of violence on the part of Mr. Small without their being known? I could not say, sir; I can only speak of what came under my own observation.
8054. Were the warders there servilely under the thumb of Mr. Small, so that they would be afraid to say anything if he did wrong? I do not think so.
8055. Do you think he was a terror to everybody there—not only to evil-doers but to well-doers? He might have been to others; he was not to me.
8056. *Mr. Oatley.*] You spoke of something occurring between you and Mr. Small—what was it? One morning after I had gone to breakfast, the warder in the wing—Mulligan—was not looking after one of the wardsmen who was cleaning up, and while the cleaning up was going on this wardsman had been speaking to some of the separate treatment prisoners down in the corridor. Mr. Small's son saw it, I believe, and told his father, and Mr. Small told the chief warder that I was not to go to breakfast any more. He told me the same, and I had a few words with him about it—but I thought nothing of it.

8057.

8057. *Chairman.*] Is your position entirely independent of Mr. Small? Yes, sir; I am away from him now.
8058. Is your position in any way dependent upon him? No.
8059. Have you anything at all to fear from him? No, sir.
8060. Were you there at all at the time of either of the riots of 1863 or 1864? No, sir; I know nothing whatever about them.
8061. Did you read the evidence given before the Select Committee of the Legislative Council? Yes, sir.
8062. Did you read Mr. Small's evidence? I did.
8063. Did you see a statement of his to the effect that in one of the riots—the latter one—he, in order to quell it, had gone in amongst the prisoners with a revolver in his belt, and ordered the men to their cells—in particular a man named Hindmarsh. Do you know anything of that circumstance? Nothing whatever.
8064. Have you had any conversation with any person with reference to that statement? Yes; the senior-warder in Goulburn Gaol was there at the time, and I spoke to him about it. He said it was utterly untrue, or something to that effect. That is all I know about it.
8065. Did you have any conversation with any person who is now in Berrima Gaol about it? No, sir.
8066. Do you know whether Bennett had? I do not think so; he might have said something to him about it.
8067. To whom? To some of the officers in Berrima Gaol.
8068. But did he tell you he had had any conversation with any of the officers? No; I heard him say something about Mr. Herbert.
8069. What did he say? He said that he saw something about that case of Small saying that he got a revolver to quell this mutiny, but that it was utterly untrue.
8070. Did he say at all how he came to be in conversation with Mr. Herbert? No; I think the evidence was lying on the table in the office, and we were reading it, or something.
8071. In the office at Goulburn? Yes.
8072. Was Mr. Herbert there? He had been there.
8073. He is the photographer, and goes round the gaols? Yes.
8074. Bennett had had a conversation with Mr. Herbert about it? I do not think he spoke three words to him.
8075. *Mr. Oatley.*] Were you present at the time the conversation took place? I was in the office; I just heard Bennett saying that it was untrue, or something like that.
8076. *Chairman.*] Did he give his version of how the riot was quelled? No.
8077. Bennett will be here before us as a witness? Yes, sir.
8078. You stated that you saw the letter in the *Cumberland Mercury?* Yes; it was signed "H. Taylor."
8079. Was it a letter to the editor, or did it purport to be a letter to the President of this Commission? I believe it was addressed to the President of the Commission.
8080. Can you say whether it was a copy of this?

"Parramatta, August 3rd, 1878.

"To the Honorable Sir George Innes, C.M.G., President Royal Commission *re* Berrima Gaol,—

"Sir,

"I desire to bring under the notice of your Commission information which I received yesterday with reference to the alleged ill-treatment of prisoners in Berrima Gaol.

"It has been stated to me by former confinees at Berrima prison that there are, at present, two warders in Goulburn Gaol who, having been stationed at Berrima, can, if they choose, give evidence that will be very material to the matters now being investigated by your Commission. These warders are, I understand, named Keirnan and Bennett. My informants state that the former was present when a prisoner named J. Carney was brutally gagged by the Berrima gaoler personally, who "sheeted the gag home" with his fist; who afterwards very nearly throttled the prisoner, and would probably have done so but for the warder's interference.

"My informants also state that the other warder (whose name they only believe to be Bennett) is in a position to give evidence materially affecting the Berrima gaoler's credibility, especially with respect to an alleged outbreak in Berrima prison in connection with which the gaoler has stated before Sir Alfred's Stephen's Select Committee that he subdued a number of refractory prisoners by proceeding amongst them alone, and threatening to fire upon them with a revolver.

"I am, of course, unable to say whether or not these statements are true, but I would respectfully suggest that your Commission ascertain if the warders named are at Goulburn, so that they may, if possible, be examined with respect to the incidents I have particularised, and, generally, as to the treatment of prisoners at Berrima Gaol by the gaoler during the period they were employed in that prison.

"I may add that my earnest desire is that justice shall be done to all parties concerned in this matter; and having that object in view, I shall lose no opportunity of bringing under the notice of your Commission whatever information may be furnished to me from time to time whilst the inquiry is proceeding.

"I have, &c.,
"HUGH TAYLOR."

Is that the letter? That is the letter.
8081. Is there one word of truth in that, except the fact that Carney was gagged, and gagged by you, in Mr. Small's presence? I do not believe there is.
8082. Did you say that Small brutally gagged him? No, sir.
8083. Was the gag sheeted home with the fist? No sir, it was put in in the usual manner.
8084. Was the prisoner nearly throttled by Small? No; the fact is he was so very outrageous that I believe he would have struck Mr. Small.
8085. And was it the case that Mr. Small would probably have throttled him but for your interference? Nothing of the kind, sir.
8086. Then, wherever this information comes from, it is simply a lie? The greater part of it.
8087. All these things which represent the circumstances of the case? Yes.
8088. Since you saw this letter have you had any conversation with the Comptroller General upon the matter? No; he merely asked me if I had given this information to any person, and I said no.
8089. Nothing more than that? No.
8090. He asked you did you give this information? Yes.
8091. And you replied to him no? Yes, because I was greatly surprised when I saw it.
8092. How long have you been in the gaol service? Thirteen years—in Yass, Berrima, and Goulburn.
8093. You were never in Darlinghurst or Parramatta? I was in Darlinghurst a week or two.

T. Keirnan. 31 Aug., 1878.

8094. Have you seen prisoners in Yass Gaol who had been at Berrima? No, sir; they were only short-sentenced prisoners there.
8095. *Mr. Pinhey.*] Did you find the same order and discipline in Berrima Gaol that you have found in Goulburn Gaol? It was stricter, and required to be stricter.
8096. *Chairman.*] Do you think that the health of the prisoners was well cared for in Berrima? At the time I was there they were well cared for. I do not believe there were three men sick during the time I was there.
8097. Until these statements in Parliament and the trouble in reference to this matter, did you ever hear at all any charges of this character against Mr. Small? I heard it reported several times about his cruelty, but of course I took no notice of it whatever.
8098. From whom did you hear those reports? From prisoners.
8099. And why do you say you took no notice of them? Because I knew nothing whatever about it. At the time I went there I was leaving the gaol department, but Mr. Maclean requested me to stop on, and asked me would I take promotion. I said no, that any promotion he had was of no use to me, because I could do better. I was going into the Public School department; but I was advised by my friends, Dr. Campbell, and others, to remain in the gaol service. Mr. Maclean asked me to go as senior warder to Berrima Gaol. I did not want to go there, because the name of it in the country gaols was enough; but I went there and remained over twelve months. At the end of that time I still had my certificate, and was going to the other place when I got promotion, and remained on.
8100. When you went there did you go with an unfavourable opinion of Mr. Small? No, sir.
8101. Then what do you mean when you state that the gaol had a bad name? Because of what the prisoners said.
8102. You do not mean to say that it was a bad place because of the persistent misconduct of Mr. Small? No, sir.
8103. Of course the discipline is more severe there than in other gaols? Certainly.
8104. *Mr. Voss.*] And you say that, previous to your going to Berrima, you had heard from prisoners of Mr. Small's cruelty, and that when you went there you found there was no truth in it? Yes, I found there was no truth in it.
8105. *Chairman.*] Is it true that, before you went there, you heard of cases of cruelty on the part of Mr. Small? Yes.
8106. And when you went to Berrima did you find any of those statements verified? No.
8107. Have you, since you have been in Goulburn Gaol, heard of any statements from prisoners of the cruelty of Mr. Small? No, sir; I consider Mr. Small is a kind man on the whole, and he has a great deal to put up with there. There is no doubt that he is a hasty man, but still, at the same time, I believe he is a good man at heart.
8108. Do you think he is a man who, to the best of his ability, at all events, desires conscientiously to discharge his duty? I think he does.
8109. If there is anything else that you know of, in regard to the general subjects of this inquiry, we shall be glad to hear it? I have nothing more to say on the matter.

Alexander Watt, chief warder at Parramatta Gaol, called in, sworn, and examined:—

A. Watt. 31 Aug., 1878.

8110. *Chairman.*] What is your name? Alexander Watt.
8111. You are chief warder at Parramatta Gaol? Yes, sir.
8112. How long have you held that position? Since 1866.
8113. What were you before that? Chief warder at Berrima.
8114. For how long were you at Berrima as chief warder or as other warder? I went up as chief warder about April, 1865.
8115. And how long did you remain there? I remained there until June, 1866, with the exception of three months, when I was acting gaoler at Goulburn.
8116. During the time that you were at Berrima Gaol did you witness any ill-treatment of any prisoners by Mr. Small? Never, sir.
8117. Or by any of the warders? No, sir; I would not have allowed it.
8118. Were you yourself ever complained of for ill-treating any prisoners? Never, sir.
8119. Either to the gaoler, or the Comptroller, or the Visiting Justice? Not that I am aware of.
8120. Did you ever hear of it at all? No, sir.
8121. Had you opportunities of observing Mr. Small's treatment of the prisoners? I had, sir.
8122. And what, on your oath, do you declare to be your belief as to his treatment of the prisoners? During the time that I was there Mr. Small had very little to do with the prisoners, it is the chief warder who has the most to do with them; the officers all report to the chief warder first, and if he thinks it necessary to call the gaoler he does so.
8123. Did not the gaoler see the prisoners every day? Yes, and at musters. I mean as far as locking a prisoner up is concerned.
8124. But was he never in their cells, when he could have had an opportunity of committing an assault upon them? He never went alone.
8125. Who was with him? During the time I was there the separate treatment was only commenced, and most of the men were in the yards, excepting those that committed themselves.
8126. You swear positively that you never witnessed any ill-treatment at all, or cruelty, or harshness on the part of Mr. Small towards a prisoner? I never saw it on the part of him, or any warder in the establishment, except putting a man into the cells.
8127. What tempered man is Mr. Small? He has a very irritable temper, but it is soon down again.
8128. Would you call it a hasty temper? Yes.
8129. Did he keep his temper under control? I never saw him having anything to do with a prisoner at all, excepting in one case.
8131. Was his temper severely tried? Very often.
8132. Just specify the case to which you were about to allude? The case is that of a prisoner named Michael Slattery. I think he said in his evidence—I do not remember whether it was before the Commission

A. Watt. 31 Aug., 1878

mission or before Mr. Taylor—that Mr. Small was ill-using him, and that I came to the rescue. He was a man of very violent temper, and one day when he was brought up before the Visiting Justice, Mr. Rowley, he commenced to abuse the magistrate, and made a rush at him, but I prevented him. The magistrate ordered me to gag him for his abusive language, and I took him to the cells and gagged him.
8132. You did not gag him there and then? I am not certain whether I did or not. When he went to the cells he was kicking, and was very violent, and I had to put a pair of handcuffs on him.
8133. Was he making use of abusive language when you gagged him? Yes.
8134. And was the gagging necessary to restrain him? Yes. It was not for punishment that I gagged him; it was to keep him quiet. I said to him, "As soon as you are ready to behave yourself you nod your head, and I will take the gag out." Mr. Small came down after the magistrate had gone away, and asked how Slattery was. I said, "As soon as he gives a nod that he will drop his abusive language I will take the gag out." Mr. Small said, "You take the gag out; I will be security that he will behave himself." But the moment the gag was taken out he commenced to abuse Mr. Small, and used very filthy language. I never heard a man go on so and use such language. Mr. Small then took the gag and put it into Slattery's mouth. That is the only time I ever saw him put a hand on a prisoner.
8135. Do you remember the date of that? No, sir.
8136. Was it before the Bargo Bush affair? Yes, sir; it was before that.
8137. How long was the gag left in his mouth that time? It could not have been above 3 or 4 minutes, and we were standing alongside of him the whole time it was in.
8138. You stated that you gagged him first of all, and that then Mr. Small told you to take the gag out; that Slattery misbehaved himself, and that Small had to put the gag in again? Yes, immediately.
8139. How long was the gag in then? The first time was 2 or 3 minutes, and the second time could not have been more than 3 or 4 minutes.
8140. Had he any irons at the time? Yes, sir.
8141. What kind? Bar-irons.
8142. That is a straight bar between the links? Yes, sir.
8143. What length is the bar? I should say about 14 inches, to the best of my belief.
8144. Did you ever see him fastened to a ring-bolt? I have, sir; I had him fastened to a ring-bolt at the time I am speaking about.
8145. How was he fastened to the ring-bolt? With one hand at each side.
8146. Are you quite sure? I know that in the first instance it was to one of the rings, but I am not sure in the second instance whether he had his hands stretched out or not.
8147. But on the occasion when he was put to the one ring-bolt, how was he fastened? By the handcuffs.
8148. How were his hands—behind or in front? Behind.
8149. And had he bar-irons on then? He had.
8150. And was that the occasion on which he was gagged? It was all the one occasion.
8151. Then he had his hands handcuffed to a ring-bolt behind his back, the bar-irons between his legs, and the gag in his mouth, all at the same time? Yes.
8152. Did you say the gag was not in his mouth under these circumstances more than 3 or 4 minutes? Yes, sir.
8153. Do you know the cell? No, sir; I do not remember, and I do not remember the passage either.
8154. Do you know the height of the bolt? About 4 feet, or 4 feet 6 inches.
8155. Did that necessitate his standing on tip-toe? No.
8156. And how long was he kept fastened in that way,—with his hands behind him fastened to the ring-bolt, and with the bar-irons on? As soon as ever he gave an intimation that he would behave himself he was taken down.
8157. How long was that? Not more than 4 or 5 minutes.
8158. Can you remember what time of the day it was? I think it was the afternoon.
8159. And you, yourself had taken him down from the office to the cell? I did, along with other warders.
8160. Did you remain with him until he was released from the ring-bolt? I did.
8161. You swear that? I do.
8162. Suppose he tells us this story: "It was about 5 o'clock when I was overpowered, and fastened to the ring-bolt with my hands behind my back and the gag in my mouth. *Question:* How long were you kept in that position? *Answer:* About four hours. *Question:* Do you tell us now, on your oath, that you were kept there with this gag in your mouth, your hands fastened behind your back to the ring-bolt, and your legs in the bar-irons for four hours? *Answer:* I positively tell you before God and these gentlemen it is the truth. From about 5 o'clock until 9 I stood at the ring-bolt with the gag in my mouth, and no one came near me. Mr. Small and Mr. Watt then came to me." Is that true? It is not true, sir.
8163. *Mr. Oatley.*] You say you never left him at all? I never left him at all. From the time of taking him to the office to the end of the occurrence it did not occupy 10 minutes.
8164. *Chairman.*] Do you swear it is untrue that he was left for four or five hours in that horrible position? I do, sir. There was never a man left by himself gagged.
8165. Is that your experience? It is; and I have had a good deal of experience amongst prisoners.
8166. But other warders tell us very differently from that. They say that prisoners have been left 20 minutes by themselves gagged? I had not charge of those warders then.
8167. Would you be surprised to hear that your successor, Mr. Everett, tells us that? If he was the chief warder I should say he was not doing his duty in allowing it.
8168. *Mr. Oatley.*] How long were the bar-irons kept on altogether? I do not know the length of time; I think he had the bar-irons on when I went up.
8169. *Chairman.*] Do you know what made it necessary to put the bar-irons on him instead of the ordinary irons? He would have cut the ordinary irons to pieces on the stones.
8170. Did you ever see him doing that? I have seen him rubbing them on the stones.
8171. *Mr. Pinhey.*] Were they not put on for striking a warder? It was for misconduct at some breaking-out.
8172. Were they not put on for striking Warder Clemens? They were on before he struck Warder Clemens. I was in Goulburn when he struck Warder Clemens. There was never a week went over his head but he was in some punishment, and hardly a day.

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8173. *Chairman.*] You say he was a very bad prisoner,—was he particularly violent? Yes, he would strike at you with anything he got hold of.
8174. Is that the same kind of gag that was put in his mouth [*showing gag*]? Yes, it is the same description, sir.
8175. *Mr. Voss.*] You were not there when the bar-irons were first put on Slattery? No, sir.
8176. *Mr. Oatley.*] They were on him when you went there? Yes, sir.
8177. And how long did they remain on him? That I could not say.
8178. *Chairman.*] How long have you known Slattery as a prisoner? I have known him for the last fourteen years.
8179. What has been his conduct during that time? He was a notorious ruffian until he came to Parramatta last time. When he came there I spoke to him, and reasoned with him about the way he had been getting on; and he said, "You will find me a reformed man, I am going to behave myself." I said I hoped so; and he has behaved himself since.
8180. Where did he come from? From Darlinghurst I think.
8181. How long ago is that? I do not remember; there are so many prisoners passing through my hands that I cannot tell.
8182. Can you say within a month or two? It may be about seven or eight months ago.
8183. To what do you attribute the change in his conduct and demeanour? I believe his constitution is beginning to break down, and another thing is he expects that there will be something done for him in a short time for his release; the whole of the Bargo men expect it.
8184. Do you think he is a man who could be released with safety? I do now.
8185. Do you think that he still cherishes a vindictive feeling towards Mr. Small? I do not think he is of a vindictive nature at all; it is only when passion comes upon him that he says and does these things. In fact he has no control over himself when he gets into a passion.
8186. But during the whole of these fourteen years he has been of the character you have described? Yes, sir.
8187. *Mr. Oatley.*] I think you also said that at the time he was handcuffed to the bolt he was also spread-eagled? I am not sure of it.
8188. *Chairman.*] But you gave us to understand that on one occasion he was ironed with his hands spread out? I only allude to one occasion; but I cannot say whether, in the first instance, I put him to the ring-bolt or whether, when Mr. Small did it, he was put to the two rings.
8189. Whatever it was, it was at the same time? It was the same time.
8190. You say it is possible that he might have been with his arms extended in the first instance, and afterwards fastened to one ring? Yes, or the other way—first to one ring, and then with his arms extended.
8191. Is that the only time you ever saw him gagged? No; I believe I have gagged him myself on more occasions than one.
8192. On how many occasions? Gagging was a thing that was taken no notice of, because it was not done for punishment; it was only done to keep them quiet. It was after there had been an outbreak at other gaols—Cockatoo, Darlinghurst, and Port Macquarie—and we got all the prisoners who were refractory in those gaols.
8193. Was that before the date of the regulations of 1867? It was before that.
8194. *Mr. Oatley.*] Had you the power, or did you gag men without the knowledge of Mr. Small? I gagged in the first instance and reported it afterwards. If Mr. Small was outside the gaol wall I was the responsible officer; if I heard a man making use of obscene language I would gag him, and then report the circumstance immediately after.
8195. *Mr. Voss.*] That is what you used to do previous to 1867. But since the printed regulations were issued would you undertake to gag a prisoner without referring to the gaoler? No.
8196. What you mean to say is that, until the regulations were issued, you did not consider it necessary? I did it as a matter of form—not that I was bound to do it.
8197. But since then you have not gagged a man? No, sir; not without first speaking to Mr. Small.
8198. *Mr. Pinhey.*] Did you consider you had the power? Yes; but it was always reported to the gaoler.
8199. Was your power ever questioned? No, sir.
8200. *Chairman.*] Was any secret made of gagging? No, sir.
8201. Was it known to the Visiting Justice and the Comptroller General? It was known to the Visiting Justice, because I have been ordered to do it several times by him. But it was never considered as a punishment.
8202. *Mr. Pinhey.*] That power was not vested in any one under you? No one would have gagged a prisoner without referring to me.
8203. *Chairman.*] You have not been there since the Regulations of 1867? Yes. I was there for some time in charge during Mr. Small's absence.
8204. Can you think of any other means that would have the effect of restraining men from making use of filthy and abominable language? There is no other method whatever. I may give you an instance of what is taking place in our gaol at the present time. In place of gagging now, we put a prisoner into the dark cells. A man sentenced to the dark cells by the magistrate was shouting, and when the warder in charge told him to desist, he said, "Go to b——;" but we could do nothing, because he was in the dark cells, and could do what he pleased. The gag has not been used during the last twelve years, but the prisoners knew that we had the power to use it if it was wanted, and that was sufficient. The moment it was discontinued they could shout away as much as they liked, and set us at defiance.
8205. Can the shouting in the dark cells be heard by the other prisoners in Parramatta Gaol? Yes, sir.
8206. Do you know whether it could at Berrima? In some parts of the prison I believe it could.
8207. Do you know a prisoner named Thomas Gleeson? I do. He committed himself the first day he came from Berrima, and got twenty-five lashes, and was sent back again. He is now in Parramatta Gaol.
8208. What character of man is he? Bad.
8209. Do you think his oath is to be relied upon? I would not believe one of the prisoners' oaths.
8210. Why do you say that? Because they would swear anything for a pipeful of tobacco, either to get themselves or any one else punished. I came out to this country with prisoners, or ticket-of-leaves, and I think I have had plenty of experience of them.

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8211. Do you think they regard the obligation of an oath any more than their ordinary word? Not a bit.
8212. Do you think their word is as good as their bond? Yes, sir.
8213. *Mr. Oatley.*] I suppose the prisoners have the same opinion about the warders? Oh! no; I am speaking of prisoners who are brought up for punishment. There are some conscientious men among the prisoners; but I am only speaking of those men who have to be brought up and put in the cells.
8214. *Chairman.*] Men of the Slattery and Gleeson character? Yes.
8215. *Mr. Oatley.*] Do you think Slattery is a man worthy of belief? I do not.
8216. Not now even? I do not. He is behaving himself as far as the rules of the gaol go, and he has a motive for that.
8217. *Chairman.*] Do you know Edward Callaghan? Yes, sir.
8218. What character is he? He is a great liar, and a bad character. He was proved to be that the other day.
8219. What in? When the remission schedule was going in, our messenger stated he had seen him at Wollongong Gaol, but he denied it, and though two warders swore they had seen him there, he still positively denied it.
8220. Do you know a prisoner named William Lee? I do, well; another great scoundrel. I have occasion to know these fellows.
8221. How long have you known him? About the same time as Slattery.
8222. Would you believe Lee? No; I believe very few others would.
8223. There is a man at Parramatta about whom I want to ask you more particularly—a man named James M'Grath? Yes, I know him.
8224. Is he in hospital still? I do not think he is now.
8225. He was suffering from heart disease? Yes; but I think he is out of hospital now.
8226. What character of man is he? He has behaved himself well in Parramatta.
8227. Was he in Berrima while you were there? No.
8228. Have you known him long? Only since he came down from Berrima. I would give him a good character so far as the gaol is concerned.
8229. What would you say about him in regard to truthfulness? Well, it is a way among prisoners that they put their heads together, and what one says the other will swear to.
8230. *Mr. Oatley.*] Although you consider him a man of good character? Although he has conducted himself well in the gaol he has been convicted several times before. He has never committed any breach of discipline, but at the same time he is not a man that I would believe.
8231. Why? He belongs to that faction of prisoners that I would not believe. It is generally by the associates that a prisoner has that you can judge his character.
8232. *Chairman.*] Do you think that long association with criminals, and repeated convictions, and long imprisonment, have a tendency to blunt the knowledge of what truth is? I have not the slightest doubt but what it does.
8233. Until this trouble arose in the early part of this year had you heard any complaints of ill-treatment at the hands of Mr. Small? I never did. I may mention that Mr. Small was a man whom I considered was well liked during the short time I was with him, and there are plenty of prisoners now in Parramatta Gaol who would volunteer to go back to him.
8234. Can you say what number of prisoners you have in Parramatta Gaol who have been at Berrima? I believe there are upwards of 200.
8235. When the Commission was at Parramatta was every opportunity given to the prisoners to come forward and make complaints? I went round to the yards, and told every prisoner that, if he had any complaints to make against Berrima, he could go before the Commission. I said that there was a Royal Commission coming up, and I asked everyone who had anything to say about Berrima Gaol to give me his name.
8236. *Mr. Voss.*] Did those men who would have liked to come forward to speak in favour of Mr. Small consider that they were invited? No, only those who had complaints. When Mr. Taylor was up there he said he wanted to see those men who had anything to say against Berrima. I suggested that I should call a few names promiscuously, and I called Gordon, an old man who had been sent there for punishment. He told Mr. Taylor that he was never better treated in his life than when he was at Berrima, excepting that he might have got more to eat.
8237. Then you mean to say that, if every prisoner who had passed through Berrima had been brought before us, the larger number of them would have spoken well of Berrima? I have not the least hesitation in saying it. We have 240 prisoners in Parramatta Gaol, and I suppose out of that number 210 have passed through Berrima, and there are not 30 men out of them but would give Berrima Gaol a good character.
8238. *Mr. Oatley.*] How do you come to that conclusion without questioning every man on the subject? As chief warder, I am always going amongst the prisoners, and if there was anything wrong they would very soon tell me.
8239. *Chairman.*] I want to ask you about a man named Joseph Bragg? I knew him a long time ago.
8240. How long have you known him? It is a long time since he was discharged from prison; he was there when quite a young lad.
8241. What were his character and conduct? Very bad; always bad.
8242. Have you any idea how these charges arose, or how this matter has been brought about? I have no idea at all. Some of the discharged prisoners have gone to people like Mr. Taylor or Mr. Driver, and wanted to raise some disturbance. That is the only explanation I can give to it.
8243. As a matter of fact, you do not know the origin? As a matter of fact, I do not.
8244. Have you ever seen a gag with any metal about it? No; that [*pointing to gag in the possession of Commission*] is the only sort of gag I ever saw used.

Thomas Colvin, warder in Parramatta Gaol, called in, sworn, and examined:—

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8245. *Chairman.*] What is your name? Thomas Colvin.
8246. What are you? First-class warder in Parramatta Gaol.
8247. How long have you been a warder? I am in my sixteenth year now.
8248. Were you at Berrima Gaol during any part of your time? Yes, sir.
8249. Can you tell us the time? I went there in June, 1863.

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8250. And how long did you remain? Till the 4th February, 1875.
8251. Nearly twelve years? Yes, sir.
8252. Can you state whether, during the time you were there, you witnessed any ill-treatment on the part of Mr. Small to any of the prisoners? No, sir; I did not.
8253. Will you swear, on your oath, that you never did? Never, sir; except what was necessary to subdue them.
8254. Did you witness any ill-treatment on the part of any of the warders? Some, sir; Warder Mulligan was one.
8255. Any other? No; I witnessed nothing.
8256. Were you there in chief warder Hill's time? I was, sir.
8257. Did you ever witness any ill-treatment on his part? No, sir; I never saw any.
8258. Did you ever see any prisoners gagged at Berrima? Yes, sir.
8259. Can you say how many? I could not say how many were gagged on the night of the mutiny in the gaol; there were a few gagged then.
8260. Were you there at the time of both the mutinies? Yes, sir.
8261. Since the last mutiny, in December, 1864, how many cases of gagging can you call to mind? I think there might be four, or five, or six.
8262. Might there be a dozen? No, sir; there could not be—not a dozen, to my knowledge.
8263. Can you give us the names of the men you remember being gagged since the beginning of 1865? There was one fellow of the name of Carney gagged, that I recollect.
8264. Did you see him? Yes, sir.
8265. Any others? I do not recollect. I think Slattery was gagged; I saw him gagged once.
8266. Can you tell us the year of Slattery's gagging, since the beginning of 1865? No, sir; I do not recollect.
8267. Did you see a man named Green gagged? No sir, I did not see Green gagged.
8268. Did you see a man named Bragg gagged? Yes, I think I saw Bragg gagged.
8269. Did you see a man named Giltinan gagged? No, sir.
8270. Did you see Shultz gagged? Yes, sir.
8271. Were you there at the time a lad named Joseph Barnes was brought to the gaol? I was there when he was brought twice. There are two Joseph Barnes'—father and son.
8272. This is Barnes the younger;—did you see him gagged? No, sir; I did not.
8273. Did you ever see a man named Coghlan gagged? No, sir.
8274. A man named Henry Faulkner, *alias* Ross, *alias* Shortland? No, sir; I did not see him gagged.
8275. Did you see a man named William Lee gagged? I did not see him; I believe he was gagged; I heard he was.
8276. I am asking you about those you saw? No, sir; I did not see him.
8277. Did you see James M'Grath gagged? No, sir; I did not.
8278. Well, you have only told us of three? I think at one time I saw Hugh Bland gagged, but I am not sure.
8279. What was the date? I cannot exactly say.
8280. Can you think of anyone else? No, sir; that is all I recollect.
8281. Have you seen any of these men gagged more than once? No, sir; Carney, I heard, was gagged more than once, but I did not see him.
8282. What was the occasion of Carney's gagging that you saw? It was for bad language.
8283. Tell us where it was and all about it? He was using frightful language while being taken from the cells to the stone yards, and they brought him back and locked him up.
8284. Who put the gag in his mouth? Nobody ever gagged except Mr. Small.
8285. Did Mr. Small gag him on that occasion? I think, to the best of my recollection, Mr. Small gagged him, or it was done by his authority. There never was a man gagged unless Mr. Small was present.
8286. What other persons were present besides yourself and Mr. Small? I think Mr. Keirnan, the chief warder in Goulburn Gaol, was present.
8287. Can you say whether it was Keirnan or Mr. Small who gagged him? That I could not say.
8288. Where was it? He was gagged in the cell after being brought back. He used very bad language in the cell; I could scarcely express it.
8289. Was he making use of that kind of language at the time he was being gagged? Yes, sir.
8290. Was the gag necessary in order to restrain him from that kind of language? Yes, sir.
8291. How long was the gag kept in his mouth? It might have been 10 minutes; the gag was never kept in any man's mouth more than 10 minutes or a quarter of an hour,—that was the order.
8292. Did you see the gag taken out of his mouth? Mr. Small would say, "Take it out in 10 minutes or a quarter of an hour," and the prisoner would be left for that time.
8293. But in Carney's case? Not more than 10 minutes.
8294. Was Carney left alone? He was left alone.
8295. Where was it? It was in No. 1 cell, on the left, in No. 1 passage.
8296. Are you sure it was not in a dark cell? Yes; we kept all the refractory men who were taken out of the refractory yards in those small cells.
8297. How long ago was this? About four or five years ago. I know Mr. Keirnan was there at the time as senior warder.
8298. Can you say, with certainty, that he was not in a dark cell? Yes, sir.
8299. Are you quite sure? Yes.
8300. Then if Keirnan speaks of Carney's being gagged in a dark cell must that be another time? Yes, sir.
8301. Suppose he says that Carney was never gagged but once, and that was in a dark cell? I never saw him gagged in a dark cell.
8302. If Keirnan swears that he was present, and that he himself, in a dark cell, gagged this man, and if he were present in another cell when the man was gagged at the time you speak of, Carney must have been gagged on two occasions? Yes, he must have been.
8303. But you only saw him gagged once? Yes, sir.
8304. And Keirnan was there? I believe he was; he was senior warder.

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8305. Was the gag put in violently, struck with the fist, or sheeted home with the open palm? It was not, sir.
8306. And you say that 10 minutes, or a quarter of an hour, was the longest time the gag was kept in the man's mouth? That was the longest time; that was the order.
8307. But was that order complied with? It was, as far as I know. I do not believe the gag was kept in so long.
8308. What were the circumstances of Slattery's gagging? I think it was at the time he ran for the axe, when they were taking him from the refractory yards.
8309. What was he doing? He was kicking up a great row, and had struck warder Flanagan.
8310. Was it necessary to gag him in order to restrain any language? Yes, sir; he was gagged for the language he was using.
8311. Did you ever see the gag used for punishment? Never, sir; I never saw it used except for the purpose of subduing bad language.
8312. Was it necessary in Slattery's case? Very necessary.
8313 How long was it kept in? It might be 10 minutes, or a quarter of an hour.
8314. Was he ironed at the time? No, sir; he was not.
8315. Where was it? In the cell.
8316. Who were present? I think a warder named Hill was present, and I think Mr. Small was present.
8317. Was chief warder Watt there? No, sir; not on that occasion; I did not see him there.
8318. You say you saw Shultz gagged? Yes, sir.
8319. What was he doing? He was using very filthy language that you could not listen to.
8320. Where is the man Bland now? I do not know. He went under the name of Hanslip at one time. I think he is in Parramatta Gaol.
8321. Was he examined before the Commission? No, sir.
8322. Was he there at the time the Commission was there? Yes, sir.
8323. When was he gagged? I think it was about 1864 or 1865—I could not exactly say the time.
8324. What was he doing to call for the use of the gag? Using bad language, sir. I never saw any man gagged except for using bad language that you could not listen to.
8325. In any of those cases was the gag struck by Mr. Small or by any other person who put the gag in the prisoner's mouth? Never, sir.
8326. Have you seen any case of gagging at Berrima since 1867, except Carney's? No, I do not think so.
8327. Have you seen Slattery gagged since then? No, sir.
8328. Or Shultz? No; I think Shultz's case was about that time.
8329. You say you were there at the time of the mutinies? Yes.
8330. Were you present in the wings when the men broke up their night-tubs and walked into the corridors? Yes, sir; I was there when they broke out of their cells.
8331. How many? One or two.
8332. Only one or two? I think only one or two.
8333. How did they get out? By smashing the doors of the cells with their bed-boards.
8334. Do you remember a man named Hindmarsh? Yes; he was one.
8335. Do you remember a man named Dempsey;—was he one? Yes.
8336. And Forster, and Crookwell, and Hauson, and Slattery? Yes.
8337. And where were these men? They were in their cells.
8338. And where were the warders? On the landing.
8339. And Mr. Small? On the landing too.
8340. Were the gates locked? Yes, sir.
8341. Are you sure there were only two who broke out of their cells? I will not be sure.
8342. Did you see Mr. Small with a revolver? I did; not in among the prisoners—I saw him coming out with a revolver.
8343. Do you remember the occurrence so as to be able to describe it, or is it so long ago that you have forgotten it? I remember that Mr. Small thought they were going to overpower the prison altogether. You could hear the shouting a mile away.
8344. What happened then? Mr. Small said that before he would have murder in the place he would go for his revolver; and he went into the house for his revolver, thinking it would frighten them.
8345. Yes? I was going out of the wing when he was coming up from his house. I caught him by the coat, and asked him where he was going with the revolver. He said he was going to frighten them with it. I said, "You had better not fire." He said, "I am not going to fire; I am only going to frighten them."
8346. Well? Well, he did not fire.
8347. Did he show them the revolver? Yes, he showed them the revolver, and said if they were not quiet he would have to use it.
8348. And what did the prisoners do? They were no quieter; they defied him, and told him to fire away if he liked—that he was not game.
8349. Could they get at him? No, the gate was locked; we were on the landing.
8350. How many of these men were like that? I do not remember—Hindmarsh was one.
8351. Do you remember whether Hindmarsh said "Shoot, and be damned to you"? Something like that was said. It is so long since that I cannot recollect.
8352. How long after that did the riot continue? We stopped there all that night, and I believe some of the officers went down and gagged a few of them to pacify them. Mr. Small sent so many men into each passage to gag the worst of them.
8353. Do you know a prisoner named Thomas Gleeson? I do, sir—*alias* M'Auley. He generally went amongst the prisoners by the name of "Tom the fool."
8354. Any other name? That is all I know of, except M'Auley and Gleeson.
8355. Why do they call him "Tom the fool"? Because they can run him to anything.
8356. Did you ever hear him called "Tom the liar"? Yes, but that is not so common a name as "Tom the fool."
8357. Do you know a prisoner of the name of Carlisle? No, not Carlisle; I know a man named Carroll.
8358. Did you hear Gleeson swear at Parramatta that you had struck that man? No, sir; I never struck him.

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8359. Did you see any warder strike him? Yes.
8360. Who? Hugh Hanley; but Carroll struck him first.
8361. Did you ever strike Gleeson, or ill-use him? No, sir; but I saved him from Thomas Mace, when they were fighting, and when Mace would have killed him.
8362. Who was Mace? He was a prisoner there doing ten years for garroting and robbery in Sydney.
8363. Did you ever strike Shultz or ill-use him in any way? No, sir; I might catch him or pull him in taking him to the cells, if he refused to come. He was a very bad character all the time he was in Berrima; he was one of the worst we had in the gaol. He gammoned to be cranky.
8364. Gleeson says that he has been hit by you, and by Kelly, and by Small, without any cause? I never saw anyone strike him, because he had no need to be struck; he came quietly enough when told to come to the cell.
8365. How long has he been in gaol? He has been mostly in gaol for the last fifteen years.
8366. While you were at Berrima were the men allowed to get out of their cells to make water when they wanted? Yes, sir. I was in charge of an upper wing in 1866 and 1867, I think.
8367. I ask you more particularly since 1867—since the separate treatment has been instituted there. Do you know whether the men used to be let out regularly to make water, or whether they were kept in their cells and not allowed out? I was there for about two years and a half since 1867.
8368. And what about this matter? I never heard any complaint.
8369. What was the arrangement? Whenever a prisoner rang his bell you would let him out.
8370. How many could you let out at a time? Only one.
8371. But suppose several bells were rung at one time? They used to do that often.
8372. Then you would have to let them out one after another? Yes; they generally wanted to be let out four times a day. I never heard any complaint during the time I was there.
8373. Slattery complains that one day he was brutally used by you and Warder O'Connor; that he was kicked and bruised most brutally? I never touched him, sir. I was on No. 7 post, over by the bakehouse, and I heard a row in the cell between O'Connor and Slattery. I went in and found them fighting in the cell. I asked them what it was about, and O'Connor told me that Slattery had struck him. I separated them, got O'Connor out of the cell, and shut the door.
8374. How did you separate them? I got hold of O'Connor and pulled him back. There was some blood in the cell; O'Connor's nose was bleeding.
8375. Warder O'Connor was on duty in that wing? Yes.
8376. Did you set upon Slattery and give him a brutal beating? No, sir, I never touched him.
8377. Have you any idea what makes him swear that if it did not occur? Oh, he will swear anything at all; a man of the character that Slattery has been for years will swear anything.
8378. Were you ever reproved for misconduct yourself while you were warder there? No, sir; never since I have been in the service.
8379. Never been reported by the prisoners? Neither for that nor anything else—except once when the gaoler reported me to the Comptroller about a pair of boots.
8380. What was that? Mr. Small said that I had got a pair of private boots repaired in the gaol.
8381. Who was right—you or Mr. Small? I was.
8382. What were you reported for? Getting private boots mended in the gaol.
8383. That is the only time you have been reported? Yes.
8384. In Berrima or any other gaol? Yes, sir.
8385. Promotion has not been very rapid in your case? No, sir.
8386. What pay do you get? 9s. a day—that is for first-class warders, and it has only been allowed about a month.
8387. Do they count six or seven days a week? Seven.
8388. What is your opinion of Mr. Small as to whether he is a cruel man? He is anything but that; he is very kind to men except when they misconduct themselves. I have seen him take soup and other things out of his own house to prisoners in the hospital.
8389. Can you make out how they have come forward to accuse him? They have made it up. When Mr. Taylor was at Parramatta, Slattery and Gleeson volunteered to go before him; and they were making up what they should say; while some were being examined the others were making up what they had to say. That was when Mr. Taylor was there; it was not when the Commission was there.
8390. How do you know that was not done when we were there? Because we put them in separate yards after they gave their evidence.
8391. But before they were examined had they unrestricted opportunity of speaking? Yes, sir; they were in a large yard at the back altogether.
8392. What was the occasion of your transfer from Berrima to Parramatta? It was in consequence of an application I made to the Comptroller for promotion.

William Bradford, warder in Parramatta Gaol, called in, sworn, and examined:—

W. Bradford. 31 Aug., 1878.

8393. *Chairman.*] What is your name? William Bradford.
8394. What are you? A warder in Parramatta Gaol.
8395. How long have you been warder in Parramatta Gaol? I have been in the gaol service since May, 1868.
8396. Were you warder at Berrima at any time? I was there from May, 1868, till January, 1870.
8397. While you were at Berrima did you have opportunities of witnessing Mr. Small's conduct and demeanour towards prisoners? Yes, sir.
8398. Did you witness any ill-treatment on the part of Mr. Small towards any of the prisoners? No, sir.
8399. Did you at any time hear any of the prisoners complain of having been ill-treated or ill-used by Mr. Small? Not particularly. The prisoners are in the habit of grumbling and complaining.
8400. Can you remember any instance at all? No, sir, I do not.
8401. Did you ever hear of his having assaulted anybody? During the time I was there nothing of that sort took place. I had charge of an upper wing, and had an opportunity of seeing what was done.
8402. Did you ever see any man gagged there? No, sir.
8403. Were you told of any case of gagging that took place while you were there? No, sir, I did not hear of any.

8404.

W. Bradford. 31 Aug., 1878.

8404. Did you ever see a man spread-eagled there, or fastened to the ring-bolts? No, sir, I never did.
8405. Had you opportunities of seeing what the quality of the rations supplied to the men was? The rations appeared to be very good.
8406. Had you an opportunity of seeing them? Yes, I had charge of the wing where the best half of the prisoners were confined, and I had to hand their food into them every meal-time.
8407. Did you ever hear them complain of the bread? No. There may have been a bad batch of bread one day, but it was rectified. I never heard them complain. They used to bake their own bread at that time.
8408. If any complaint of that kind were made what would be done? Steps would be taken to rectify it.
8409. Was there any difficulty in the way of a prisoner laying his complaints before the Visiting Justice? No, sir. Any prisoner who wanted to see the Visiting Justice, the gaoler, or the doctor, gave me his name, and he would see him.
8410. What other gaols have you been in except Parramatta? I was in Darlinghurst for eighteen months and Parramatta for upwards of seven years.
8411. Do many men who leave Berrima go to Parramatta? They all go to Parramatta. They become B class men on leaving Berrima, which brings them to Parramatta.
8412. The separate treatment men are class A? Yes, and as soon as they become B class men they go to Parramatta.
8413. Have you seen in Parramatta Gaol men whom you yourself have seen in Berrima Gaol? Yes, I know many men serving there now who were in Berrima when I was there; some of them have got sentenced since.
8414. Have you ever heard any of the men coming from Berrima complain of having been ill-treated by Mr. Small? No, sir; I have not heard them since this inquiry commenced.
8415. But previous to this enquiry? No, sir; I have not heard anyone in particular. They seem very glad to get to Parramatta. Separate treatment does not appear to agree with them very well; they seem to feel a sense of relief when they can get where they can speak to one another.
8416. You mean that they dislike the system of separate treatment? Undoubtedly, sir.
8417. Is that independent of Mr. Small being gaoler? Yes, sir; I think the separate treatment is a great deterrent.
8418. Is it a kind of treatment that is dreaded? Yes; it seems to have more effect on them than anything else I know of.
8419. You say you have heard them complain since this inquiry.; had they the same opportunity of making complaints before? When I say that they have complained, I mean that I have heard them speak to one another.
8420. Do you mean complaining or mentioning among themselves that they had been ill-used in Berrima? I know of no one in particular; I never paid attention to any particular case, but I have heard general remarks made to one another, such as, "This is different to Berrima," or "This is better than we have had lately," but I have never heard them speak of any ill-treatment.
8421. But apart from the question of the Berrima Gaol discipline being more severe? I have heard them remark the change, but I have never heard any of them speak about being particularly ill-treated in Berrima previous to this affair; since this affair, however, has been got up, I have heard many remarks among them.
8422. While you were at Berrima was there a man named Joseph Bragg there? Yes, sir.
8423. Was he ever gagged? Not that I am aware of. He was under my particular charge for some time.
8424. What was his conduct? He was rather troublesome; that is, he was continually ringing his bell. But with regard to his conduct generally he was pretty well-behaved, except that he might be charged with talking. Most of them when they go there are charged with talking. A well-conducted man in Berrima can go on and do his imprisonment there as well as in any other gaol in the colony—he is not interfered with, and he gets what is allowed by the regulations.
8425. Do you know a young man by the name of Joseph Barnes? I do not remember him.
8426. His father was there at one time, and is now a blind man? No, sir, I do not remember him.
8427. You say you never saw any case of gagging or spread-eagling? No, sir.
8428. Do you know a man named John Coghlan? No, sir.
8429. *Mr. Pinkey.*] He was there in your time—Coghlan, *alias* Mackay? I know Mackay; he is out of prison now; if it is the man I mean he went to India.
8430. *Chairman.*] But this man is in Darlinghurst now; he went to Berrima with Bragg? I cannot recollect him then. Of course it is nearly nine years since I left Berrima.
8431. Do you remember James M'Grath? Yes, sir.
8432. Do you remember hearing of his being gagged? No, sir, and during the time I was in Berrima I believe he was a pretty well-behaved man. If any man was gagged while under punishment in the dark cells of course I would not know anything about it.
8433. Were you there while Hill was chief warder? Yes, for a short time.
8434. What character of man was he with reference to his treatment of prisoners? He seemed to be very strict in carrying out the discipline of the prison.
8435. Do you know why he left the prison? Yes, for coming in drunk and creating a disturbance in his quarters.
8436. Do you know if it was for any ill-treatment of his wife? Hill had been sent to the watchhouse, and Mr. Small came over to me and asked if Hill had come round. I said no, and he said, "He is not likely to come round; he is in the watchhouse." I asked, "What for?" and he said, "Didn't you hear the row in his quarters; it is for being drunk, and kicking up a row."
8437. Do you know a warder named Walsh, or Welsh? Yes sir, he is dead now.
8438. He was there in 1868 and 1869? Yes, sir, he was.
8439. Did you see much of M'Grath? No, he was not in the wing I had charge of, and of course I did not know much of what was going on in the lower cells. If I had occasion to lock up a man I had not to go with him myself; I had just to send him down. If M'Grath was gagged it was unknown to me.
8440. Did you ever see any person put between the double doors that are there? Never, sir.
8441. Did you ever hear of anything of the kind? No, sir; not until I heard of this inquiry going on.
8442. Have you seen the statements which have appeared in the *Cumberland Mercury?* Some of them, sir.

8443.

W. Bradford. 31 Aug., 1878.

8443. But until that you never heard of any man being put between the double doors in Berrima? No, sir.
8444. Do you think it was possible that Mr. Small could have been guilty of the brutality with which he was charged, or of any system of petty annoyance or tyranny to the prisoners, without your knowing of it? No, sir; I never knew any man to be punished except he deserved it. I know that the well-conducted men under my charge got every indulgence that the gaol regulations would allow.
8445. *Mr. Pinhey.*] We have some evidence that you and Hill were present when Small put a spoon in Coghlan's mouth, and threatened to gag him? I know nothing about it; I do not remember the man at all, and I do not remember a circumstance of that kind.
8446. *Chairman.*] Was there a warder named Blackford there at all? There was a warder named Blackall.
8447. He may have alluded to Blackall. [*Coghlan's evidence, questions* 2705–11 *read.*] You do not remember that, you say? No, sir. I would have remembered any particular circumstance.
8448. Would that be a particular circumstance? It would be a very particular one; but I have not the slightest recollection of it.
8449. This man Coghlan had been at Cockatoo Island; he had secreted himself there, and tried to escape? I do not remember the man at all, and I have not seen him in any other gaol that I have been in since that time.
8450. He was received at Berrima in May, 1867, and discharged to Parramatta on 2nd January, 1868? Then he was gone when I went.
8451. He went again in August, 1868, and was there thirteen months. But you cannot remember the man, you say? No, sir.

Roderick Flynn, warder in Parramatta Gaol, called in, sworn, and examined:—

R. Flynn. 31 Aug., 1878.

8452. *Chairman.*] What is your name? Roderick Flynn.
8453. What are you? A warder, at present in Parramatta Gaol.
8454. How long have you been in Parramatta Gaol? Since the 15th June last.
8455. Were you ever a warder in Berrima Gaol? Yes, sir.
8456. For how long? Nearly two years and nine months.
8457. When? I went to Berrima on 19th August, 1875, and left on 1st May in the present year.
8458. While you were there had you opportunities of observing Mr. Small's conduct and demeanour towards prisoners? Yes, sir.
8459. Can you say at all whether, in your opinion, he was guilty of any ill-treatment of prisoners? I never knew of any occurrence of ill-treatment of prisoners.
8460. Do you swear that you never witnessed any ill-treatment of prisoners by him? I saw him once take a prisoner, Cunningham, to the office from the cells. The prisoner would not walk, and Mr. Small took him by the collar of the coat, and pulled him along on his back to the office; and the prisoner had to be taken back in the same manner.
8461. Who took him back? Everett and Brayne.
8462. Was that necessary because the man would not walk? They were compelled to pull or drag him, according to the Visiting Justice's instructions.
8463. Well, did Mr. Small unnecessarily illuse him? No, sir.
8464. Is that the only occasion on which you saw anything that might be called ill-treatment on the part of Mr. Small? That is the only occasion.
8465. How did you get on with him? I never had a complaint against him that I am aware of.
8466. Did you find him just in his dealings towards you and other warders? I found him fair to myself individually; but I heard that he had been rather cruel to other officers. I do not know that of my own knowledge.
8467. From whom did you hear it? From the chief warder, Everett, and senior-warder Brayne, and from warders Williams, Murphy, and Rose. Those three were dismissed from there.
8468. Were their cases investigated by the Comptroller General? Yes, I believe so; but first by the Visiting Justice in the office.
8469. But what was the cruel treatment? That he reported them for breaches of duty, of which they were not guilty. I may mention from my experience of him that I never knew him to report an officer without he was guilty of some offence. In Williams' case I was present when he was called up for a breach of discipline, and his conduct towards Mr. Small was anything but what it should have been.
8470. Did you give evidence at the investigation? No, sir, I did not; because the case was decided on the report of the gaoler with the remarks of the Visiting Justice.
8471. Was that the occasion on which Williams was dismissed? Pending the decision of the Comptroller he went outside, got drunk, was locked up, and then was dismissed.
8472. Where are those men now? Murphy went to the Railway Department; Rose is driving a furniture van in the city; and Williams, I believe, is up the country teaching a squatter's children.
8473. Upon what terms should you say Mr. Everett and Mr. Small were? I should not consider they were on good terms from observations I have heard pass from Mr. Everett. I have often heard Mr. Everett find fault with Mr. Small's conduct, but I do not exactly know for what reason. Sometimes he would find fault with him for being a tyrant. I did not take much notice of it. I had an opportunity of seeing Mr. Small's conduct as much as any man; I was a year and five months in charge of the upper wing, and during the whole of that time I had an opportunity of seeing his conduct daily, and I never saw anything on his part that was either cruel or tyrannical.
8474. Which do you think is the better officer—Mr. Small or Mr. Everett? I consider that Mr. Everett is a very steady, patient man, but a man that I should not think would be a good officer to have in charge of a responsible position. Mr. Small is a man possessed of a good nerve, and has a good deal of knowledge of discipline and things of that sort, and I think he would be the best officer for any responsible position
8475. Have you yourself ever been complained of by any of the prisoners for any ill-treatment? One time I was charged before the Visiting Justice with saying I would lock a prisoner up for writing something on his slate, but it was proved that I was not the officer—it was warder Cairncross; but another prisoner, named O'Neil, complained of me to the Visiting Justice for threatening him, and said I had a down on him, and things of that sort.

8476. Was that case investigated? Yes.
8477. What was the result? The Visiting Justice said he did not believe that there was any truth in his statement. This man was a very troublesome prisoner; he attempted to commit suicide, and we had a great deal of trouble in watching him. He was under my charge for some time. I had to watch him, to see that he did not get instruments from the yard, and I used to tell him that I would lock him up. These were the threats that he complained of. R. Flynn. 31 Aug., 1878.
8478. Do you think he was pretending about committing suicide, or that he was in earnest? The supposition amongst the officers was, that he was pretending.
8479. What was your opinion? I was of the same opinion; but I found once a sharp piece of iron in his slipper, and I believe the Visiting Justice gave him twenty-four hours' dark cells.
8480. Did he ever seriously injure himself in these so-called attempts at suicide? Never, sir.
8481. Had he anything the matter with his eyes? Yes, sir.
8482. What was the matter? I cannot exactly say. My opinion was that he tampered with his eyes, and I stated so to the doctor, the Visiting Justice, and the gaoler. The doctor was giving him medicine, and he or the chief warder directed me to renew his bottle with pure water, and give it to him, to see how it would act. I gave it to him; it was labelled with directions for use; and O'Neil said he never had had better medicine in his life—that it cured him completely. Then he was charged with malingering, but I believe the doctor did not press the charge.
8483. He complains of your having ill-treated him frequently;—is that true? No, sir.
8484. He says this: "My eyes were beginning to get bad then, and I could not see; but whenever I wanted to put my name down to see the doctor, Mr. Brayne or Mr. Everett would prevent me. * * * Then when I used to go to the doctor, they would tell him I was only scheming—that the dark cells would do me a great deal of good. My eyes were beginning to get very bad, and I asked the doctor to give me something to save my eyesight. He gave me some lotion after I had gone to him three or four times; but the lotion seemed to make my eyes worse, and after about six or eight weeks, when I could not see at all, he put two setons in my eyes. I was taken up stairs, and a man by the name of Flynn ill-treated me frequently. When I wanted to go to the closet he would not allow me to go. I have rung the bell, and have sometimes had to wait three-quarters of an hour before I would be allowed to go. If I wanted to go between 11 and 12 o'clock he would follow me, using threatening language, and calling me all sorts of names." Is that true? No, sir.
8485. He goes on to say: "Three months and a half ago my eyes got worse again, and I put my name down to see the doctor on a Saturday. The doctor did not come, and I put my name down to see him on the Sunday. He did not come on that day, and I again put my name down on the Monday. Flynn then said it would be a caution to me this time. I wanted to go to the closet a little time before the doctor came, and Flynn rushed into the cell, and called me a "bloody low-lived scoundrel," and said that only for the law he would knock my brains out. Then he up with his fists, and called me a "low-lived coward," wishing me to lift my hands against him. As I was coming out I saw two warders at the top of the landing, apparently waiting to ill-use me, but they did not come near me." Is that true? No, sir, it is false.
8486. Is there one word of truth in it at all? No, sir; not with regard to going to the closet.
8487. Did you call him a "bloody low-lived scoundrel"? I do not believe I ever used such an expression to any person.
8488. Will you swear that you did not say it to him? Yes, sir.
8489. Did you say that only for the law you would knock his brains out? No, sir.
8490. Did you ever call him a "low-lived coward"? No, sir. There was one occasion when he came out of his cell with his person in his hand, and I pushed him back. He said, "Oh, I am very bad." He had been operated on with regard to something about his person. I asked him what was the matter, and he said, "I am very bad with so-and-so." I asked him why he did not see the doctor, and he said, "The doctor makes me worse; he uses caustic." There never was a prisoner who complained against me during the time I was there.
8491. Is it a fact that the men were not allowed out for the purposes of nature? Not during my time.
8492. A man named James M'Grath swears that you had a system of letting men out twice a day, and that you would not let them out at other times however much they wished to go; that you fixed your own time;—is that true? No, sir. I adopted a system of letting the prisoners out between the hours of 9 and 10 and 1 and 2, but any other time they wanted to go out I always let them out. There never was a prisoner who complained to me of not being let out.
8493. O'Neil says: "Mr. Everett told the doctor that I had been putting lime in my eyes to blind myself. I told the doctor I had had no lime to use since I had been upstairs; but they locked me up on a charge of putting lime into my eyes to blind myself. When I came back from the doctor, Everett and Flynn stripped me naked." Did you ever strip him naked? Yes, but not in company with Mr. Everett.
8494. Why did you do it? I found some sharp instrument in his cell, and on all occasions when a prisoner takes anything in the shape of tobacco or anything else into his cell, he is stripped, and a minute examination made of his clothes. On this occasion I found a sharp instrument, and I reported it to the senior-warder, who directed me to strip him. I stripped him, and then between the lining of one of his slippers I found a piece of sharp iron. I had found one piece of iron in his cell, and then I found a second piece between the soles of his slipper.
8495. Did you ever hear of Coghlan being ill-treated? No, sir. At the time Coghlan and the parties who accompanied him stole the cattle, I was a policeman, and I was after Coghlan and his mates. As soon as he came out of separate treatment he knew me, and began to describe the position in which he and his mates were with the cattle, and where I and my mates were. He told me there had been a great talk about separate treatment, but he said so help him God he would do the whole of his sentence in separate, only that he was not allowed to go to the closet.
8496. Did he ever complain that Mr. Small had ill-treated him? No, sir; the only cruelty he said he was subjected to was that he was not allowed to go to the closet. I believe there was a warder named Abbott complained of for not allowing prisoners to go to the closet, and Coghlan complained to me about him.
8497. Did he ever complain of the rations being bad? Not to my knowledge, sir.
8498. Did he ever complain of being fastened to any ring-bolts, or of being gagged, or dragged upstairs? No, sir; I have heard that he has reported this lately, but he never did before.

8499.

R. Flynn. 8499. That is since the statements in the *Cumberland Mercury?* Yes, sir.
8500. Where did the conversation that you have alluded to between Coghlan and yourself take place?
31 Aug., 1878. In the special yards, while the prisoner was waiting transit to Parramatta.
8501. Do you know whether he had some affection of the bowels and was liable to chronic diarrhœa? I did not hear anything of it.
8502. However, he told you that if he were allowed to go to the closet when he wished he would rather do the whole of his time in separate treatment than go from that gaol to another? Yes, he made that statement voluntarily to me.
8503. What do you say about the rations supplied to the men? The rations were good. I heard some men complain of being hungry, and I heard others say they had too much. I know some had too much. Some of the plates of hominy were weighed. They weighed from 4 to 5 lbs. plate and all; and in some instances, where a man complained of being hungry, the doctor allowed him an extra plate or two. I have often given four plates of hominy a day to a prisoner.
8504. Were the rations dirty? No. The hominy was passed down in the wings, but before a hand was put to it I had to examine it, to see that there was no sharp instrument, or tobacco, or anything else going in. Then the wardsman, who acted under my instructions, put the hominy on the beds outside the cells, and I went round and put the hominy through the traps in the cell-doors. Sometimes there were complaints that it was not good, but I thought it was very wholesome food.
8505. What would be done in the case of complaints? I would take charge of the rations, and send for the chief warder. When he came I would show them to him, and he would see the prisoner; the ration would be taken to the hospital to the doctor, who would pronounce it either fit or unfit for food.
8506. But if the doctor was not there? It was reported to the gaoler, and mentioned to the doctor when he came in. Whether the food was kept for his opinion or not I do not know.
8507. What kind of tempered man is Mr. Small? I have heard him reason with prisoners, and I have heard some of them very insolent to him. I have heard Reynolds tell him he would report him for cruelty to a prisoner in the next cell, and the gaoler said, "You ought to be aware that I could bring you before the Visiting Justice, and have you punished for that; but I will not do it; I know you are a hot-tempered man, and I will put up with you." I never knew the gaoler to ill-treat a prisoner while I was there.
8508. Do I understand you to say that Mr. Small's temper was tried frequently? In many instances, sir. I have no doubt that he is of a hasty temper. I heard him speak hastily to an officer on one occasion; but that is the only time I ever heard him speak hot-temperedly or hastily. He always spoke to prisoners and officers in a very proper manner.
8509. *Mr. Pinhey.*] Were there any complaints in your time of insufficiency of clothing? Yes, prisoners would complain sometimes, and when a complaint was made to the chief warder, who has to do with that department, he would examine the clothing, and if he considered it insufficient he would call the attention of the gaoler to it. I have never known an instance in which a complaint was not inquired into and redressed as soon as possible.
8510. *Mr. Voss.*] Do you consider Mr. Small a good gaoler? I do, sir.
8511. Have you been under many gaolers? Only Mr. Small and Mr. Hussey, and a short time under Mr. Read.
8512. Do you consider Mr. Small as good a gaoler as any of them? I consider he is a very good man to see to the safety of prisoners, and to attend to his duty.
8513. This one case that you speak of—that of Cunningham; do you think it was ill-usage on the part of Mr. Small, or do you think it was necessarily rough-treatment? Well, Mr. Small might have got two prisoners to carry him over, but, otherwise, I do not see how he could have taken him, unless he took him on his back and carried him over, or ordered the warders to do it. After that occasion there were four prisoners told off to carry him to and from the cell. When he came into the office he would lie down on the floor, and after being sentenced he would be carried back to the cell. Then, I was told, he would dance and sing. I have heard him singing myself when I have been upstairs.
8514. *Mr. Pinhey.*] Is it or is it not a fact that both the gaoler and the warders are continually subject to bad language and insolent demeanour on the part of the prisoners, which is very trying, and enough to irritate and annoy even the best of tempers? I have little or no knowledge of that myself. I have never been interfered with, and I have never known an officer to be interfered with,—except that I saw a Chinaman assault the senior warder, and I saw Cunningham following an officer with the leg of a table. A prisoner got six months off his sentence for assisting me and the chief warder in securing Cunningham.
8515. Do you think there are more prisoners punished proportionately for bad conduct in Berrima than in Parramatta Gaol? The punishment is more severe in Parramatta Gaol, and is oftener inflicted. I have known prisoners to be punished more in Parramatta than they have in Berrima for the same offences.
8516. You left Berrima of your own free will? Yes; I came away on account of ill-health, and lost my promotion through it. I applied to the Comptroller to be shifted. He told me that he would have to take my rank from me for some time in order to bring me to Darlinghurst or Parramatta.
8517. Was there any difficulty whatever in the way of the men seeing the Visiting Justice, if they had any complaints to make? There was sometimes, when the Visiting Justice was absent in Sydney for a few days; then the gaoler would send for the prisoners who had been locked up, and in many instances he would let them off.
8518. *Chairman.*] Was there any difficulty in the way of their bringing their complaints before the Visiting Justice? No, sir.
8519. What was the system? I went round every morning with a slate, on which I put down the numbers of the cells where prisoners wanted to see the Visiting Justice, or the gaoler, or the doctor, and after I had got the names I furnished the senior warder with the list. The gaoler saw this at 9 o'clock in the morning.
8520. And was it always brought under the notice of the Visiting Justice immediately? I suppose so; I do not know what course the gaoler pursued.
8521. Had you ever any reason to believe that the gaoler kept back from the Visiting Justice the complaints that the men wished to bring forward? I have no reason to think so, sir. I may mention that I had some experience in Smithfield and Newgate Gaol, in Dublin, in the latter end of 1854 and the beginning of 1855, and I consider the treatment of prisoners in this colony is far superior to the treatment prisoners received there at that time.

8522.

8522. Do you mean far more merciful or far more rigid? They are far better treated in regard to indulgences and nourishment. R. Flynn. 31 Aug., 1878.
8523. Is their health better cared for? Yes, in every respect. They have baths, and the greatest attention is paid to their bedding, and clothing, and cells, all of which must be regularly inspected. I am sure there is nobody in a menial situation outside so well treated as they are.

MONDAY, 2 SEPTEMBER, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

HAYNES GIBBES ALLEYNE, Esq., M.D., | JAMES OATLEY, Esq., J.P.,
WILLIAM TOWNLEY PINHEY, Esq., J.P., | HOULTON HARRIS VOSS, Esq., J.P.

Ghiblin Everett, re-called, and further examined:—

8524. *Chairman.*] Do you remember the case of a prisoner named Carney? Yes, sir. G. Everett. 2 Sept., 1878.
8525. When was he at Berrima? Four or five years ago.
8526. Do you know of his being gagged? I heard of it; I did not see it. He was a very badly-conducted prisoner, and was very much addicted to making use of foul language. He has been punished a dozen times.
8527. Did you hear who had gagged him? The gaoler, sir.
8528. Who told you? I heard the senior warder, Keirnan, speaking about it at the time.
8529. But I want to know who actually gagged him? Oh, the gaoler would gag him.
8530. Would you be surprised if Keirnan says that he gagged him himself? I do not believe it.
8531. Would you not believe him though he swears it? I never saw him do so, nor have I heard of any officer but the gaoler himself gag a man since I have been there.
8532. What character of man do you say Carney was? One of the worst prisoners we ever had. He was sent for coercion from Maitland; and if you look at the books you will see that he was punished more than any other prisoner we ever had.
8533. With regard to making use of any particular kind of language, what was his character? Principally talking about what he would do when he got discharged, and trying to excite other prisoners. He would make a row for anything at all, in fact.
8534. Was he addicted, in any way, to making use of filthy language? Beastly—filthy in the extreme.
8535. What is meant by "special treatment"? That is putting a prisoner all day in the stone yards that you saw up there, and locking him up at night, and not allowing him to mix with the other prisoners.
8536. And that is a sort of punishment? I consider it so.
8537. Then the three kinds of treatment are—"separate," "special," and "ordinary" treatment? Yes, sir.
8538. By "ordinary" do you mean the same as in other gaols? Yes, sir; but we call them billet-men, chiefly because they do the work of the gaol.
8539. The ordinary treatment is not intended in any way as punishment? No, sir; good-conduct men are sent there for that. We make application to the Comptroller, and he sends these men from other gaols to do the work.
8540. *Mr. Oatley.*] Do you remember what Carney was gagged for? For making use of foul language.
8541. *Mr. Pinhey.*] Where do you get the men from who are in special treatment? From other gaols, for coercion.
8542. You do not put any of your own men there? Not unless the Comptroller orders it. Cunningham is now in special treatment.
8543. *Chairman.*] Is special treatment more severe than separate treatment? No, sir; it is a modified treatment. The prisoners are out all day long, and they get their indulgences the same as "ordinary" prisoners. Cunningham has been ordered into special treatment as a modified treatment from separate treatment; and if his conduct continues good he will probably go into ordinary treatment.
8544. I want clearly to understand about this "special treatment." If a man in separate treatment were to misconduct himself would he be punished by being placed in special treatment? No; that would be a rise.
8545. Then it is applied as punishment for prisoners who come from other gaols for misconduct, or for ordinary prisoners in Berrima who misconduct themselves? Yes, sir.
8546. Has the gaoler power to put a man back from ordinary treatment into separate treatment? No, the gaoler has not the power; it is the Comptroller.

John Bennett, senior-warder in Goulburn Gaol, called in, sworn, and examined:—

8547. *Chairman.*] What is your name? John Bennett, sir. J. Bennett. 2 Sept., 1878.
8548. You are senior warder at Goulburn Gaol are you? Yes, sir.
8549. How long have you held that position? Going on two years.
8550. How long have you been in the gaol service? About sixteen years. I joined in August, 1862.
8551. Where did you join at? Berrima, sir.
8552. You were at Berrima then at the time of the murder of Warder Craig? Yes, sir.
8553. Did you give evidence at the trial? No, sir, I was not there.
8554. How long were you a warder at Berrima Gaol? Five years and about a month. I went in 1862, and left in 1867.
8555. Then you were there at the time of the two mutinies of which we have heard—one in 1863 and the other near the end of 1864? Yes, sir. In the mutiny of 1864 I was on sentry duty outside the gaol. I was on duty in the wings during the mutiny of 1863.
8556. Have you read the evidence that was given before the Select Committee in reference to the treatment of prisoners at Berrima? No, sir.

J. Bennett. 2 Sept., 1878.

8557. Has your attention been called to any statement by Mr. Small, that, with the view of quelling the mutiny in the wings, he armed himself with a revolver and threatened to use it? Not that I am aware of.
8558. Have you heard anything about the statement that he presented a revolver and threatened to shoot a man named Hindmarsh? All that I heard was at the latter end of last month, when Mr. Herbert was telling me about it.
8559. What did he tell you about it? He asked me did I know about Mr. Small bringing in a revolver to put a man into the cell, and I said I was not aware of it if he did.
8560. *Mr. Voss.*] Were you on duty outside on account of the riot? No, sir; there were two warders always on sentry duty outside.
8561. *Chairman.*] Is that the case now? It was when I left.
8562. *Mr. Voss.*] How often, during the five years you were there, were you on outside duty? I was sometimes in and sometimes out.
8563. *Chairman.*] Part of your duty was outside and part inside? Yes, sir.
8564. And at the time of the mutiny of 1864 it happened to be your lot to be outside the gaol? Yes, sir.
8565. Mr. Small has said this:—"The prisoners had bed-boards to keep them from the flags; I think nearly the whole of the gaol mutinied then. Thirty or forty of the ringleaders were brought up; they smashed the panels out of their cell-doors and walked out into the corridors, armed with the staves of their night-tubs, threatening to knock the brains out of any man that would come into the corridors. Four of my warders refused to do my bidding, to go and lock them up; they were afraid. I got a revolver"—that is what I want to call your attention to,—"put it in a belt, round my waist, and went down four or five steps to these men; I ordered them to go into their cells. There was one man, a tall man, out of his cell; I ordered him to go in; he refused, with an oath; I drew my revolver; I said, 'Go to your cell'; he turned and said 'Shoot, and be ——— to you,' and walked into his cell.'" Was that statement brought under your notice? I never heard of it before. Mr. Herbert asked me if I had heard of it, and I said, "No."
8566. Did you state at the time, to Mr. Herbert, that it was utterly untrue? No, sir, I did not say that; I did not know, because I was not present.
8567. In point of fact you did not know whether it was true or not? No, sir.
8568. And what you gave Mr. Herbert to understand was that you had not heard that Mr. Small had taken those steps? That is it.
8569. But whether true or not, you did not know, and you swear that you did not state to Mr. Herbert that it was not true if Mr. Small had made any such statement? Yes, sir.
8570. When was it that you saw Mr. Herbert? I think it was the last Thursday of July.
8571. Mr. Herbert's duties as photographer take him up to Goulburn Gaol, and you saw him while he was there? Yes, sir.
8572. Did he ask you to give evidence? No; he simply asked me if I recollected anything of Small putting a man into his cell with a revolver, and I said that was the first I had heard of it.
8573. Was Keirnan present at that conversation between you and Herbert? No, sir.
8574. Now did you never state, in Keirnan's presence, that it was utterly untrue if Mr. Small had made such a statement? No. I could not say that, sir, because I was not there at all, and I never heard of it being the case. That is what I said. If he did do it, it was utterly unknown to me.
8575. Have you ever had any conversation relative to this matter with Mr. Taylor or anyone else, except Mr. Herbert? No, sir.
8576. Have you ever communicated to anyone else, except Mr. Herbert, anything with reference to this matter? No, sir.
8577. Have you ever made any statement at all to Mr. Taylor, or any other person, that Mr. Small was guilty of cruelty? No, sir.
8578. During the time you were at Berrima did you witness any ill-treatment of the prisoners by Mr. Small. You will understand that by ill-treatment I do not mean necessarily rough usage in order to quell a disturbance? I cannot call to mind any case of ill-treatment.
8579. Did you see any letter signed by Mr. Taylor in the *Cumberland Mercury* or any other newspaper? I saw it cut out of some paper.
8580. How did you come to see it? It was shown to me.
8581. By whom? By the gaoler's wife—Mrs. Walker.
8582. That is the Goulburn gaoler's wife? Yes, sir.
8583. Do you know how she became possessed of it? No, sir.
8584. Was that about the time of Mr. Herbert's visit? His visit was before that.
8585. He was not present then when you saw that letter? No, sir.
8586. Was the letter a copy of this one (*Mr. Taylor's letter to the Commission read*)? Yes, sir; that is the same letter.
8587. Under what circumstances did you leave Berrima Gaol? I was reported by Mr. Small.
8588. What for? That is more than I can answer. It was a false charge that he preferred against me.
8589. What was it? It was something about a prisoner making his escape.
8590. When was it? It is so long ago that it has slipped my memory.
8591. Can you say when you left? It was in 1867 that I left Berrima.
8592. *Mr. Pinhey.*] Was the charge you speak about investigated? Yes, sir.
8593. *Chairman.*] And what was the result? It was not proved that I had anything at all to do with it.
8594. Were you removed from Berrima Gaol? Yes, sir.
8595. By order of the Comptroller General? Yes, sir.
8596. And stationed at Goulburn? Yes, sir.
8597. Were you punished in any way? I was suspended, and lost five days' pay.
8598. Was it restored? No, sir.
8599. Have you seen anything of Mr. Small since 1867? Oh! yes, sir.
8600. Have you ever been under him since then? No, sir.
8601. *Mr. Oatley.*] Speaking of the letter, you say it was brought under your notice by a piece of newspaper shown to you by the gaoler's wife? Yes, sir.
8602. Has any other person had any conversation with you in reference to that letter? No, sir.
8603. Has the Comptroller General made an inquiry from you as to what evidence you could give? No, sir, he asked me had I seen it.

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8604. *Mr. Pinhey.*] What was the date of the conversation with the Comptroller General; was it before or after the appearance of the letter in the "*Mercury*"? Yes, sir; I do not remember the date.
8605. Was it the last time the Comptroller was up, about a week ago? Yes, sir.
8606. *Mr. Oatley.*] Can you remember what the conversation was? Yes, sir, partly. He asked me did I authorize anybody to use my name, and I said no.
8607. Did he tell you then that you would be required to give evidence, or that it was likely you would be? No, sir.
8608. *Mr. Voss.*] In that letter it is stated that you can give important evidence;—did you tell Mr. Herbert or anyone else that you could give important evidence before the Commission? No, sir.
8609. *Mr. Pinhey.*] Did you say you could give any evidence? All that Mr. Herbert asked me was whether I had heard of Mr. Small putting a man into his cell with a revolver, and I said I had never heard of it. I told him that on a previous occasion, when we used to take the men's clothes from them after muster, that there was a man who refused to take his clothes off. He had one of the legs of the bunk-board in his hand, and threatened to knock any one down who went near him. Mr. Small said he would go for a revolver. I called for the chief warder and asked him to tell Mr. Small not to bring a revolver in because he might shoot one of us. That is all I told Mr. Herbert about the revolver, and that has reference not to the time of the mutiny but to some considerable time before it.
8610. *Chairman.*] Were you there at the time a warder named Hill was there? Yes, sir.
8611. What character of man was Hill in regard to his treatment of the prisoners? That is rather a critical question to ask, because sometimes prisoners are very violent and their language fearful; a man cannot tell how he is to act. I have been a long time among prisoners—for the last 30 years—and I know what they are.
8612. But you are sworn to tell the whole truth, and you must say here if you remember anything particular with reference to the conduct of Hill? Well, one time he had a man with the gag in his mouth, and the man wanted a drink of water; I went to Hill and told him the man wanted a drink of water, and he said "Well, pour it down the hole." I said "No, I will do no such thing, because if I do it will kill the man."
8613. Is that all that happened? Yes, sir.
8614. Did the man get the water? No, sir.
8615. Who was the man? I do not remember.
8616. About what time was it? About 13 or 14 years ago.
8617. Was the prisoner in a dark cell, or in his own cell, or in a light punishment cell? I do not recollect sir.
8618. Had you seen him gagged? Well, I could not say postively, but I saw him with the gag in his mouth.
8619. Was it a lad named Joseph Bragg, do you know? It might be; I could not say for certain, it is such a long time ago.
8620. Is that the only instance in which you witnessed anything peculiar in the conduct of Hill towards the prisoners? That is all, with the exception of putting on the bar-irons; but that, of course, was ordered by the gaoler.
8621. Were those bar-irons put on necessarily, or was it a matter of cruelty? It was necessary in several instances.
8622. Of course you were there when Slattery was there? Yes, sir.
8623. Did you ever see any ill-usage of him? No, sir. He was gagged one night, and the gaoler came round to where I was on duty—between the prison and the wall—and said to me, "That man has got the gag out of his mouth." I said, "No, he can't have got it out of his mouth, because you can hear that he can't speak plain." The gag that they used at that time went straight across the mouth, and a prisoner with it on could talk like a man that lisped.
8624. Not a gag like the present one? No, sir.
8625. *Mr. Oatley.*] Was that all that took place? Yes, sir. I was on night duty and the prisoners were all locked up.
8626. *Chairman.*] There is nothing particular in that. That was merely a conversation between you and the gaoler? That is all, sir.
8627. How many men have you seen gagged there? I only recollect seeing one.
8628. Who was that? The man that Hill wanted me to pour water down his throat.
8629. Who gagged him? I do not know.
8630. How long was the gag kept in his mouth? I do not know.
8631. *Mr. Oatley.*] Were you or was any other person with him when the gag was in his mouth? I was not with him.
8632. *Chairman.*] Did you ever see a man fastened up to ring-bolts? No, sir; I saw it at Norfolk Island but never here.
8633. Were you at Norfolk Island under Captain Machonochie? No, sir, under Major Child and Mr. Price. It was while Mr. Price was there that I saw the spread-eagling.
8634. *Mr. Oatley.*] Was it Slattery you saw with bar-irons on? I have seen several.
8635. *Chairman.*] Was it about the time of the mutiny? No, sir; I do not think it was.
8636. *Mr. Oatley.*] Do you remember how long the bar-irons were kept on? I think over seven days.
8637. You say you left the gaol in 1867? Yes, sir; I think I left in September, 1867.
8638. Since February, 1867, have you see any man gagged? Not to my knowledge.
8639. *Chairman.*] Have you ever seen the gag used in any other gaols than Berrima? Only on Norfolk Island.
8640. When did you leave Norfolk Island? In 1846, I think.
8641. What kind of a gag did they use there? It was something like this (*taking up gag*), but it was much longer. It was about half an inch longer than this.
8642. Was it made of the same material? It was made of wood, but not so hollow as this.
8643. Was it a more severe instrument than this? Yes, sir; it was the prisoner constables that used to gag there. They would tie a man up to a lamp-post, and say "Open your kisser," and if he would not open it they would give the gag a rap with a baton, and then teeth and all would go. It was frightful.
8644. How long were you at Norfolk Island? Eighteen months.
8645. *Mr. Pinhey.*] How long was the gag kept in there? From one to two hours.
8646. *Chairman.*] Have you ever been in the army? Yes, sir.

8647.

J. Bennett. 2 Sept., 1878.

8647. In what regiment? The 11th.
8648. *Mr. Oatley.*] How long was the gag kept in a man's mouth at Berrima? I can't say how long.
8649. *Chairman.*] Can you not say whether it was 5 minutes or an hour? I should say it was 10 minutes or a quarter of an hour.
8650. On the whole can you say whether during the time you were at Berrima, the prisoners were ill-used or in any way cruelly treated—on your oath? No, sir, not that I am aware of. I would speak my mind if I knew anything.

The Rev. John Dowse Langley, Church of England Clergyman, called in, sworn, and examined:—

Rev. J. D. Langley. 2 Sept., 1878.

8651. *Chairman.*] What is your name, sir? John Dowse Langley.
8652. Were you for any period the Church of England Chaplain at Berrima Gaol? Yes, sir, for two years. From June, 1873, to June, 1875.
8653. How often used you to attend at the gaol? Very frequently. I was often there every day, and sometimes I would not be there for several days. There was never a week but I was there once or twice.
8654. And during some weeks you were there every day? Yes.
8655. Were the relations existing between yourself and the members of your Church, who were prisoners there, at all confidential? Yes. You do not mean by confidential that I was not at liberty to state what occurred?
8656. No; but did they look upon you as a person to whom they could make complaints? Yes, I was on terms of the greatest friendliness with these poor fellows.
8657. Do you think they really looked upon you as a friend? I do think so.
8658. Do you think that the relations existing between you and them were such that they would not hesitate to make statements or complaints to you, which they would hesitate to bring before any of the officials? Yes, I think so.
8659. I presume that you yourself never witnessed any ill-treatment on the part of the gaoler or warders? Never.
8660. It would not be likely to occur in your presence? No.
8661. But were any complaints made to you by any of the prisoners whom you saw? Yes, I have heard complaints of a trivial character, and in some cases have entered into an inquiry respecting them; but I came to the conclusion that there was no real ground for any such complaints.
8662. Will you state what steps you took towards investigating those complaints? Very often by making inquiry from the other prisoners, and from the officials in the gaol, and in other ways. I adopted various ways of seeing if there was any truth in them, but invariably the complaints were very trivial. Such complaints as those made now were never made to me at all.
8663. Was ever any complaint made of physical ill-treatment, of assaults, of violent gaggings, or spread-eagling, or anything of that kind? Statements have been made to me by prisoners that such things had occurred long before my chaplaincy, but in every case the men told me that the harsh treatment they had received was the best thing that ever happened to them. I refer to men like Cummings and Weekes, who have left the gaol and have since proved to be reformed men. They told me that they had been treated with some degree of harshness; but when they came to look back upon it they considered it the best thing that could have happened to them. But no complaints were made to me of physical violence during the time I was in Berrima.
8664. Nor since? I have had nothing to do with the gaol since.
8665. *Mr. Voss.*] Have you heard of any? I have heard of them, but I did not believe them.
8666. *Chairman.*] Did you hear of anything before this inquiry was set on foot? No, except that Mr. Dixon has told me everything that occurred between Mr. Small and him, but from the prisoners direct I have had no communication in that way.
8667. Had you opportunities of observing the physical well-being or otherwise of the prisoners while you were there? Yes.
8668. Can you give any opinion as to whether that was properly cared for? The prisoners had a certain physical fear of Mr. Small I know, which in my opinion was a very wholesome thing, considering the men with whom he had to do; but it did not arise from ill-treatment.
8669. I intended to say whether their health was cared for? Yes, they were weighed once a week, and if they fell off in weight they received extra food. Answering the question in a general way the men were well cared for in a physical point of view as far as I could judge. There was nothing in my knowledge approaching to the reverse treatment.
8670. With reference to Mr. Dixon, has he ever described the place to you as a "hell upon earth," or used any strong language of that kind? No, he never used any such language to me. He has complained very bitterly, in conversation with me, of matters that have occurred in connection with the gaol since he went there.
8671. Do you remember how far back his first complaint dated? I cannot remember; not a very long while after he went there.
8672. When did you leave? In June, 1875.
8673. And he immediately succeeded you? Yes.
8674. Do you think that Mr. Dixon could have made any complaint of the character you indicate before August, 1876? That I cannot say; I do not remember the times.
8675. Say within 14 months of your ceasing to hold the office of chaplain? The first time he spoke to me about unpleasant matters at Berrima was in connection with his personal dealings with Mr. Small. He and Mr. Small had had some unpleasantness, and if I remember rightly a charge was made against Mr. Small to the Comptroller by Mr. Dixon. That is the first time I ever heard of any unpleasantness between them, or any complaints of the gaol.
8676. Had you seen Mr. Dixon frequently between the time of his entering upon the office and the time of this first complaint? Occasionally; not very frequently.
8677. Did he ever express himself in any way in favour of Mr. Small, or the opposite? My impression is that almost from the first he and Mr. Small did not get on very well; but I do not think it ever assumed the form of a formal complaint in speaking to me until the time I speak of.
8678. Will you specify more particularly the nature of the complaints he made? Rudeness to himself—it was a personal matter very much that he complained of—not a question with regard to the prisoners.

Rev. J. D. Langley. 2 Sept., 1878.

I speak with some degree of hesitation on this matter. For instance, if he should say the reverse, I should say that he was right, because his memory is more likely to be correct than mine. I speak to the best of my recollection; I only try to remember as well as I can. He frequently told me of his great dissatisfaction with the gaol. I almost think he did that in a general way soon after he went there. He has told me that he had had some unpleasantness with Mr. Small and that things were in a bad position; but I judged that that was his view of the matter; that perhaps he took a more lenient view of the manner in which prisoners should be dealt with.

8679. You mean a more humanitarian view? Yes.

8680. Have you seen prisoners after their release? Yes, they often used to come to my house.

8681. Have any of them brought complaints of ill-treatment which they have themselves experienced or witnessed? Not until this matter arose. Then a man came and made a lot of complaints.

8682. Who was he? I do not know. He came from Parramatta, and said that he had been to Mr. Driver.

8683. Was it Kerr? I don't remember the man. I rather think it was Kerr. The only prisoner that ever complained to me of serious ill-treatment by Mr. Small was this man, who came to me after his discharge from gaol and told me a long story about Mr. Small's ill-treatment of him.

8684. When was that? About the time this matter was brought before the Legislative Assembly.

8685. About April or May of this year? I do not remember the month.

8686. Do you think the Destitute Children's Asylum at Randwick requires for the position of superintendent a man of humane disposition? Certainly.

8687. Do you think a man who was at all cruel, or exceedingly harsh, or of ungovernable temper, would be in any way fit for a position of the kind? Utterly unfit.

8688. Do you know Mr. Dixon's handwriting? Yes.

8689. Is that document (*showing Mr. Dixon's testimonial in favor of Mr. Small*) in his handwriting? Certainly it is.

8690. Can you understand Mr. Dixon, fourteen months after he had entered upon the duties of chaplain, giving a testimonial of that kind to Mr. Small to further his application for the position of Superintendent of the Randwick Asylum? Mr. Dixon has never said anything to me regarding Mr. Small's treatment of the prisoners which would imply that he holds a different opinion of Mr. Small from this. What he has said in public I have nothing to do with. He has never said anything to me in private conversation different from this.

8691. Has he ever given you to understand that Mr. Small would be an unfit man for the position of superintendent of the Randwick Asylum? I do not know that he has put it in that form. I would rather give no opinion on the subject.

8692. *Mr. Voss.*] Has he complained of Mr. Small's ungovernable temper? He has complained of his temper.

8693. *Mr. Oatley.*] What is your opinion as to his temper? Mr. Small is a man of warm temper, but he is, at the same time, a very kind-hearted man. He is a strict disciplinarian, as Mr. Dixon has said, and I personally believe that he would efficiently perform the duties at Randwick. I would have no hesitation in recommending him for that appointment. He has a bad temper, but I doubt if he would do anything very cruel under the influence of temper. I can only say that I have never seen him do anything of the kind. I have seen him in a temper; he has been angry with me once or twice, but I never thought anything about it. He is a man who is so kind-hearted at the bottom that he has not the same tendency to evil which a bad-hearted man would have.

8694. *Chairman.*] With regard to his being a disciplinarian, do you suppose anything but that could make Berrima Gaol a success? I do not think any one but a rigid disciplinarian could.

8695. You think the maintenance of strict discipline absolutely essential to the successful management of an establishment of that kind? I do; and I would desire to make a statement in regard to Mr. Small on that matter. When in the performance of my special duty as chaplain, Mr. Small invariably went out of his way to assist me, and, though a strict disciplinarian, was disposed to yield the matter of discipline to my views when he thought it would tend to the moral improvement of the prisoners. Again and again he has done that. I mention this to show that with me, personally, he was quite the reverse of what it appears he has become since.

8696. That is, if these charges be true? Exactly. I may mention one case specially in point. Mr. Small most strongly supported me in my application to allow the "separate" prisoners to attend a united service in the middle of the work, which might have told against the discipline, and which had to be consented to by the Comptroller General of Prisons. I had great difficulty in getting it done; and though I considered it would have great moral influence, I would have failed if I had not received the support of Mr. Small.

8697. Do you think that Mr. Small is a conscientious officer so far as zeal is concerned? I think he is a most zealous officer.

8698. Do you think he takes a pride in making the establishment under his charge a success? I do.

8699. Do you think that the position he holds there is sufficiently paid by a salary of £200 a year? I do not, and I never thought so. I think he is terribly underpaid for the responsibility he has.

8700. Can you say at all whether his position is one which causes his temper to be tried more or less severely? I should say there is no position a man can be in where it would be more tried. No one can form an idea of the trials of Mr. Small, who has not had intercourse with the prisoners as I had. With the prisoners to deal with—a peculiar lot of fellows—and difficulties arising with the warders, it is a position involving a great deal of trial. Whatever is the reason I cannot tell, but there is a demoralizing effect in the gaol on the warders and others, and I know that between Mr. Small and the warders there has often been a great deal of unpleasantness. I am afraid that a man with a sweet temper would be likely to lose it if he were long governor of the gaol there. It is a very trying position, I may say.

8701. Have any complaints been made to you with regard to the quality and quantity of the food supplied to the prisoners? Yes, frequently.

8702. Would you rank those among the trivial complaints? Yes, for on inquiry, I invariably found that the supply of food had been given according to the regulations.

8703. That is as to the quantity? Yes.

8704. And with regard to the quality: did you take any steps to ascertain if the complaint was well-grounded? I may say, with regard to the quality of the food, that, to my knowledge, Mr. Small was exceedingly particular, and very often got himself into unpleasantness with the contractors because of his exceeding

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exceeding carefulness upon that matter. I have frequently gone in and tasted the food myself, and seen that it was of the very best character; and I know for a fact that that was one point about which Mr. Small was particularly careful during the two years I was there.

8705. Would he appear to take the part of the prisoners, or the part of the contractors? The part of the prisoners invariably.

8706. And that has resulted, not unfrequently in bringing him into collision with the contractors? Yes.

8707. I want to ask you a question about yourself. When you were there had you unrestricted access to prisoners in the dark cells? I do not remember ever having communication with a prisoner in a dark cell. I generally regarded the man as being under punishment, and a case never arose when I considered it necessary. They were only in for a few hours. I generally went to see them after the punishment was over; but I have no recollection of any communication in the dark cells.

8708. Did the point ever arise between yourself and Mr. Small as to whether you were at liberty to see a man in the dark cells? I do not recollect the question ever arising. I do not think so.

8709. You must pardon my asking you this; it is a small matter, but it has perhaps become necessary:—Used you to be shaved on Sundays before service in the gaol? Never; I was often shaved in the gaol on week days.

8710. But not before service on Sundays? I have no recollection of it under any circumstances, and I do not think I ever was.

8711. Did you give Mr. Dixon to understand that that was your practice? Never; I could not give him to understand what was not the case.

8712. Have you any idea whence he derives his impression that his predecessors were always shaved in gaol on Sundays before Divine service? No.

8713. Mr. Hassall was your predecessor? Yes.

8714. And he did not seem to trouble the barber at all? I think he grew a beard.

8715. Did Mr. Dixon mention to you at all that he considered he had been unfairly treated with reference to his not being allowed to be shaved before Divine service? I do not remember. I heard of the matter, but from what source I do not remember. I do not think Mr. Dixon told me about it, but I am not sure.

8716. With regard to yourself, as chaplain, being made the medium of communication between prisoners and relatives outside the gaol, used you to act in that capacity at all? In a general way I used to do so, but I never did so without the gaoler being aware of what I was doing. I always told him, and I did it in a general way, under his recommendation and advice. I used frequently, for instance, to tell a man what was the state of his wife and family when any of them communicated with me, and I always told the gaoler that I did so.

8717. Did you ever take a letter out, written by a prisoner, without the gaoler's cognizance? Never.

8718. Did you ever take a letter into the gaol without his cognizance? I do not think I ever did; I may have done so; I may have read out of a letter.

8719. Never a letter directed to a prisoner? No, sir.

8720. *Mr. Voss.*] Then Mr. Dixon is not correct when he says, "I found that my predecessor had been in the habit of writing on domestic matters only for some of the prisoners. I have never received any official authority on the subject, but I simply continued the practice of my predecessor. When I spoke on this subject to Mr. Maclean, he told me that no prisoner was to communicate with persons outside during his confinement here. I showed him one or two answers I had received to letters of mine, and he said such letters were not to be objected to. I have been in the habit of writing occasionally on domestic matters only, for prisoners?" In a sense that is true.

8721. Have you acted in the way that Mr. Dixon says he has? I have communicated to prisoners information about their domestic affairs communicated to me by their families without the gaoler knowing the particulars, although he was aware of the persons with whom I communicated and what I was doing. I think Mr. Dixon puts the matter in a form in which I would not put it with regard to anything I did. I thought it beneficial to the morals of the prisoners to have that information concerning their families.

8722. *Chairman.*] Do you think the regulations might be amended so as to allow, under proper safeguards, greater facilities for communication between the prisoners and their relatives outside? I think if there is no objection raised to the chaplain giving information to the prisoners when it is necessary, that it is a great deal better than any other arrangement that can be made. I think if the Government would decide to allow men intercourse with their relatives during the time of their separate confinement, even under the most careful supervision, the effect would be injured thereby. I think the plan at present adopted is a better plan. I do not think it would be wise to prevent the chaplains from dealing with the prisoners not only in sacred but also in secular matters. I found it to be a useful thing in dealing with the prisoners.

8723. Do you think a chaplain of ordinary common-sense could be imposed upon by the prisoners so as to be made the medium of communication as to matters of crime, either the perpetration of crime or the prevention of its detection? Quite impossible. A chaplain who had the least sense of what was right would not have anything to do with any transaction approaching to that.

8724. *Mr. Pinhey.*] In your opinion what is the moral effect of the separate treatment? I think it is most admirable The only thing I regret is that the discipline is not adopted at the close of a prisoner's career, either instead of, or in addition to, the discipline at the commencement of his career. A man goes into gaol; he is placed nine months in separate treatment; he is brought to a great deal of real earnest thought about his past life and real desires for amendment, and a real good is done. But he goes among his fellow prisoners, and in a great many cases the moral effect produced in him is done away with by the association. I think it would be a wise plan to give them nine months separate treatment at the close as well as at the beginning of the imprisonment. I have a case in my mind of a young fellow at Berrima now, who was so influenced for what was right and good by his separate treatment, that had he gone out after his separate treatment was over I should have had the greatest possible hopes of him, but now I have very little. That man has been specially kept separate from other prisoners as much as possible while being an ordinary prisoner, but in spite of that the association has had a demoralizing effect upon him.

8725. *Chairman.*] Then even in the "ordinary" treatment at Berrima Gaol there are corrupting associations? Yes, though possibly less in Berrima than in other gaols.

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8726. *Mr. Pinhey.*] Are you of opinion that, if the separate treatment were carried out in other gaols, in a greater or lesser degree, it would have an equally beneficial effect, morally, as at Berrima Gaol? I would say that the more separate treatment is carried out, the more good, morally, will be done to the prisoners. I doubt very much if you can carry it out in other gaols under the present system.
8727. *Chairman.*] But with regard to the length of time that separate treatment can be beneficially used, do you not think that nine months at a stretch is too much for a man ordinarily to bear? I do not think so, not as it is carried out in Berrima Gaol.
8728. Do you think that the period might be either shortened or extended beneficially according to the circumstances of individual cases? There is great difficulty in classifying the prisoners in regard to making the treatment short or long, in this way: There are some men who get long sentences and who do not require separate treatment at all in the way that prisoners who get shorter sentences do, and I do not see how you are going to alter it.
8729. But do you not think that there are certain minds upon which the period of nine months would have the effect of impairing the intellect or rendering the man morbidly morose? I do not think so. There is a medical attendant at the gaol who pays special regard to that.
8730. Who was the medical attendant when you were there? Dr. Williamson.
8731. How did he perform his duties? I think he was a very kind man who did his duties fairly.
8732. Who was the Visiting Justice? Mr. Wilshire.
8733. Do you think from what you saw, that either the doctor or the Visiting Justice were under the thumb of Mr. Small so as to be tools in his hands? Not in the slightest degree. Mr. Wilshire is an independent sort of man, and he is very conscientious in the discharge of his duties. I did not know much about Dr. Williamson. He was in a very low state of health, but I do not think that he was under the thumb of Mr. Small, so as not to be fairly independent in the exercise of his duties. I do not see how they could have been more independent than they were.
8734. Do you think that a tolerably watchful care was kept over Mr. Small by the officers and visiting officers—such as would prevent him from carrying on a system of petty tyranny? I do not think it could have been carried on without being known. I think, with regard to the warders, that it would be a serious thing for them to make charges against the gaol. But in such an inquiry as this I think the warders generally may be thoroughly relied upon.
8735. Can you form any opinion as to whether the statements of prisoners are entitled to credence? Well, I think that those who have a knowledge of these men must be aware that some prisoners might be thoroughly relied upon, on their oaths; but others are altogether unreliable. I should have to know each individual man before giving you an opinion about that.
8736. *Mr. Pinhey.*] Did you ever hear any complaints about prisoners not being allowed to see the doctor or the Visiting Justice, when they put their names down? I have no recollection of hearing any such complaints. It is not improbable that they did complain. I would regard them as trivial complaints.
8737. *Chairman.*] Have you known any instance of gagging? I am not sure. I think there was gagging while I was there, but I never saw a prisoner gagged.
8738. Did you ever see a prisoner who alleged that he had been gagged under circumstances of unwarrantable violence? I have no recollection of it. I may say that I do not see how Berrima Gaol can be carried on if you do not give the Visiting Justice, at any rate, power to gag.
8739. Do you think it should always require the authority of the Visiting Justice? I think the gaoler should have the power, but that he should be compelled to report to the Visiting Justice immediately.
8740. The regulations prescribe that. You are aware that the gag has been done away with within the last few months? Yes; I think it is a great mistake.
8741. *Mr. Voss.*] Why? Because I think the family of the gaoler have a right to be considered as well as the prisoner, and the language is so foul and terrible, that there is no other way of stopping their mouths.
8742. And you think it essential that the gag should be retained on those grounds? On those grounds only, not as an instrument of punishment.
8743. *Chairman.*] Did you place on record, by letter or otherwise, prior to this, your opinion of Mr. Small? Yes, in a letter to the Comptroller General I said then very much what I have said to the Commission to-day. I never had to complain, in any way, of Mr. Small's treatment of prisoners, but there were times when I thought he was a little bit harsh to the warders. But I was not in his place; if I had been I might have taken a different view.
8744. Do you think that Mr. Small ever stood between a prisoner and a warder so as to protect the prisoner from ill-usage? I never saw that, sir.
8745. What was the harshness that you noticed? It was more part of the system. Mr. Small was very strict, and breaches of discipline were rather hardly dealt with, I think.
8746. *Mr. Voss.*] Have you ever, at any time, had any conversation with Mr. Driver, Member of Parliament, in reference to Berrima Gaol? Never; I only know him by sight.
8747. *Chairman.*] When you were chaplain there were you on tolerably friendly terms with the Roman Catholic Chaplain? Most excellent terms.
8748. Who was he? First Father M'Guinn, and after him Father Hewitt.
8749. Did Father M'Guinn ever mention to you that he was dissatisfied with Mr. Small? Never; he never gave me the slightest idea of that at all; he always spoke in the highest terms of Mr. Small, and so did his successor, Father Hewitt.
8750. *Mr. Pinhey.*] Do you know what Mr. Hassall's opinion was? He told me personally that he had the highest possible opinion of Mr. Small.
8751. How long was Mr. Hassall there? A great many years. I think he was 15 or 16 years there. I may say that I have always regarded it a most essential thing that there should be full accord between the chaplains and the gaoler. I do not know how I could have got on in the performance of my duties if Mr. Small and I had not been on friendly terms. The help I received from him was very great.
8752. *Chairman.*] Do you not think it would be well that there should not be the most perfect running-in-the-same-groove, as it were, between the chaplain and the gaoler. Do you not think the chaplain should occupy a position of independent watchfulness? I think any chaplain would do that, but I think it is very much to be regretted that two officers so essential to the harmonious working of the gaol should not speak. If there is anything in the gaoler's conduct to cause that, I think he ought to be removed.
8753. But do you not think that, if the gaoler were on too intimate and friendly terms with the chaplain, the

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the gaoler might have the chaplain's ear so well that the chaplain would pay no attention to well grounded complaints? I know of no chaplain who would be under any such influence.
8754. There is a man named William White, who says that Mr. Small used very bad language to him and called him a scoundrel and a vagabond, and that you came in shortly afterwards, and he complained to you? It is not improbable; it is just one of those cases which I would regard as trivial complaints.
8755. Then you do not attach much importance to Mr. Small calling a prisoner a vagabond under certain circumstances? I think it would have been better for him not to do it.
8756. Did you ever hear any complaints by prisoners of their having been made a sort of raree show to visitors who went there from curiosity? No, sir; no prisoner ever made any such complaint to me.
8757. Had you any reason to suspect that Mr. Small was guilty of such conduct? He might have been but I never saw anything of the kind.

John Brown, warder at Berrima Gaol, called in, sworn, and examined:—

J. Brown. 2 Sept., 1878.

8758. *Chairman.*] What is your name? John Brown, sir.
8759. What are you? I am gate-keeper at Berrima Gaol.
8760. How long have you been employed in the Government service? Eight years and a half, at Berrima.
8761. Did you commence your service there? Yes, sir.
8762. Have you been a warder all that time? All that time, sir.
8763. During the time you have been there have you witnessed any ill-treatment of the prisoners by Mr. Small? No, sir, I have not.
8764. How long have you been gate-keeper? Sixteen months.
8765. What are your duties as gate-keeper? To see that no one passes in or out who has no right to do so.
8766. You have no duty inside the wings? Not inside the gaol at all, sir.
8767. Then during the last sixteen months you have had no opportunity of witnessing anything in the gaol? No, sir.
8768. Prior to that period, for how long were you an ordinary warder? About seven years.
8769. Well, during that time, did you witness any-ill-treatment at all by Mr. Small or any of the warders? No, sir.
8770. Have you ever seen any man gagged? No, sir; I saw one once handcuffed to be gagged, but he said he would be quiet and he was not gagged.
8771. Who was that prisoner? Carney.
8772. Where did it take place? In the wings, sir.
8773. Who was present? The senior warder, Mr. Keirnan, I think.
8774. And Mr. Small? He came with the gag, but it was not put in.
8775. Did you ever hear of Carney being gagged on other occasions? I have heard so since. He was a very troublesome man.
8776. Is he the only man in regard to whom you ever saw steps being taken with the view of gagging? Yes, sir.
8777. Did you ever see anybody spread-eagled? No, sir, I never did.
8778. Or fastened to a ring-bolt? No, sir.
8779. With regard to the rations served to the men, of what quality were they? They were always of very good quality. I never heard any complaints.
8780. Did you ever hear any prisoner complain of being gagged while you were there? No, sir; there were two gagged, but I did not see them.
8781. Who were they? Cunningham was gagged about three months ago, and I heard of Shultz being gagged, but I did not see it done.
8782. *Mr. Voss.*] Who told you of it? I heard it talked of generally among the warders.
8783. *Chairman.*] Do you know what bed-clothing the men had in the dark cells? In the winter-time two blankets, and in the summer-time one.
8784. Have you known any instances of men not being allowed out for the purposes of nature? I have heard prisoners complain sometimes, but often it was impossible to let them out.
8785. Why? Because warders would be scarce—some being sick or some being away—and there not being enough to attend to the men.
8786. Used visitors to come frequently to the gaol? Occasionally.
8787. How often in a month? Some months there might not be more than two or three, and others there might be a good many.
8788. Did you ever know Mr. Small to take visitors round, and make the prisoners a sort of show to them? I cannot say that I did.
8789. Did you ever hear prisoners complain of anything of the sort? No, sir.
8790. Were you, yourself, ever accused of any ill-treatment? No, sir.
8791. How have you and Mr. Small got on together? Very well. I have always done my duty as well as I could.
8792. Do you think he is a fair man? I believe he is.
8793. Do you think he is a cruel man? No, sir; I think he is a very kind man.
8794. What kind of a temper has he? He is a little short in the temper if he is put out.
8795. Do you think he is vindictive? No, sir, I do not believe he is vindictive in the least; anything but that.
8796. Were you there at the time a prisoner named Edward Callaghan was in the gaol? Yes, sir, I was.
8797. Were you a warder in the wing in which he was confined? I was a warder in the wing.
8798. Did you ever hear of his being gagged or fastened to the ring-bolts? No, sir, he never was.
8799. How do you know? Because I never heard of it until I saw it in the paper.
8800. Did you read the statements made in the *Cumberland Mercury?* Yes, sir.
8801. Did you ever hear of James McGrath being gagged? No, sir.
8802. Do you think it likely that these things could have happened without your hearing of them? No, sir.

8803.

J. Brown. 2 Sept., 1878.

8803. Why do you think you would be likely to hear? Because anything of the kind is spoken about amongst ourselves.
8804. Were you there at the time Joseph Bragg was there? Yes, sir.
8805. Did you ever hear of his being gagged? No sir, not in my time; but he was there before I went.
8806. Do you know a man named John Coghlan? Yes, sir.
8807. Did you ever hear of his being gagged? No, sir.
8808. Did any of these men ever have an opportunity of complaining to you? Yes, they could complain any time they liked.
8809. And you never heard them complain? No, sir.
8810. Is there anything at all that you know in regard to the subject of this inquiry? No, sir, on my solemn oath, I never saw a prisoner ill-used in that gaol, but I have seen Mr. Small take victuals from his own table to prisoners sick in the hospital, when they could not eat the hospital rations, many and many a time. I always considered him a kind man. He is a little hasty, but he never keeps his temper long; he is all right 5 minutes afterwards.

Mr. Ludovico Hart, photographer, called in, sworn, and examined:—

Mr. L. Hart. 2 Sept., 1878.

8811. *Chairman.*] What is your name sir? Ludovico Hart.
8812. What are you? A photographer, sir.
8813. In the Government service? In the Government service.
8814. Do you know Mr. Small the governor of Berrima Gaol? I have met him once.
8815. Only once? Only once to speak to.
8816. Where was that? At Berrima.
8817. Will you state the circumstances? Mr. Richards requested me to call and see Mr. Herbert there. I went to the gaol and inquired for the governor, but he was not there. I stated the object of my visit, and one of the warders said, "Oh! we have expected your visit; we will let Mr. Herbert know." Mr. Herbert, I presume, had been saying that he expected me. The chief warder asked me to go through. While I was with Mr. Herbert in his room, the gaoler came to the door. Mr. Herbert introduced me to him and I told him that I had come up to see Mr. Herbert. Before I had finished, he, in a most ungentlemanly manner, said, "I wish you had seen me before; no person is allowed here without my permission." I told him I was sorry, and that I did not know the rules of the gaol.
8818. Is that all that took place? That is all, sir; I do not remember anything else. He simply said that no person was allowed to go into the gaol without his permission.
8819. Did you tell Mr. Small before you left that his conduct was so bad that you would bring it under the notice of the Government? No, certainly not.
8820. Did you make any official representation of the circumstances by way of complaint? No, I simply told Mr. Richards of the reception I had had, thinking it a very singular one, that was all. Mr. Brennand, the Government storekeeper, told me to mention his name to Mr. Small, and said he had no doubt Mr. Small would show me over the gaol. I mentioned that to Mr. Small, and he said, as I have told you, that he wished he had been in as no person was allowed to come into the gaol without his permission. I told him that I was not responsible; that it was his officers who were to blame.
8821. *Mr. Voss.*] Did he make use of any abusive language? Oh! no sir.
8822. *Chairman.*] But his manner was rude? Very rude—exceedingly so.
8823. Did he appear to be annoyed from any other circumstance that you might not have known of? I can hardly say that; of course I could not imagine.
8824. Did he seem put out from the first? Yes, he was evidently angry.
8825. But you did not think it worth while to make a serious complaint? Oh, dear no; certainly not. I thought it a most ungentlemanly thing to do.
8826. *Mr. Pinhey.*] You were not armed with any letter setting forth the purpose for which you were visiting the gaol? No, sir; I believe Mr. Herbert expected my visit.
8827. *Chairman.*] You do not know whether Mr. Small was in the prison or not when you went there? No, sir.
8828. You were told that he was out, and reference was made to the chief warder, and you were let in? Yes, sir.
8829. And Mr. Small was annoyed at your coming in without his knowledge? Just so.
8830. *Mr. Pinhey.*] Then he might have been within the walls of the gaol for anything that you know? He might. I told him that I was from the Government Printing Office, and that I wanted to see Mr. Herbert. I remember Mr. Herbert saying that it was his fault, that he was the cause of my being brought in.
8831. *Chairman.*] Beyond being a breach of good manners there was nothing in it? Oh! dear no; I should be sorry to make a noise about anything of the sort.

Harold Maclean, Esq., Comptroller General of Prisons, called in, sworn, and examined:—

H. Maclean, Esq. 2 Sept., 1878.

8832. *Chairman.*] Your name is Harold Maclean? Yes.
8833. You are Comptroller General of Prisons in New South Wales? Yes.
8834. Will you state generally what the duties of your office are? The general supervision of the prisons of the colony, and the control of the officers of the prisons.
8835. Subject to the Colonial Secretary? Yes.
8836. You gave evidence before the Select Committee of the Legislative Council in May of this year? Yes.
8837. Before that evidence was printed did you have an opportunity of revising it? Yes.
8838. Do you adhere now to the statements which you made then? Yes, as far as I know. Some of the occurrences

H. Maclean, Esq.

occurrences were many years back, and if anything has transpired to make me bring back my memory, I suppose the Commission will give me an opportunity.

[Evidence before Select Committee, 7 May, 1878.]

[*The following evidence given by Mr. Maclean before the Select Committee was ordered to be embodied in the minutes :—*

8839. "1. *Chairman.*] What are your duties? The general control and direction of everything concerning the Prisons of the Colony, subject to the Colonial Secretary, as a superior authority.
8840. "2. In the Prison Regulations, which I have before me, I see that certain things were to be reported to the Sheriff;—how does that stand now? The Act creating my office of Comptroller General transferred the powers of the Sheriff to the Comptroller General; and so what appears in the Regulations as referring to the Sheriff refers now to me.
8841. "3. How long have you been in office? As Sheriff from 1864; as Comptroller General from 1874.
8842. "4. Have you had much experience in the management and control of prisoners and gaols? I have had the experience of constantly administering the business of the gaols of the Colony for nearly fourteen years, besides a careful examination of all the leading prisons in England, Ireland, and Scotland.
8843. "5. Did you minutely examine any of the gaols in England where prisoners were kept for punishment? Yes.
8844. "6. How many, and what? I suppose I examined in England, Ireland, and Scotland, twelve or thirteen of the chief prisons. In fact, I went to the Home office, and asked them to give me the names of the sample prisons.
8845. "7. Did you become acquainted with the modes of punishment resorted to there? Yes.
8846. "8. I see there are certain Regulations, dated 19th February, 1867, made by the Governor with the advice of the Executive Council;—do you know anything of the formation of these rules? Yes; I prepared them.
8847. "9. Upon what precedent did you rely in framing them? Upon Sir Walter Crofton's Irish system, upon a careful examination of the prisons in Victoria, which preceded us in adopting it, and upon the then latest report of the system pursued in the English prisons.
8848. "10. *Mr. Docker.*] Are these Regulations still in force? Yes, with some amendments and additions. There are several amendments in smaller matters, and there is an alteration, made by a recent regulation, omitting the power of using the gag. The additions are not very important, except one, which is to bring under the separate treatment men who have three years and upwards to serve, instead of, as formerly, five years. The reason of that was, that the diminution of crime and convictions allowed the prison established at Berrima for a certain number of men to pass through that treatment, to take in the three years men in addition to the five years, and therefore the system was extended when the means became available.
8849. "11. *Chairman.*] Among the Regulations of 1867 there is one, No. 68, giving certain powers to the gaoler independently of the Sheriff or Visiting Justice;—is that regulation now in force? Yes, excepting the omission of the power to use the gag.
8850. "12. When was that alteration effected? I cannot give the exact date, but within the last few weeks.
8851. "13. Was that done by an order of the Governor in Council? In the first place an instruction was issued by the Colonial Secretary, forbidding the use of the gag, with a further instruction that the action of the Government in the matter should be embodied in a regulation, and in accordance with this instruction I submitted the regulation again as it stood, omitting the implied power to use the gag. That regulation is now in force in replacement of the other.
8852. "14. By order of the Governor and Executive Council? Yes.
8853. "15. Does the power to use irons still continue? Yes.
8854. "16. The alteration relates merely to the use of the gag? That is all.
8855. "17. Upon what precedent or authority was the use of the gag in these regulations authorized? I will state how the gag first came to my knowledge to be made use of: When I first took charge of the prisons, in 1864, Berrima Gaol was in a high state of mutiny. I went to Berrima myself, but by the time I arrived there the prisoners had been driven into their cells, although they had previously nearly got the better of their officers. They were then so far under restraint that they were shut in their cells, but they continued shouting, blaspheming, and making a noise that could be heard half-a-mile from the prison. The gaoler, Mr. Small, said to me that he had heard objection taken to the use of the gag, and he said he could not stop these men without it, but that he was afraid to take the responsibility of using it. I took the responsibility of directing its use. About six or seven men, as far as I remember, were gagged, and it became known in the corridors that all the other men who would not cease shouting would be gagged, and so far all insubordination was stopped. The gags were removed immediately the men submitted. As I knew the use of the gag had been a vexed question, I thought it desirable that it should be sanctioned by regulation, and not done by the gaoler on his own judgment. I therefore included it in the Regulations. These Regulations were carefully considered by Sir Henry Parkes, the then Colonial Secretary, adopted by the Government, and passed by the Governor and Executive Council. That is the history of how the gag came to be recognized legally.
8856. "18. *Mr. Docker.*] At this time there was no regulation empowering the use of the gag? There was no such regulation at that time. In fact, there were scarcely any regulations at all; there was nothing to guide the officers, and they acted almost on their own views.
8857. "19. *Chairman.*] Is the power to use the gag vested in the gaoler in other countries? As far as I am informed, I believe on authority, it is in use in all the prisons in the world; but I will not undertake to state that I know, of my own knowledge, that to be the fact. It was a thing I looked upon as so much a matter of course, in my view of the matter, that I never made inquiry upon the subject in England, but I am informed by persons who have happened to have asked the question that it is the case in England throughout all the prisons. It also exists in the Army and Navy—in the Navy I am certain, and, I am also informed, in the Army.
8858. "20. Is the gag used for any other purpose than simply compelling a man to cease from shouting or using beastly or offensive language? I think if you will refer to the Regulations you will find it is not to be used as a punishment but only for compelling a prisoner to cease from shouting or making use of offensive language, and that it is to be removed at once when he submits. 8859.

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8859. "21. Do you believe the use of the gag at the discretion of the gaoler, subject only to his reporting its use, to be a necessary instrument of repression? I think so. I have expressed that opinion in my official correspondence with the Colonial Secretary. That is my feeling. It may be that prisons can be conducted without the gag, but I myself do not think so at present.
8860. "22. You think that the decent conduct of the gaols could not be managed without the use of the gag? That is my opinion. The mere existence of the power to use the gag has great effect. In some prisons it is known not to have been used for many years, and very rarely of late years in any prisons, so far as my knowledge and information goes.
8861. "23. *Mr. Cox.*] There is no physical pain from its use? There is not, so long as a man does not continue his resistance; if he struggles and writhes about there must be pain. As an almost invariable fact a man gives in in 2 or 3 minutes, and then it is removed. It would not pain him at all if he did not resist.
8862. "24. *Mr. Docker.*] Putting it in the mouth would cause pain? Yes, if the man fought against it; but when once fixed there is no torture, in my opinion, and certainly none whatever if he remains quiescent.
8863. "25. *Chairman.*] Did you ever try it? No.
8864. "26. But you feel certain that is the only result? Some of the men have stated that they have a nasty sickening sensation, but whether that is true or not I cannot say. These men were in violent resistance all the time.
8865. "27. Can you state as a matter of fact whether prisoners under punishment do frequently use, not offensive merely but very beastly, shocking, blasphemous, and violent language? Yes; not only under punishment but when before the Magistrate. A great many of the cases of gagging have happened before the Magistrates in the Court-room, the prisoners' conduct being found intolerable.
8866. "28. By the regulations it is the duty of the gaoler to report to you as well as to the Visiting Justice every case in which he has used the gag? Yes.
8867. "29. Do you think that, as a general rule, that regulation is obeyed? As far as my belief goes it has been invariably followed since these Regulations were made.
8868. "30. Since 1867? Yes.
8869. "31. *Mr. Docker.*] You are not aware of any case in which this discretionary power on the part of the gaoler has been abused? I am not aware of any. I was satisfied with all the circumstances of the cases reported to me. Besides reporting to me, the gaoler is compelled to report to the Visiting Magistrate. I may say that the Visiting Justices and myself regard ourselves as much the protectors as, if necessary, the coercers of the prisoners.
8870. "32. *Mr. Foster.*] I understand you to say that the gag is not intended or, as far as you know, used as a punishment, but merely as a means of repressing violent and offensive language? Yes, that is laid down distinctly. I may say that I have questioned many of the men who are now making the loudest complaints about it. In the case of one who made the very loudest, I said to him: 'It appears you were fighting on all these occasions, and in an infuriated state.' He admitted it. I said, 'Now, do you think you ought to have been allowed to go on?' He said 'No.' I said, 'Of course, you could have been flogged, but that would have been afterwards, and would not have stopped you." He admitted that. I said, 'Now, could you suggest any other means by which you could have been stopped, and he said he could not; but he said they had no right to keep it on as long as they did.' And then it came out, as a matter of fact, that evidence was available to show that his statements were false as to the length of time it had been kept on. He said it was kept on all night, and evidence was forthcoming to show that that statement was utterly false.
8871. "33. *Mr. Cox.*] What time would it be kept on? Perhaps for 2 or 3 minutes.
8872. "34. *Mr. Foster.*] Is it ever kept on during a whole night? Never, by all the information I have. Some men have stated that it has been, but there is overwhelming evidence to my mind to show that it has not been so.
8873. "35. *Chairman.*] Do you believe that if the gag and the power to use it be removed it will be possible to maintain discipline in the gaols, or to prevent beastly language? All my officers, as well as myself, are of opinion that we cannot stop language that may even lead to worse consequences without it. So far as I am concerned, I am quite willing to try the experiment of doing without it. We may be wrong; but I know we cannot stop them now. The power to use the gag has just been withdrawn, and we have had several instances of noisy insubordination indications of what may be coming.
8874. "36. *Mr. Foster.*] Can you not shut the prisoners up where their voices will not be heard? In some gaols where we have dark cells we can, but not in many. If a prisoner uses bad language in the Magistrate's room, he has to be conveyed across the yard, where he can yell out not only blasphemous language, but language inciting the other prisoners to mutiny.
8875. "37. *Chairman.*] Do you believe, from your own means of information, that the gaoler at Berrima has often used the gag? I think the gag was used pretty freely during the mutiny period in 1864, and continuing on towards 1865; but I think it has been very rarely used—only some eleven or twelve times—since these Regulations came out.
8876. "38. Since 1867? Yes, since the prisoners knew it was authorised. In fact they know all about the Regulations.
8877. "39. The gaoler is required to keep a punishment book? Yes.
8878. "40. And a misconduct book? Yes.
8879. "41. Are these books regularly kept at Berrima Gaol? Yes. At least, whenever I have looked at them they seemed to be kept up. I get a report every month of every punishment from all the gaols, and from Berrima Gaol I get a report of each individual punishment.
8880. "42. Are you in the habit of inspecting these books? I inspect them generally when I visit the gaol, but not always. I have so much business to get through when I go to a gaol that I am sometimes content with asking if the books are kept up, and looking at the last date. I am satisfied in my own mind that they are kept up. In fact I have all the information sent to me on this question of treatment; it comes down to me in returns.
8881. "43. Do the returns from Berrima Gaol come in fact regularly to you? Yes. I have a punishment return from each gaol monthly; and I have besides from Berrima Gaol a letter reporting each punishment. I have reasons for asking for it.

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8882. "44. Do you frequently visit the Berrima Gaol? Not so frequently as I could wish. I visit it as often as other duties will let me. I have all the gaols of the Colony to direct from head quarters, and to visit when necessary or convenient in regard to the general business.
8883. "45. How often have you visited the Berrima Gaol during the last year? I could not say just now.
8884. "46. Six times? I would rather not give an answer just now without reference; but I may say that on my last two visits to Berrima Gaol there was no complaint, and little for me to do. I found the place in such perfect order, and neither complaint nor dissatisfaction, that a considerable time has passed without my seeing the necessity for going."
8885. "47. How long has Mr. Small been gaoler at that gaol? I could hardly say. He was there some time before 1864 at all events. He was in charge there when I took charge of the department.
8886. "48. From your own observation, and from the information you possess, what is your opinion of him as a gaoler? I am of opinion that he has very valuable qualities as a gaoler. I think he has an impatient temper, and that he is disposed to be arbitrary at times; but I think he is a kind and thoughtful man to prisoners who will submit to the necessary discipline. I think he has been sometimes more impatient and perhaps severe than he need be to prisoners who resist. I have endeavoured to check him when I have seen occasion; and yet I have felt that it would be very difficult to replace him in that position, and I have no desire whatever to do so. I think he allows his temper to get the better of him, and has done things that have been indiscreet. He has had very severe rebukes from me; but on the whole I have regarded him as an officer who does his duty fearlessly and well. I consider that his good qualities considerably overbalance any errors of discretion, temper, or want of judgment displayed at times. That is my general opinion of him.
8887. "49. Have you any reason to suppose Mr. Small has inflicted punishment or used the gag and not reported the facts? I have no reason to believe so—at all events since these Regulations came into force. He was not particularly ordered to do it before.
8888. "50. What class of prisoners are sent to Berrima Gaol, and kept there—the worst, or the best, or the medium class? In the first instance, in accordance with the practice of all countries where prison discipline is based upon the Irish system, a prisoner sentenced for a period sufficiently long to go through any course of treatment goes first to Berrima Gaol to commence his probationary servitude under the separate treatment adopted there.
8889. "51. Is not Berrima Gaol more penal than other gaols? It is the corner stone of the penal system of the Colony. You asked what class of men are sent there. The gaol serves two purposes. It first makes an impression on the men, by the separate system, which is not regarded as a punishment, and through which every man of a certain length of sentence passes. It is then used for purposes of coercion. Thus, if a man is found to be unmanageable at Darlinghurst, Parramatta, Goulburn, or anywhere else in the country, he is sent to Berrima, and there, under the separate system, he is brought to order, not that he is being punished, but because he can scarcely commit disorder there. He is brought under repression.
8890. "52. *Mr. Cox.*] What do you mean by being brought under repression? They are confined to cells; they cannot mutiny—cannot lead other men on to make attacks upon the officers of the gaol. They are brought closer under authority in fact.
8891. "53. Is that solitary confinement? No, it is quite different. Solitary confinement is a punishment for a certain specific wrong act that a man has done. It is bread and water and only such exercise as the doctor thinks necessary. Separate treatment is entirely different. Although complaints are made about the rations the rations are fairly good. I have returns monthly, which show that the men do not lose in weight under the separate system, but rather gain. They are weighed monthly. The system obtaining here is exactly the system obtaining in England. Pentonville Prison is used there for the same purposes as Berrima Gaol here; and I have had conversations on all these matters with Sir Walter Crofton, the chief author of the system, who is recognized as the chief authority in Europe on all matters of prison discipline and management.
8892. "54. *Chairman.*] Your opinion is, and as I understand you, the fact is, that separate treatment and the gag are effective chiefly or largely because they exist and can be resorted to? They are more effective in their existence than in their application; but I would not like to club them together. Separate treatment is a part of the system of gaol management, and its existence in Berrima Gaol is the cause of order and discipline—not only there but throughout the gaols of the Colony.
8893. "55. *Mr. Docker.*] You wish to impress upon the minds of the Committee that separate treatment and solitary confinement are not identical? They are not identical. Separate treatment is a part of the system. Solitary confinement is a punishment for breach of discipline. Separate treatment may and does operate as a restraint, but still it is not a punishment. It is the normal condition of imprisonment in virtue of the sentence. We mix the prisoners after they have gone through a course of separate treatment in the first instance, partly because we have not room and partly because we cannot keep a man by himself for more than a certain length of time. Many men have asked me as a favour to be allowed to finish their whole time under separate treatment, so that they may not get into difficulties with the other prisoners.
8894. "56. *Chairman.*] What I meant was this, that, as I understood you, the mere knowledge that a particular punishment can be inflicted operates upon the minds of the prisoners? Exactly.
8895. "57. You are aware that a number of complaints have recently been made as to the treatment of prisoners in Berrima Gaol, and especially as to the use of the gag? Yes.
8896. "58. Can you give us the names of any prisoners who have complained? I have heard of many complaints, but it is only lately that I have had an opportunity of knowing what men did complain. It appears that some men in the Parramatta Gaol came before Mr. Taylor, a Member of the Assembly, and made statements to him which have been published in the *Cumberland Mercury*. That was the first time I had anything definite to go by. I saw these prisoners after Mr. Taylor had examined them, and they repeated their statements to me.
8897. "59. How many men were examined in Parramatta Gaol, so far as you are aware? Twenty-two.
8898. "60. By Mr. Taylor? By Mr. Taylor. I am informed by my officers that Mr. Taylor came and asked to see certain prisoners there, and as they came in he examined them. I am informed that until he arrived at the seventh name upon a list I hold in my hand, the evidence was rather favourable to their treatment. Then six men, hearing that Mr. Taylor was hearing complaints, sent in their names, and these men made charges, made very serious allegations, against Mr. Small. Some more were called in, and they gave favourable statements. I only saw the men who made unfavourable statements, and I am given to understand

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understand that almost all the men in Parramatta Gaol, who have been at Berrima, give a favourable account of their treatment there. It was only the five or six who volunteered their names who made these statements. I took short notes of their statements, and required them to say what officers were present when the occurrences they spoke of took place. It so happens that four officers are at Parramatta who were at Berrima at the time these things are said to have taken place. The evidence of these officers, although the occasions spoken of are the same, entirely reduce the allegations of these men to a question whether more or less severity than necessary was used, and utterly, to my idea, set aside all question of cruelty. These officers are men of good character and reputation for truthfulness. One was the chief warder there, and occupied a high position in the service. The others were warders. I do not think any one of these officers would be disposed to shelter Mr. Small; he is not, or perhaps rather has not been popular with his officers.

8899. "61. Mr. Taylor, I presume, is a magistrate? I do not know. I may say that Mr. Taylor visited the Parramatta Gaol under an order from the Colonial Secretary. The Colonial Secretary informed me that he never contemplated Mr. Taylor holding an inquiry of this kind; he thought Mr. Taylor was merely going to ask a few questions of the prisoners, whereas Mr. Taylor held an inquiry and published it.

8900. "62. Has Mr. Small been confronted with any of these accusers? No. He has written a report upon these very statements.

8901. "63. *Mr. Docker.*] After they were published? Yes. I sent his report to the Colonial Secretary.

8902. "64. Did any of the men who made these statements to Mr. Taylor ever complain to you, or to the Visiting Justice so far as you know? They have at times, but in no definite manner; they never made any definite complaint. I never had a complaint made to me that I did not inquire into, and I do not remember ever inquiring into any of these cases as stated to Mr. Taylor. Most of them are alleged to have taken place in 1864 or 1865, when no doubt there was some rough handling; and if there had not been rough handling the officers of the gaol would possibly have been prisoners in the hands of the men.

8903. "65. *Mr. Cox.*] What steps do the prisoners take when they have complaints to make to you;—can they be heard readily? In the first place every prisoner who puts his name down for the purpose is entitled to see the Visiting Magistrate or myself whenever we visit the prison. In the second place every prisoner is authorized to write to me whenever he has anything to complain of.

8904. "66. Would it be possible to suppress such a letter? No. The man who suppressed it would be dismissed. Furthermore, a prisoner has power to write to the Colonial Secretary. When I visit Berrima it is my custom to go through the whole of the cells of the men under separate treatment, and to ask each one whether he has anything to represent to me. I converse with them, especially with men I have not known before, and many that I have known; but as a rule there have been scarcely any complaints made to me. I admit that a prisoner is at a disadvantage in making complaints, because discipline could not be maintained if he were not punishable should he not be able to substantiate them, and it is possible he might be afraid to bring a complaint forward for that reason. But I wish to say something more: All the chaplains of the prisons are in intimate relations with the prisoners; and I have had conversations with almost every chaplain that has been connected with Berrima Gaol; I have constantly asked the chaplains to let me know if anything underhand was going on, or whether if any abuses had come to their knowledge; and they have invariably told me there was nothing of the sort. Statements from the various chaplains have now been sent in by me to the Colonial Secretary, saying that no cruelty of the kind alleged has taken place; and they have always told me that such things were not going on.

8905. "67. My question was, was it not possible these complaints were suppressed by the officer? No; an officer dare not suppress a complaint; he would be dismissed if he did.

8906. "68. *Chairman.*] By the 63rd regulation every prisoner is permitted to complain of his treatment, or to address the Comptroller General or the Colonial Secretary; and such communication shall forthwith be forwarded by the gaoler with a report to you? Yes.

8907. "69. Do you believe that that regulation is honestly and strictly complied with? I am perfectly certain no officer would dare to disobey that regulation.

8908. "70. It has been said in the public press that one chaplain has said that Berrima Gaol was a hell upon earth;—do you know of any such chaplain or expression? I know that this expression was quoted in a chaplain's name, and there has been correspondence upon the subject.

8909. "71. Who is the chaplain referred to? The Rev. Mr. Dixon, the Church of England chaplain. Mr. Dixon denies having used the expression; but there is a correspondence upon the subject. If the Committee desire it, of course I will state whatever I know about it.

8910. "72. Where is Mr. Dixon? At Berrima.

8911. "73. Is now chaplain of the gaol there? Yes.

8912. "74. Upon the average of the last three years how many prisoners have there been in Berrima Gaol annually? There are now 103 or 104, of whom about seventy are under separate treatment.

8913. "75. Upon the whole do you consider the prisoners in Berrima Gaol a more refractory or unmanageable class than in the other gaols? They are so far as this: that men who have been refractory in the other gaols are sent there purposely for repression. There may be some half-dozen or more of such men that cannot be controlled in other gaols without flogging.

8914. "76. *Mr. Foster.*] Can you state what in your opinion is the cause of the improved conduct of the prisoners in Berrima Gaol? The prisoners have been brought into discipline by the operation of the present Regulations. The gaols are entirely different places to what they were; men know they are justly treated and they behave well. You may pass through Berrima Gaol without seeing a sullen face, of which I have seen numbers in English and other prisons.

8915. "*Mr. Docker.*] You attribute the improvement to the Regulations of 1867 having been enforced? I attribute it to the adoption of Sir Walter Crofton's system of prison treatment, and its application under these Regulations.

8916. "78. You mentioned that amendments had been made from time to time in these Regulations? Yes.

8917. "79. How were these amendments made? By the Governor and Executive Council. When I have seen necessity for some little alteration I have applied to the Colonial Secretary, who has approved my suggestion and passed it on to the Executive Council; but the Regulations have been amended only in very small matters.

8918. "80. Have the amendments with reference to the disuse of the gag been submitted to the Executive Council? Yes.

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8919. "81. *Chairman.*] What was the exact date of the disturbances of 1864? I think it was in October and November.
8920. "82. The strongest statement is made by whom? I think by Slattery.
8921. "83. And the next strongest? By a man named Gleeson; his statement is not even founded on fact; it is one tissue of falsehoods. Slattery's statements are to some extent founded on facts.
8922. "84. What is Gleeson in gaol for? He has passed almost all his life in gaol; I do not know what his present sentence is for.
8923. "85. What is Michael Slattery's offence? He is one of what we call the Bargo Brush men, who killed a constable.
8924. "86. Are the men who have made complaints all long-sentenced men? Some of them are; I do not know whether Gleeson is a long-sentenced man, but he is always in gaol.
8925. "87. Do you conceive that the word of such men is easily to be taken against the word of the warders? Certainly not; but I would not like to infer that a prisoner could not speak the truth, although their tendency is very much the other way. I think you cannot look for truth to prisoners who are in gaol for offences involving deceit, but a man sentenced for some act of violence may be as truthful as any man. All the evidence of prisoners wants corroboration by circumstances or otherwise.
8926. "88. *Sir George Innes.*] But you do not by any means consider them unworthy of belief? Certainly not.
8927. "89. *Chairman.*] If you thought so it would be idle to investigate their complaints? They give a base for investigation by their statements.
8928. "90. *Sir George Innes.*] You know, as a matter of history, that there have been very many cases in which there have been gross abuses in gaols, and great cruelty, and also men in the position of prisoners who have spoken the truth and have been disbelieved? Yes, I have found out many wrong things myself through the statements of prisoners. All I say is, that they should be accepted with caution. I would rather believe a free officer of good character than a prisoner, other things being equal.
8929. "91. *Mr. Cox.*] What is the nature of the complaints of cruelty made by prisoners? The chief complaints I find in this paper are being gagged and kept under the gag, and being kept in irons, more especially the bar irons.
8930. "92. *Mr. Docker.*] Was intimation made to you, as Comptroller General, that Mr. Taylor intended to institute an investigation in Parramatta Gaol? There was no communication made to me, but I was informed by the Colonial Secretary afterwards that he had given an order to the gaoler to allow Mr. Taylor to see the prisoners. Mr. Taylor went to the gaol, and demanded to see the prisoners. The gaoler refused without an order from the Colonial Secretary or myself. I heard of this, and also that there would be a similar application made with regard to Darlinghurst Gaol, but by the time I saw the Colonial Secretary, with a view to representing my views on the matter, I found that the Colonial Secretary had given the order before he had heard what I had to say upon the subject.
8931. "93. Were you present at any time during Mr. Taylor's inquiry? No.
8932. "94. *Chairman.*] Was any person present on behalf of Mr. Small or your department? The officers of the prison were there.
8933. "95. But none of the accused or *quâ* accused were there? No. It did not affect the officers of the Parramatta Gaol.

Further examination:—

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8934. "288. *Chairman.*] Do you know what the complaints are that are reported as having been made by the chaplain, Mr. Dixon. Mr. Dixon made the same representation to me as mentioned by Mr. Wilshire. From the way in which he stated it I thought there was something very serious behind it and I pressed him further than Mr. Wilshire did, and very much to my astonishment I found the circumstances on which he based his sweeping statements to be of a very trivial nature; for instance—he said that Mr. Small was a man who took likes and dislikes. He said if he did not like a prisoner he would deny him some little privilege—that he would remove a man from one work that he liked to put him on to another that he disliked. He also said that if he disliked a man he would answer him very disagreeably and make a disagreeable remark. I said to Mr. Dixon, "You can establish nothing on that;" and he said, "No." I said, "I really cannot undertake to pass judgment on the mannerism of any of my officers, but if you can show to me that the smallest injustice has been done in a definite way, even taking a man from one work to put him on to another, I will deal with it." He said, "I cannot bring forward any case, but I believe it is so." That is at the back of the statement that he made to Mr. Wilshire. I do not wish to mention this with severity against Mr. Dixon, because I believe he is a man who has an unduly humanitarian feeling towards prisoners, and that he does not regard things as they equitably should be regarded.
8935. "289. Do you mean that he is opposed to all degrees of depression? Not quite that, but he throws himself so completely into the cases of all the prisoners that he visits that he gets carried away. Mr. Langley, the Church of England Chaplain before Mr. Dixon, who was without exception the most capable prison chaplain I have seen, and who took a large interest in the prisoners, is diametrically opposed to Mr. Dixon's views on these subjects. I have received from Mr. Langley, and have sent it to the Government, a testimonial of the very highest character in favour of Mr. Small's administration of the gaol.
8936. "290. It appears from the statement of Mr. Wilshire that Mr. Dixon wrote letters to you on the subject of these complaints? Yes.
8937. "291. Have you got them? I have not got them here; they are on record. I dealt with a number of very frivolous matters in the contest between Mr. Dixon and Mr. Small, in which I do not say I was altogether pleased with the course either of them took. I may mention that one of the subjects in dispute, and the occasion of bitter correspondence, was whether the visiting chaplain had a right to be shaved on Sunday mornings by a prisoner. I am not quite sure what decision I came to, but I settled the matter some way or other."

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8938. *Chairman.*] Is there any part of that evidence that you can fix upon with reference to which you have since had information which makes you desire to modify it in any particular? The only thing I recollect taking notice of was a little discrepancy between my evidence and Mr. Small's as to the authority being given for using the gag in one of the mutinies, but I am not prepared to say that Mr. Small is not substantially right.

8939.

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8939. Looking at a copy of your evidence can you point out the particular passage to which you refer? Yes, in this passage (Question 17) I wish to say that I was speaking merely from information—the reports of officers—not from my own knowledge. Mr. Small, in his evidence, I think, stated that he had threatened to resign unless he was allowed to use the gag. I think something of the kind did pass, but I took the responsibility of its being used.
8940. Prior to the regulations of February, 1867, was there no regulation at all controlling the use of the gag by the gaoler? I do not think it was named in the regulations.
8941. Were there any written instructions? Yes, but very brief and general.
8942. *Mr. Voss.*] They are not included in this book of regulations? No.
8943. *Chairman.*] Were there any written instructions as to the use of the gag? I think not.
8944. It was left solely in the discretion of the gaoler? Yes.
8945. And there was no obligation on him to report? No, it was left entirely to his discretion.
8946. Do you know, from any official source, whether the gag was used at Norfolk Island? No; I think I have heard that it was, but I do not know. I never heard about the gag until 1864.
8947. But between 1864 and 1867 you did not take into consideration what sort of instrument of repression it ought to be, or of torture it might be? It was represented to me that it was in use by all prison officers. It was a different sort of thing from the present gag.
8948. When was the present gag brought into use? I think it was sometime in 1867, after the regulations were issued. It was submitted to me from Darlinghurst, and I directed it to be adopted.
8949. Did you see the gag supposed to have been produced before the Legislative Assembly, and which was partly made of metal? I did not, but I had a description of it from Sir John Robertson.
8950. Did his description at all tally with the gag actually in use since your appointment? No, certainly not; the one is of wood, and the other has metal on it.
8951. Have you any idea where the metal gag came from? I sent a letter to the Commission on the subject; that is all the information I have. I would very much like to know where it did come from.
8952. *Mr. Pinhey.*] Did you know that the gag was in use at Berrima before 1867? Oh! yes, because I sanctioned it myself in 1864, and when I came to draw up the regulations I inserted the power to use it, with restrictions.
8953. *Chairman.*] Have you ever had any complaints from prisoners about the gag having been used upon them? I have had a general complaint from different prisoners that they had been gagged when they did not think they deserved it.
8954. Can you remember any? I think Slattery was one, and I think a man named Bragg was another. There have been several; I cannot recollect their names. They did not take exception to the use of the gag; they complained that they did not deserve it.
8955. But can you specify any instances, since 1867, in which men have complained? I don't think so, unless Bragg complained to me in my office, and a man named Kerr, whom you have heard of.
8956. Did M'Grath? I think he did.
8957. Do you know whom I mean? I know the man; he is always complaining of something.
8958. I mean the man the substance of whose statement is published in the *Cumberland Mercury?* I think that is the man. I do not distinctly recollect his complaining about the gag. It may have been mixed up with other complaints.
8959. Would there be anything on record to show that he made a complaint, and whether it was investigated? I am in the habit when I visit a prison of taking a form of inspection paper round with me, in which the substance of complaints is taken down, and that remains on record with my decisions in the different cases. M'Grath may have said amongst other things that he had been gagged, but I do not remember. I am not sure that he complained at all about it. If he did complain it would be verbally, and I would make inquiry if I thought it necessary.
8960. Have you taken steps to ascertain what reported cases of gagging there are since 1867? I got reports from Berrima. I have not compared them with my own records, but they can be compared.
8961. Have you directed any examination of the original reports sent to you, in compliance with regulation 68, which obliges the gaoler to report cases of gagging to the Sheriff? I have not examined whether the recorded reports correspond with the report Mr. Small sent to me, but I have a general idea that the number of cases is the same.
8962. Can you have such an examination made between this and Wednesday? Yes.
8963. We should like you to do so if you can. Have you ever seen any man actually gagged yourself? No.
8964. Have you ever seen a man what they call spread-eagled? No.
8965. Or triced up to ring-bolts? No.
8966. Have you ever heard complaints from anyone of being triced up to the ring-bolts in the cells? I think one man did complain to me of it, after his discharge. I do not remember who he was.
8967. Can you state what he said? No; I know that he stated what happened, and I thought it was very proper that he had been treated that way, and he seemed to think so himself before the conversation finished.
8968. Do you recollect when it was? No.
8969. Was he free? Yes; they often come to me after their discharge.
8970. Some of the men say that you refuse to listen to them when they come to you;—is that true? No. I think Bragg was with me for three-quarters of an hour. I have declined to re-open cases that have already been inquired into before the officers, and then the men say they will go to the Parliament. I have been very patient in my dealings with these men; in fact, my patience is very largely taxed; but I know their ways, and I am not prepared to be fooled by them.
8971. How often do you go to Berrima Gaol? I used to go very frequently when I was organizing it, but latterly I have not gone nearly so much, because there has not been the same occasion, and because of the pressure of business in other directions. It was reduced to a system almost like clockwork. The last time I was at Berrima I had less to do than at any other prison I have to visit. I have had comparatively few complaints from there for years.
8972. Are your visits to Berrima recorded in an official minute? There is sure to be an official minute.

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8973. When was your last visit? Not since July last year. I would have gone since had it not been for these allegations arising, but I did not think it desirable that I should go.
8974. But, apart altogether from this inquiry, or its necessity, do you not think it would be desirable that some person having a general supervision, in official superiority to the gaoler, should pay more frequent visits? There is a Visiting Justice, who may visit the prison daily, and in whom I have considerable confidence. I lay out my time according as different occasions arise. Usually I go when I have to deal with something at a prison, and then take other prisons in the same line of country.
8975. I am not speaking of your going personally, but of some other person going; do you think it desirable or not that some person, in a position of superiority to the Visiting Justice and gaoler, should visit the gaols? I think my visits to the prisons, with the authority I possess, have not been so frequent as I should wish; when I am absent, head-quarters work gets in arrear, but I think it likely that I shall be more free to visit them in the future.
8976. Berrima Gaol is very easy of access is it not? Yes.
8977. Three days would enable you to go and look over the gaol and return? Yes, and I know exactly what I will see when I get there. I have gone through the gaols in England and I can grasp the whole of the details of a gaol at a glance, except when there are complaints, and they take up time. When I go to Berrima I go through the cells, and for many years I have passed through without hearing complaints from any prisoner.
8978. But simply to afford ample protection to prisoners from ill-treatment such as is complained of, do you not think the gaol should be periodically visited by some person who is not a merely local officer? I think the oftener I can visit a prison the more desirable it is, but I have other considerations in view at the same time.
8979. Then, looking at Berrima since it has been a model prison, do you think it has been any defect in the arrangement that you have paid it so few visits yourself? I do not think that the more or fewer visits of mine to Berrima, or of anyone else in authority, would have made any material difference; I am of opinion that Berrima Gaol is conducted on a good system and most satisfactorily conducted. I had difficulties in former times, but in my late visits I have left it with entire satisfaction.
8980. And do you pride yourself on the results of the system? I think it has brought all the prisons into a state of discipline and order to the benefit of the country and of the men themselves.
8981. Do you think Mr. Small has been mainly instrumental in bringing about such a good result? He followed his orders. I will lay before you, if you please, the first inception of Berrima Gaol.
8982. We will come to that directly. But incidentally to that, do you think Mr. Small has been an able administrator of the system? He has done his duty well. He has his faults and I have checked him occasionally, but, on the whole, I think he is a very efficient officer.
8983. *Mr. Oatley.*] What are the faults you have checked him for? I think he has an arbitrary and rather hasty temper, and that he is, perhaps, too impetuous. I have never regarded him as a cruel man; in fact I think he is too much of a man to be cruel. He is a man who fearlessly does his duty.
8984. *Chairman.*] How is he as a zealous officer; do you think he takes a pride in making the Berrima Gaol a success? I think he took a very great interest in it. Of course a man's interest begins to flag through constant routine, but I think he took considerable interest and assisted me very much in the organization of the gaol.
8985. Do you think that his remuneration is adequate? No.
8986. Have you represented that to any Governments? Frequently. In fact all my officers are underpaid.
8987. But confining your attention to Mr. Small particularly? I think it will be found that the Estimates have proposed an increase for him, but he has not got it, and besides, what I have officially proposed, I have conferred with the Colonial Secretary on the subject, but I have been told that it was of no use, as the Parliament would not vote any increases.
8988. What do you think would be a fair remuneration? I think he ought to have £300 a year with his allowances, but I could not propose that for him without making a rise through the whole Service, which would not have been accepted.
8989. Then there is nothing special in his position to take him out of the ordinary class of gaolers? No. I look upon his position as easier than that of other gaolers, because the opportunities for misconduct are fewer. Mr. Small was, perhaps, a more valuable man when the prisoners were in the yards and in mutiny than when they are closely confined.
8990. Do you think Mr. Small a courageous man? I have no doubt about that.
8991. When was Berrima Gaol made a model prison? I think I may lay the original paper before you now as the starting point. This is a paper written by myself to the Colonial Secretary. It is hardly worth while going over the troubles we have had, but that is the way we had for getting out of them. I think we have done for £3,000 what took £100,000 to do in Melbourne.
8992. Do you desire to hand this in as showing the cause of the establishment of Berrima Gaol under the present system? Yes, out of that document Berrima Gaol was established. (*Document handed in and read. See Appendix.*)
8993. This is dated the 23rd of March, 1865? It was taken in hand immediately after that. I cannot say how long it was before it was completed. It could not have been more than about eight months from that.
8994. Then would it date from the begining of 1866? I think so.
8995. Mr. Small was then the governor of Berrima Gaol? Yes.
8996. You did not think it necessary to make any different arrangement as to who should be governor of the new gaol, or did you think him the most fit man? He was there, and when I explained the object to him he threw himself into the idea and assisted to work it out.
8997. And, on the whole, you have reason to be satisfied with his management? Yes; I have had occasion to take exception at times.
8998. If he were to leave do you know any man who would be a more efficient officer in that position? I think it would be difficult for a man to take his place. He has had a good deal of experience in the detail of this treatment, and another man would have to learn it. I would not undertake to say that I could not replace him. I have great confidence in him in the management of very turbulent men who have become dangerous in other gaols.
8999. You think that a valuable quality? I do; I have observed his treatment to bring men—incorrigible, dangerous men—entirely round, and they have asked me to allow them to remain there. I can remember one

one man who knocked a warder down in the presence of a Magistrate at Darlinghurst. Small turned him out a perfectly reformed man, and he told me himself that he attributed his altered conduct to the course of treatment at Berrima, and to Mr. Small recognizing his attempts to reform. I think when a man wishes to give in Mr. Small encourages him, but if he resists he is hard upon him. H. Maclean, Esq. 2 Sept., 1878.

9000. Who is the man to whom you refer? A man named Hill.

9001. Where is he? He was discharged long ago.

9002. Do you mean to say that he still remained a man of independent spirit, or was the effect of Mr. Small's treatment to utterly cow him, and crush the manhood out of him? In no sense; instead of being a dejected, sullen man, he became of cheerful demeanour, civil, and in every way a well-conducted prisoner. He said it was the best thing that ever happened to him to be sent to Berrima.

9003. Is there not then a fear of making Berrima Gaol too attractive, and of making people desire to go under Mr. Small? I do not think we need fear that. There is a man in Berrima Gaol now named Horn, one of the very worst of men. He nearly bred a mutiny at Maitland, but at Berrima he goes on as quietly as possible.

9004. You say he is a well-conducted man now? I never hear any complaints, and they do not complain of his showing any indications of mutiny or the like.

9005. He says that he is treated with civility and consideration. Did he ever make any complaints to you of having been ill-treated in Maitland Gaol? Yes; I think he represented to me that he had been ill-treated, but I have good grounds for coming to the conclusion that he was entirely the aggressor. He was a man of violent and unrestrainable temper.

9006. Do you think him a truthful man now? No, I should not think he was. I know he made false statements about the transactions at Maitland.

9007. Do you think Horn is a contented man now? He is very much discontented through not getting a remission of his sentence. He had some encouragement from Sir Alfred Stephen, who saw him in Darlinghurst, and he is very much discontented about some correspondence that took place.

9008. Has he ever been convicted before? He was in Victoria; and he attempted to make his escape from Darlinghurst in the most foolish manner.

9009. He complains that while Larry Cummings, who got thirty years, went to his liberty after doing eight years, and Gardiner, who got thirty-two years, went to his liberty after doing ten, he, a first convicted man, who got fifteen years, has done nine, and, so far as he sees, is likely to do the remaining six? There is no doubt that he and some others have some ground of complaint in those cases. Cummings was let out through some misapprehension, and it has been thrown in my face ever since. Whenever I go to a prison I hear about Cummings.

9010. Then you think Horn has some reason to complain? I think it very natural that he and some others should feel aggrieved at that; but Horn was one of those who was debarred from being let out, because it was considered he would go back to his old ways.

9011. We wish you to understand that we have invited confidence from these men with an assurance on our part that nothing they might say would lead to their getting into punishment? I quite understand that.

9012. Horn says, with regard to the case of a man named Edward Bolton, who died in the gaol, and on whom an inquest was held, that the doctor stated that being removed to such a cold climate had accelerated his death, and that a rider was added to the verdict censuring the authorities in Sydney for sending the man up in that condition, but no notice was taken of it. Do you remember that case? Yes; I called upon the surgeon at Darlinghurst to report. I can produce the papers.

9013. Was the surgeon at Darlinghurst censured? I cannot exactly say at this moment what was done, but there was an inquiry and a minute about it. I do not think there was sufficient attention given to that man before he left Darlinghurst. Since it has been ordered that the prisoners shall take part in the inquests they have resulted in the prisoners trying to put the officers in the wrong. It was a disused custom, but it has been revived. I do not think it works well. It is a great chance for the prisoners to get at the officials.

9014. Who was the visiting surgeon at Darlinghurst at the time? I think it was Acting-Surgeon Macnish. His defence is with the papers. I called upon him for an explanation.

9015. Do you remember the case of Crabtree, who died the other day. This witness Horn says that man was murdered, that he was found lying dead on his baskets with bar-irons on, which were struck off after he was a corpse? I do not know whether he had bar-irons on, but, if I remember rightly, my idea was that he had not been un-ironed after his arrival.

9016. Horn says, that "in the case of the man who was sent from Sydney, it was proved that he had been a week or a fortnight in Darlinghurst Gaol, but no medical certificate came up with him"? There was a medical certificate from the place before Darlinghurst, which the Darlinghurst surgeon passed; but I will get the papers and lay them before the Commission.

9017. Horn says he has been in different gaols, and that there is less petty tyranny to men on the works at Berrima than in any other gaol in the Colony? It is a peculiar thing that he should behave well there, and ask to be allowed to go on the works.

9018. Has he behaved badly in other gaols? Yes, especially in Maitland.

9019. He complains also of his having been sent to Berrima this last time, and he gives this account of it:—"I have a complaint to make about being sent up here the last time. I was tried for attempting to make my escape, and I was sentenced to one month's solitary confinement on bread and water. I did the twenty-eight days, and was then brought out of solitary confinement, and forwarded up here, and put in separate treatment. I wrote to the Comptroller to know why I had been placed in separate treatment. I mentioned the opportunities I had had for getting tools, and so on, which I considered a great temptation to a man in my situation. I had been told that nothing would be done for me. The day that answer was sent to me I went to the shop and prepared for making my escape. After I wrote to the Comptroller from here about being put in separate treatment without being sentenced to it, I received an answer, saying that if a man tried to make his escape he was to be forwarded for separate treatment without being sentenced by a magistrate. I believe that what brought me out of separate treatment was the talk about this Commission coming here"? I think he was out of separate before that. I brought him out because he promised to behave himself well, and asked to be allowed out.

9020. Do you remember the circumstance of his being sent to Berrima the last time? Yes; he made an attempt to escape from Darlinghurst, and was sentenced to twenty-eight days, and relegated back to A division for separate treatment.

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9021. Then in a case of that sort there is no occasion to take the prisoner before a magistrate? No.
9022. Then he is right? Yes; he thinks it is wrong, perhaps. The first occasion of sending men to Berrima without the sentence of a magistrate was when there was a mutiny expected in Darlinghurst Gaol. Several men were taken out of the yards and sent to Berrima, and there has hardly been a show of mutiny since then.
9023. Did you fully investigate the charge against Mr. Stacey and the Maitland warders? Yes, I got full information.
9024. Did you give Horn a full opportunity of making his statement? There were the depositions with everybody's evidence on oath.
9025. I will read you the account he gives of his treatment at Maitland. [*Horn's evidence, questions 4447–4463, read.*] Can you say whether that is true? My recollection is that he made a most furious assault on the chief warder, and shouted and nearly created a mutiny in the yards. He was so dangerous that he could not be managed in Maitland. They said he was more like a fiend than a man. He threw the chief warder down and severely injured him. The matter was investigated by the magistrates, and when I went up, I inquired into it and I got all the information I could.
9026. Has it ever come to your knowledge that difficulties are thrown in the way of prisoners who wish to bring their complaints before you? I am satisfied no officer would keep back a written statement, and I am sure that the prisoners do not hesitate to communicate their complaints to me. I have found the complaints of some prisoners just, and I have acted accordingly.
9027. In serious matters? Well, it is more out of charges that they have brought through malice that I have found officers to be in the wrong, not so much on this question of handling. Something will occur to cause a prisoner to bear animosity towards an officer, and he will bring forward a charge against the officer say for having things made in the shop, and it has been proved, and the officer has been dismissed.
9028. And but for this complaint that misconduct might not have come to light? Yes; I separate the motive of the prisoner from the fact in these cases. I have frequently reprimanded officers on the complaint of prisoners when I have seen cause, without informing the prisoners of what I have done, except to say that I would take the necessary steps to prevent such a thing from recurring.
9029. But have you had occasion to reprimand Mr. Small? Yes.
9030. What for? I think I can give you one instance: A man named Davies, whose acquaintance you made up there I have no doubt, had been complaining to me, I thought, without sufficient cause. Mr. Small wanted to put him into separate treatment, but I refused and rebuked him for proposing it. I never allow a prisoner to be punished for his complaint to me, unless he makes a charge which is proved to be utterly false and malicious. Gaolers have been aggrieved that prisoners coming to me have not been punished sometimes when they ought to have been punished, but I have refused to do it because it might deter men from coming to me.
9031. But you do not encourage them to make unfounded complaints? No; in exaggerated cases I have caused them to be brought before the Magistrate.
9032. Is that the only instance you can remember in which Mr. Small has been guilty of anything of that sort? I would not exactly say guilty. It was natural enough, but I would not allow it because it might prevent other prisoners from coming to me with their complaints.
9033. Is that the only instance? No; there have been other instances when I have stood between him and the prisoners, when there has been a natural resentment on his part.
9034. Do you know whether any record is kept of occasions when the gaoler puts a man into solitary confinement for seven days? It ought to be in the punishment book.
9035. Are you aware that no such book was kept for a period of four years? No, I am not.
9036. *Mr. Oatley.*] That is without being brought before a magistrate? I understand; it ought to have been entered in the punishment book.
9037. *Chairman.*] In the course of our investigation, Senior-warder Brayne was asked whether there was any entry made as to the time prisoners are locked up before being brought before the magistrate, and it appeared that no book was kept from October 26th, 1874, till June 21st, 1878, showing when men were locked up on the order of the gaoler alone, and how long they have been kept in confinement. (*Senior warder Brayne's evidence, questions* 4020-4028, *read.*) Do you know anything about that piece of evidence? No; I do not know why the book was not kept.
9038. Such a book ought to be kept? I think so; but they are trivial punishments. The time that a man has been in the cells before being brought before the magistrate is adduced at the trial before the magistrate. The evidence shows when the prisoner misconducted himself and when he was locked up.
9039. *Mr. Pinhey.*] But has not the gaoler power to order a prisoner to be confined seven days in the dark cells? Not in the dark cells. He has authority from the Government now to put a man into a dark cell, which he had not before the gag was done away with.
9040. What power has he himself to put a prisoner into his cell? Any officer has power to lock a prisoner up for misconduct, and he ought to be brought next morning before the Visiting Magistrate; but if the gaoler thinks it a trivial case, he can deal with it himself, and put the prisoner into solitary confinement, on half rations. But action on that regulation is rather discouraged.
9041. *Mr. Oatley.*] Were any complaints made to you about men having their teeth knocked out? The only complaints were by a man named Molloy, at Port Macquarie, and a man named Kerr, who had been in Berrima, and who alleged that his teeth were knocked out by his being gagged in Berrima. I was unable to ascertain that he had been gagged, and it was reported to me from Berrima that, on entering the gaol, his papers showed that his front teeth were out then, and he mentioned himself that it was done by a kick from a horse. I saw this man afterwards in the presence of the Colonial Secretary at Darlinghurst. He said then that he was gagged by Hill, and, of course, Hill is not to the fore now to answer. If he was gagged by Hill it was without the knowledge of Mr. Small. It is possible that Hill was in charge of the gaol at the time, and that Mr. Small was not there; but I do not think he would do it without some one helping him.
9042. *Chairman.*] Did you ever hear of a man being put between the double doors of a dark cell? Never, until these statements were made.
9043. Do you believe it? I cannot bring myself to believe that it could have happened, without the knowledge of the officers, and Mr. Small denies any knowledge of it.

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9044. When did Small say that? I asked him the other day whether he had put any man between the doors, and he said, no, that the charge was against Hill.
9045. Small has not been telling you what evidence he gave? No; I asked him about the bathing.
9046. Gleeson says that he was put between the double doors by Small, but that he was never gagged; but Herbert says that he saw a man put between the double doors, and that that man was gagged? If I remember rightly, when I was at Parramatta, Gleeson said that he was put between the double doors, and I have some recollection that he referred to an officer there who denied it.
9047. Where is Hill now? Somewhere in the Maitland district.
9048. How did he leave? I think he was dismissed. He broke out very badly with drunkenness.
9049. Was he allowed to resign? I may have allowed him to resign, but he had to go. He was a very distinguished soldier.
9050. Is confinement between the double doors allowable? It is not contemplated. It was never prohibited because nobody ever thought of it. It is an irregular thing, and has no right to happen. I do not think a man could have been placed between the double doors without its coming out in some way.
9051. *Mr. Voss.*] But the object of the double doors is to keep the sound away? Yes, and to increase the darkness, I suppose.

WEDNESDAY, 4 SEPTEMBER, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D. | JAMES OATLEY, ESQ., J.P.
WILLIAM TOWNLEY PINHEY, ESQ., J.P. | HOULTON HARRIS VOSS, ESQ., J.P.

Harold Maclean, Esq., further examined:—

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9052. *Chairman.*] You are acquainted with the account given by Slattery of his ill-treatment, which was published in the *Cumberland Mercury*, and with reference to which you were questioned by the Select Committee? Yes.
9053. After detailing to us the cruel treatment to which he was subjected, he is asked if he ever complained, and he says that he complained to you, but never got any redress? He may have complained to me. Slattery has been complaining to me for the last ten years, every time he has seen me, about something or other, and it would be difficult for me to recollect.
9054. Did he ever complain to you about his being triced up for several hours with his hands behind his back, handcuffed to a ring-bolt 4 feet 6 inches from the ground, with bar-irons keeping his feet 15 or 18 inches apart, and with a gag in his mouth? No; he did when I questioned him after Mr. Taylor's visit to Parramatta.
9055. But before Mr. Taylor's visit to Parramatta Gaol did Slattery ever bring before you such a statement as that? He did not.
9056. Did you ever hear that any prisoner, at the time of the mutiny, or any other time, had been subjected to treatment of that character? I was aware that bar-irons had been used, and to the best of my recollection I sanctioned the making of them.
9057. I want to know if Slattery ever brought before you any such statement as this: that he was kept in his cell, with the gag in his mouth, and his hands fastened behind his back to the ring-bolt for four hours? No; he never did.
9058. Nor any such statement? No.
9059. Did you ever hear of his being triced up so that he could not stand on his heels? No, nor of any prisoner being treated that way until these statements were made.
9060. *Mr. Oatley.*] Or being spread-eagled? I knew they had been fastened to the ring-bolts in one or two cases, or that they would be in certain cases.
9061. But Slattery? I do not know about him.
9062. And if that has been done and not reported to you, is it wrong? Well, if it happened at that time it was before the regulations, when they were not ordered to report, but things were generally reported to me.
9063. But it never came to your knowledge that Slattery was treated in that way? I probably did know that he had been in the bar-irons, and that he had been gagged.
9064. *Chairman.*] And that he was spread-eagled? I do not think I did, but I would not be surprised to hear that he was.
9065. Would that be for the purpose of repressing his violence? Yes, to prevent him from smashing things.
9066. *Mr. Oatley.*] But if he were handcuffed behind he could not smash anything? They used to kick the men when they were only handcuffed.
9067. *Chairman.*] Would it be possible to kick through a strong cell-door? No, but they would kick the warders when they went in. Slattery could kick with the ordinary irons.
9068. How would a man kept in that position be fed? He would not be kept in that position more than 5 or 6 minutes.
9069. It was merely as a means of immediate repression? Merely as a means of immediate repression.
9070. *Mr. Oatley.*] But do you think it would be necessary to put bar-irons on, to spread-eagle him, and gag him all at the same time? Well, there was a man sent to Berrima recently, named Fulton. He was a very powerful man, a man who bade defiance to the military authorities. He had to be taken to Darlinghurst, I was informed, strapped in a cart. He was held to be dangerous at Darlinghurst, and was sent to Berrima as an incorrigible man. I am informed by Mr. Small that he threatened to spread-eagle him, and that the man then said he would give in; so that the threat of that cowed him. He has behaved well since, and I have been able to let him into the yard. Colonel Richardson was astonished to hear that he had been repressed.
9071. *Chairman.*] Has Slattery been under your notice during the last eight or nine months? I have seen him every time I have gone to a gaol where he has been.
9072. What for? About some complaint—partly about his case.
9073. His desire to obtain a remission? Yes; and there is generally also some complaint. 9074.

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9074. Has it been represented to you whether he is well-conducted or the contrary? He has been better-conducted of late. He used to be a very ill-conducted man.
9075. We are told by the gaol authorities at Parramatta that he is a well-conducted man? Yes; he has conducted himself well since he has been at Parramatta.
9076. And one of the officers says that he thinks he could be liberated without any fear of his returning to his criminal habits? Well, his case, and those of other men are before the Government, with a report from myself which leans towards liberation after a certain time.
9077. *Mr. Oatley.*] When prisoners write to you, complaining, do you investigate the cases yourself, or do you depend on the reports of the officers? It depends on circumstances. If I see any reason to doubt, I either ask the Visiting Justice to make an inquiry, and to send me the evidence with his opinion on it, or I go myself and investigate the case.
9078. *Chairman.*] Do you know Hanson? I know his name, but I cannot call him to mind.
9079. This man states that, in 1866, he was sent from Cockatoo to Berrima;—do you know anything of the circumstances of the case at all? No, I would not have known the circumstances; Cockatoo was not under me. It would be on the application of Captain Mann to the Government that these men were sent from Cockatoo. They were men that were found unmanageable at Cockatoo. I know that they did complain to me when they were at Berrima, and denounced all the officials and the treatment they had received at Cockatoo, and justified their own conduct.
9080. Would his case not come under your cognizance at all? Not a Cockatoo man's.
9081. *Mr. Voss.*] Is it a fact that you have sent prisoners arbitrarily to Berrima without assigning any reason? Yes, many.
9082. Will you explain in what way? When a prisoner is highly insubordinate and difficult to manage and incites others to misconduct, I send him to Berrima, both for the purpose of coercion as regards himself and to prevent his doing mischief. About half-a-dozen men out of the whole prison population are usually in Berrima for that cause. Sometimes there may be as many as twelve.
9083. You do not send them without sufficient reason? Oh, no.
9084. But you do not tell them the reason? Very often. For instance—I sent one man to Berrima because I had good reason to believe that he intended to murder the gaoler. The information came to me from a source which I did not think it desirable to reveal, and, if I remember rightly, I refused to give the man any reason. I tell them that they are not entitled to ask the reason.
9085. In the cases of men who are sent to Berrima for coercion, do you make inquiry yourself, or do you depend on the reports of the officers? Usually, I have the depositions taken at their trial before the magistrate.
9086. But you do not see the prisoners personally? If I happen to go there I see them. I do not think it necessary to see them, though I occasionally do. I have all the information about them when I get the reports, and I have plenty of information on which to act. In the case I have mentioned, the chaplain told me that he believed the man would commit murder, and I believed from his previous career that he would, so I sent him to Berrima.
9087. *Chairman.*] Do you remember the case of a man named Daniel Brenchly. He says that he was sent from Darlinghurst to Berrima, and that the only offence of which he was guilty was amusing himself in the yard with gloves nine months before? I remember how that man came to be sent there. It was at the urgent recommendation of Father Petre, the Roman Catholic chaplain, who said that this prisoner and another were exercising a very evil influence among the prisoners of his denomination. He was sent to Berrima on the urgent recommendation of the chaplain, concurred in also by Mr. Read, with his knowledge of the man, and approved by myself.
9088. Do you know whether he speaks the truth when he states that his one offence was committed nine months previous to his being sent to Berrima? I do not know that. The real reason of his being sent was the recommendation of the Roman Catholic chaplain to me.
9089. And what was the character of that? That he was interfering in some way with the chaplain's ministrations.
9090. Was he one of Father Petre's church do you know? Yes.
9091. *Mr. Voss.*] Callaghan says that sometime in 1876 he was gagged and spread-eagled, and that he complained about it to the Rev. Father Riordan. Has Father Riordan, or anyone else, reported that matter to you? I have not the slightest recollection of it.
9092. *Chairman.*] Was the case of Joseph Holloway O'Neil in any way brought under your notice? Well, yes; but as far as I recollect, it was in connection with his sentence.
9093. Was there nothing about any alleged ill-treatment in gaol? I do not remember anything.
9094. You have been asked before whether you thought it possible that the gaol officials might prevent prisoners from bringing their complaints before you, or from writing to you? Yes.
9095. And what was your reply? I replied that I believed no officer would venture to impede complaints coming to me. Officers forward complaints to me against themselves frequently.
9096. *Mr. Voss.*] Preston says, with reference to Callaghan, that "Since Mr. Taylor took down some statements here concerning Berrima, one of the men named Callaghan was chastised for making a statement." He explains that what he means by chastisement is, that Callaghan was told by the Comptroller that he ought not to have made any statement; that he ought not to have complained about the authorities? What happened in regard to Callaghan was this: He made a statement before Mr. Taylor, and before myself, of the falsity of which I was assured by the Visiting Surgeon at Berrima.
9097. *Chairman.*] What statement was that? That he was suffering from dysentery, and not allowed out of his cell; whereas I learned that he had been removed to the hospital, and that he was found to be in a state of constipation. He came to me afterwards to solicit additional assistance on his discharge beyond what the regulations allowed. I told him I did not believe that a man who wantonly and treacherously maligned his officers would be likely to make a good use of any additional assistance, and I would only give him what he was entitled to.
9098. You say that he was not punished, but that you simply refused some extra indulgence? Yes, which I might not have given to him at all. I said it to him on purpose, so that the other prisoners should hear it. I thought myself justified in so doing.
9099. Does not the fear that they may not be able to substantiate their statements when true operate to prevent the prisoners from bringing forward well-grounded complaints? It may in some men, and I think it does, but it does not in others, for many prisoners come before me and attack their officers in a most unbridled manner.

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9100. Are they punished if they do not substantiate complaints they make? I am very loth to punish them for complaining to me. I reprimand them; but I do not, as a rule, order a man to be brought before the Visiting Magistrate for making a false statement, if there is any colour of truth in it.
9101. Can the gaoler not, on his own motion, bring a prisoner up? Not after the case comes before me.
9102. There was a man named Farrelly charged with having made false and malicious statements about the gaoler to you? I think I ordered that man to be brought up for it if I remember rightly. I do not know how he could have been brought up otherwise.
9103. A great many prisoners say they know a trick worth two of complaining to you, because whether their complaints were true or false they would get punished. Is there any foundation for a statement of that sort? I do not think so. I dare say that the feelings of the officers complained of are not softened by reason of these complaints. Human nature is human nature in gaols as well as elsewhere; but I would severely check anything of the kind.
9104. But I suppose you make allowance for the moody nature of the prisoners? I deal with the prisoners with very great patience, and, as that question has been mooted, I should like, if there are any doubts, that any of the Visiting Magistrates who come forward should be questioned on it. Mr. Wilshire can be asked; he is generally present when I am there. Mr. Addison, from Maitland, can also be asked.
9105. But according to the prisoners the Visiting Justice at Berrima is as bad as any of them? But this is merely a question of fact, as to whether I listen to the complaints of prisoners or not.
9106. *Mr. Voss.*] Have prisoners ever asked to have a private interview with you? Yes.
9107. Do you allow it? Very rarely; I have allowed it without finding any good results, but I have found myself in an embarrassed position. I have latterly refused to do it. I have never learned anything particular when I have granted it.
9108. *Mr. Oatley.*] You spoke of Horn on Monday as being a very bad character in Maitland Gaol. Did you make inquiry into that matter yourself? I made a very particular inquiry. I removed him on the depositions, and after that I had further detailed information of the whole occurrence from the officers.
9109. But had the prisoner any opportunity of defending himself? Yes, there was his statement. The prisoner's statement always accompanies the depositions.
9110. Had he every opportunity of calling witnesses? Every opportunity. They are tried as in every other case.
9111. *Chairman.*] With regard to the punishments inflicted by the gaoler, do they count against a man's remission? Oh, yes; the only difference between the magistrate's and the gaoler's punishments is that half rations are allowed under the gaoler's, while bread and water only are given under the magistrate's.
9112. *Mr. Oatley.*] And the men lose their exercise? Yes.
9113. *Chairman.*] Burgess says he has understood that the gaoler's punishments do not count against remission. I have told him, as I have told others, that I cannot get him remission beyond what the regulations allow unless for special service, such as protecting officers from attacks, or disclosing a plot for escape. In such cases remission is granted by the Government, on my recommendation.
9114. Is the most meritorious service that a prisoner can render that of giving information against his fellow prisoners? It is very useful information, though we do not think any better of the man.
9115. Has it not a tendency to make them give false information? I have not found it so.
9116. Do prisoners have an opportunity of getting witnesses whom they want? Yes; for instance, a man will say that if a gentleman of position in his district had been called at his trial he could have exonerated him. I always allow these gentlemen to be communicated with, and I do not think I can call to mind a single answer confirmatory of the statements of the prisoners.
9117. Victor complains that he is not allowed free access to the Visiting Justice or the Comptroller General; that the gaoler always interposes? The men's names are put down on a list, and the officers dare not refuse them.
9118. Several prisoners at Parramatta have stated that when they spoke to Mr. Hussey about seeing the Visiting Justice, he always insisted on them telling him what they wanted to complain of;—is that allowable? No; if he did he had no business to do it.
9119. Have you reason to believe that the complaint is well-founded? I can hardly form a judgment upon it. It could hardly happen within my cognizance.
9120. Have complaints of the sort ever been made? Yes, but they have been denied.
9121. And there is an end of it? Yes; it has been in other gaols than Parramatta.
9122. But they seem to complain specially of Mr. Hussey, that he wants to know what they want to complain of, and that then he exercises his discretion as to whether he will allow them to complain? I do not think he does that. He may possibly ask them what they want to complain about. It is not out of place for him to ask that, because it may be a matter that he can deal with. Very often they want to see me to know if they can get a pair of boots. They often come just for the sake of the interview. It is a sort of half-holiday to the prisoners when I go to a prison. I was compelled to issue an order that I would not see prisoners again and again on the same matter.
9123. A man named Duncan complains that Mr. Hussey interfered with him and other men when they wanted to see the Visiting Justice about writing letters. He says, "I have put down my name on two occasions, and Mr. Hussey has come and decided the case without allowing me to see the Visiting Justice. He would tell me that he would oppose me if he allowed me to see the Visiting Justice?" I daresay he did; he is rather prone to that; I have had to check him for it. For instance, he is inclined to say "This is a man of very bad character." I tell him that he need not tell me that, that I can find out his character from the records.
9124. Does he say that by way of introduction? Yes, and I have had to check him for it. Once he told me that a man was a madman. He is sometimes a little indiscreet in that way.
9125. A man named Hunter complains that the prisoners are not made acquainted with the regulations they are expected to obey? Extracts from the regulations are hung up in various places—those that are most necessary for them to keep in view. We cannot furnish each one with a book. They know the regulations very well indeed.
9126. Was the complaint about the tobacco, which was pending when we were at Parramatta, brought under your notice? Yes, there was something about it, but the matter seemed to have been settled when I got there.
9127. The same prisoner, Hunter, wanted to know if it was lawful for a prisoner to communicate with the Minister for Justice, and I replied that I did not think he could, except through the Comptroller General.

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General. Is that a fact? A prisoner can only write to the Colonial Secretary, and his letter must come through me, and it must be about his treatment. If a prisoner wants a remission of sentence he petitions the Government, and his petition is sent to me, and I forward it to the Minister for Justice.

9128. A prisoner named John Finnerty, who was convicted of highway robbery with a prisoner named Cheeseborough, complained to us that there had been something like a breach of faith with him. He says the Judge assured him that if his conduct were good he would only be in three years, and that he might consider that his sentence. His conduct has been good, but when he petitioned, at the end of three years, he got an answer saying that his petition had been refused. Do you know anything about that case? Yes; the Judge's report upon that petition did not appear to me to fulfil the expectation he held out to the prisoner at the trial, and of which there was a record.

9129. And was that matter brought under the Judge's notice? Yes, he had all the papers.

9130. Was the matter laid before the Executive? No, it went before the Governor merely. The Minister for Justice does not bring a case before the Cabinet unless it is of great importance.

9131. But do you not think that faith ought to be kept with prisoners? I do; I have been greatly concerned about the case myself.

9132. If faith is not kept by executive officers you can scarcely expect fair dealing on the part of the prisoners—was the case allowed to end there? Yes, the Minister for Justice decided on the report.

9133. Do you think it would be desirable to bring the case again under the notice of the Judge or the Minister of Justice? I think it would. I marked the papers to bring the case again before the Minister of Justice.

9134. Well we hope it will be done for the sake of keeping good faith with the prisoner.

9135. A prisoner named William White complains that the Judge passed upon him a severer sentence than he would otherwise have passed, in consequence of some convictions which were wrongly sworn against him at his trial. (*White's evidence, questions* 1672–1677, *read.*) We promised him that we would bring the matters of which he complained before you? I have no doubt that my answer will be very conclusive. Prisoners are continually wanting matters brought before the Executive which were for consideration at the time of trial to be dealt with by the Court alone.

9136. But these are not absolute matters for dealing with at the time of trial. The prisoner complains that convictions were wrongfully brought against him? Whenever anything of that kind is brought to light I have it corrected, and when prisoners complain of having received characters from the police which they do not deserve, I invariably send their complaints to the Inspector General of Police and have them inquired into.

9137. The next matter about which we wish to ask you is in reference to the statement of James M'Grath, one of the men who made statements to Mr. Taylor. (*James M'Grath's evidence, questions* 1737–1746, *read.*) Do you remember anything about that occurrence? I do remember releasing this man Drynob, but I never could have said that I would punish him if he made complaints. It is not possible that I could have said it. I may have said that I knew all about the circumstances, and that he was being interceded for, and that his wisest course was to take what was offered to him, because I knew every incident connected with that man. He was more like a tiger than a man.

9138. You mean that you wished to counsel him, in his own interests, not to make useless complaints? I very likely did advise him to let bye-gones be bye-gones, because we had more trouble to bring that man round than any other man we ever had.

9139. Worse than Horn? Yes, he was more constantly ferocious. Flogging was of no service to him, and the dark cells he did not care about.

9140. Was he ever gagged? I do not know of his ever being gagged.

9141. Or spread-eagled? I do not think so.

9142. Where is he now? He went to his own country—America. He was an American.

9143. Was he one of the men exiled? Yes.

9144. At the same time as Gardiner? No, afterwards; under the arrangement that followed Gardiner's case.

9145. *Mr. Oatley.*] Slattery, in his evidence before us, says this (*Michael Slattery's evidence, questions* 1862–1864, *read*);—is there any truth in that? There was some confusion between the two brothers, and if it had not been for my accidentally seeing the papers, this man would have been discharged. But it was no detriment to him. His case has been a long time before the Government. I have often asked different Ministers of Justice to deal with it. There are five cases besides his. They are now in Mr. Leary's hands, and he has agreed to deal with them. I have done everything I could to get the cases decided, because whatever time these men have to serve it is fitting that they should know. I have told this man that, but he does not believe it. They do not believe what you tell them. Kerr would not believe that the Colonial Secretary was the Colonial Secretary when he visited him. He wrote a letter afterwards to say that he thought it was an imposition that I had practised on him. He said he would not believe that Mr. Driver was Mr. Driver, because he had never seen him, unless some prisoners were brought into the office to testify to his identity. He would not believe any of the officers.

9146. *Chairman.*] You have had an opportunity before now of giving your opinion as to whether it is desirable to keep men in prison for life? Yes.

9147. Did you bring your views before the Government at the time of the Gardiner liberation disturbance? Yes, in part; I think I brought that question forward. But that had less reference to life sentences than to very long sentences.

9148. By life sentences I mean very long sentences. Do you think that our present system of keeping men for very many years confined within the walls of a gaol is a good system, or do you think that it is one which could be altered? I think our design, when we have the means of carrying it out, is as good as can be devised. In about a year we shall have a public works prison at Trial Bay, where the men can be worked in the open air. Short-sentenced men will be kept in close prisons, where they ought to be kept, and by means of additional accommodation we shall be able to break up prison association, and keep the men more to themselves.

9149. I want to ask you whether you consider that the complaints we have heard are in any way attributable to the system which obtains here of keeping men in confinement for very many years? I do not think so; I think there was more misconduct on Cockatoo Island than in any other prison.

9150. Then the question of the relative duration of penal servitude or imprisonment has nothing to do with the matter of this inquiry, you think. Is it not likely to bring about a feeling of desperation? No; by no means.

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9151. Because Slattery tells us that, one time when he was given to understand that his life was to be passed in gaol, he would have taken care to make it a short one? He was very glad to be released from hanging—I remember that; but in a few years he began to grumble at the length of his sentence, and wanted to know when he should get out; whereas the Governor of the day ordered that they should pass their lives in irons, and get no remission of sentence.
9152. Who was he? Sir John Young—Lord Lisgar. But now it is thought that that was too severe, and that it should not be carried out; and yet these men are dissatisfied. I have to remind them sometimes that they were rescued from the gallows.
9153. Then, with reference to Slattery's statement, you say that, although there was a mistake, it in no way militated against him? No; it very nearly operated in his favour.
9154. A prisoner named Thomas Isbister, who was convicted of arson before Sir William Manning at the Mudgee Assizes, says that if three gentlemen of character to whom he refers had been called, they could show that he had never been guilty of any misconduct in his life? If he had made application to me to refer to those people I would have allowed it.
9155. Nearly all the prisoners who were examined at Parramatta agree in this statement, that during the time of their imprisonment in Berrima Gaol, they suffered through being kept in their cells when they wanted to get out for the purposes of nature. Can you tell us anything about that? I am very glad you have mentioned that subject. I laid before you the other day the original document on which Berrima Gaol was established. The chief difficulty that met the Colonial Architect and myself was this closet question, but we could devise nothing other than what was done, though we certainly had some doubts as to the inconvenience the men might be put to. I may say that I have heard no complaints; I would have inquired immediately into any complaint on the subject, but how far it can be remedied I cannot say.
9156. You think there is a likelihood of inconvenience arising? I think that if a number of men ring at the same time they must be put to inconvenience, but I believe their complaints are greatly exaggerated. I do not believe they are kept half so long as people are kept in railway carriages.
9157. I suppose you are aware that there is an abundant supply of water in Berrima Gaol? Yes, now; but we do not like the water-closet idea.
9158. But I mean more particularly in regard to urinals? Yes, I have been thinking of it. It may be desirable to put some utensils in the cells during the day.
9159. Would there be any objection to fitting up a urinal in the cells, with an adequate supply of water turned on? That is rather a medical question I fancy. I see no objection unless of a medical nature, if there be one. The men might be ordered not to use the urinal except in extreme cases. I will confer with the Colonial Architect on the subject.
9160. *Mr. Voss.*] This has been a question between you and the Colonial Architect? Yes, it was the most difficult question we had—what to do about the closets. We would have made water-closets if we had had water, but at the same time I think Mr. Barnet and myself are rather disposed to earth-closets than water-closets.
9161. *Mr. Pinhey.*] If it is decided to have a urinal in each cell, do you not think it would be desirable to have one main to turn the water on to all at a certain period—you would not allow the prisoners to use the water themselves? I suppose that would be done. In the separate treatment prisons at home and in Victoria they have water-closets, and they do not restrict the use of water to the prisoners. It is strange that the men have never complained at all.
9162. *Chairman.*] There is a prisoner named William Lee;—are you acquainted with his case? Yes, thoroughly.
9163. He states here that, having been subjected to ill-treatment on the part of Mr. Small, he complained to Mr. Rowley, who told him to make a complaint to the Sheriff, and that he complained to the Sheriff, when he got to Parramatta (*Lee's evidence, questions* 2153–2159 *read.*) That is what he says with reference to your treatment of him? I do not remember the conversation about Judge Stephen at all. As to listening to Lee, I think I have had my patience more tried by listening to his complaints—applications, and constant complaints through a series of years—than by any other man. I wonder myself that I have stood so much of it; sometimes I have cut it off rather shortly.
9164. Did he ever make a complaint of ill-treatment at the hands of Mr. Small, or anyone else, which you declined to investigate? No; nobody ever did. I have sometimes had statements made to me by this man, and have inquired into them at the other prisons, and satisfied myself on the subject.
9165. Do you know whether there is any truth in Lee's statement that his teeth were knocked out by Small? I think he has been in the habit of saying so, but I really do not know. Lee is a man who makes so many false statements that it is difficult to recollect anyone in particular. It may be that he was gagged.
9166. Did he ever tell you that prostitution was carried on in the gaol? I have no recollection of any such complaint. No one could recollect all he told me.
9167. He is one of the Bargo men? Yes.
9168. Is his case under the consideration of the Government? Yes.
9169. Then there is the case of Henry Faulkner, *alias* Ross, *alias* Shortland? I know him well.
9170. Has he, or has Father M'Guinn on his behalf, made a complaint with reference to any ill-treatment that he had been subjected to? I do not remember.
9171. Is there anything peculiar about his case? He was in the Lunatic Asylum; and when he was let out he received a large remission of sentence; but he went bushranging again immediately. He was a man who feigned insanity a great deal at one time; or, possibly, he was insane. He has behaved much better of late. In fact, I made a recommendation in his case to the Government, because he interposed to prevent a gentleman from being shot by one of his companions.
9172. Where was that? In the sticking-up business—somewhere near Tamworth. He took the revolver from his mate.
9173. There is Thompson—"Thunderbolt's boy";—what character of man is he? Very sly, and very daring. He has a smooth manner.
9174. Do you know a prisoner named Hornby, of whom he speaks, and who, he says, was gagged. Did it ever come under your notice that a man named Hornby was gagged? Not that I am aware of. There are four cases in the printed report of gagging. I find that we cannot trace the report about Bragg's case,

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case, which is the first, and which was in November, 1867; but I remember hearing of the circumstance, and I have no doubt that the report was received. The other one, Giltinan's, has gone to the Law Department. Shultz's case is here, and that of Cummings is in the Colonial Secretary's Department.

9175. I wanted you to ascertain if there were any others than those? We cannot trace any others. If you will give the names of any I will see if the reports are there.

9176. *Mr. Voss.*] Have you any report of Coghlan's being gagged in 1868? I have no recollection of it; he may have been gagged. I do not know that Mr. Small could have any reason for not reporting these cases, because gagging was authorized.

9177. Bragg says that he complained to you about the blankets and bedding; did he, at the same time, complain about these severe cases of gagging in 1866 and 1867? I remember his complaining of the bedding; that was in my office, after he was free.

9178. Did he complain about the severe cases of gagging, three times in one day, in 1866, and once in 1867? I do not recollect his complaining of the gagging; he complained of his treatment generally.

9179. He speaks here of being gagged three times in one day, and of having the gag jobbed into his mouth—a very severe gagging? I do not think it possible that he made such a statement to me, though he did complain of his treatment.

9180. What was the nature of his complaints, except the bedding and blankets? The chief complaint was about the blankets. That was what attracted my attention chiefly. I knew that he had been a very badly behaved prisoner at one time. I have no recollection of his complaining of the gagging. I thought him a very likely man to be gagged.

9181. Do you remember a report by a warder named Welsh, that Mr. Small had stolen medicines? I do not know that I can call to mind that particular case.

9182. Can you recollect why Welsh was removed? No, but I could easily ascertain.

9183. *Mr. Pinhey.*] But are not the gaoler and his family entitled to medicines in the gaol? There is an order allowing certain medicines to be supplied to the resident officers.

9184. *Chairman.*] I want to know if there was a breach of faith with Kerr in any way, either by a promise held out to him which was not kept, or anything of that kind? The facts were these: Lord Belmore directed that his case should be brought forward at the end of five years. The expression was "To be brought forward for consideration," but prisoners always take that as an effective promise that they will be liberated at that time. When the case came before Sir Alfred Stephen, who was administrator of the Government at the time, whether he was induced to do so by the circumstance of Kerr having been punished for fighting with another prisoner, or whether he thought Lord Belmore was inclined to make the sentence too short, I do not know, but he directed that the case should be brought forward again in seven months. This man thought it a breach of faith, I suppose. He thought it was through my machinations, and that is why he has been very vindictive to me ever since.

9185. Was it through your machinations? No; instead of that, Mr. Small had written in reference to this punishment saying, that although the man was punished, he did not think he was to blame, because he had been very much aggravated by the other man. I passed Mr. Small's letter on with the papers, and I do not know whether Sir Alfred Stephen was influenced by the fact that the man had been punished, or whether he thought that the sentence was too much reduced. At any rate, it had the effect of inciting this man to make his escape, and brought him back to coercion and punishments that he forced upon himself.

9186. Then Mr. Small, so far from having in any way undermined him, had reported in his favour when there was a charge against him, which report went before Sir Alfred Stephen, who was administering the Government; and instead of the man being dealt with, as he was led to believe he would be, the case was postponed for seven months, during which time he made an effort to escape? He did escape.

9187. And was brought back? Yes, from Queensland. He was tried for it, and got two years.

9188. And had he to serve the remainder of his ten years sentence? No, that part, when a man is out seems to be void.

9189. Then, by escaping, he got a remission of three years, at all events? Yes, on his original sentence. I do not think he has served ten years altogether, even with the two years he got for escaping.

9190. If he had stayed the seven months he would have done five years and seven months? Yes.

9191. And all he has done since then is two years? Yes, less a period remitted.

9192. Has he been a well-conducted prisoner? No, he was a most cantankerous prisoner, and has been several times punished.

9193. Have you ever heard that he was gagged? No; there is no record, and it is denied by the officers.

9194. So it is in regard to several other cases? It appears that some of his teeth were out on his first entrance, and that he said it was done by the kick of a horse. He did not allege that he was gagged by Small. He told the Colonial Secretary in my presence that he was gagged by Hill.

9195. Did he ever say anything about being placed between the double doors of a cell? No; the Colonial Secretary told him about Mr. Small's letter and about my forwarding it, and that he was wrong in supposing that either I or Small had acted in any way to bring about Sir Alfred Stephen's decision. He then said that he was sorry for having wronged Small and myself in his assertions on that point; but two or three days after he wrote another letter ignoring what the Colonial Secretary had told him, and reasserting that I and Small had interfered to prevent his remission.

9196. *Mr. Voss.*] Whom was the letter to? Either to the Colonial Secretary or to myself. I mention it to show the value to be attached to his statements.

9197. From whatever cause, up to the time of his being liberated, he seems to have had an aggrieved feeling against you and Small? I should think he had. He has described us in no measured terms. The Governor gave him another month for the insolent letter he wrote—that is to say, he put on a month that he was going to take off.

9198. Where are the letters that Kerr has written from time to time? There are some in the Colonial Secretary's office and some in my office.

9199. Do you recollect the date of the letter you have spoken of, in which he again accused you of interfering with his remission? I think it was just after the statements had been made in Parliament.

9200. And it was about that time when it was all explained to him? I think so. This man was the ringleader of the prisoners in the mutiny at Pulpit Hill. He was coming to Sydney at the time on a charge of horse-stealing.

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9201. Was there one charge or more against him? It was only one business, but I think he was described as a man who had long been under the suspicion of the police for horse-stealing, but they could not make out a case against him.
9202. That itself may have tended to irritate the mind of the man? I do not think it takes much to irritate his mind.
9203. *Chairman.*] Do you know anything of the charge against Mr. Small of feeding his horse on the gaol hominy? I know that the statement was made and received his denial. I intend to make further inquiry when I go to Berrima.
9204. *Mr. Oatley.*] The gaol hominy is sold now, is it not? Yes, it has been sold for many years. That was done in order to prevent any wrong use of it.
9205. What was the cause of the change? I found that accusations were always being made that the gaolers fed their horses or cows on the hominy, and I determined that the refuse hominy should be sold.
9206. *Chairman.*] We want to know from you now how far sub-division 19 of rule 27, which is as follows, is complied with:—"Immediately after the commencement of each month the gaoler will furnish to the Sheriff a report of each man in separate treatment, setting forth his time of service therein, his conduct for the past month, any alteration in his weight, and the surgeon's report on his state of health." Have you any documents that will show us that? Yes, I can give you an example. Here are two of the reports, which I have brought as samples. (*Two of the gaoler's monthly reports on the condition of the prisoners in separate treatment produced.*) I think they will show you how carefully the condition of the men is looked to.
9207. What I want to see is the surgeon's report? The surgeon signs those reports.
9208. I am inclined to think he takes it for granted that the men are in good health if nothing is said to the contrary. He tells us that he does not see the men unless they require to see him, and that if there is no complaint he takes it for granted that they are in good health? He is under a misapprehension. It was part of my purpose in having this return made that it should constrain the doctor to see the prisoners once a month. I suppose that in passing from one surgeon to another the practice has got into disuse. When the practice was first started it was that way.
9209. Then it was in contemplation that the surgeon should himself personally see the men in order to give his opinion, and not take the report of the gaoler or warder? Certainly; that was unquestionably the intention of the regulation.
9210. But as a matter of fact you do get the surgeon's report in that way (*indicating the gaoler's reports*)? Yes, every month. [*Dr. Lambert's evidence, questions* 4264–4274 *and* 5380–5391, *read. The monthly reports produced by Mr. Maclean are the sheets referred to by Dr. Lambert at question* 5381.]
9211. Having heard that evidence read, you say that from some cause or other a misapprehension exists; that the surgeon misapprehends his duty in the matter? I am inclined to think that in the separate treatment prisons in England the doctor is not required to go round in that way, but I was desirous that it should be done here, and I had the regulation put in for that purpose. I think the practice must have fallen into disuse before Dr. Lambert's appointment. Had it not been so I don't think he would have neglected it.
9212. You think he conscientiously discharges what he believes to be his duty? Yes, and, as far as I can judge, very efficiently.
9213. When you were examined before the Select Committee you spoke rather generally about Mr. Dixon's position with reference to Mr. Small and yourself. Can you tell us more specifically what was the commencement of any unpleasantness with him to your knowledge? I do not know that I can bring to mind the commencement of their differences.
9214. You seemed rather to attribute Mr. Dixon's hostile attitude towards Mr. Small to some slight that he thought had been put upon himself with reference to shaving? That was one feature of it.
9215. What I want to know is whether that was not long subsequent to Mr. Dixon's having reported Small? I think it was. I think the first case was when he complained of Small for finding fault with a warder for talking to him. I am inclined to think that was the origin of the contest. I do not know whether you have any evidence on the subject.
9216. *Mr. Voss.*] Do you recollect any complaint about detaining letters and any report? Yes, I have the correspondence on that subject. A complaint was made that my letter was not communicated, or not acted upon; I suppose that is the case you mean—the answer to a prisoner?
9217. Yes, he said Small kept it in the office four or five weeks? And Small defends it by some neglect of the clerk to communicate it. Mr. Dixon, I think, was under the impression that Mr. Small kept it to annoy the prisoner, in resentment at the prisoner having applied to me over his head, which Mr. Small denies. I think there was a feeling on the part of Small that Mr. Dixon interfered with the discipline of the gaol, and a feeling on the part of Mr. Dixon that Small was too severe.
9218. Mr. Dixon mentions something about an infraction of the regulations by Mr. Small in taking away the Bible and Prayer-book from a prisoner under punishment. He complains that, when he represented that to you, he did not receive that support which he thought he ought to have received? Mr. Dixon made that representation, and Mr. Wilshire and Mr. Small contended that the books should be taken from the men when under punishment. I decided against their view, and in favour of Mr. Dixon's, and sent up instructions accordingly. I then had a request from Mr. Small—I don't know whether it was supported by Mr. Wilshire or not—that the alteration should not take effect for a short period, which he named, because, after what had occurred, it would otherwise seem to humiliate him in the establishment; and, not attaching much importance to that, I allowed it. It did not allow Mr. Dixon to get that triumph which he wanted, and that was my purpose in keeping it back.
9219. *Mr. Pinhey.*] Has the chaplain free access to the prisoners in the dark cells? That question was brought before me, and I decided that he had. I said, if I remember rightly, against the views of the local officers, that the chaplain should have access, but that I thought it would be a right thing for him to consult with the gaoler before doing it, and Mr. Dixon construed that to mean that I required him to have Mr. Small's permission to visit the men. But that was a construction which it did not bear.
9220. He is evidently under the impression that his office is altogether separate from the gaoler's, and he considered it an interference with the duties of his office to have to seek the consent of the gaoler? He was not required to ask the gaoler's consent, but I think it right that, on all occasions, the chaplain should notify to the gaoler that he is going to visit a prisoner. The visiting of the chaplain in the dark cells may be overdone. A prisoner is sentenced to solitude in the dark, and if he is visited daily, or twice a day, the punishment is evaded.
9221. *Chairman.*] Does not the chaplain participate in the physical darkness with the prisoner whom he goes to console? I do not know.

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9222. You do not know whether he takes a candle in? I do not know whether he does or not.
9223. *Mr. Voss.*] How did this question come before you? I think Mr. Dixon notified his intention of visiting a man, and that Mr. Small said he was not at liberty to visit a prisoner in the dark cells, and their difference was brought before me.
9224. During the nine months separate treatment that prisoners undergo, what is the rule about their corresponding with their friends? They are not allowed to correspond when they are in separate treatment, but permission to write has been given in the cases of prisoners immediately after conviction, and I allow communications to be made by the chaplains on family matters and things of special importance.
9225. When was that arranged? It arose through Mr. Dixon being supposed to carry on an active correspondence on behalf of prisoners.
9226. Then it has arisen from a complaint being made to you? I pointed out that the chaplain's writing to a man's wife and reading her answer to him was very much like the man's writing himself, and I laid it down that I did not object to the chaplain's writing to the family of a prisoner to say how the prisoner was, or communicating to him any family matter as to sickness or good health.
9227. Was it done before Mr. Dixon's time? I think chaplains have always been in the habit of writing. Mr. Hassall used to do it a great deal. I am not sure that it was not in his time that I had to deal with it.
9228. Sub-clause 2 of regulation 27 says:—"Prisoners in the A Division will be placed in separate treatment. They will not be permitted to hold any communication, excepting with the prison officers, and will neither send nor receive letters"? It has been permitted to them to send one letter after conviction.
9229. *Mr. Pinhey.*] But ought not every letter to pass through the gaoler's hands? Of course, but you cannot prevent the chaplain from writing, or from telling a prisoner that he has a letter from the prisoner's wife.
9230. *Mr. Oatley.*] Speaking of the dark cells, has any complaint been made by prisoners with reference to bedding or blankets? The only complaint that I remember was the one by Bragg. I found that there was some justice in his complaint, and I directed that two blankets instead of one should be given in the dark cells.
9231. We find that in Darlinghurst and Parramatta gaols the prisoners have their usual bedding in the dark cells; and Berrima being a colder place, would it not be as well to allow the same thing there? It is a question whether it ought to be done. If it is justified in Darlinghurst and Parramatta it ought to be extended to Berrima, but I would not say that it ought to be done at Darlinghurst or Parramatta.
9232. But it is the case, and it must have come within your knowledge? I do not remember that it has.
9233. *Mr. Voss.*] Has Mr. Dixon ever reported to you any tyrannical conduct on the part of Mr. Small towards prisoners and officers? He has spoken of his arbitrary conduct both to officers and prisoners, and has attributed spiteful motives, but he has not been able to adduce anything specific, beyond his opinion.
9234. He never gave you any information that you could act upon? I think there was something about Mr. Small not recognizing him when passing through the gates, and about a sort of haughty strut meant to be offensive; but Mr. Small denied it. I said I should regard with very serious displeasure any want of respect towards the chaplain.
9235. *Chairman.*] What is Mr. Herbert's character with regard to his relations with Mr. Small? For a considerable period back I have had reason to believe that Mr. Herbert has had a strong hostile feeling towards Mr. Small.
9236. Have you had to decide between them on any occasion? Yes, I have had to decide, but I have judged of the state of matters more by Mr. Herbert's seeking to be removed, and remarks he has made, than by actual complaints against Mr. Small. I think there have been cases which have been dealt with by writing. I know that there have been differences between them, but whether they have been dealt with verbally or by writing I cannot say.
9237. Herbert says that Mr. Small made three complaints against him. "The first complaint," he says, "was that of permitting goods to be abstracted from the store; that, through an oversight of mine, lasts and leather had been taken from the store. The next complaint was that of taking a letter out from a prisoner. For that I was exonerated. For the first I was reprimanded. The third complaint was that I had mixed bichromate of potash with some flour to be given to the prisoners." Do you remember those? Yes, I think I remember all those.
9238. Do you remember what the result was—whether Mr. Herbert was exonerated or reprimanded? In the last case I think he was exonerated. I think there was some blame attached to him in the other cases, but not of a very serious nature; but there was a great deal of *animus* shown at the time between the two officers.
9239. He speaks of a man having been gagged in 1868 or 1869, but he cannot remember his name. He describes the circumstance thus:—"I heard a scuffle in the dark cell passage, and went down to see what was the matter. When I arrived in the passage this prisoner was lying on the floor with his head towards me. The chief warder, Hill, had one knee on the prisoner's chest, and had the gag in the prisoner's mouth, and the strap turned round his hand, tightening it. He struck him on the gag when it was in his mouth, and used some very reproachful expressions. * * * The prisoner was then placed between the doors of the first dark cell." Did you ever hear of that? No; I thought he had stated that he never heard of any case of gagging.
9240. *Mr. Voss.*] How many gaols have you under your charge? Twenty-seven, I think, including the police gaols.
9241. And are there a chaplain and a Visiting Justice appointed to each of those gaols? No, only to the established gaols. There are Visiting Justices to them all, but only chaplains to the established gaols.
9242. *Mr. Pinhey.*] What are we to understand by established gaols? Those are the gaols that I occupy myself. Police Officers are in charge of the others, and, for economy, they are divided between the charge of the Inspector General of Police and myself.
9243. But they are all under your supervision? As regards gaol duties. They are also used as lock-ups. The men are recommended to me by the Inspector General of Police, and I obtain their appointments from the Government.
9244. *Mr. Voss.*] With so many gaols under your charge, and so many chaplains, Visiting Justices, and medical officers appointed to visit them, have none of these instances of physical torture—such as gagging for several hours, or tricing a man up by his wrists, with his feet not quite resting on the ground—been brought under your notice by any of the chaplains, Magistrates, and others? No.

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9245. *Mr. Oatley.*] Not of gagging? Not in the way of abuse. I mean not by magistrates, in the way of abuse. None of these gentlemen have ever made any remonstrance to me about anything approaching to an abuse.
9246. Then has anything of the sort come under your notice in any other way? Nothing of the description referred to by Mr. Voss.
9247. Nothing of torture—gagging or spread-eagling in any way? Not in the way of complaint.
9248. But in any other way? Yes, my former evidence will show that men have complained of being gagged.
9249. Complaints by prisoners? Yes.
9250. *Mr. Voss.*] Another question I would put is this: Can you in any way account for the fact that Mr. Driver has known of such cases of ill-treatment for some time back, not only through letters from prisoners—one dated as far back as May, 1868—but, as he states, from dozens of men? I think it not unlikely that prisoners have gone and made statements to Mr. Driver that are utterly false. There may be some which are based on occurrences which did take place, but are greatly distorted. By other men I suppose he means prisoners.
9251. *Mr. Oatley.*] I suppose prisoners may have been gagged without your knowing of it? Yes.
9252. And otherwise ill-used? Yes; but in answering that question I would say that I do not think it could have been done without some officer revealing it, possibly out of *animus* to the officer doing it.
9253. *Mr. Pinhey.*] Do you remember Herbert being charged with taking a letter clandestinely out of the gaol? Yes.
9254. What was your decision? If I remember rightly the charge was not established, but I think there were circumstances of suspicion in the matter.
9255. Is this a correct extract from the minute you wrote: "As the case now stands I do not hesitate to exonerate Mr. Herbert, and to say that I am not induced by the present accusation in any way to modify any previously expressed opinion of him as an intelligent and trustworthy officer. I am far from pleased with the information given respecting the facilities for mischief afforded to the three prisoners by access to the office and school-room, contrary to the gaol regulations?" I think I recollect writing that minute. It is probably correct.
9256. Is it a fact that you have been necessitated to frequently rebuke Mr. Small? I will not say frequently; I have rebuked him pretty strongly.
9257. Can you call to mind any case which brought that about? In a general way I may say that I have rebuked him for taking liberties with things trifling in themselves—Government property; that is to say, for instance, taking a Government case and turning it into something he wanted to use in the establishment. I have rebuked him for bringing himself unnecessarily into collision with his officers, and I have pointed out that he could exercise his authority by keeping a better hold of his temper, without creating needless hostility. I think my rebukes have had considerable effect and that he has attended, as far as his nature would permit, to any observations I made on the subject. But I have had more dissatisfaction with his dealings with his officers than with his prisoners, on the whole, but not of late years.
9258. *Mr. Voss.*] You are charged, I see, with knowing that, during the whole time Mr. Rowley was Police Magistrate and Visiting Justice at Berrima, he was in a state of almost helpless intoxication. I want to know if such is the case? I never saw Mr. Rowley incapacitated from performing his magisterial duty by reason of intoxication. I never heard of a specific instance of his having committed himself in reference to his public duties in that way. I have heard a general report, or general rumour, that he drank a great deal. I am satisfied in my own mind that he did. I considered that he hastened his death and destroyed his constitution by his intemperate habits, but I never saw him under the effects of liquor [such as I should have been justified in taking notice of, nor did I ever hear of any instance that I should have been justified in taking notice of. I wish to say, further, that the Police Magistrate at Berrima holds as an adjunct to his office, that of Visiting Justice, and I did not think it necessary on my part to bring Mr. Rowley's personal habits before the Colonial Secretary. He had a Bench of Magistrates sitting with him in his higher capacity; he had the Colonial Secretary or the Attorney General as his chief; and the Visiting Justice is rather my colleague than a subordinate. I dare say I would have taken more exception to such habits in the case of an executive officer than in the case of Mr. Rowley. I was taken to task by Sir John Robertson in the matter, after the allegations were made, and I expressed the views that I am expressing now. He seemed to think that though the Colonial Secretary and the Attorney General did not interfere that was no reason why I should not; but I had my own opinion for all that.
9259. You have nothing to do with the appointment of Visiting Justices? I am consulted, and my recommendations are treated with great deference by all Governments. I wish further to add that, notwithstanding the statements prisoners have made about his being drunk, I observed that Mr. Rowley's decisions were received with very great respect by the prisoners. He was a man of very considerable power of manner, and an educated gentleman.
9260. I see, from your examination before the Select Committee, that you did not adopt the system of separate treatment before consulting with Sir Walter Crofton? I did not know him then, but I had read his writings.
9261. But from him and others you adopted that system? Yes, and from an examination of the working of the system in Victoria.
9262. Well, after the many years experience you have had of the separate treatment system, does it appear to you that any improvements might be made in the further classification of the various grades of prisoners? I think we only want additional accommodation, which is gradually being supplied, to bring our system abreast of any in force in the world. I am not one of those who advocate returning men at the latter period of their sentences into separate treatment. I think that, if a man behaves himself well, his condition should be constantly and regularly improved. So far as means permit that is being done, and it will be done further as the means are placed at my disposal in the form of buildings and accommodation. I do not think it is desirable that a man should be sent back to separate treatment. He might possibly go in the same van with a prisoner who has misconducted himself, and prisoners would not separate it from the idea of further punishment. Besides, I do not think it is a very good preparation for a man to go out into the world again. I think he ought not to be quite isolated, but that he ought to be in some association as a sort of preparation for again entering into general life. There are writers on prison discipline who disagree with me there, but still I hold that opinion.

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9263. *Mr. Pinhey.*] Can you give us the scale of remuneration which prisoners receive in the three leading gaols? In all gaols where labour is performed they get 3d. a week. If they do good labour they get that almost as a matter of usage and right. Then I hold a fund—I take a vote of £1,000 a year for the whole purpose—called the Special Gratuity Fund. Thus, if any man satisfies me that he is not likely to relapse into crime, and that he wants to lead an honest life, he is started with tools; or if he wants to go to some district to get employment, and can show me that he is likely to get employment there, I give him assistance—additional assistance—from the Special Gratuity Fund. I also obtain passages for men on the Government railways, and sometimes passages in steamers; in fact, I do everything that will give a man a chance to make an honest start in life, and many have done so. But if a man is repeatedly and constantly convicted, and I know, by his character, that he would spend any assistance he received in drink and vice, I do not give him anything. There are certain gaols called labour gaols. The remuneration is originally based on the work the prisoners do; but I meet the other cases by the special gratuity. I have another recently-organized arrangement, under which I give a bonus, which may not exceed 1s. a week, for work done beyond the allotted tasks, to encourage men in industry.
9264. That comes to 13s. per annum. I would like to ask you this:—Do you not think the amount might be very much increased, and for this reason, with others, that a man who has been three or four years in gaol has nothing to keep him in the interval between his discharge and his getting employment, which, on account of his damaged character, may be difficult to get? They have the means by this bonus arrangement. I think those men who will not earn more than £3 are the casual prisoners who go in and out.
9265. Then you would not advise that the amount should be increased? I think the arrangement in that respect cannot be improved. I have known men to leave Cockatoo Island with £15 or £25 in their pockets, but it is not a good example to see men discharged from gaol flush with money.
9266. *Mr. Oatley.*] Speaking of the gag, your opinion is that it is absolutely necessary? I do not say that it is absolutely necessary; I say that it is a very desirable means of immediately repressing refractoriness, bad language, and the like.
9267. *Mr. Pinhey.*] In fact, as a powerful deterrent? Yes, it is instantaneous; that is the advantage of it.
9268. *Mr. Oatley.*] We have it in evidence that the gag is painful, and becomes a punishment, and a very severe one indeed. Do you not think that, inasmuch as it is not used for punishment, you could adopt some other instrument to be placed across the mouth without this tube? The tube was adopted as being a less painful thing than the bit.
9269. But suppose there was a piece of leather made to cover the mouth, with holes to admit air, would that not answer the purpose, without torturing a man with a thing like this? I hold that it is no torture unless a prisoner continues to resist.
9270. But they would always resist, and there is a great possibility of knocking a man's teeth out or of loosening them with this instrument. Do you not think something could be made which would obviate that? I dare say. I would be willing to have a softer thing, but I never heard any complaints of the effects of the gag, except in cases where resistance was offered to its being put in, until these complaints have been made lately.
9271. Did you ever know of a metallic gag being used? No.
9272. *Mr. Pinhey.*] You do not believe it ever has been? I do not believe it has been. The gag is a thing that has hardly been heard about since the mutiny period. I do not believe the prisoners consider the gag a thing that ought not to be employed.
9273. It is used in the army and navy, is it not? Yes, I am assured by medical officers in the navy that it is used.
9274. *Mr. Oatley.*] Have you seen the one used at the Lunatic Asylum? Yes, but it is a different thing altogether.
9275. *Mr. Pinhey.*] As we have been called together for the purpose of reporting on the discipline of Berrima Gaol in particular, we would be very glad to hear any suggestions from you as to any improvement that you think might be recommended by this Commission to the Government, either in minor matters or otherwise? Well, I have seen reason for further considering the closet facilities which I have undertaken to do. It is obvious to everybody that some of the cells are too small, but we could not help ourselves there, and I do not see how it is to be amended. The men are kept there as short a time as possible. I do not know that I wish to improve upon the general administration in any way.
9276. *Mr. Oatley.*] There is one thing I would like to call your attention to, and that is, whether you would consider it advisable to lay the floors of the lower cells with wood, instead of having the bare stone? We have stone floors in other prisons.
9277. But the temperature of Berrima is colder? It is. I have not thought it necessary to do it, but there are advantages in it no doubt. I have been surprised to hear so few complaints of cold from the prisoners themselves.
9278. *Mr. Pinhey.*] Some few have complained? I mean that I am surprised at the few complaints made to me. I think the men have realized that they had to go there, and that it was the climate, and that they could not avoid it. Men have told me that if it were not for the cold they would as soon be at Berrima as any other gaol.
9279. When men are discharged from gaol they not unfrequently call upon you? Yes, and I have had letters too.
9280. We have it from several of the prisoners that one of their great grievances is that they could not reach you by letter. Have any of them made that complaint to you? I do not think any have. I do not think it is possible that they could have had any such cause. I would like to give some evidence that would have come in better in reference to the Visiting Justice.
9281. Will you state it? I have stated that I myself was satisfied that things were properly conducted in Berrima Gaol. I had my reasons for that, beyond my general observation, in the circumstance that the chaplains who are in confidential relations with the prisoners, had always assured me that such was the case, including Mr. Dixon up to the time of his difference with Mr. Small. I had it also in the fact that for some eight months Mr. Garrett was the Visiting Justice, living on the spot, and he took considerable interest in the gaol. I do not think anyone will deny his acumen in discovering wrong things that are going on, and I laid some little weight on that in my own mind. Altogether I have had a very easy feeling in regard to Berrima Gaol, and I was thunderstruck, so to speak, at the allegations that were made. Another thing I had a note of was that I observed in some of the statements sent to me that prisoners complained very much about the bathing arrangements.

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9282. *Mr. Oatley.*] Not at the present time? I do not know whether you have satisfied yourself on that point, but, even in regard to the time before the water was laid on, if you wish for any information, I think chief warder Everett would be able to afford you full satisfaction. Then I wish to make one further remark, and that is with reference to the idea that has been started that I will not act upon prisoners' statements or listen to them. On prisoners' statements, corroborated by circumstances, I have caused the dismissal of officers of rank in the department. Acting upon the statements of prisoners I have ascertained facts that have led me to remove officers of considerable status in the service. I mention this to show that I do not disregard the statements of prisoners. These were not so much complaints of treatment, but complaints mixed up with wrong-doing. If a prisoner who has been ill-treated can find out any misconduct on the part of officers he brings it before me at the same time.
9283. *Mr. Oatley.*] Then amongst prisoners there are some truthful men? Yes, but I have been struck with the recklessness with which they assert falsehoods, particularly about the circumstances of their trial. When I first took charge of the prisons I used to be occupied for days with the numbers of such statements that they made, until they found that I could not be fooled into believing all they said.
9284. *Mr. Pinhey.*] We would like your opinion on this: It seems to be admitted on all sides that prisoners have benefited by the separate treatment system. After leaving Berrima they go to Parramatta, do they not? The five years men all go to Parramatta. Some prisoners go to Darlinghurst.
9285. Suppose, for the purpose of argument, that a man is much bettered by separate treatment, what is your opinion as to the effect of his remaining a year or two in Darlinghurst associated with other prisoners: do you think he goes out better or worse than if he had gone straight into the world on leaving Berrima? It might be much better for the community if he went from Berrima, because he loses much of the effect of the separate treatment by association in the other gaols. That will be modified when the accommodation increases, because the association will be done away with to a great extent. I think we want reforms in prison administration on the judicial as well as the executive side. Horse-stealers, for example, who get three or five years, if they got separate treatment for two years, with a partial release so that it should not have any effect on their minds, there would be a better chance of restoring them to an honest course of life. You see, I am necessitated to have three men in a cell, and all night long they have nothing else to do but to talk about their crimes. In England they make the men have their meals in their cells, but I do not see any advantage in making them have their meals by themselves if they can converse at other times.
9286. In regard to the dietary scale, is it the same as in other prisons? It is rather under the average of general prisons, but I think it is a very good medium. It was fixed by a medical board after careful consideration, and reports from the surgeons of all the prisons; and for the first time we introduced the principle of not allotting rations for hard labour. A larger ration used to be given for hard labour, when there was no hard labour to do. That has been done away with, and I find that the same principle is being adopted in England, namely, giving provisions by time.
9287. When complaints are made as to the quality of the rations what is the course ordinarily adopted in meeting the difficulty? The usual course is to refer to the surgeon; then if the dispute continues between the contractor and the officers a Board is formed to decide; but in the meantime the contractor is bound to re-supply all perishable articles, leaving the matter for adjustment afterwards.
9288. Allusion has been made to a delegate who is chosen from among the prisoners? He is allowed to see the rations on the part of the prisoners, so that he is in a position to make representations to his superior officers.
9289. How is a Board summoned? One man is called in by the gaoler and one by the contractor, and they choose an umpire between them. It generally goes against the Government.
9290. Do the reports of these Boards come before you? Not always, but if the contractor is very remiss, and endangers the discipline of the prison by leaving the men without their breakfast, then it comes to me. I got permission from the Government to allow the heads of Departments instead of the Treasury as formerly to inflict fines, and I have only had to put on two or three fines of £5.
9291. Did you find that work better? Yes, because it operates instantaneously; and the Government used to be very loth to put on a whole month's contract fine. These £5 fines have all the desired effect; but occasionally there will be negligence, and it is a dangerous thing in a prison. We have nearly had some riots over that. I have here the case of Edward Bolton which was referred to the other day. It was stated by the surgeon at Berrima that the man ought not to have been sent there. I find that the medical officer at Darlinghurst—it was Dr. Aaron and not Dr. Macnish—reports that the prisoner was suffering from syphilitic ulceration of the cheek, for which he was under treatment; but that he could not have expected such a result from his removal to Berrima. My minute on the case was that the question was entirely one of a medical character, and that the only further action that could to any purpose be taken would be a reference to the medical officer of the Government. Then Mr. Docker I see has written that it may be filed, so that he did not think it necessary to take any further notice of the matter. Dr. Aaron differed from the doctor at Berrima. (*Mr. Maclean handed in papers in the case of Edward Bolton; a letter from the Rev. Mr. Blomfield, Church of England Chaplain, Parramatta Gaol, with letter from Mr. Hussey, gaoler at Parramatta attached; also regulations in force prior to* 1867, *and dated September* 27*th*, 1841.)

MONDAY, 9 *SEPTEMBER*, 1878.

The Commission sat at the Office of the Pharmacy Board.

Present:—

HAYNES GIBBES ALLEYNE, Esq., M.D., in the Chair.
WILLIAM TOWNLEY PINHEY, Esq., J.P., | JAMES OATLEY, Esq., J.P.
HOULTON HARRIS VOSS, Esq., J.P.

Gother Kerr Mann, Esq., called in and examined:—

G. K. Mann, Esq. 9 Sept., 1878.

9292. *Chairman.*] What is your name, sir? Gother Kerr Mann.
9293. You were at one time an officer of the Government of New South Wales in charge of the works at Cockatoo Island, which were conducted principally by prison labour? My title was Superintendent and Engineer-in-Chief of the Fitzoy Dock, which had been constructed by prison labour, and which was being completed

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completed by prison labour in a great measure, Cockatoo Island having originally been a penal establishment for prisoners sentenced to the roads or public works.

9294. Had you a large number of convicts there at the time you were in charge? When I first went there—I am speaking from memory, as it is some nine or ten years since the establishment was broken up—I think there must have been between 300 and 400 convicts in the establishment, if not more. The records would show the exact number.

9295. How many years were you in charge? As engineer constructing the works, I was there from the commencement of the dock; in fact I prepared the designs and carried on the work. When the dock was completed I was given entire charge of the establishment, including the dock works, and supervision of the prisoners as superintendent. The time that I was actually superintendent of prisoners was, I think, between nine and ten years. I, of course, obtained some knowledge of the character of the prisoners from superintending their work, but not to the extent that I did latterly.

9296. Before you took charge of the establishment had you any knowledge of the treatment of prisoners? I had no knowledge of the treatment of prisoners. I had a knowledge of their general character, but I cannot say that I had more than a superficial knowledge of their treatment; but when I became superintendent of the entire establishment I certainly obtained a knowledge of the treatment of prisoners, and have often considered the matter very carefully and very fully.

9297. For what period was it that you were in sole charge of the place? I am speaking from memory—I think it was from 1860 or 1861 until the establishment was broken up, which was about the latter end of 1869 or the beginning of 1870. I cannot exactly remember the dates; I think I was a little over nine years in charge.

9298. Do you remember when Berrima Gaol was established as a close prison for separate treatment? I don't remember the exact time, but I remember the circumstance that there was a gaol established for that purpose.

9299. When you found prisoners on Cockatoo Island refractory and unmanageable did you apply to the Government to have them removed to Berrima? I used to apply to the Government to have them removed from Cockatoo Island, and I may in some instances have specially recommended their being sent to Berrima, but I am not clear about having actually said Berrima. I used to send them with a full report of their behaviour, and the cause of my recommending their removal, leaving it to the authorities to deal with them afterwards. I believe that in many instances, if not in all, as I ascertained afterwards, these prisoners were on my report sent to Berrima, and it struck me as being the correct way of dealing with them.

9300. *Mr. Oatley.*] I suppose they were sent first to Darlinghurst, and then to Berrima? Yes, they were dealt with at Darlinghurst. I may have specially recommended them for Berrima, in some instances, but I am speaking from recollection of facts that occurred ten years ago, so that I cannot say positively that I in every instance recommended them for Berrima. In fact I do not think I should, because prisoners were not always recommended to be sent away for misbehaviour; but also on account of ill-health or incapacity for the work at Cockatoo Island.

9301. Did you find that that mode of removing prisoners from the works to a close prison strengthened your hands on the island? I thought it had a very beneficial effect. In the first instance it had not any great effect; but latterly they began to find out that the treatment there contrasted very much with their associated work on the island, and it did have a good effect, and I think in course of time that it would have had a very beneficial effect. In fact I am of opinion that it was the correct way of dealing with these refractory and insubordinate characters.

9302. You have had, I suppose, a large experience of prisoners' representations? Yes.

9303. Is there a class of prisoners which you may describe as the complaining class—men who are constantly making complaints? Yes, certainly; there are men who will get up a complaint on the most frivolous occasions sometimes. The system that I pursued was this: Every man who had a complaint to make which did not require immediate attention had to send his name into the office. Then he would be brought to the office to make his complaint before me. If necessary it would be taken down; but if frivolous and absurd it was merely dismissed, and no more notice taken of it.

9304. Will you state your experience as to the truthfulness of prisoners making complaints? As a rule you could never rely on the statement of a prisoner. Prisoners have made false statements to me in cases where had they told the truth it would have been much more favorable to their cause; but so accustomed do a certain class of prisoners get to perverting and exaggerating, and making elaborate statements, that they cannot help it sometimes. In fact the impression on my mind was, that want of truthfulness in a prisoner was one of the results of a long series of penal servitudes. Men who had been any length of time in gaol were invariably men who told the most elaborate and the most extraordinary falsehoods, and I think it is the result, in a great measure, of habitual prison life.

9305. Do you think then that, generally speaking, their statements cannot be relied upon? No, they cannot be relied upon.

9306. But there are some whose statements may be taken? No prisoner's statement can be relied on as he gives it. There may be a certain modicum of truth at the bottom of it which, through his fancy or his habits, he works up most elaborately, with all the additions he can give in the way of imaginary circumstances; whereas if he were to tell the plain truth in the first instance it might be found that there was really something in his statement.

9307. *Mr. Oatley.*] Then do I understand you to say that during the whole of your experience you never found any prisoner whose statement you could rely upon? I do not say that. I think that prisoners convicted for the first time do not elaborate their statements as men who have been a long time in prison do. But after they have been in prison a certain time they acquire this power or habit of elaborating their statements. When prisoners have been allowed to petition for a remission of sentence, or for removal to another establishment, I have found in some instances that there has been a modicum of truth in their statements, but nothing like what they represented, and the consequence was that their papers were not allowed to be forwarded. A prisoner who can deceive the authorities by a falsehood is looked upon as something superior, and is lauded by his fellow prisoners. There is one instance which has just now come to my mind. A man named Hume, who was a prisoner on Cockatoo Island, came to me with stories of his knowledge of Leichhardt and his party. I listened very attentively to him, because I considered it a matter of considerable moment, and I took down his statement and made a memorandum of it.

I afterwards gave him paper to write his statement, that I might forward it to the Government, but instead of writing a statement, he wrote a petition to Dr. Lang, asking him to use his influence to get him off the island. I then inquired into the statement that he made to me, and I was satisfied in my own mind that the whole thing was a fabrication from beginning to end, founded on reports that he had heard when he was ranging in the bush in Queensland, and that he knew nothing of Leichhardt or his party. He was an educated man, and a sharp, clever sort of fellow. He said that his object was to be allowed to go into the bush to find Leichhardt, and that he would find him or never come back. I thought that a true statement certainly, for if he had been allowed to go in search of Leichhardt he would not have been likely to come back.
9307. As a matter of fact he was afterwards dispatched in search of Leichhardt? I believe he was.

G. K. Mann, Esq. 9 Sept., 1878.

William John Stewart, warder in Parramatta Gaol, called in, sworn, and examined:—

W. Stewart. 9 Sept., 1878.

9309. *Chairman.*] What is your name? William John Stewart, sir.
9310. What are you? A warder, in Parramatta Gaol.
9311. Have you been a warder in any other gaol besides Parramatta? Yes, sir; in Darlinghurst and Berrima.
9312. Which was your first appointment? To Parramatta. I was transferred from Parramatta to Berrima in 1864, about the last of November or the 1st of December.
9313. *Mr. Oatley.*] How long did you remain there? Sixteen or seventeen months—till June, 1866.
9314. During the time you were there did you witness any ill-treatment on the part of Mr. Small, or any of the warders, towards the prisoners? Nothing that I should call ill-treatment.
9315. Did you witness any harshness on the part of Mr. Small or his officers? No, sir; with the exception of the time of the mutiny.
9316. Were you there then? Yes; when I went up the place was in mutiny.
9317. *Mr. Voss.*] But since then have you witnessed any undue severity on the part of Mr. Small, or any one else? No, sir.
9318. *Mr. Oatley.*] Did you ever see a man gagged there? Yes, there was a prisoner named William Lee gagged.
9319. *Mr. Voss.*] Is that since 1864? Yes, sir.
9320. How long after the riot? I suppose it must be thirteen years ago.
9321. Was it a year after the riot? It might have been. It might be more or less.
9322. Tell us the circumstances, and who gagged him? He was gagged for abusive language.
9323. By whom? By the chief warder and some of the officers.
9324. Who was the chief warder? I believe it was Mr. Watt.
9325. Was Mr. Small there? I could not say that he was.
9326. *Mr. Oatley.*] Did you see Lee gagged more than once? No, sir.
9327. How long did the gag remain in his mouth? A few minutes; until he got quiet.
9328. Who took the gag out of his mouth? The chief warder.
9329. *Mr. Voss.*] For what was he gagged? For being violent, abusing everybody, and shouting and yelling, and exciting the other prisoners.
9330. Did he use very bad language? Very bad; it was something frightful.
9331. *Mr. Oatley.*] Did you see any other man gagged? Yes; Michael Slattery.
9332. Did you see him gagged more than once? No, sir.
9333. What was he gagged for? Abusive language.
9334. Who gagged him? The chief warder, Mr. Watt.
9335. Was Mr. Small present on that occasion? I cannot remember.
9336. How long did the gag remain in Slattery's mouth? It might have been 5 or 6 minutes.
9337. *Mr. Voss.*] When was this? I think it was about the same time that Lee was gagged.
9338. *Mr. Oatley.*] Have you seen any other prisoner gagged? No, sir; except at the time of the mutiny.
9339. Did you ever see a man spread-eagled? I don't think I know what that is.
9340. With his arms stretched out and fastened to two ring-bolts? No, sir; I never saw it. I saw Slattery handcuffed to a ring-bolt in his cell with his hands behind his back.
9341. Was he gagged? Yes.
9342. Had he bar-irons on at the time? Not to my recollection.
9343. *Mr. Voss.*] Do you recollect whether his feet were on the ground? Yes, sir, quite on the ground; as much as mine are now.
9344. *Mr. Oatley.*] How long was he kept in that position? About 10 minutes after the gag was taken out of his mouth. As soon as he said that he would be quiet he was released.
9345. *Chairman.*] Do you remember distinctly that his feet were firmly on the ground? Yes, sir, I remember it well.
9346. *Mr. Oatley.*] How high was the ring-bolt? About 3 feet; but I could not say exactly.
9347. But whatever height it was it allowed his feet to be flat on the ground? Yes, sir.
9348. Did ever you see any other person put up to a ring-bolt or spread-eagled? No other, sir.
9349. During the time you were there had you an opportunity of knowing whether the prisoners were attended to when they rang their bells? Always, sir; I was in charge of that myself for a while.
9350. And there were never any complaints made to you? No, sir, not at all.
9351. Since you left Berrima have you heard from criminals in other gaols complaints of cruelty in Berrima? Never, sir; I have heard them speaking to one another.
9352. When? On several occasions.
9353. Amongst themselves? Yes, sir, not to the officers, because we are not supposed to speak to them except in the course of duty.
9354. Has that been lately, or some time past; before or since this inquiry? Both before and since.
9355. *Mr. Oatley.*] As to Mr. Small's temper, do you consider him a good-tempered man? I always saw him kind to prisoners who behaved themselves.
9356. But, generally, what was his manner? I always saw him kind to those men that behaved well.
9357. But to those men who did not behave well? Then there would have to be rougher measures used.
9358. Was he cruel to them? I do not think he is cruel by any means.
9359. Did you ever hear any complaints about the quantity or the quality of the rations at Berrima? Never; I always considered them very good.

9360.

W. Stewart. 9360. And no complaints were ever made to you respecting them? No, sir.
9361. Did any of the men ever complain to you that they were not allowed to see the Visiting Justice or
9 Sept., 1878. the gaoler? No, sir.
9362. Neither in Berrima nor any other gaol? No, sir; every morning a warder went round to the men in the yards and asked them if they wanted to see the Visiting Justice or the gaoler, and if any of them did, their names were taken down and handed in to the office.
9363. What has been Slattery's conduct since he has been in Parramatta this last time? He conducts himself very well now, but previously he was a very ill-conducted man.
9364. How long has he been in Parramatta this last time? I cannot say; it is some time.
9365. Has he been punished during that time? Not to my knowledge. I don't think he has.

James Kelly, Warder in Parramatta Gaol, called in, sworn, and examined:—

J. Kelly. 9366. *Chairman.*] What is your name? James Kelly, sir.
9367. What are you? A warder in Parramatta Gaol.
9 Sept., 1878. 9368. How long have you been in the service? Going on seventeen years.
9369. Were you ever at Berrima? Yes, sir.
9370. When? I went on the 24th of May, 1868, and left on the 4th of March, 1873—four years and nine months.
9371. *Mr. Voss.*] During that time did you see any man gagged at all? I have no recollection of seeing more than one—a prisoner named Shultz.
9372. Tell us the circumstances? He was very violent, making a noise and shouting out, and abusing the authorities.
9373. Where was that? In the cells.
9374. Who gagged him? I think it was Mr. Small. The prisoner was shouting in his cell; he was advised to be quiet, but he would not. He was a violent-tempered man. He could be heard outside in the public streets.
9375. How long was the gag kept in his mouth? Not more than 5 or 6 minutes. Finding that the gag had no effect a straight jacket was put on him. He was removed to the hospital on several occasions and kept under surveillance, with a straight jacket on him.
9376. When was that? About 1870.
9377. *Mr. Oatley.*] Did you ever see any other prisoner gagged? No, sir; that is the only one ever I saw.
9378. Did you ever see any prisoner spread-eagled or triced up to a ring-bolt? I have heard of it, but I never saw it.
9379. Did you ever hear any complaints made as to the quality or quantity of the rations? There were some prisoners who made complaints.
9380. Were the complaints inquired into? Yes, sir.
9381. Do you know what the inquiry resulted in? The rations would be taken over and weighed, and if found short an additional quantity would be given.
9382. Can you remember how many complaints of that kind there were? There were a good many.
9383. And they were always remedied? Yes, sir, in the cook-house.
9384. Was there any objection to the quality? There was, on one occasion, by a prisoner named Holland, who is now in the lunatic asylum, but it was found to be a nonsensical objection.
9385. Were any complaints ever made to you about the meat being maggotty or bad? No, sir; I do not recollect any such complaints.
9386. Was the prisoners' ringing always attended to? Always, when it could be done.
9387. Did it happen sometimes that several bells were ringing at the one time, and that the prisoners could not be all attended to immediately? Yes, I have seen as many as nine bells out at once.
9388. How long might a man be kept? Sometimes a man might be kept waiting for an hour.
9389. Did the men ever complain of that? Sometimes they would; but when the staff was reduced, it was impossible to attend to the men, because the officer who had to attend to them had to go outside to perform a lot of work.
9390. Then the accommodation is insufficient? It was, at that time.
9391. And it required more accommodation and another officer to assist? Yes, sir.
9392. How long ago was that? From the latter part of 1869 to 1872.
9393. Were there any complaints made to you by prisoners of having to use the cracks in their cells when they could not get out? Yes, sir; there was a prisoner named Masters who did. There were six or seven bells out at the time, and he was taken short and could not wait to be attended to.
9394. But complaints have also been made that men had to use the cracks in their cells to make water? I daresay; I have examined them and found that they had been made use of as urinals. But on the occasion that I refer to the prisoner used his pint pot.
9395. What was Mr. Small's demeanour to the prisoners, generally speaking? Generally speaking, he was very fair to men who conducted themselves.
9396. And if a man misconducted himself? If he misconducted himself and would not desist from violence, Mr. Small might take him by the collar and shake him, and ask him what he meant.
9397. Did you ever see Mr. Small strike a man? No, I never saw him strike a man.
9398. Do you think him a kind and humane man? I think he was to some, but there were others that it was impossible to do that with. He might sometimes show a man a gag, and say that if he would not be quiet he would gag him, but he did not use it.
9399. Was Mr. Small in the habit of taking visitors round the gaol and calling their attention to any particular man, and saying, "This is the man who did so-and-so," when the prisoner could hear? I could not say that I ever heard him do that. I have heard him tell them privately who a prisoner was.
9400. But not so that the prisoner could hear? No, sir.
9401. You say that if a prisoner conducts himself well he is treated kindly and properly, but that if he misconducts himself and requires force, Mr. Small takes the necessary means for using it? Yes, sir.
9402. Was Slattery in Berrima when you were there? Yes, sir.

J. Kelly. 9 Sept., 1878.

9403. What was his conduct? Part of the time he was very obstreperous.
9404. Did you ever see him gagged? No, sir.
9405. Did you ever see him punished? I saw him put into the dark cells.
9406. Did you ever see Mr. Small, or any of the warders, strike or ill-use him? No, but on one occasion Mr. Small and senior-warder Flanagan were bringing him round from the stone yards for some offence. Slattery attacked Flanagan and caught him by the whisker and ran towards the wood-heap for an axe, but he was disappointed. He was afterwards taken to the dark cells.
9407. How long did he remain there? About twenty-four hours.
9408. Was he then brought before the magistrate? Yes, and got twenty-eight days.
9409. Was that in the dark cells? Yes, sir.
9410. *Mr. Voss.*] Who ordered him to be put in the dark cells? No prisoner is taken there except by the orders of Mr. Small before seeing the magistrate.
9411. In this instance, when he was disappointed in getting the axe, you say he was put in the dark cells? Yes, sir.
9412. Are you sure it was the dark cells? Yes, sir; he went direct from the wings to the dark cells.
9413. Did you see him put there? No, because I was in the wing. I saw him go down into the corridor that leads to the dark cells.
9414. But you cannot say whether he was put there? No, sir. I saw him brought up next day before the Visiting Justice. As a general rule, the senior warder has charge of the dark cells. Other warders do not go there, unless in the absence of the senior warder.
9415. *Mr. Oatley.*] Do you remember any man being put between the doors of a dark cell while you were at Berrima? No, sir.
9416. Nor heard of it? I have heard of it, but I never saw it. Many things may have occurred without my hearing of them.
9417. Do you remember the name of the prisoner? I have heard that Gleeson was.
9418. Whom did you hear it from? I heard it from himself. He is a prisoner that I had to report very often, myself, for misconduct.
9419. Have you ever heard prisoners complain that they were prevented from seeing the Visiting Justice, or the gaoler, or the doctor, when they wanted to? No, sir; I never heard of any prisoner being prevented. I was once brought before Mr. Garrett and reprimanded for striking a prisoner named Thomas Carlin. I had gone to the assistance of a warder who was assaulted by him, and he kicked me before I struck him.
9420. What did you strike him with? My staff.
9421. And that was after you had been assaulted by him? Yes; he kicked me in the groin.

Patrick Quirk, warder in Parramatta Gaol, called in, sworn, and examined:—

P. Quirk. 9 Sept., 1878.

9422. *Chairman.*] What is your name? Patrick Quirk, sir.
9423. What are you? A warder in Parramatta Gaol.
9424. How long have you been in the gaol service? Since December, 1871.
9425. Where did you first serve? At Berrima.
9426. How long? For three years.
9427. Have you been back to that prison since? No, sir.
9428. *Mr. Oatley.*] When did you leave? In May, 1875.
9429. Well, during the whole of the time you were there did you hear of or witness any ill-treatment of prisoners by Mr. Small or any of the officers? No, sir, not any; they could not have been treated better.
9430. Did you ever see a prisoner gagged? No, sir.
9431. Or spread-eagled? No, sir.
9432. Or triced up to a ring-bolt? No, sir.
9433. Is Mr. Small kind to prisoners who behave themselves properly, or does he ill-treat them? While I was there he could not have behaved better to them.
9434. Did you ever hear him abuse the prisoners? No, sir.
9435. Was any complaint made to you by prisoners relative to not being allowed out for the purposes of nature when they required? No, sir; I was up-stairs in the wings for about three months, and every time a bell was rung I went and attended to it.
9436. Were any complaints made as to the quantity or quality of the rations? No, sir; they had their bread baked in the prison.
9437. Were any complaints made about not being able to see the Visiting Justice, or the gaoler, or the doctor? No, sir.
9438. Then you did not see anything improper while you were there? Nothing whatever.
9439. Did the prisoners ever complain of having to use the cracks in their cells for the purposes of nature through not being able to get out? No, sir.
9440. *Mr. Voss.*] How long have you been in Parramatta? Since May, 1875.
9441. Have you heard any complaints there at all from prisoners who have come from Berrima, of ill-treatment while at Berrima? No, they may have spoken among themselves. I have heard them say that they got bad treatment at Berrima, but they never complained to me.
9442. Did you hear the nature of their complaints? No, I could not hear them properly.
9443. *Chairman.*] How long ago is it since you first heard them make these complaints, or speak in this way about Berrima? I heard them speaking about it a month or so ago, but when I would go near them they would move away, and I could not hear what they were saying.
9444. But did you hear them speak on the subject before that time? Never, sir.
9445. *Mr. Voss.*] You know that the use of the gag has been prohibited? Yes, sir.
9446. Since that has been the case have you seen any trouble amongst the prisoners; has there been any shouting or bad language more than usual? Not more than there was before.
9447. *Mr. Oatley.*] You have a prisoner named Slattery at Parramatta? Yes, sir.
9448. How long has he been there this last time? He was there before I went in 1875.
9449. What has been his general conduct since you have been there? Very good.
9450. Has he ever been punished for misconduct? Not that I am aware of.

Frederick Robertson Wilshire, Esq., Visiting Justice to Berrima Gaol, called in, sworn, and examined :—

F. R. Wilshire, Esq. 9451. *Chairman.*] What is your name, sir? Frederick Robertson Wilshire.
9452. You are the Visiting Justice to Berrima Gaol? Yes, sir.
9453. And Police Magistrate of the district? Yes.
9 Sept., 1878. 9454. Do you remember clearly and distinctly the evidence you gave before the Select Committee of the Legislative Council in May last? I think I have a tolerably fresh recollection of it. I read it over at the time, but I have not seen it since.
9455. Is it correct? Oh, yes, quite correct.
9456. *Mr. Oatley.*] Do you still adhere to it, and are you willing to adopt it on your oath as it stands? I am fully prepared to adopt it as it stands.

The following evidence, given by Mr. Wilshire before the Select Committee, was ordered to be embodied in the minutes :—

[Evidence before Select Committee, 8 May, 1878.] 9457. "213. *Chairman.*] You are Visiting Justice at Berrima Gaol? Yes.
9458. "214. And Police Magistrate of the district? Yes.
9459. "215. How long have you been so? Since April, 1872—about six years.
9460. "216. How often have you been in the habit of visiting the gaol during that time? A good deal depends upon my being required there; sometimes I visit as much as three or four times a week; sometimes not more than once.
9461. "217. Has any week ever occurred in which you have not visited the gaol? I do not think so. In going to my office I pass the gaol gate every morning. It is just possible I may have been away a week on leave, or something of that sort.
9462. "218. Have you been in the habit of asking the prisoners if they have any complaints to make? I do, frequently.
9463. "219. Has that been your habit? Whenever I am going round the gaol certainly it has. I may be in the gaol doing some other business, but not with the prisoners.
9464. "220. During your incumbency of office have there been many complaints made to you by prisoners? Certainly not many; not above one or two that I can recollect.
9465. "221. During the entire time? During the entire time.
9466. "222. Not more than one or two? Not more than one or two that I can recollect.
9467. "223. Are you in the habit of inspecting the misconduct book and the punishment book? These are entirely the result of matters brought before me. The punishments are inflicted and signed by me—the only punishments in Berrima Gaol, without it is some very trivial thing that the gaoler may reprimand a prisoner for—something of not sufficient importance to be brought before the Visiting Justice. All other cases are brought before me, and I enter my decision and the punishment awarded there and then.
9468. "224. But the misconduct book is a different book, is it not? Yes, it is. That is a matter which is simply laid before me for signing monthly, I think. I have not gone into it very minutely. It shows the good and bad behaviour of the prisoners, and the marks that may be awarded.
9469. "225. By the 68th regulation the gaoler is empowered to cause a gag to be used in certain cases? Yes.
9470. "226. Is that, when used, so used without immediate reference to you? Yes; perhaps I might say it has been used in only two or three instances since I have been connected with the gaol. The rule is that the gaoler may use it, and at once report the matter to the Visiting Justice and the Comptroller General.
9471. "227. Has he reported these cases to you? I believe in the punishment book there are four or five such reports during a period of about ten years. I only recollect about three instances coming under my own observation—where the gag has been used with my knowledge.
9472. "228. Is it not possible the gaoler may have used the gag without reporting it to you? It is possible certainly, but I should think highly improbable.
9473. "229. Have you any reason to suspect the existence of such cases? I have not; I never had even a hint to that effect. Had it been so I think I must certainly have heard of it in the shape of some complaint. I do not think the gaoler would venture to do it without my knowledge. It would be a very serious matter if he did so. It is required by the Regulations that he should report it.
9474. "230. Is the gag in fact an instrument of punishment, or an instrument merely of repression? Merely of repression. There is no idea of punishment whatever. It is simply used to prevent the use of obscene and abominable language.
9475. "231. Obscene and abominable language, shouting, and the like? Yes.
9476. "232. The object of it is simply to stop that conduct immediately? That is the only possible object it could have had at all.
9477. "233. Do you consider that there are any other means which would be effective for that end? I know of none, and can conceive of none that would answer the same purpose.
9478. "234. Would a dark cell be as efficacious? I am sure it would not in this matter. It would not be efficacious at all in my view. The gag is used when a prisoner is using offensive and abominable language in the hearing of the other prisoners and the officials or other people—to stop him there and then. Nothing else that I know of could do that. Both when being taken to a dark cell and in the cell he could continue to use this language to any extent he chose to the disgust of all around. Even after he is put in the cell he could be heard to a considerable distance. A man shouting at the top of his voice in the dark cell may be heard within the precincts of the gaoler's house.
9479. "235. Have you ever seen the gag on a prisoner? Yes, I have seen it used in my presence, I think, twice.
9480. "236. Is the use of it painful? I never heard that it was. I do not think it can be when a wooden instrument is used. It might be if kept in the mouth for a considerable time, as I understand it is represented to have been done on some occasions. I never saw it used for more than a minute. On one occasion a man chewed it up and spat it out. It was not resorted to again; he behaved himself. On the next occasion that I saw it used it was in for less than a minute, or about a minute, and was then taken out again.
9481. "237. Then the resort to it seems to be instantaneously effective? Yes. The man is told to desist and if he does not do so the gag is used there and then. That is the object of it—to stop him immediately from using abominable language. It is stopped immediately; he cannot speak.

F. R. Wilshire, Esq. [Evidence before Select Committee, 8 May, 1878.]

9482. "238. Do you consider that the existence of the gag as a measure of repression is essential to the discipline of a gaol? From my experience I really do think so. I think it dangerous to do away with it. It will result that misconduct on the part of prisoners will meet with impunity. From my experience in Berrima Gaol the prisoners are so under control that there is very little trouble with them now under the separate treatment. Now and then we get one or two exceptional men whose temper seems to be uncontrollable.

9483. "239. Then, as I understood you, the mere fact that such an instrument exists is deterring? Yes, deterring and coercive. They know it will be used if they misbehave themselves, and it prevents them from doing so. It has a very great restraining influence, I think.

9484. "240. Do the prisoners now know that it cannot be used, or that there is an order to that effect? I am not aware of my own knowledge.

9485. "241. What is your opinion of Mr. Small as a gaoler, as a man of humanity and careful treatment? Since I have been visiting Berrima Gaol I have never seen any tendency whatever to inhumanity or cruelty on his part. I consider him a very excellent officer. As a gaoler he will not put up with any nonsense, but will insist upon discipline being adhered to, and endeavours to repress insubordination whenever it is exhibited. It is simply his duty to do that. I have never known the slightest cruelty; no instance has ever come under my notice.

9486. "242. Is his manner harsh or repulsive? Not by any means, except when prisoners are misconducting themselves; then he becomes rather irritable and angry. He is a hasty-tempered man.

9487. "243. Has Mr. Small a family? Yes.

9488. "244. Living within the gaol? Yes.

9489. "245. How many? At present there are only four of them living within the gaol. One son is grown up. There have been as many as six of them living there since I have been at Berrima.

9490. "246. Are women prisoners ever sent to Berrima Gaol? No; excepting from the Police Office for short periods.

9491. "247. Male prisoners are sent to Berrima Gaol for what is called separate treatment? Yes, solely with that object, unless their conduct has been so bad in some of the other gaols that they are sent back to Berrima to undergo this separate treatment again. A prisoner who has gone through a certain period of separate treatment, and been passed on to some other gaol, is occasionally sent back to Berrima to undergo perhaps six months more of that treatment again; or if the gaoler's report is that a prisoner who has shown a disposition to be uncontrollable or violent, had better remain a little longer than the usual period of nine months, he is perhaps detained, on that recommendation, for a few months longer. But in no instance is that done without authority from the Comptroller General.

9492. "248. It appears that several prisoners now under punishment have made statements to Members of Parliament of inhuman and grossly improper treatment on the part of Mr. Small;—do you know anything of such cases? I do not. The bulk of the cases alluded to occurred some years back, before my connection with Berrima Gaol. Certainly I know of none since.

9493. "249. Have you read in the *Cumberland Mercury* the alleged evidence or examination of these prisoners at Parramatta Gaol? I have; some of it at any rate. I have seen one number of that paper containing some of these statements.

9494. "250. One of these prisoners is George Berriman, another is Michael Slattery, and a third is Thomas Gleeson;—do you know either of these prisoners? I do not recollect them by name, nor do I think they have been at Berrima in my time.

9495. "251. You know nothing of the character of these men? I have heard of it as being bad; that is all; of Slattery at all events; the other men I do not recollect.

9496. "252. What are the names of the chaplains of Berrima Gaol? The Roman Catholic chaplain is the Rev. William Riordan; and the Church of England chaplain the Rev. Edmund Dixon.

9497. "253. Are the chaplains in the habit of visiting the prisoners individually? Constantly.

9498. "254. And conversing with them? Yes, that is a privilege they have, to go when they like.

9499. "255. Then if a prisoner has any complaints to make he can easily state them to his clergyman? Yes, he has that opportunity if he wishes to avail himself of it. He has also the special privilege, by the regulations, of putting his name down to see the Visiting Justice, if he has any complaint to make as to his treatment, or upon any subject in fact.

9500. "256. Have any complaints been made to you by either of these chaplains at any time about ill-treatment of prisoners? Mr. Dixon about twelve months back made a statement to me, not exactly to be called a complaint, but he stated that he had reason to believe that some of the men were being or had been badly treated. It was a private communication. He said that he had reason to think Mr. Small was doing them injustice in some way or other. I asked him if he could give me any evidence of what these complaints were, and he said he could not use his authority. I then pointed out to Mr. Dixon that I hardly considered there could be much in these complaints, as the prisoners had the opportunity of putting their names down to see me if they liked; and his remark was that they had done so, and that Mr. Small had talked them out of it, or threatened them.

9501. "257. *Mr. Cox.*] Is it possible for the gaol authorities to withhold complaints that the prisoners wish to make? I cannot conceive that it is possible. I think there are many ways in which these complaints would come out notwithstanding any threats on the part of the gaoler or anybody else, for instance, through the prison chaplains, who are in constant communication with the prisoners, and through discharged warders, who would be likely to divulge anything that had taken place contrary to the Regulations. In reference to the chairman's last question and to my conversation with Mr. Dixon, I may add that I told Mr. Dixon that unless he had evidence to adduce with regard to these complaints, I could not see how it was possible to entertain them. He said he could not adduce it—that he was not in a position to do that.

9502. "258. *Mr. Samuel.*] Did he tell you the nature of the ill-treatment he alluded to? He did not. From that day, about twelve months back, up to the present time, I have made it my business to ask prisoners if they have ever put their names down to see me, without being allowed to do so; I have also asked the higher officers of the gaol if they have ever known any instance where a prisoner's name has been put down to see me, and he was not permitted; I have asked the same question of Mr. Small; and the whole of these parties failed to give me a single instance in which such a thing, or anything like it, had taken place.

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[Evidence before Select Committee, 8 May, 1878.]

9503. "259. *Mr. Cox.*] Every facility is given for prisoners to make complaints? Yes, under the Regulations they have every opportunity of seeing the Visiting Justice and complaining to him, as well as to their chaplains; my visits round the gaol are very frequent, and the prisoners are asked if they have any complaints to make, and not once has any formal complaint of ill-treatment been made to me by one of these men.

9504. "260. *Chairman.*] Did these complaints of the prisoners to the clergyman relate to want of proper diet, or to locking up in cells, or other ill-treatment? I do not know; he never told me what they were.

9505. "261. Am I to understand you as saying that the clergyman did not give you to understand whether the complaints related to one kind of ill-treatment or another? He did not; not in the slightest. I have just related about the conversation that took place. In a general way he said that Mr. Small was not treating the prisoners well, giving no particulars whatever; and when I told him I could not take notice of it unless he gave me some definite statement or evidence, the matter dropped, and I have heard no more of it from that day to this from him or anybody else.

9506. "262. *Mr. Samuel.*] If I understood you, you stated that Mr. Dixon said he did not wish to give up his authority? He said he could not.

9507. "263. And therefore he did not give you the particulars? He did not.

9508. "264. *Chairman.*] Have you ever heard of any instance of spread-eagling being practised in the gaol? I have heard of it having been done many years ago.

9509. "265. How many years ago? I really could not say. It has not been done since I have been there.

9510. "266. Do you believe there has been such an instance there for many years? I think I have heard from Mr. Small that it was done, something like 10 or 14 years ago, in one instance. The rings are there now which had been provided for the purpose. They are about 3 feet 6 inches from the ground, and I do not see how it was possible for these men to have been kept with their feet off the ground in the way stated. They are pointed out occasionally to the prisoners, they are told they do exist, and that they will be used if they conduct themselves in a violent way. They are well aware they may be used.

9511. "267. As I understand you, if the bars were used by affixture to these rings, it would be perfectly possible, in every case, for the feet to touch the ground? I do not see how it would be possible to get the feet off the ground, unless some other contrivance was used for the purpose; they might sling the men up in some other way to take their feet off the ground.

9512. "268. One of the chaplains has been reported as having said that Berrima Gaol was a hell upon earth;—have you ever heard either of the chaplains express any such opinion? I have not indeed, nor anything approaching it. I never heard them speak otherwise than favourably of the gaol. I never heard anything from them against the system of treatment. They never did to me say a word against it. The only instance is the one I have reported now, in which any conversation took place upon the subject—that one with Mr. Dixon. On the contrary, I have heard chaplains express an opinion that the prisoners are very humanely treated. I have heard Father Riordan say that repeatedly.

9513. "269. *Mr. Docker.*] Turning to the 68th regulation you will see that discretionary power is vested in the gaoler to take certain steps in cases of violence; you will also find that by the 5th regulation he is required to keep a misconduct book, "in which shall be entered the name of every prisoner locked up for bad conduct, and showing how the charge has been disposed of"——? I think that misconduct book and the punishment book must be identical.

9514. "270. No;—the next paragraph relates to the punishment book—"in which shall be entered the name and offence of every prisoner taken before the Visiting Justice, who shall therein sign his decision on each case." That is the one you referred to when you said it only became a complaint when it had been signed by you? No, what I said was that the only complaints that were dealt with were brought before me.

9515. "271. I am speaking now of the misconduct book referred to in the 5th regulation, and of the discretionary power vested in the gaoler by the 68th regulation, with regard to putting a refractory prisoner in irons, and causing a gag to be used under certain limitations; but he is bound to report in writing to the Sheriff, as well as to the Visiting Justice, the circumstances of every case in which he has found it necessary to resort to such measures. Has that misconduct book been kept? That I really could not tell you for a certainty. All I can say is that even the most trivial offences are brought before me.

9516. "272. If that book is not kept it would be quite possible for the gaoler to use a gag or put a prisoner in irons without its being brought under the notice of the Visiting Justice? He would then be disobeying the Regulations.

9517. "273. I am asking if there is such a book kept? The punishment book is the only book I have any knowledge of.

9518. "274. Your duty is "to make a report in writing to the Colonial Secretary each month, in which you are to specify the general state of the gaol, and how far the Regulations have been attended to, and the business of the gaol properly conducted, and to accompany your report with a return of all punishments inflicted in the gaol, and unusual instances of coercion resorted to by the gaoler." Do you not think that putting a prisoner in irons, at the gaoler's own discretion, or putting a gag in his mouth, is an unusual instance of coercion? Yes, it is.

9519. "275. Should not that be recorded? It certainly should, and I have very little doubt it has been recorded in every case; but whether recorded in that particular book I could not say. It is quite possible the book is kept for all I know.

9520. "276. Is it possible for coercion of this kind to have taken place without its coming under your notice as Visiting Justice? No, I do not think it is possible. I do not think any punishment by the gaoler would not be known to me. He refrains from punishing prisoners unless he has them brought before me. Mr. Small has always brought them before me. I do not think he could punish the prisoners without my knowledge. He may have let them off some trivial offence.

9521. "277. Has the gaoler brought before you any case in which you have found it necessary to place a gag in the prisoner's mouth? I think there has been only one instance of the gag being used, in which I was not present myself. There have been only three instances altogether that I can recollect since I have been Visiting Justice.

9522. "278. Before the gaoler directed the gag to be placed in the prisoner's mouth did he come to you? No; I was present in two instances when it became necessary to use it. In the other case I do not recollect that I was present.

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9523. "279. You are quite convinced that it is impossible for any measures of coercion of this kind to be carried into effect without your knowledge? I consider it simply impossible that it should be done without my knowledge, or the knowledge of some of the other officers of the gaol; for instance, the surgeon, who visits once a day, and the chaplains, and the warders. Nothing could be done without one or the other of us knowing it.
9524. "280. *Mr. Cox.*] If the gaoler omitted putting in that misconduct book any action he might have taken it is very possible it would leak out, and you would hear of it? Yes, I think it highly probable it would. I think I must have heard of it. I do not believe it has happened since my time.
9525. "281. *Mr. Samuel.*] It requires a man of great firmness of character to occupy the position of gaoler at Berrima? Yes, decidedly. Any man of namby-pamby character would be of no use at all.
9526. "282. *Chairman.*] The chaplain, Mr. Dixon, would be able to recollect the circumstance of this conversation with you? I should think so. The date could be fixed, or nearly so, by certain complaints Mr. Dixon was then making to the Comptroller General about Mr. Small. I saw his reports at the time—three or four he wrote in succession. I may say there has been a little ill-feeling between Mr. Dixon and the gaoler for the last eighteen months or two years; and about the time this conversation took place the chaplain was making reports to the Comptroller General. I have heard that he stated that either he or the gaoler would have to go the feeling was so strong. I am not aware what the original cause was.
9527. "283. *Mr. Samuel.*] Can you form any opinion, or have you any knowledge of the origin of the complaints which have been made against the management of the gaol at Berrima, which led in the first instance to the discussion in the Legislative Assembly? In conversation with the Roman Catholic visiting chaplain some short time since, he told me that a prisoner whose name was Molloy, known also as "Jack-in-the-Boots," who was lately released from Berrima Gaol, after serving a second or third sentence of ten or eleven years—a man of very violent character—had been to him, and asked him to support a statement containing complaints against the gaoler at Berrima. The chaplain asked him what he wanted it for, and the man said he intended going to Mr. Driver, a Member of Parliament, about it. The visiting chaplain told me; he then said to him that he considered the complaints quite unfounded, and that he would do nothing of the kind. That is one source from which these complaints may have originated. It is not an infrequent thing for prisoners, when being released, to make some such assertion as that they will have it out, or have satisfaction, or something like that. I have known them threaten to get things published when they have been coerced in some way or other. They will turn round and say they will see when they get out whether they will be treated in this way. It is a mere matter of revenge and spite. I could give you a long history of some of these cases. I may mention the true particulars of the case of a man who said he had been locked up for breaking a plate. That man is an Isle-of-France man, a coloured man; he was cook for Mr. Small.
9528. "284. *Chairman.*] What was his name? I do not recollect his name; he broke a plate during Mr. Small's temporary absence from the gaol, and on being spoken to about it by Mrs. Small—this is the version given to me of the matter—he made use of some threatening or impudent language to Mrs. Small. When Mr. Small returned, he had the man brought up before me on this charge. I think it was for making use of insulting language to Mrs. Small. The book can be produced; I am only speaking from memory. He pleaded guilty, pleading that he was of a hasty and irritable temper. I ordered him to be locked up for twenty-four hours in the dark cells for using bad language to Mrs. Small, not for breaking the plate. That had nothing to do with his punishment, except that it led to the offence for which he was sentenced. The punishment book will show this if it is produced. Another man named Kerr has been spoken of; Kerr was a man who escaped from Berrima Gaol, after serving the greater portion of a sentence of three years for horse-stealing; he had six months to serve when he managed to get over the wall; he was ostler for Mr. Small, and specially privileged to go where he liked about the gaol. By some means he managed to make a rope and got over the wall, and after two years or more of absence in Queensland he was re-captured and brought back and sentenced to an additional sentence of two years for escaping; he had been singled out by Mr. Small as a man that he could trust, and notwithstanding that he escaped and has now made statements with regard to his having been ill-treated. During my time at Berrima he was never punished for anything that I can recollect. He is one of the men said to have been gagged at Berrima Gaol, but he never was to my knowledge.
9529. "285. *Mr. Samuel.*] You refer to one of the statements made in the Assembly? Yes; I have been told that his description in the Police Gazette showed that he had some teeth missing when he went to the gaol first.
9530. "286. From your own observation this man was kindly treated? Yes. He has been very bitter indeed against the authorities. It was owing to his malicious and malignant statements before the Judge that he got such a heavy sentence for escaping, denouncing all the officials, and the way in which he had been treated.

After Mr. Maclean's further examination, Mr. Wilshire was recalled at his own request:—

9531. "287. *Chairman.*] I believe you wish to offer some explanation? Yes. I think you asked if I recollected any complaints being made by prisoners against Mr. Small. There is one instance I have overlooked where a prisoner made a complaint of harsh treatment. It was to the effect that Mr. Small had pulled him roughly out of bed. The facts were these as reported to me: Mr. Small, on one occasion, found this man, known as Ferretty *alias* Croppy, talking, attempting to communicate with another prisoner, and in removing him from one cell to another Mr. Small, according to this prisoner's statement, caught him roughly by the collar and tore his shirt by his violence, and the man exhibited his torn shirt to me. I investigated the case. Evidence was taken, and the depositions are producible I presume. It was stated that Mr. Small was lifting him off the bed and the shirt gave way and he fell back on the bed again, with his head on a basket he used for a pillow. I think my view of the matter was that it was a frivolous complaint. During the investigation another prisoner came forward and stated that Mr. Small at the same time had threatened to knock his head against the wall if he repeated his misconduct. These are the only cases that I recollect of anything like complaint against Mr. Small by prisoners during my period of office as Visiting Justice.

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9532. *Mr. Voss.*] In your evidence before the Select Committee, you state that the gag has been used only two or three times since 1872? That is with my knowledge.
9533. What I want to know is whether you can give us the names of the prisoners who were gagged, and the circumstances under which they were gagged? I can give one for certain; the other I am not clear about; it is so long ago. The one instance was quite recent; it was a man named Cunningham.
9534. Can you tell us the circumstances, and who were present? He had been brought before me on some charge: what it was I forget now; but during the hearing of the case something transpired to make him call Mr. Small a b—— bastard. If I recollect rightly, I was addressing him, and asking why he was persisting in his extraordinary conduct. He had been behaving in a very abominable manner for some weeks or months previous to this, and I was asking him why he was continuing his misconduct, and whether he had any complaints to make. He said, "You know b—— well all about it." I told him that was not the way to speak, and then I said that his conduct was more like that of a beast or a pig than that of a human being. As I made that remark he came forward as if to strike me, and Mr. Small interfered and struck him on the shoulder or the face. He began then this abusive language to Mr. Small, and went on until I gave the order to gag him, and he was gagged.
9535. Who gagged him? Mr. Small. Whilst the case was being heard he was making a noise with his mouth, sucking his teeth, or making a click with his tongue, and I told him to desist. He had something in his mouth—I think it was a bit of cloth that he had chewing up. The gag was kept in his mouth about a minute. It was taken out in my presence. It could not have been in more than 2 minutes. That is one of the instances I refer to in my evidence. The other prisoner gagged was either Shultz or Carney. That is about four years ago.
9536. Will you describe the circumstances of that case? He was making use of some offensive language and I ordered him to be gagged. I cannot remember the circumstances. It was shortly after my going to Berrima. I am not sure whether it was Shultz or Carney. However, the gag was placed in his mouth by Mr. Small. It was no sooner in than he began to chew it, and in a minute or two he had it chewed up into splinters, and spat some of them out.
9537. He was gagged, you say, for using bad language? Yes, offensive language. On no occasion was the gag used for any other purpose. I stated in my former evidence that I fancied a third case was reported to me, but these are the only cases that I am aware of. I am sure there were not more than three cases, and I know of no others than the two I have related.
9538. What was the third? I do not know that there was a third. I fancy a third one was reported to me.
9539. I suppose you have been on good terms with the various chaplains? Oh yes.
9540. You have had various chaplains there since you have been there? Yes, there have been four—two Roman Catholic and two Church of England chaplains.
9541. During the whole of that time have you been on good terms with them? Certainly, sir, always.
9542. Did you ever hear from any of those chaplains, or the visiting surgeons, any complaints as to these cruelties that are said to have been perpetrated in Berrima Gaol? I never heard a solitary word from any of them, except Mr. Dixon, in the case that I have already related. In my own house, on one occasion, about two years ago, he told me, in a semi-private conversation, that some of the men were not properly treated, and that Mr. Small was a bad officer. I asked him what he meant; and he said simply that the men had been badly treated, and that it ought to be put a stop to. I cannot recollect his exact words. However, I asked him if he could adduce evidence, and he told me that he could not use his authority. I told him that, under those circumstances, I did not see what I could do; otherwise, I would have investigated the matter. He said, "I cannot use my authority, but I assure you it is a fact." I said, "Well, if you cannot adduce evidence, I cannot do anything in the matter." That was the end of the matter; he never mentioned it to me again in any shape or form.
9543. How long ago is that? About 2 years ago.

[*The Commission here adjourned, and Mr. Wilshire was requested to re-peruse, during the interval, his former evidence before the Select Committee of the Legislative Council.*]

9544. *Chairman.*] Have you again read the evidence which you gave before the Select Committee? I have.
9545. Do you wish to add or to explain anything? With reference to the date of my conversation with Mr. Dixon, I stated to you that it took place about two years ago, but I find that, in my former evidence, I said 12 months. That is about 6 months since. I think if I say that the conversation took place between 12 months and 2 years ago, that that is as near as I can fix the time. It was also during the time that Mr. Dixon was making some reports against Mr. Small—two or three reports. Then I have said that "not once has any formal complaint of ill-treatment been made to me by one of these men." That is, of course, excepting the instance alluded to in the same evidence. I stated that there were no complaints made to me, except in one or two instances; then I said there had been none; and I corrected that afterwards by giving an instance. I stated this morning that the number of chaplains in my time was four; I recollect since that there have been five or six. Mr. Hassall was the Protestant chaplain when I went, and he was succeeded by Mr. Stack, who was there a few weeks. That makes six chaplains altogether.
9546. *Mr. Voss.*] But though you have added to the number of chaplains do you still give the same answer, that they never made a complaint to you? Yes, excepting the instance I have already alluded to, where a prisoner named Croppy (Crotty) made his statement. Depositions were taken, and I think it was one of the witnesses he called to support his charge against Mr. Small that stated that Mr. Small had threatened to knock his head against the wall if he committed himself in that way again. There might have been some frivolous complaint. I have stated, in my former evidence, that "a man shouting at the top of his voice in the dark cell may be heard within the precincts of the gaoler's house." I wish to explain that that is Mr. Small's own statement to me. I do not know it of my own knowledge, though I firmly believe, knowing the situation of the dark cells with respect to the gaoler's house, that the shouting could be heard, but I question if the words could be heard. That is one of the reasons why I consider that dispensing with the gag is undesirable. A man might persist in shouting even though locked up.
9547. Have any instances occurred since the suppression of the use of the gag to lead you to believe that such repression is unwise? There is nothing absolutely within my own experience, but I have heard

of

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of cases. There is a man there called the Derwent Nugget. The warder was saying something to him about his cell, and, in answer to some remark made, the prisoner said to him, "No, you are not going to gag me; it is not allowed; don't you believe it," or something of that kind. He said there was a detective watching, and that the warder would be reported if he attempted anything of the sort. That was just an insulting remark made to the officer. He knew that he could not use the gag.

9548. I notice that you seemed to have considerable difficulty in your mind about the question of a misconduct book and a punishment book. Since you appeared before the Select Committee have you cleared that matter up? I am aware that there are two distinct books.

9549. Will you explain to us what is meant by "Punishment Book," and what by "Misconduct Book"? The "Misconduct Book" is the record kept of the conduct of the men in the gaol during their incarceration, and, as far as I can understand it, in which bad marks and good marks are given, according to conduct.

9550. Who keeps that? I think the clerk keeps it, but I am not sure whether the chief warder keeps it or not.

9551. And the "Punishment Book"? That is the book in which are recorded the charges against prisoners who are brought before the Visiting Justice. I do not think any others are recorded than those brought before the Visiting Justice.

9552. Is it in that book that you record your decisions? Yes; the same method is adopted as in a public court.

9553. Supposing that Mr. Small, during your absence, punishes a prisoner by confining him to his cell, how is that recorded or brought under your notice, if it is brought under your notice at all? I will answer that by saying, first—that Mr. Small has never done it to my knowledge. He has invariably, even for trivial offences, brought the prisoners before me. He has power, under the regulations, to coerce a prisoner, and to deprive him for a short period of certain little luxuries that he is entitled to, but, as far as I know, he has never resorted to that.

9554. *Mr. Pinhey.*] May not a prisoner be confined for two or three days without its coming to your knowledge? There is a posibility of that, but I doubt it. I think I should hear of it. I never heard of an instance, that is all I can say. As far as my knowledge goes, I can state that he has always declined to do it when I have been there. He has reprimanded prisoners, and let them off in one or two instances and explained it to me afterwards, when he has thought the case not of sufficient importance to bring it before me.

9555. *Mr. Voss.*] Do you go round the gaol yourself to inquire from the prisoners themselves if they have any complaints to make? When I do go round I inquire. I do not go round the whole of the cells one after the other, but I go promiscuously to certain prisoners to ask if they want to see me about anything.

9556. How often do you go round to see the whole of the men, so that there shall be no chance of any of them wishing to see you, and not being allowed to by the warders? I could not say. I do not think it is likely that any case has occurred where a man has been prevented from seeing me. I do not think it could have occurred, because it could be so easily made known. I pointed out to Mr. Dixon that these men had the privilege of putting their names down to see the Visiting Justice, and that I wondered they had not done so. His reply was that they had put their names down, but that Mr. Small had gone to their cells and threatened them. I cannot conceive of any such instance occurring; I think it would be sure to come out.

9557. Did Mr. Dixon give you any instance at all? Not a solitary instance.

9558. Did you ask him for the names of any men? Yes, I asked him.

9559. Having made this direct charge, did he give you no instance, so that you might inquire into the matter? No, he gave me no instance whatever. In fact, he said at once that he could not furnish me with the evidence. He assured me that it was so, but he said he could not do any more. I treated the matter as one of very little importance. I made inquiries from both prisoners and officers, but not a solitary instance of it could I find. I do not think the men hesitate a moment about making complaints.

9560. Do you know a man named Henry Williams? I do not know him by the name.

9561. He states that he never saw anything of the Visiting Justice or the chaplain. This is about 1877. Do you think there can be any truth in a statement of that kind? I do not think there is any truth in it.

9562. Would it be possible for any prisoner to be in the gaol wishing to see you or the chaplain, and not being able to, without you or the chaplain knowing of it? I do not believe it is possible.

9563. *Mr. Oatley.*] But a man might put his name down and be neglected by the officer? No, I think it impossible, because there are so many ways in which a man could make it known. There may be one individual instance in which a man wished to see me or one of the chaplains, and did not do so, but I simply do not believe it. He could make it known in so many ways. There are twelve exercise yards and six special yards. Every prisoner in the gaol has from one to two hours exercise every day, and during the time he is at exercise there are warders patrolling in front of the yards—different warders every week. I often go right round the gaol myself—once a month, or once in two months, I cannot say how often—but I visit the gaol sometimes two or three times a week, except perhaps when I have been on leave of absence. Seeing that the men are changed in that manner every hour or two, I think they must have an opportunity of making any want known, even if they have notified it previously to some officer who has taken no notice of it. I can scarcely conceive it possible that a man could be kept for any time without seeing me or the chaplain if he wished to do so, even if an officer neglected to make his wish known. I think I should have heard of it in some way or other, and I say positively that no report of the kind has ever been made. I was struck with Mr. Dixon's remark that Mr. Small had gone to the cells, and bounced the prisoners out of making any complaint to me. Anything of that sort would not be done in a low tone, and it would be heard by the prisoners in the adjoining cells on each side, and by the prisoners in the cells opposite; and we would hear of it from them, if not from the officers. At any rate if it has happened it has never reached my ears.

9564. *Mr. Voss.*] Has Mr. Herbert ever reported to you the case of a man named Holland being gagged, or of another man being gagged by Hill? Certainly not; never.

9565. Has he ever, up to this date, reported one of those cases of gagging to you? He has never given the slightest hint to me of anything of the sort in his life. I do not think I could have forgotten it if he had.

9566. *Mr. Oatley.*] Are you and Mr. Herbert on good terms? Yes.

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9567. *Mr. Voss.*] Can you tell us on what terms Mr. Small and Mr. Herbert are—are they on good terms? I do not think they are on the best of terms. They are friendly, but I do not think there is any cordiality between them. I think Mr. Small is under the impression that Mr. Herbert gets an equal salary with himself, and he does not like that; and he thinks that Mr. Herbert assumes rather much. I have gathered that from Mr. Small's manner.
9568. Have you gathered anything from Mr. Herbert? No.
9569. What is the feeling subsisting between Mr. Small and Mr. Everett? I think they are tolerably cordial. At one time, some years back, there was some little soreness, but no absolute quarrel. I think they are pretty good friends as far as I can judge.
9570. Do you think it an advantage or a disadvantage for the gaoler and some of his officers not to be on good terms? I think it rather an advantage not to have them on too good terms. Discipline could not be kept up if they were too thick.
9571. The officers, or some of them, seem not to be on very good terms? Some years back there was a great deal of trouble between Mr. Small and the warders, and through the warders quarrelling among themselves, and several have been dismissed for misconduct. We had more trouble with warders than with prisoners the first few years I was at Berrima.
9572. In that case we may suppose that they would not screen one another? I should not think so, under those circumstances.
9573. What is your opinion, after six years' experience, of the separate treatment system as it is carried out at Berrima? I think it has a very subduing influence. I approve of the system so far as I am able to judge. I should not recommend its being dispensed with, but I think it might be systematized. I do not think it is desirable to give the same amount of punishment to all alike. The prisoners might be classified to undergo different periods of separate treatment according to their offences, instead of all having to do nine months. Men who have been in gaol twice ought to do more than nine months, or else start with a shorter period. For murder and other serious offences I do not think nine months a bit too much.
9574. Do you think that the treatment affects their minds, as far as you can judge, not being a medical man? I think there are only two cases in which the mind has become affected—not more than two or three at the outside—since I have been there, and I think that average would be sustained under any treatment. If the men are watched and cared for by the surgeon, in the manner required by the regulations, I do not think there is any danger in that respect. There is no doubt that if the men were left alone and not looked after, solitary confinement would have that effect. It has a subduing influence, there is no doubt about that, and I think the prisoners detest it. They would rather do anything than the separate treatment. There is not one that would elect to go through it. It has a very restraining effect.
9575. Have any prisoners ever complained to you of insufficient covering while in the dark cells for punishment? They never complained to me, but I have heard of it lately. I think it was in the reports from Parramatta.
9576. But did you hear of it before the allegations in Parliament? Never.
9577. And nobody has complained to you on behalf of the prisoners? No; if there had been any complaint I should have investigated it and seen what the clothing was. They do not allow bedding in the dark cells. I think a blanket or a couple of blankets are allowed.
9578. *Mr. Oatley.*] But you do not know of your own knowledge what they get? No; I have visited prisoners on several occasions in the dark cells to have a talk with them or to let them off, but they never made any complaint. There may have been instances in which some men have had less clothing than others; but prisoners are always ready to make complaints, even about the most trivial matters.
9579. Speaking of Mr. Small generally, what has been his conduct towards the prisoners during the time you have been there—has he been a quiet, good-tempered, or a violent kind of man? I have only seen one or two instances in which he has been out of temper.
9580. When was that? When prisoners have been misconducting themselves in the office.
9581. Do you remember the parties? In those instances when the men were gagged, I noticed that he went in a hasty manner to catch hold of the men.
9582. Have you ever heard him abuse men, or call them damned scoundrels, or any such names? Never in my presence.
9583. Have any complaints of the kind been made to you? I do not recollect a single instance, though there may have been complaints.
9584. Has any complaint been made to you, relative to the quality or quantity of the rations? I recollect a man complaining about the bread; and more recently, a man named Davies complained of getting a bullock's heart served with the meat.
9585. Were those complaints inquired into? Yes, they were.
9586. Do you remember the result? In regard to the complaint about the heart, I called the officer, and he said the heart was given in—that it was extra weight, and had not been weighed with the ration meat.
9587. Complaints have also been made by a number of the men that, when they rang their bells to get out for the purposes of nature, they were not attended to, and that they were compelled to make water in the cracks in their cells. Has that ever come under your notice? I have some recollection of one man making a statement like that to me some time ago.
9588. Only one? Only one. I think he was charged with some offence. I have some recollection of a man making that statement—that he had been neglected by the officers, that they did not attend to his calls, and that he had had to use the cell.
9589. Did you make inquiry? I think so.
9590. Do you remember the result? I do not. I made inquiries of the officers, and I think I was under the impression that the man had made a false statement. It did not seem to me to be a very important matter.
9591. Do you think there are sufficient conveniences for the men? I think some other arrangement ought to be made to put it out of the power of an officer to treat a prisoner in that way. In well-arranged prisons there are urinals.
9592. Do you know prisoner James Sullivan? Yes.
9593. Do you remember his being brought before you, on the 7th of June, after he had made a complaint against the Visiting Surgeon? Yes.

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9594. Will you relate the particulars? Sullivan made a report to the Comptroller General that flannel drawers had not been served out to him, and he implied in this report that the Visiting Surgeon had been guilty of favouritism because some of the prisoners had received flannel drawers while they had been refused to him. The report came back endorsed by the Comptroller General to the effect that it was a matter for the Visiting Surgeon to say who was entitled to drawers and who was not. The Visiting Surgeon made a formal complaint against Sullivan for having made this unfounded complaint against him. Sullivan was brought before me, and Dr. Lambert stated that he did not wish to press the matter, that he only wished the prisoner to be shown that he was wrong in writing that way and making these complaints against him. I pointed out, myself, to Sullivan that the Visiting Surgeon was placed in a very responsible position by the Government, that the charge of favouritism was a very serious one, and that if the doctor had gone on with the case he (the prisoner) would have been called upon to prove his charges. He was admonished and discharged.
9595. I will read what he has sworn to. He is asked—"'Were you brought up on the charge of making these complaints?' and he says, 'Yes. I was placed in the dock, and the doctor stated that he did not wish me to be punished, that he only wished the Visiting Justice to admonish me, so as to prevent me from doing the same thing in future. The Visiting Justice said, 'Do you hear what the doctor says?' I said, 'I did.' 'Well,' he said, 'draw it fine and cut it short, or, by God, I will make it hot for you.' The doctor, Mr. Small, and Mr. Everett were here at the time." Is that true? It is a lie, sir. I never made use of any such expression as "By God, I will make it hot for you." I never said anything of the sort. I may have said, "Cut it short." I said, "You hear what the doctor says; he says he does not wish to proceed against you, and I advise you not to say any more—cut it short." But I never made use of any such language as you have read. It is altogether unreasonable that I should; I had no charge against him.
9596. And you positively swear that you made use of no such expression? I positively swear that I said nothing of the sort. He could not have misunderstood me; it is simply a villainous falsehood.
9597. You say you believe Mr. Small to be a humane man? I think he is kind to prisoners as far as I can judge.
9598. And you have heard no complaints from prisoners about his ill-treatment of them? No, except the instance I have spoken of.
9599. Do you remember a prisoner named Hornby? I know the name, but I cannot recollect the man. I have heard the name mentioned.
9600. Do you remember his being gagged in the office? I do not recollect it.
9601. Do you remember the circumstance of a man being gagged for smiling; when Mr. Small thought he was smiling at him, and when the man said that he did not, Mr. Small gagged him? No, sir, no such thing.
9602. Mr. Everett says he was present, and saw it done before you? It must have been before my time. I do not recollect anything at all about it. Mr. Everett must be mistaken.
9603. To the best of your recollection, nothing of the sort occurred? No; I will swear that no one was ever gagged in my presence for such a trifling offence as smiling.
9604. Are prisoners ever put into the dark cells without being brought before you? Certainly not; not that I am aware of. On one occasion, when the gaol was overcrowded, there were no cells to put a newly-arrived batch of prisoners in, and for one night they were put into the dark cells until room could be made.
9605. How long is that ago? It is something like twelve months ago. That is the only instance that I have known when prisoners have been put into the dark cells without being brought before me. Mr. Small said that, as it was night, they would be as well off in the dark cells as anywhere else. I told him to report the matter to the Comptroller at once, so to have steps taken to prevent over-crowding in future.
9606. *Mr. Voss.*] You do not know the names of the men who were put into the dark cells that night? No; I do not suppose I heard who they were. There were two or three of them, I think.
9607. Has it ever come under your notice that a prisoner has been locked up by Mr. Small for seven days, and then released without being brought before the Visiting Justice? Only on one occasion, when I was away. I am not sure of this, but I have some indistinct recollection of some men being locked up for three or four days for some trivial misconduct, and Mr. Small reported to me when I came back that he had let them out. I think it was at a time when I was detained in Sydney about three weeks.
9608. But he has authority, under the regulations, to lock a prisoner up? Yes, till the Visiting Justice attends.
9609. Do you think that is too much power? If it had to be resorted to often it would not, perhaps, be desirable; but the hour's exercise is all that a prisoner is deprived of.
9610. *Mr. Pinhey.*] Can you tell us, without reference to documents or books, the average per centum of prisoners in whose cases you are called upon to adjudicate? I could not say without reference to the books. I should think there are about forty or fifty cases in the year, or perhaps less.
9611. What do the charges consist of, principally? The bulk of them are for talking in the cells or yards, or attempting to communicate.
9612. Were you at Berrima during Father M'Guinn's time? Yes.
9613. Did he ever make any complaint to you in reference to the prisoners? No; I have no recollection of it.
9614. *Mr. Voss.*] Have you ever heard of his making complaints? No, I never did. The Visiting Chaplain might come and say, "So-and-so seems a bad man," and he might make a casual remark that I would take no notice of, but there has been no formal report that would require investigation, and I do not think any remark of that kind was made. We have had very little trouble with the prisoners. There are only five or six that give us any trouble. In reference to Cunningham's case, I have been thinking whether the time he struck at me was on the occasion I spoke of. I fancy it was, but he has been punished so many times. There was another occasion when he flew at an officer who was giving his evidence, and called him a b——— liar. But the words for which he was gagged were addressed to Mr. Small. He called him a b——— bastard.
9615. Have you, at any time, and if so, when, been led to believe that the man Cunningham was slightly deranged? I was not led to believe it, but I have heard remarks made to that effect.
9616. You say that he has been before you frequently? Yes; he gave a great deal of trouble for three or four months. He was flogged once.

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9617. Do you think that within the last few months he has been slightly deranged? I do not think he is insane. It is his temper. It is very difficult sometimes to judge. He is certainly not, in the ordinary sense, insane. He has been behaving in an extraordinary and outrageous way.
9618. Has the Visiting Justice been called on to report upon him? He has had his case specially under observation.
9619. And what has been the result? He has always stated that he could not say that the man was insane. A prisoner named Davies has stated to me that he heard at Parramatta that Cunningham was confined in the Lunatic Asylum once. This prisoner Davies, at that time, had been punished for some remark he made about this man. He explained, afterwards, that his reason for making the remark was that the man had been in the Lunatic Asylum.
9620. *Mr. Oatley.*] Is Mr. Herbert a good officer? Yes.
9621. Very intelligent? Yes.
9622. Truthful? Yes, as far as I am aware.
9623. Is he a man, do you think, who would not be guilty of trumping up a charge against the establishment in any way? I do not think so; I do not see why he should.
9624. Or against any of the officers? I see no reason for it.
9625. You have never known any instance of a man being shut between double doors, or spread-eagled, or triced up to ring-bolts, since you have been there? Certainly not; nothing of the kind has been done since I have been there.

Walter Brown, Esq., M.D., Visiting Surgeon, Parramatta Gaol, called in, sworn, and examined:—

W. Brown Esq., M.D. 9 Sept., 1878.

9626. *Chairman.*] What is your name, sir? Walter Brown.
9627. You are the visiting medical officer at the Parramatta Gaol? I am.
9628. How long have you held that office? Since 1873;—about five years.
9629. *Mr. Voss.*] We want to know whether any complaints have ever been made to you by prisoners coming from Berrima, of any ill-treatment at the hands of Mr. Small or his officers? I do not remember any statements of that sort being made to me.
9630. You never heard any of them complain of being cruelly gagged or spread-eagled? No, I never heard anything of the sort.
9631. Will you give us your opinion as to the physical and mental condition of the prisoners who arrive at your gaol from Berrima—you have, of course, seen prisoners who have been sent from Parramatta to Berrima for coercion, and have been returned to Parramatta? I have.
9632. We would like to hear your opinion in regard to their physical and mental condition? I could never see anything that would induce me to think that they had received any other than fair treatment.
9633. You are speaking of them now physically? Yes.
9634. Did you observe any improvement in the conduct of the men after their return from Berrima to Parramatta? They are generally forwarded to Berrima first and then they come to Parramatta. It is only a few who go from Parramatta and come back again.
9635. Do you think the treatment at Berrima is in any way beneficial to those prisoners? I never saw anything to lead me to suppose otherwise. It never struck me that they were returned in a worse condition than when they went away.
9636. *Mr. Oatley.*] Judging from their conduct previous to going away and their conduct after coming back, do you think they were improved? They were the same, I think.
9637. Then you know nothing about their behaviour? Nothing one way or the other. They pass before me as being in good or bad health, and then they are passed into the general gaol. They do not come before me for bad conduct. I only see them in regard to their state of health. I ask them such questions as are necessary, and I make a note in the book about their condition. That is done for the purpose of classification.
9638. *Mr. Voss.*] Do you think any of the prisoners at Parramatta whom you treat would have any hesitation in making complaints to you about Berrima Gaol if they had any to make? I think not.
9639. *Mr. Oatley.*] Has Michael Slattery ever made any complaint to you? Not that I can remember. I do not remember any of them making any special remarks.
9640. *Mr. Voss.*] Did you ever hear until recently any rumours at all of ill-treatment carried on in Berrima Gaol? Never until this Commission sat, and then M'Grath said something about his not being kindly treated in the gaol. Before then I never heard any complaint at all.
9641. *Chairman.*] Do you remember a man named Dowden, a prisoner in Parramatta Gaol now? Yes.
9642. Can you say when he arrived at Parramatta? Not without looking at the books.
9643. Is it more than two years since he went there? I could not tell.
9644. Do you remember the state of his health mentally and physically when he arrived there? Speaking from memory I should say he had fairly good health. It is only quite lately that he has shown signs of affected intellect. I can inform you by letter after a reference to the medical record.
9645. As far as you can recollect, his health, mentally and physically, was fairly good? Yes, as far as I can remember.
9646. *Mr. Voss.*] When prisoners come from Berrima, I suppose you do not examine them until you make your rounds next day? They come before me to be classified. I look at the report of the Visiting Surgeon at Berrima, and if he says "good health," and the prisoner makes no complaint, I pass him as being in good health. If there is any remark by the Visiting Surgeon at Berrima I have it seen to then or the next day. I go by the surgeon's report and what the men themselves say.
9647. *Chairman.*] Do you remember whether there has been a considerable number, or an undue proportion compared with an equal number outside, of men labouring under intellectual error, or showing any signs of suffering from approaching insanity? That is a difficult question to answer. There are very few who come there as prisoners who ever show signs of insanity. In those cases which have occurred the men have had something more or less wrong with them when they came in.

WEDNESDAY,

WEDNESDAY, 11 *SEPTEMBER*, 1878.

The Commission sat at the Legislative Council Chambers.

Present :—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P.,
JAMES OATLEY, ESQ., J.P.,
HOULTON HARRIS VOSS, ESQ., J.P.

The Reverend J. R. Blomfield called in, sworn, and examined :—

Rev. J. R. Blomfield. 11 Sept., 1878.

9648. *Chairman.*] What is your name, sir? John Roe Blomfield.
9649. You are Church of England Chaplain to the gaol at Parramatta? I am.
9650. How long have you held that position? Nearly ten years.
9651. Have you been chaplain in any other gaol? Never.
9652. Are the relations existing between yourself and the prisoners who are members of your Church confidential? Yes.
9653. You have unrestricted access to them at all times? Unrestricted access.
9654. Do you suppose that the men, as a general rule, would prefer complaints to you in preference to complaining to the ordinary officials of the gaol, if they had been subjected to any ill-treatment? I think they would first of all go to the Visiting Justice, because they would think they could obtain redress best in that way. They would tell me their complaints confidentially.
9655. Are you aware whether many men who have come under your ministrations in Parramatta Gaol have been imprisoned in Berrima? Numbers of them; I have kept a record of all who come from Berrima.
9656. Can you give us a rough estimate of the number who came from Berrima in the year? I can scarcely tell how many came in the year, but I enter their names in a little book of mine as soon as they come down.
9657. Can you give us an idea whether they are numbered by tens or by hundreds? Not by hundreds. They come in little knots of three or four—sometimes more, and sometimes less.
9658. What number of men in Parramatta are members of the Church of England? Over one hundred.
9659. Well, during the time that you have been Chaplain to Parramatta Gaol have the prisoners made any complaints to you of ill-treatment which they alleged that they experienced in Berrima Gaol? Never.
9660. Have they ever spoken to you at all about Berrima? Yes, frequently.
9661. Have they expressed any opinion about the conduct of Mr. Small towards prisoners? Never. In no instance have they complained of any harshness on the part of Mr. Small.
9662. What has been the nature of their communications to you generally about their Berrima Gaol experience? It is a common thing amongst prisoners to try and get the chaplain to do something in their cases, and the chaplain has to be very careful what he does in these matters. I have from experience become particularly careful of what I do. They generally wish to point out some injustice that has occurred to them, or something of the kind, and wish to make it appear that they are innocent of the crime for which they were convicted. They used to come to me in great numbers in that way, until I had to let them know that I would not enter into their cases; that that was not my duty; that my duty was to lead them to see the error of their ways and think of better things; that if there were any case they could show of injustice, I would be too ready to enter into it and see what could be done—as I have done in five or six instances. But I have rather discouraged their coming to me in that way, thinking that the chaplain is bound to take up their cases.
9663. But I was asking you more particularly with reference to Berrima Gaol. I understood you to say that they had spoken to you about it occasionally, and I wanted to know the nature of their communications? It was about what Mr. Hassall, the chaplain at Berrima had done, and about the merits of their cases.
9664. Requesting you to put yourself in communication with the then chaplain of Berrima Gaol in reference to their individual cases? Yes.
9665. Did you say that there has never been any complaint of their being subjected to any ill-treatment on the part of Mr. Small or any of the warders of Berrima Gaol? I do not remember any complaint at all.
9666. Then the five or six cases in which you say you have particularly interested yourself have no reference to ill-treatment experienced at Berrima Gaol? None whatever.
9667. Do you know Mr. Small? Yes, I met him some years ago. It was some time after a great outbreak that had occurred there, and I went through the whole of the gaol with him. I stayed at Berrima a couple of days, and I heard a great deal of opinion expressed by the inhabitants there about the outbreak that had occurred.
9668. Had you any opportunity of hearing from the prisoners their opinion of Mr. Small's conduct? No, because he went round the gaol with me.
9669. Have you formed any opinion at all as to the effect on the prisoners who have undergone the Berrima Gaol discipline, as to whether it has been beneficial or otherwise? I consider it to be most beneficial.
9670. Will you state in what regard? In bringing the prisoners to something like a proper feeling of their position, and in taming many a man who required to be tamed. I consider the discipline there has had a good effect upon the prisoners in bringing them, as you may say, to their bearings. They have been better conducted than they would have been otherwise, I believe.
9671. Can you state any instances in which men have been sent to Berrima for punishment — not men who have been sentenced to three years and upwards, and who go there as a matter of course, but prisoners who have misconducted themselves in one gaol, and for punishment have been sent to Berrima? I can only call to mind the case of Vaughan; but he has not been sent back to us yet. He was sent away a little time ago; he was in a state of semi-madness. I went and spoke to him, and reasoned with him, and for the moment he evidently felt what I said.
9672. What do you mean by semi-madness—melancholy mad? No; rather violently—his passion got the better of him. I looked upon the man as ready to commit any act.

9673.

Rev. J. R. Blomfield. 11 Sept., 1878.

9673. Is that the man who was convicted of burglary in Riley-street? Yes. I had a great deal to do with him before he was in gaol. He told me that he had turned over a new leaf, and was doing well; and at that very time I am afraid he was concerned in these robberies.
9674. But you cannot call to mind any instance in which the Berrima treatment was beneficial upon men sent for punishment to Berrima? I cannot call to mind any instance of that sort.
9675. Have you formed any opinion at all as to the amount of reliance that is to be placed on the stories of men in that position? I have learned to place a very small amount of reliance upon a great deal that is said there. One cannot mingle with these men without seeing that they come to you to make use of you. The object of most of them is to try and use the chaplain for the purpose of getting a remission of sentence, and they will tell you things that are not at all reliable. There are different degrees of depravity in that gaol. There is one matter that requires to be attended to, and that is the classification.
9676. You speak with reference to the corrupting influence upon the less criminal of the prisoners? Yes. I think it is one of the most urgent needs of the gaol, and I believe that the Comptroller has felt it acutely for years. There is the case of that man Perdue who has gone up there, and who I am sorry to see there. He was the guard in that case of the upsetting of the train, in which the driver was killed. He is, as far as possible, kept away from the other men, but still he must associate with them to a certain extent. There are other men there also who are not steeped in crime, but who are hoarded with a number of men who will never, as far as seems possible, be any better.
9677. I want to put you specifically through the matter of the Berrima complaints;—do you swear that you have never been complained to by any of these men for any gagging to which they said they had been subjected? I have never been complained to.
9678. Have you heard any complaints of spread-eagling? I never heard of it.
9679. Or insufficient quantity or badness of quality of the rations? No; they have never complained to me.
9680. Or of not being allowed out of their cells for the purposes of nature? Never.
9681. Not one of those complaints has ever reached your ears during the ten years that you have been chaplain? Never; and I have been in communication with these men constantly.
9682. *Mr. Voss.*] Have you ever had any conversation with Mr. Driver in reference to the treatment of prisoners in Berrima Gaol? Never; I do not know Mr. Driver.
9683. Or with Mr. Taylor? No.
9684. Or any Member of Parliament? No.

Mr. John Garda Hussey, gaoler at Parramatta, called in, sworn, and examined:—

Mr. J. G. Hussey. 11 Sept., 1878.

9685. *Dr. Alleyne.*] What is your name? John Garda Hussey.
9686. What is your office? I am gaoler at Parramatta.
9687. How long have you held that appointment? Nearly thirteen years.
9688. You gave evidence before the Select Committee of the Legislative Council in May last? I did.
9689. Have you a distinct recollection of the evidence you gave then? Yes.
9690. Do you still adhere to it? Yes.
9691. In every particular? Yes.

[*The following evidence, given by Mr. Hussey before the Select Committee, was ordered to be embodied in the minutes:—*

[Evidence before Select Committee, 7 May, 1878.]

9692. "150. *Chairman.*] You are in charge of the gaol at Parramatta? Yes.
9693. "151. How many prisoners have you ordinarily under your charge? I have 245 at present. That is about the average. They include the principal long-sentenced prisoners of the Colony.
9694. "152. What were you before you were appointed gaoler at Parramatta? A sub-inspector of Police.
9695. "153. How long have you been gaoler at Parramatta? Twelve years.
9696. "154. Is the gag often used in your gaol? Very seldom. I think since I have been gaoler, speaking as well as I can remember now, it has not been used at all for many years; it has been used three or four times.
9697. "155. To what do you attribute the fact of its being so seldom used? Because when prisoners are reported to me as behaving very badly, I simply send an officer to show them the gag, and tell them if they do not desist I will gag them, and they have then become quiet. I may add that I do not understand how discipline is to be maintained without using the gag. At the present time I am in a fix in Parramatta Gaol, because the power of using it has been taken away. There is a man in my cells at the present time who is most abusive. What am I to do with him? There is a notorious man, called the 'Derwent Nugget,' in one of my cells now, and since the use of the gag has been discontinued he has set everybody at defiance.
9698. "156. *Sir George Innes.*] He knows of the recent order about the gag? Yes; every prisoner knows of it. What can I do? I am completely helpless. I told the Comptroller General I should have to write officially to the Government on the subject. It is a question of the discipline of the whole prison.
9699. "157. *Mr. Cox.*] Do you not think the dark cells would be as deterrent as the use of the gag? The dark cell is deterrent on some prisoners, but not on others. The dark cell is very severe on a nervous man, and deterrent; but a man of animal temperament curls himself up in a dark cell and goes to sleep just like a 'possum.
9700. "158. *Sir George Innes.*] Can shouting and imprecations be heard from the dark cell in other parts of the prison? Yes; kicking against the door, and all that sort of thing.
9701. "159. That can be heard by the other prisoners? Yes, to a certain extent.
9702. "160. *Chairman.*] In cases where you have actually used the gag have you invariably reported the fact to the Visiting Justice? Yes.
9703. "161. Invariably? Yes. I do not mean to say I have reported it in writing; but I have always made a verbal report of it. We have used it very seldom since I have been there. Not more than three or four men have been gagged; and that is many years ago. It is not the actual use of the gag, so much as the power to use it, that is necessary. The fact is there are some men that must be gagged. If the

gaoler

Mr. J. G. Hussey. [Evidence before Select Committee, 7 May, 1878.]

gaoler cannot be master in his own gaol the men will be master over him. Some of these men who have been giving evidence, and causing all this bother, are really not human beings. They are something worse than men. I cannot give you greater proof of it than this: What must that man be who has got to be so utterly bad that even the bad prisoners—the ordinary run of long-sentenced men in the prison—will have nothing to do with him; that he is a man not only considered bad by the warders but his fellow prisoners—the old hands in the prison—notorious ruffians, convicted half-a-dozen times—these men will not associate with these men? There are certain men in the various prisons at the present time who have to be kept apart from the main body of the prisoners, because if they are put with them they will be knocked down and murdered.

9704. "162. *Mr. Docker.*] How long has that man been in gaol? There are men there who have been in gaol nearly all their lives.

9705. "163. I mean the man you refer to in this particular case? I can give you individual cases: John Smith Burton *alias* Hughes is one.

9706. "164. *Sir George Innes.*] Do any of the men who have given evidence come under that category? Yes; Michael Slattery is one. Gleeson is a thorough bad man in every possible shape and form. I will, with your permission, mention a fact that has not appeared in any of the evidence. It is this: That when Slattery was at the Lunatic Asylum in Parramatta, Dr. Manning, Dr. Bedford, and another—three medical officers at all events—on two occasions made the remark that the man was the biggest schemer they had ever come across; that he was bad in every respect; that he was only scheming madness; and that he should be returned to the gaol, and undergo punishment for his conduct at the Lunatic Asylum.* That was the unbiassed evidence of these medical officers.

9707. "165. How long has this man Slattery been a confinee in Parramatta Gaol? He has only recently come to us—I cannot say how long ago.

9708. "166. Is it true that on the 20th April he had been there eight months? I have not the papers with me, but I fancy he has been there nearly twelve months.

9709. "167. Is it true that during that time his conduct has been unexceptionably good? His conduct has been good.

9710. "168. I see it stated here in this paper that Mr. Watt, the senior warder, said he had been a most desperate ruffian, but that during the last eight months his conduct had been unexceptionably good? Yes, his conduct has been good lately.

9711. "169. *Chairman.*] Do you attribute that to his treatment in Berrima Gaol? Yes.

9712. "170. He is altered then? Yes.

9713. "171. Are you referring to William or Michael Slattery? Michael.

9714. "172. Are they brothers? Yes. The whole family is bad.

9715. "173. *Mr. Cox.*] How do you account for it that the gag is effectual upon those ruffians when the dark cells and other measures of coercion fail? Because it is an instantaneous punishment. That is what prisoners are afraid of. They consider the dark cells in the light of a threat.

9716. "174. *Chairman.*] It prevents them at once from howling, or even talking? Yes. If a man does wrong, and you get hold of him there and then and gag him, it stops him at once; but if you bring him up for trial before the Visiting Justice, and call witnesses, he does not care so much for that. It takes up too much time. I believe half the crime could be put a stop to by instantaneous punishment of some kind or other, such as flogging. I know prisoners have told me so themselves. Short severe punishment—long sentences ruin men.

9717. "175. You have seen the gag put on occasionally? No, I have never seen it put on.

9718. "176. You cannot tell then whether it is, in point of fact, painful? I have seen the men with it on.

9719. "177. Is it painful? I do not see why it should be painful.

9720. "178. *Sir George Innes.*] I suppose it is painful if forcibly put on? It must cause some pain if it has to be forced into a man's mouth, but that is his own fault; but not if put on quietly.

9721. "179. *Mr. Docker.*] You mentioned some time ago that an amendment of the Regulations has taken place, and that the use of the gag is now prohibited;—was that made known to the prisoners? The prisoners know the fact, and I can assure you there is not one single thing that occurs in the House of Parliament that is not known among the prisoners.

9722. "180. *Sir George Innes.*] How is this knowledge conveyed to them;—cannot you prevent it? No, it is impossible; it is no use disguising it. I can tell you how it is done to a certain extent: There are prisoners from outside coming into the gaol from time to time, and they bring the news of the day; and they overhear warders talking over these matters amongst themselves. It is only like human nature.

9723. "181. Are newspapers taken in? No.

9724. "182. *Mr. Docker.*] How was the change in the Regulations communicated to you? Officially by the Comptroller General.

9725. "183. And you communicated it to the warders? No, it has nothing to do with the warders; it only concerns me as the chief officer of the gaol.

9726. "184. And yet it was known among the prisoners? It was known among them two or three days afterwards, the same as it was known in Darlinghurst Gaol, where the prisoners got shouting about it the same night.

9727. "185. *Sir George Innes.*] Are prisoners allowed to communicate with Members of Parliament? No.

9728. "186. The letters have to pass through the ordinary routine? Yes, rather more than the ordinary routine, because if they write to an ordinary person outside I pass it at once, but if a prisoner writes to a Member of Parliament I send it to the Comptroller General.

9729. "187. *Mr. Cox.*] How often has the 'Derwent Nugget' been sentenced to the dark cells? This is the first time since he has been there.

9730. "188. How long is he sentenced for? A week. He is one of the men his fellow-prisoners complain of; they will not remain in the yard with him.

9731.

'* NOTE (*on revision*):—I was only speaking from recollection. The following is the true extract:—
'WE recommend that he should be subjected to separate treatment, and punished for breaches of discipline.
'We consider him a reckless, dangerous man, who should not be trusted with weapons.

'(Signed) G. BEDFORD. F. MANNING. J. AARON.'

Mr. J. G. Hussey. [Evidence before Select Committee, 7 May, 1878.]

9731. "189. *Chairman.*] Are they afraid of him? Oh, he is a beast.
9732. "190. *Sir George Innes.*] What was his offence? Robbery with violence, I think.* This is the same man, I have been informed, that a few years ago, at Deniliquin, stabbed a man who was shearing wool in the interior with a pair of sheep shears. It was brought in manslaughter. There were a lot of men shearing wool, and provocation arose between this man and another, and he up with his shears and stabbed the other man in the thigh. I do not know this of my own knowledge—I was only told so.
9733. "191. *Mr. Docker.*] You received an order directing you to allow Mr. Taylor to communicate with certain prisoners? I did.
9734. "192. He made an investigation? He took down certain statements.
9735. "193. Were you present? No.
9736. "194. Where did he conduct the investigation? In my office first, and afterwards in an adjoining office.
9737. "195. Did he ask to see certain prisoners, and did you cause them to be brought up? He came and asked to see certain prisoners.
9738. "196. *Chairman.*] By name? Yes. I may say it was known a week before-hand that he was coming. He asked to see certain prisoners, and then he asked to see some of the others, and then some of the men put their names down to see him. He had a reporter with him. The order from the Colonial Secretary was for Mr. Taylor and a friend.
9739. "197. How long did this investigation last? Two days. Mr. Taylor came about a week previous and asked to see some prisoners, and I refused. He then said he would get an order from the Colonial Secretary to allow him to do so. With regard to myself not being present I had a good deal to do, and I did not see any necessity for me to listen to the rigmarole of a number of these men; I knew what they would say.
9740. "198. *Mr. Cox.*] It concerned the Berrima gaoler—not you? Yes. I knew what prisoners are—so thoroughly unreliable.
9741. "199. *Sir George Innes.*] According to this report they say they have been very kindly treated in Parramatta Gaol? Yes, some of them say they are too well off.
9742. "200. *Mr. Docker.*] Did you report to the Comptroller General that Mr. Taylor had made this inquiry? Yes.
9743. "201. Did you enter it in your journal? No.
9744. "202. Did you not regard it as an "unusual occurrence"—such as is referred to in the Regulations? No, I did not.
9745. "203. How long have you known Slattery? Off and on for years. At the present time there are perhaps 200 men in Parramatta Gaol who have passed through Berrima Gaol, and I have no hesitation in saying that I believe at least 175 of these 200 will tell you Mr. Small treats them well. All this disturbance arises from about twenty-five men who have been through all the gaols in the Colony. Lots of prisoners in my gaol have applied to be shifted from Parramatta to Berrima because they are so well off there. It is only about twenty-five men who cause all this bother. I may say that the order I received was an order from the Colonial Secretary to admit Mr. Taylor and friend to examine prisoners received from Berrima, in accordance with the Rules and Regulations of the gaol, so that when he brought it up to me I said, 'Look here—this is to be done in accordance with the Rules and Regulations. You can see any of these men, but if you take any statements from them it must not be made known,' and so much was I impressed with that that I was very much annoyed at seeing it published the following Saturday in the paper, because I think it is most unjustifiable to make an attack upon anybody without his being present—attacking a man behind his back. The next day, when they came with a second reporter, I went and cautioned them the second time most strongly; the second day when they came, Mr. Menser, who is reporter for the rival newspaper, came with them. I said at once, 'I cannot admit Mr. Menser—your order is to admit one, and you can only have the one; and, further, you must not give information of what has taken place here'; and he said 'Decidedly not.' Mr. Menser came to me and asked to be present, and I said, 'No.' He then said, 'I will get the information from Mr. Maxted'—the other reporter. I went at once to Mr. Maxted, and said, 'You must not give him any information at all.' The consequence was, that when the rival paper came out they were obliged to publish a paragraph to say that they could not give the information because they could not get it. And after this the whole affair was published in the other newspaper.
9746. "204. *Chairman.*] When was this investigation held? I do not recollect the exact day.
9747. "205. It is said to have taken place on a Tuesday and Wednesday, and what purports to be the whole of the evidence was published on the 20th and 27th April?† It was about that time.
9748. "206. Then the investigation took place some two or three days before the 20th April, on which day the evidence was published in the *Cumberland Mercury?* Yes.
9749. "207. How long has the Berrima system been in operation? About ten or eleven years, I fancy.
9750. "208. What is your opinion of its effect upon long-sentenced prisoners? I do not think we should be able to carry on the prisons of the Colony without Berrima. The effect is most remarkable. I think all the gaolers in the Colony—in fact, I have put it in writing—are under great obligations to Mr. Small for the way prisoners are reformed at Berrima.
9751. "209. *Mr. Cox.*] You have no separate system at Parramatta? We are beginning it.
9752. "210. Would the fact of your telling a man that if he did not behave himself he would be sent back to Berrima have a deterring effect? I do not know whether it would; some prisoners do things reckless of consequences.
9753. "211. *Sir George Innes.*] Are the prisoners in Parramatta Gaol aware that this matter has been published in the *Cumberland Mercury?* Yes.
9754. "212. Do you think newspapers get smuggled into the gaol? Yes.

[Evidence before Commission, 11 Sep. 1878.]

9755. *Mr. Oatley.*] Have you anything you wish to add to that evidence? Yes, I would like to add the following:—that the views which I expressed on that occasion with reference to the use of the gag in the gaols have been fully borne out, and that Parramatta Gaol, at the present time containing the worst criminals in the Colony of New South Wales, is beginning to suffer already, as I said then it would, owing

* NOTE (*on revision*):—Error on my part: It is five years roads for larceny.
† NOTE (*on revision*):—It was on the 16th and 17th April.

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owing to the discontinuance of the use of the gag. I would like to qualify that by saying that I am not an advocate for the use of the gag, but still a gaoler should have it in his power to use it if necessary.
9756. In what way does the gaol suffer? I have noticed—I regret to say so—that ever since the question of gaol matters has been brought prominently before the public, agitation has been going on amongst the prisoners in all directions, and I consider it has a most disastrous effect.
9757. *Mr. Voss.*] You mean to say that insubordination has arisen from the suppression of the use of the gag? I will not say from the suppression of the use of the gag. I did not say "insubordination"; I used the word "agitation"—if you will allow me to use that word. Agitation has taken place amongst the old convicted hands since this question of prison matters has been brought forward. In my evidence before the Select Committee of the Legislative Council, I think I mentioned the case of a man called the "Derwent Nugget." I have at the present time two prisoners in my gaol ——
9758. *Mr. Oatley.*] What are their names? M'Ginty is one, and I do not remember the other; in fact I have not been well during the last few days. They have been in the dark cells for the last fortnight or so for gross insubordination. During the whole of this time they have set everybody at defiance whilst in the dark cells. If the doors are opened they will curse and swear at you, and make use of abusive language. One of them told the Visiting Justice yesterday that if he had any more of the dark cells he would take care something worse ensued.
9759. *Mr. Voss.*] Then are we to infer that these men are taking advantage of the knowledge they have of the suppressed use of the gag? Just so; most distinctly.
9760. *Mr. Oatley.*] How long did you say these men have been in the dark cells? About a fortnight off and on.
9761. Were they sentenced by the Visiting Justice? Yes, for gross insubordination, one time after another, and for using language and abuse that I do not care to have put down in writing.
9762. *Mr. Voss.*] Have you ever had any complaints made to you by prisoners who have come from Berrima of any cruelty or ill-treatment used towards them? I have known one or two prisoners who wished to make complaints.
9763. *Mr. Oatley.*] What are their names? I cannot tell you; it is so many years ago. Not more than one or two have wished to make complaints, and they have come to me and asked permission to make a statement to the Comptroller General, which invariably has been allowed.
9764. *Mr. Voss.*] Were they complaints of ill-treatment at Berrima? Yes.
9765. What was the nature of those complaints? I cannot tell you that.
9766. You do not recollect? I have only one routine. A prisoner comes to me and says, "I wish to write a statement." I say, "Yes; what about?" and he says, "I have been badly treated at Berrima Gaol." I say, "Very well; you can put your name down to see the Comptroller when he comes, or write a statement."
9767. You have had no complaints made to you, but prisoners have requested to be allowed to write on the subject of complaints at Berrima Gaol? Or to make statements,—which they have always done. I may also mention that prisoners have complained, but have afterwards withdrawn their complaints on reconsideration.
9768. What has been the nature of those complaints? I cannot tell you. For instance, a man would come before me and ask me to allow him to make a statement, and I would say, "Very well, put it down in writing and send it in." He would go back to the yard, and, after consideration, would not do so.
9769. *Dr. Alleyne.*] Have you any idea what led to the alteration in his mind? I know prisoners have told me that they richly deserved what they got; whatever that was I cannot tell you.
9770. But do you think they were in any way intimidated? No, sir. Prisoners often make a kind of vague statement that means nothing, and when it comes to be put down in writing, and they know that if they cannot prove it they may get into trouble, they withdraw it. The Comptroller General has listened hundreds of times to all kinds of complaints; there has been no secrecy at all.
9771. *Mr. Oatley.*] Some prisoners complain that they have made application to you to see the Visiting Justice and to write to the Comptroller General, and that you have refused to allow them;—is that untrue? Deliberately and utterly false; never an instance of the kind occurred.
9772. *Mr. Pinhey.*] There is one instance specially referred to by a prisoner named Robert Smith. His statement is, that when he asked you to allow him to see the Visiting Justice you wanted to know what it was for, and that, when he told you, you said, "Then you won't see him here"; and the consequence was that he did not see him? I have nothing to say to that.
9773. You deny it? It is utterly untrue.
9774. *Dr. Alleyne.*] You say there is no truth in that statement? It is thoroughly untrue.
9775. *Mr. Oatley.*] If a prisoner applies to you to see the Visiting Justice or the Comptroller General, do you inquire from him what he wants to see them about? Yes, sir; I have instructions to do so.
9776. Are they written instructions? No, sir; they are verbal.
9777. Then a prisoner, before you will allow him to see the Visiting Justice or the Comptroller General, has to make a statement to you as to what he wants to see him for? No, sir.
9778. I asked you distinctly if it is the custom that prisoners wanting to see the Visiting Justice or the Comptroller General have to tell you the whole of the particulars before you will allow them to see him? Yes, and no, sir. If a prisoner refuses to tell me, still his name is put down on the list. The warders go round the yards twice a week—that is before breakfast every Monday and Thursday morning—to take down the names of all prisoners who wish to see the Visiting Justice or the gaoler. The names are entered in a book in the gaol, and that book is brought before me every Monday and Thursday morning at 9 o'clock, and I call the men in one by one. If it is a case that I can deal with myself I deal with it there and then; if it is a case that I cannot deal with I mark in the book "V. J."—Visiting Justice; if it is a case that he cannot decide, it is referred to the Comptroller General. That is the routine. Prisoners are not compelled to state their complaints, but they are asked to do so for the purpose of facilitating business.
9779. Suppose a prisoner wanted to see the Visiting Justice to make a charge against you, would he have to state the charge to you? It is in the books, repeatedly, "Charge against gaoler."
9780. Would he be compelled to tell you? He would not be compelled to do so.
9781. A prisoner named Duncan says, "I have put down my name on two occasions, and Mr. Hussey has come and decided the case without allowing me to see the Visiting Justice. He would tell me he would oppose me if he allowed me to see the Visiting Justice." Is that true? It is a misstatement.

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9782. No truth in it? Yes, sir; I said a mis-statement. A prisoner comes before me and asks permission to write. Perhaps he wants to write to his mother. I inquire when he wrote last, and if the interval required by the regulations has not elapsed, I say, "You must wait according to the regulations." "Oh, very well," he may say, "Will you put my name down to see the Visiting Justice?" I allow his name to be put down, but I say, "I will oppose you, because you are not permitted to write, according to the regulations."

9783. *Mr. Voss.*] Then you do not oppose their bringing the case before the Visiting Justice? No, sir; I oppose them when they are before the Visiting Justice. The gaoler has power under the regulations to give a prisoner permission to write when he thinks necessary; but I will not break through the ordinary rule, unless a prisoner can give me good grounds for doing so.

9784. Did you supply Mr. Driver with the gag which he exhibited in Parliament? No, sir; I do not know him.

9785. Were you ever asked by either Mr. Driver or Mr. Taylor for a gag before the exhibition of the gag in Parliament? No, sir.

9786. Have you seen the gag that was produced in Parliament? No, sir. I showed you the gag used in Parramatta Gaol, and no other has been used in it since I have been there.

9787. You know Joseph Bragg, do you not? Yes.

9788. Well, he states that about 1866, in Parramatta Gaol, a warder handcuffed him to the bar of a gate with his toes hardly touching the ground, and that you knew of it. Do you recollect anything at all of that? It is utterly untrue; it is a downright falsehood. I should have thought Bragg would have told you that I was very kind to him.

9789. Do you recollect his being gagged at all? I do; I know that Joseph Bragg was gagged in my gaol; I dare say it was ten years ago.

9790. Then you knew of it? Yes, of the gagging.

9791. But you know nothing about his having been handcuffed to the bar of the gate? No; and I believe it to be a downright deliberate falsehood.

9792. *Dr. Alleyne.*] What was Bragg's general character? He was, without exception, one of the biggest ruffians ever in New South Wales. That was his character from the police, to whom, I believe, he was a terror, as he was in every gaol that he ever came into. I may add also, that I think the man is slightly cracked. He was an unquestionable ruffian, and a most notorious character.

9793. *Mr. Oatley.*] I will read you what he states in reference to this matter. [*Bragg's evidence, questions 3330–3333, read*]? It is utterly untrue. I may add, if you have no objection to my saying so, that if I knew any officer in my gaol to be cruel to a prisoner I would suspend him at once. It is a thing I never would permit.

9794. Perhaps you might not think that cruel? There is no necessity for it, sir.

9795. Since the new regulations have been in force, how many men have been gagged in Parramatta Gaol? I have no hesitation in saying within a dozen.

9796. About a dozen? No, within a dozen; but that was years and years ago.

9797. But I am speaking of the time since 1867 when the new regulations were issued? I was only a gaoler about twelve months before that time. I know positively that there were not more than a dozen, and I believe the number was considerably less.

9798. What is the longest time that the gag was allowed to remain in a prisoner's mouth? I have never known it to be used more than two or three minutes.

9799. Was it ever allowed to be put in by anybody but yourself? Yes; the chief warder would come to me and say, "So-and-so is very bad in the cells and using violent language—what shall I do?" Sometimes I went down and sometimes I did not. I would say to the chief warder, "Tell him to stop, and if he won't, gag him."

9800. And it was never done for a longer time than 2 or 3 minutes? I have never known it to be in longer. They generally gave in as soon as the gag was put in.

9801. But you, not having seen the gag put in or taken out, could not tell how long it was kept in? I can answer the question this way: I have gone afterwards to the cell, and asked, "Well, has the man given in?" and they would say, "Yes; it was only in a minute or two." I would say to the prisoner, "Well, are you quiet now?" and he would answer "Yes; for God's sake don't do it any more."

9802. Do you think the prisoners fear the gag? Some do. It stops them; that is where it is. People cannot be ill-used by a lot of blackguards calling them everything they can think of.

9803. *Mr. Pinhey.*] And you are clearly of opinion that the knowledge by the prisoners that you have power to use the gag acts as a deterrent? Simply saying that you will gag a man stops him in twenty cases out of twenty-five.

9804. *Mr. Oatley.*] Have any chaplains made any complaints to you about the treatment of the prisoners? Never.

9805. Have any complaints been made to you about the quantity or the quality of the rations? Quality, yes; quantity, no.

9806. Have you made inquiries into the matter? Yes, whenever a complaint has been made, if it is thought advisable, a Board is held; and I have had a great deal of trouble and rows through that.

9807. What has generally been the result of the complaints? That I have condemned the things myself. Last Saturday I condemned the bread. It was good, but it was stale.

9808. Have complaints been made to you about the hominy? Very rarely; it is nearly always good. That hominy question is a very intricate one. The prisoners have an idea that to be good the hominy must turn out in a solid jelly cake. But that depends on the cooking. If it does not turn out that way the prisoners want it to be condemned. They do not judge of it by the taste but by the caking. The rations in Parramatta Gaol have been very good.

MONDAY,

MONDAY, 16 *SEPTEMBER*, 1878.

The Commission sat at Darlinghurst Gaol.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, Esq., M.D., | JAMES OATLEY, Esq., J.P.,
WILLIAM TOWNLEY PINHEY, Esq., J.P., | HOULTON HARRIS VOSS, Esq., J.P.

William Slattery, confinee in Maitland Gaol, called in, sworn, and examined:—

W. Slattery. 16 Sept., 1878.

9809. *Mr. Pinhey.*] What is your name? William Slattery.
9810. What sentence are you serving? Three years in Maitland Gaol.
9811. Where were you tried? At Bathurst.
9812. What was your offence? Passing a forged cheque.
9813. Was that your first offence? No, sir; I was tried first in March, 1864, for offering £2,000 worth of stolen notes for sale. The notes were stolen from the Mudgee mail.
9814. What was the date of that conviction? 15th of April, 1864.
9815. What sentence did you receive? Five years roads.
9816. When were you next convicted? I was tried in April, 1869, for robbing the mail myself.
9817. Under arms? Yes, sir.
9818. Where were you tried? At Bathurst.
9819. What was your sentence? Ten years? I did six years and two months.
9820. When were you next convicted? In March, 1877.
9821. What for? Passing a forged cheque.
9822. Was that your last conviction? Yes, sir.
9823. Were you, at the time of your first conviction, sent to Berrima Gaol? No, sir.
9824. When did you go there? I did not go until I got the ten years. It was in May or June, 1869.
9825. Did you go from this gaol? Yes, sir.
9826. How long were you kept here? About a month.
9827. How long were you at Berrima? I was kept there seventeen months altogether.
9828. Have you anything to complain of during that time? I went there with eight or ten others, and as soon as I got into the gaol, and while I had my irons on, Mr. Small said, "You are a nice thing to rob the mail." I told him that I had not come to be bully-ragged in that way, that I had come to be quiet if he would allow me." He told me he would nail me to the wall. He said, "I lost your brother from here and I would not have lost him for £100, but I pledge you my word that when you go from here you will go with your toes cocked up." Then he began to talk to the other men. He said, "Look at that thing," pointing to me. I said, "This is nice to begin with anyway." He said, "You thing, I will nail you to the wall." He ran in to get a gag and brought it out in his hand, and some one in the office, I think it was Mr. Herbert, called out to him about a doctor's report that had come up with me. Small said, "We will soon take that out of him; take him over and put him into such-and-such a cell. I was then put into a small cell, the first to the right as you go in.
9829. *Mr. Oatley.*] Were your irons taken off? Yes, either that night or the next morning; I don't recollect when.
9830. *Mr. Pinhey.*] Is it usual to take a man's irons off as soon as he goes in? They may be left on all night. There may not be time to take them off till the next morning.
9831. Are the irons not taken off by a free blacksmith from outside? Sometimes prisoners do it. Some prisoners will do it, but others will not.
9832. However, nothing came of the threats? No, sir.
9833. You were not gagged? No, sir.
9834. Do you remember the names of any of the prisoners who went with you? There was one man named Cavanagh, and I think another named Bragg. I cannot remember the names.
9835. Were there any officers present at the time Mr. Small made these threats? There was Mr. Flanagan, the senior warder.
9836. Did anything happen after that? I was put into the cells that night, and next morning I was taken out and my head was shaved, and I was blistered along the spine from the top of my head to my backside.
9837. Under whose orders? I do not know. Before they did anything to me I was taken before the doctor. He asked me how I was, and I said I was not altogether right, but I was not very bad. He said no more, but went away, and my head was shaved.
9838. Who was the doctor? I think it was Dr. Williamson. After that, everything but my shirt and trousers were taken from me, and a straight-jacket was put on me.
9839. *Mr. Voss.*] Who did this? It was done under the gaoler's orders. Mr. Flanagan told me to strip off, and he put the jacket on me.
9840. Was Mr. Small there? Part of the time he was. I was weeks in the jacket.
9841. Were you violent? No, sir, no more than I am this minute.
9842. Or using threatening or insulting language? No, sir; if I had I would have been brought before the magistrate. They put the jacket on as tightly as they could, and when I was braced up, with my arms back, they used to pull my hands together. I suffered very great pain. The jacket was kept on, with my hands in that position, for two or three days.
9843. During that time did the doctor see you? Yes, he would come in and say "How are you now?" and then go away.
9844. Did the doctor think you ought to be released? I cannot say.
9845. Did he see you and leave you in that condition? Yes, sir.
9846. *Mr. Oatley.*] Did you have any food? I was fed with a spoon.
9847. Who fed you? A man by the name of Beard.
9848. What took place next? I think it was the second or third day after that that they blistered my head again.

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9849. Was it by the doctor's orders? I do not know; I did not hear him.
9850. Who blistered you? A prisoner. They blistered me that way three or four times in a week, and then they got a galvanic battery and made me take hold of it. They blistered me so many times that the mark is here after nine years. I used to get medicine, and that was the only thing I was afraid of. I used to try to spill it. Once I spilled some and they saw me, and went and told Small. He came with the bottle, threw me on my back, choked me with the straight-jacket on me, and poured the medicine down my throat.
9851. Was anybody there that time? Yes.
9852. Who? I could not say who they were. That was betwen 9 and 10 o'clock, and before 12 a warder looked in and saw the place covered with muck and slime, where I had been vomiting and purging. I passed nothing but slime and blood. The chief warder came in, and they sent for the doctor. I was lying down doubled up. My backside was very sore through trying to do something and not being able to. The doctor came and felt my pulse, and he said to Small, "Let me see no more of this work." He got me a tumbler of stuff, and said to me, "Well, Slattery, you have had very bad treatment here; we will see what good treatment will do for you." Then he said, "Take that jacket off that man, and put him to bed."
9853. That is what the doctor said to Mr. Small? Before Mr. Small. I think the chief warder was there then.
9854. Was that Mr. Everett? Yes; he was chief warder all the time I was there.
9855. And you think he was there? Yes, and senior-warder Flanagan. There were a great many there I think. The jacket was taken off, and I was put to bed in the same room, and got some tea. The doctor came back at 3 o'clock and gave me some more medicine.
9856. How long after the straight-jacket was taken off were you kept in the hospital under the treatment of the doctor? Mr. Small said to the doctor, "If you give him over to my charge I will cure him in three days." I was kept in the hospital a week after that, and I got tea for three nights. I then left the hospital and went to the cells.
9857. The separate treatment cells? Yes, sir; I was in separate treatment two or three days when I got twenty-four or forty-eight hours black cells.
9858. What for? I am blessed if I know what it was for. They said I was cutting my throat with a bone rack-comb.
9859. Were you charged with attempting to commit suicide? Something of that sort.
9860. Were you trying to cut your throat? I would have made away with myself at that time if I could. I came out of the dark cell, but I had not been three days out when I was taken over to the hospital again and got another blister. The straight-jacket was put on me, and was kept on for a fortnight or three weeks. It used to be tightened up every now and then, when it got a little loose.
9861. *Mr. Pinhey.*] Did the doctor see you every day? Almost every day. Mr. Small came in and passed some remarks about me, which I forget now. I told him that I was starved, and he said, "That's what you ought to be." I said, "Only for me and the likes of me you would not be wearing those glazed slippers that you have got on." He told one of the warders to bring the gag, and the warder went and got it.
9862. Were you in hospital then? Yes, and lying on my bed.
9863. What took place? The gag was put into my mouth.
9864. *Mr. Oatley.*] Were you making a noise? No, sir; I have told you all I said.
9865. *Mr. Pinhey.*] Who put the gag in your mouth? Mr. Small, and he gave it a crack which broke my teeth. He always does that; I saw him do it to another prisoner besides me, a man named Dalton or Blake.
9866. How often did you see that done; you had only been there a few weeks at this time? It was after this that I saw him do it to others. I could not say whether it was Small, or who it was that did it to Dalton.
9867. *Mr. Oatley.*] You say that Mr. Small put the gag in your mouth when you were in hospital and in bed, and that he struck it? Yes, sir.
9868. How long was the gag left in? Not more than 15 minutes on that occasion.
9869. *Mr. Pinhey.*] Will you swear it was in 5 minutes? Yes; I swear it was 5 minutes, and it might have been 15 minutes. I would not swear to 4 or 5 minutes.
9870. *Mr. Oatley.*] I understand you to say that the gag was put in for nothing more than your saying that only for you and the likes of you he would not be wearing those glazed slippers? Yes, sir.
9871. How long were you in hospital before you went back to separate treatment the second time? I was three or four weeks this time.
9872. Well, did anything else happen? The first or second day after I had gone back to separate treatment, a prisoner in the next cell to me—Tom Gleeson—knocked on the wall and asked me how I was getting on—did I weather it. I told him I did not think I could weather it. I was then brought before the magistrate for talking and communicating, and got fourteen days for it.
9873. *Mr. Voss.*] What we want to know is what acts of cruelty, if any, were practised upon you by the gaoler or any of the officers. There is no cruelty in what you have stated. You knew that you were breaking the regulations when you communicated with your fellow prisoner? Well, I am coming to that. I got fourteen days in the black cells, and I had neither bedding nor blankets, nor anything to hold up my trousers with.
9874. Who was the magistrate? Mr. Rowley, and I believe he was drunk at the time? While I was doing the fourteen days Mr. Small came into the cell with a lantern, and shoved it in my face. He said, "Stand at attention," and struck me on the stomach. When I came to I called him "fat-gut," or something like that.
9875. Tell us what you did say? I said, "You fat-gutted dog, what do you mean?"
9876. *Mr. Oatley.*] Did the blow take your wind away? Yes, and it made me vomit. The gag was brought, and I was taken outside, into the passage, and gagged by Small, while Flanagan held my head. I was then put between the two doors of the cell.
9877. Was any violence used in putting the gag into your mouth? No, sir, there was only a scuffle. I tried to prevent them from putting the gag in.
9878. You were then put between the two doors? Yes, sir, with my hands fastened behind my back in one ring of a big pair of handcuffs, and with the backs of my hands together.
9879. What time was this? About 3 o'clock in the afternoon. I could not say whether it was 9 or 10 o'clock when they came and took me out of there.

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9880. Were you kept between the doors, with the gag in your mouth, and your hands handcuffed behind your back, from 3 o'clock in the afternoon until 9 or 10 at night? Yes, sir.
9881. You say that Mr. Small put the gag in your mouth? Yes, sir, he and Flanagan together. No one else was there.
9882. Who let you out? Mr. Flanagan.
9883. Was Mr. Small with him? No, sir.
9884. What year was that in? July or August, 1869.
9885. You are positive that you cannot be mistaken about your being kept between the doors for that length of time, gagged and handcuffed? Yes, sir.
9886. Did you suffer much? Yes, sir, I felt a choking sensation all the time. I wished that a fit of coughing would come on and choke me.
9887. When you were taken out from between the doors, where were you put? Into the black cell again. There was a bit of blanket there, and that was all I had.
9888. Was it winter time? Yes, sir, there was snow on the ground outside.
9889. *Mr. Pinhey.*] What became of you after you were taken out of the dark cell? I was sent back to separate treatment. I was kept in my cell, and could not get out, and I dirted in the cell.
9890. *Mr. Oatley.*] Did you ring the bell? Yes, sir.
9891. And it was not attended to? No, sir.
9892. And you had to use the cell? Yes, sir.
9893. *Mr. Pinhey.*] Were you brought before the magistrate for that? No, sir, they came, three or four of them, and gave me a kicking for it.
9894. *Mr. Voss.*] Who were they? One was a warder named Gately. There was a man named Mahoney who came after this again. They came three or four times and gave me a good kicking each time, because I would not clean the mess up. Everett was with the first lot. I got well kicked, and my head was hammered against the wall.
9895. Who did that? The chief warder.
9896. Everett? Yes, sir. Mr. Small came afterwards and told them to put me down in one of the other cells.
9897. *Mr. Oatley.*] Did you complain to the Visiting Justice or the chaplain? I complained to nobody. I never made a complaint while I was in the gaol.
9898. What took place after that? I was in the cell for three or four weeks, and was not allowed to go out. I was not able to; my head was swelled and my back was sore.
9899. Who kicked you? The chief warder and, I think, a warder who was in Darlinghurst when I was here, named Gately. The chief warder gave me a kick or two anyhow.
9900. What took place when you did come out of your cell? When I came out of the separate treatment cell for the first time to go to exercise, this warder Gately said to me, "Go on there." I said, "Go on with yourself." Then Everett came up and said, "In you go here," and shoved me back into the cell. He gave me a bit of a kicking then. A few days afterwards, when I was in the exercise yard, I was sick of my life, and I jumped up and put my neck on top of one of the iron spikes and hung down. There is a mark on my neck now where the spike went in.
9901. Why did you try to take away your life? Because I did not want to live in misery.
9902. Was that on account of the treatment you received? Yes. I would sooner die fifty times over than go through half the treatment I received there.
9903. Who released you from the spikes;—do you remember? I do not, sir. I forget his name. When I was taken down I stood on my legs; and when they saw that I was able to do that they gave me a few more kicks.
9904. *Mr. Pinhey.*] Who are they? The warders. Mr. Everett was there. He and a warder, whose name I don't know, gave me a kicking. The doctor did not come, but they put a piece of sticking-plaster on my neck. I was let out for exercise two hours a day after this. But before, the gaoler had told the magistrate that I had a fearful appetite, and ate all before me; then, when the magistrate came round afterwards, he found four or five days' bread in my cell.
9905. Have you any other ill-treatment to complain of? Did I tell you about them making me eat my own dung?
9906. No? I thought I told you that. When I made the mess in my cell they made me eat it, or, at least, they put my mouth in it.
9907. *Mr. Voss.*] Who are they? There were two or three warders. The chief warder was with them. Mr. Small was not there then.
9908. *Mr. Oatley.*] Have you any other complaint of ill-treatment to make? After I had been getting two hours exercise a day for two or three months, I was very bad—I was always throwing up—and I was taken to the hospital. That night I got a dose of medicine, and next morning I could not make water at all. The power was completely taken away. I have never been right since.
9909. Did you make any complaint to the doctor? No, but I told him how I was situated, and he gave me something to take.
9910. Is that all you have to complain of during that period? I do not remember anything else.
9911. *Mr. Pinhey.*] Were you in the habit at that time of seeing the priest occasionally? Yes, he used to come when I was in the back room of the hospital sometimes.
9912. Who was the priest? Father M'Guinn.
9913. How often did you see him? He would mostly come every week. He might miss one week. When I was in separate treatment I would not see him once in a month perhaps, because of course there was no chapel for the separate treatment men.
9914. Did you complain to him? No, sir.
9915. You say you were there seventeen months? Yes, sir.
9916. And did you never in all that time complain to your priest of the ill-treatment that you have described to us to-day? No, sir, I did not; I never complained to the clergy. At the time I was shaved a Wesleyan parson was going round, and he asked Small who I was. Small said, "Oh! he's a papist," and the parson said, "Well, you can't expect anything else from him."
9917. *Mr. Oatley.*] Were you a well-conducted prisoner in Berrima? Yes, there is no better conducted prisoner in the gaol than I am, though no doubt I am represented as one of the greatest scoundrels unhung.

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9918. Did you commit any other offences than those you have stated to us? No, sir, no more than I have stated.
9919. When you left Berrima you were sent to Parramatta? Yes, sir.
9920. When did you go there? It was in September, 1870.
9921. How long did you remain there? Not more than nine or ten weeks. Dr. Pringle said it was impossible for me to live there through the treatment I had received.
9922. During the time you were in Parramatta Gaol were you punished for any offence? Not any.
9923. Were did you go to from Parramatta Gaol? To the Parramatta Lunatic Asylum.
9924. How long did you remain there? Seventeen months; then I went back to Parramatta Gaol again.
9925. How long did you remain there that time? From eighteen to twenty months.
9926. During the time that you were at Parramatta on that occasion were you punished? Never at all, sir.
9927. Where were you sent to from Parramatta? To Darlinghurst, and then to Port Macquarie.
9928. What took place at Port Macquarie? Nothing, sir.
9929. You were never punished there? Never was pulled up.
9930. Where did you go to from there? I was discharged from there.
9931. *Mr. Pinhey.*] When was that? In June, 1875, I went to my liberty.
9932. How long did you remain at liberty? About eighteen months.
9933. What were you doing in that time? I was a cook for five months and a half at Port Macquarie after I got my discharge. Then I came to Sydney.
9934. When were you next convicted? In March, 1877.
9935. You are now serving that sentence in Maitland Gaol? Yes, sir.
9936. Where did you go to first after you were sentenced? To Darlinghurst.
9937. How long did you remain here? Seven or eight weeks before going to Berrima.
9938. And then you went to Berrima? Yes, sir, but I did not stay any time. The doctor said I had no business to be sent there. I was then sent here, and I was kept here nearly twelve months.
9939. Were you ever punished here? Never pulled, sir.
9940. Then you were forwarded from here to Maitland? Yes, sir.
9941. How long have you been there? Five months.
9942. Have you been punished there? Yes, sir, I got twenty-four hours for insolence to a warder.
9943. *Mr. Oatley.*] How long were you at Berrima the last time? About seven weeks, I think.
9944. Have you anything to complain of during that time? No, sir.
9945. While you were at Berrima did you witness any ill-treatment on the part of Small to other prisoners? Yes, sir. There was a chap named White, doing five years. He was very bad, and was taken out of separate treatment. Flanagan told him to go and pick some grass, but he said that he was not able to stoop or move. Flanagan then gave him a shove, and called him a lazy scoundrel, and when the man was down he gave him slops.
9946. What do you call slops? Two or three kicks.
9947. Did you see any other prisoners ill-treated? Yes, I saw Dalton knocked down and gagged at the corner of the gaoler's house.
9948. When? In 1870; when I came out of separate treatment.
9949. Who knocked him down and gagged him? I would not swear whether it was Small or the chief warder, Mr. Everett.
9950. Was anybody else there? Yes, Mr. Flanagan. The magistrate was coming out of the office at the time.
9951. *Mr. Voss.*] What was the man gagged for? I do not know what for. He was coming out of the office, and they gave him a shove. He said, "Don't you shove me," and then they downed him and gagged him.
9952. You saw them put the gag in his mouth? Yes, sir.
9953. *Mr. Oatley.*] Is there any other man that you saw ill-used? I saw a man named Shultz getting a kicking one day.
9954. Was he gagged? I did not see him gagged.
9955. *Mr. Voss.*] What was he kicked for? Making a noise I believe.
9956. You do not know yourself? I do not know any more than that I saw him getting a kicking.
9957. Who kicked him? I can't say.
9958. Where did it occur? In the passage as they were taking him out of the wing into the exercise yard.
9959. You cannot say who kicked him? No; there were two or three there.
9960. And you cannot say what it was for? It was for making a noise the night before.
9961. Where were you then? I was walking backwards and forwards near the hospital. I was out of separate treatment at that time.
9962. Do you know of any other person being ill-treated? No, sir, I did not see any.
9963. Did you see any other prisoners gagged? I heard of others, but I did not see them.
9964. Some person told you? Yes, and we could hear them getting kicked and all that.
9965. You have told us all the persons whom you actually saw ill-used? I might have seen more. I saw my brother ill-used.
9966. When? They were bringing him round from the back yards, and I saw Fitzpatrick throw a staff at him. The staff hit him and staggered him. He caught hold of it and I believe he used it. I saw them twist his arms round and hit him with their neddies.
9967. Who were the warders? Walsh, Fitzpatrick, and another.

John Clemens, warder in Maitland Gaol, called in, sworn, and examined:—

J. Clemens. 16 Sept., 1878.

9968. *Mr. Pinhey.*] What is your name? John Clemens, sir.
9969. What are you? A warder in Maitland Gaol.
9970. How long have you been there? Seven years on the 13th of this month.
9971. You were at one time a warder in Berrima Gaol? Yes, sir.
9972. When did you go there? In July, 1865.
9973. How long did you remain there? I left, as far as I can recollect, in March, 1871. I was there four years and eight or nine months.

9974.

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9974. During that time you must have had many opportunities of seeing the treatment of prisoners, and noticing the conduct of the gaoler and other officials. Did you ever witness anything that you think worthy of calling the attention of the Commission to—any ill-treatment or misconduct, or anything of the kind? Nothing whatever.
9975. Have you any complaints to make with regard to Mr. Small's treatment of the prisoners, or of his conduct or demeanour towards the warders, or have you any complaint to make as touching the general management? None, sir.
9976. *Mr. Oatley.*] Did you ever see any of the prisoners ill-treated by Mr. Small or any other person? Not undeservedly.
9977. Did you see them in any way ill-used? No, sir.
9978. Or abused? No, sir, nothing more than the Regulations allowed.
9979. Did you ever see a man gagged? I think I saw a man gagged. I am not positive whether I witnessed a prisoner named Cummings being gagged; it is a long while ago.
9980. Did you ever see a man spread-eagled? No, sir; I don't believe I did; I don't know what the meaning of it is.
9981. With his hands stretched out and fastened to ring-bolts? I could not really say that I ever did.
9982. During the time you were there were any complaints made to you about the quantity or quality of the rations? Not to me, sir.
9983. And you had opportunities of seeing the rations going in? Yes, sir.
9984. Were they good? They were generally good. There might be times when they were not as good as at other times.
9985. Did the men ever complain to you that they could not get out of their cells for the purposes of nature, when they rang their bells? No, sir; I was in charge of a separate treatment wing for a considerable time, and it was my duty to let the prisoners out when they rang.
9986. And there was no complaint of the sort? No, sir.
9987. Did any of the men ever complain of having to use the cracks in their cells for those purposes? I never heard of anything of the kind.
9988. What was Mr. Small's manner towards the prisoners? I always considered that Mr. Small was, if anything, rather lenient to the class of prisoners he had to deal with. He might be sometimes a little hot-tempered, but he was generally lenient, and to my knowledge he never punished a prisoner undeservedly. I could state two or three cases in which he was more inclined to be lenient than to press charges against prisoners for the purpose of having them punished.
9989. Do you know of your own knowledge whether any prisoner was ever shut between the doors of a dark cell? No, sir.
9990. Did you ever hear of anything of the sort? No, sir. I should like to make a statement about myself to show you how prisoners treat the officers, and what the officers have to put up with. They intended to kill me there. I was severely assaulted, and received bodily injuries, and I gave them no provocation beyond desiring them to desist from committing breaches of the regulations.
9991. *Mr. Voss.*] You say you fancy you recollect one case of gagging;—can you tell about what time it was? No, sir; I cannot recollect the time.
9992. *Mr. Pinhey.*] Do you remember a prisoner named Horn being in Maitland Gaol? Yes, sir.
9993. Do you remember his complaining to you of some bad rations in Maitland Gaol, and a scuffle taking place between him and you and the chief warder and warder Steel? I was not on the post. I believe that I helped to take him to the cell, but that was after the occurrence. I did not see him assault the chief warder.
9994. He says that, about this time, "Warder Steel and Warder Clemens came into the cell to search me, when Steel said, 'You have tobacco in your mouth;' I said I had not; but they immediately seized me, threw me down and throttled me until I was nearly black in the face. My throat was sore for weeks after." Is any portion of that true? No, sir. I believe something transpired in the yard when Mr. Maclean was assaulted, but I was not present. That may be what he is alluding to.
9995. *Mr. Voss.*] You were not a witness of the ill-treatment yourself? No, sir.

Richard Driver, Esq., M.L.A., called in, sworn, and examined:—

R. Driver, Esq., M.L.A. 16 Sept., 1878.

9996. *Mr. Voss.*] You are a Member of Parliament? I am, sir, and have been so for many years.
9997. I think the main object of your being called here was to reply to a statement made by Mr. Small that he met you on one occasion coming out of the "Three Tuns" public-house in company with a Mr. Powell, and that a certain conversation took place; that you told him you had a pile of letters received from prisoners in the gaol, and that he called you a liar? No such conversation ever took place, either coming out of the "Three Tuns" or anywhere else.
9998. *Mr. Oatley.*] Did he ever call you a liar to your face? Never in my life.
9999. Do you remember having any conversation with him? I swear positively that no such conversation ever took place.
10000. But do you remember any conversation taking place between you and him in reference to Berrima Gaol? Never, but once.
10001. And where was that? At Berrima Gaol.
10002. Do you remember the time? I do not recollect the month or the year. I had gone to Berrima to attend a case at the District Court, in which Messrs. Larkin and Wakeford, then railway contractors for the Southern line, were the defendants, and I went up on behalf of the defendants. Whilst in Berrima, about 5 o'clock in the morning, I having only reached there about 2, the landlord of the hotel where I was staying (Mr. Levy) woke me up, and requested me to come downstairs, as there was a person there who wanted to see me very particularly. I went downstairs, and saw a man whose son was to be tried that morning for robbing the mail. He told me—to use his own expression—that he had been sent by Mr. Councillor Butler (Mr. Edward Butler, Q.C.), who was then on a visit to some relatives of his late wife. I saw the prisoner, who was awaiting his trial, and when the causes were over I met Mr. Small. I had known Mr. Small, but not intimately; he never was an intimate acquaintance of mine. He spoke to me, and complained of some statements I had made in Parliament; and that was the only conversation I ever had with him upon the subject. I went through Berrima Gaol with Mr. Small, and went into the cells

R. Driver, Esq., M.L.A. 16 Sept., 1878.

cells of several of the prisoners, who stated, in reply to questions put by him, that they had no fault to find and no complaints to make. On leaving the gaol he asked me if I was satisfied. I told him no, and said at the same time, "It is not likely that these unfortunate men will make any complaints to you; let me go through the gaol and judge for myself." He consented, and I saw two or three of the prisoners, who complained, and complained very very bitterly of the treatment they had received. There was one man known by the soubriquet of "'Possum," about whom I had heard a great deal from a personal friend of my own, who was an official upon Cockatoo Island when the man was there. I spoke to this man, and he in particular complained of violent treatment that he had received at the hands of Small and others. He unbuttoned his shirt, and showed me a miserable substitute for an undershirt that he was wearing. He complained that he was suffering from heart disease, and could not get sufficient clothing. I told him that if it were not against the rules of the gaol I would buy him a shirt at the establishment of Mr. Powell, who kept a store in the immediate vicinity of the gaol. When I came down I told Mr. Small that I was not half satisfied, and I also told him that this man wanted a shirt. Mr. Small said, "Oh, he does not want a shirt; these b—— wretches will impose upon anybody."

10003. Did he say it in those words? Those very words. "Well," I said, "it appears to me that he wants one very badly, and if you will let him have it I will buy one; but I will not buy it unless I know that he is to get it." He promised me that the man should have it, and I walked from the gaol to Mr. Powell's store, and bought a shirt. I also, when in the gaol, spoke to Mr. Small about gagging and spread-eagling, and he admitted that such things were done; but he stated that it was in the case of men who had made use of the most brutal and most filthy language in the hearing of his wife and daughters. To the best of my recollection that is all that took place between us. I recollect his asking me who had given me information. I said I could not tell him, but that I had received letters from various parties, and that I had received letters of complaint from inmates of Berrima Gaol. And it is a fact that I have on many occasions received letters direct from prisoners in Berrima Gaol, brought to me by discharged prisoners, complaining bitterly of the treatment they had received.

10004. Do you remember the name of any other prisoner than the man you call "'Possum"? I think young Weavers was one. At all events, it was one of the men connected with the Bargo Brush affair.

10005. Not Slattery? No; I do not think it was.

10006. *Mr. Voss.*] I have copied a few of the words said to have been used by yourself in Parliament. You are reported to have said that you had known cases of torture of this description; that men were gagged for eight or ten hours at a time, besides being spread-eagled. Are we to understand that you have seen such cases of torture yourself? I never was in Berrima Gaol but once in my life.

10007. Has it ever been reported to you by anybody but prisoners or ex-prisoners? Never; not for that length of time.

10008. But have you had any reports of those alleged cases of torture from anybody besides prisoners or ex-prisoners? I have.

10009. Can you give us the names of any of those persons? Unfortunately I am not at liberty to do so.

10010. You are likewise reported to have said that clergymen declared to you that the place was a perfect hell. Can you give us the names of any of those clergymen? That I am not at liberty to do. I have heard from one clergyman, and I have applied to him for permission to make use of his name.

10011. But not from more than one? I have spoken to two clergymen about Berrima Gaol, one of whom has never given any information that has been made use of by myself in any way whatever, and in point of fact he has given no information that I could make use of. But another clergyman, with whom I am particularly intimate, has, on more than one occasion, made statements to me concerning the management of Berrima Gaol.

10012. Alluding to these tortures? Alluding to these tortures.

10013. Did you obtain the gag which you exhibited in Parliament from any gaol? I did not.

10014. Can you tell us where it came from, or how it was obtained? I borrowed it from Mr. Hugh Taylor, the Member for Parramatta.

10015. *Chairman.*] You do not know where it came from? I do not from my own knowledge.

10016. *Mr. Voss.*] And you do not know whether it exactly corresponds with the gag used? Fortunately, I never saw one of the others.

10017. Was it given to you as a like gag to the one used at Berrima? Mr. Taylor showed it to several people, and he said to me, "This is the kind of thing they use there."

10018. Was it a metal gag? It was made of cedar, and there was a metal tube in the centre—brass, I think.

10019. Do you know where it is? I dare say Mr. Taylor has it. With reference to the conversation said to have been related by Mr. Small, I desire to state that the "Three Tuns,"—I suppose he means the house kept by my father—has been closed as a public-house for over ten years, but I cannot fix the precise date—I think it is about twelve years ago—and he certainly could not have seen me coming out of there since then. But I am quite sure, and I swear most positively that he never had a conversation with me coming out of there at any time. I may state that the only prisoner in the gaol that I knew by name was a man named Fordyce. He was tried for the gold escort robbery, and I knew him by seeing him tried. He was walking about the gaol-yard the whole of the time I was there. I spoke to Mr. Small about him, and Mr. Small said, "He is a well-conducted man, and is allowed to do pretty well as he likes." I do not wish to infer that Mr. Small was guilty of any laxity of discipline, but it seemed that this man was specially privileged.

10020. *Chairman.*] Have you ever had any falling out with Mr. Small? Never in my life, on any subject directly or indirectly.

10021. Do you recollect any conversation when he asked you why you made these allegations in Parliament about the gaol, and when you said, "I am not driving at you, it is at the Government"? Nothing of the kind was ever said. The conversation commenced by his asking me what I had been saying about him, and I told him then that if the accounts I had heard of him were true he was a perfect brute. He asked me what accounts, and I told him about the cruel treatment the prisoners were subjected to.

10022. Was that at the time when Quarter Sessions were held at Berrima? Yes. I went up there to appear in a case at the District Court.

10023. *Mr. Oatley.*] Have you really no animosity nor ill-feeling against Mr. Small? I have no ill-feeling against Mr. Small or any man in the world.

10024. And you cannot possibly be mistaken in what you have sworn? Not at all. 10025.

10025. *Chairman.*] Do you know at all how the inquiry at Parramatta by Mr. Taylor was first set on foot? I do not know. I had no idea that he was having an inquiry, and knew nothing of it until he told me the day after the first day on which he had taken evidence.

R. Driver, Esq., M.L.A.
16 Sept., 1878.

THURSDAY, 19 *SEPTEMBER*, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D. | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

The Rev. Father M'Guinn, Roman Catholic Clergyman, called in, sworn, and examined:—

Rev. Father M'Guinn.
19 Sept., 1878.

10026. *Mr. Oatley.*] What is your name, sir? Dennis M'Guinn.
10027. You are a clergyman of the Roman Catholic Church? Yes, sir.
10028. I believe that you were formerly Visiting Chaplain to Berrima Gaol? Yes.
10029. For how long? Between 6 and 7 years.
10030. Do you remember when you went there? I do not remember the date.
10031. Do you remember when you left? I cannot tell from memory.
10032. *Mr. Voss.*] Can you state how long it is since you left? I think it is about 8 or 9 years.
10033. *Mr. Oatley.*] Well, during the time you were acting as chaplain there, were any complaints made to you by prisoners relative to their treatment in gaol? Complaints were frequently made to me by prisoners as to their treatment in Berrima Gaol.
10034. What was the nature of their complaints,—was it want of sufficient food? Yes, want of sufficient food; they often complained that they did not get enough to eat.
10035. Were there any complaints as to their treatment? There was a complaint by a prisoner named Cummings.
10036. What was the nature of the complaint? That Mr. Small struck him on the mouth and knocked two of his teeth out.
10037. Did he show you where his teeth were knocked out? Yes.
10038. And were they knocked out? They were.
10039. How long after they were knocked out was it that he told you? Next morning, I think.
10040. And you observed that his teeth had been knocked out? Yes.
10041. What action did you take? I spoke to Mr. Small about it, and the matter was investigated before the Police Magistrate and the Sheriff. I was examined, but all that I could say was that I saw the effect of the blow.
10042. *Mr. Pinhey.*] Can you fix the time,—how long was it before you left? I could not tell; it might have been twelve months or two years.
10043. What was the decision;—do you recollect? I do not know what decision they came to.
10044. What was the charge;—do you recollect? That Mr. Small had struck him on the mouth, and knocked two of his teeth out.
10045. Did he say that it had been done by using the gag,—or by what means? By a whip, I think, that he had in his hand. He had been going out riding, and he went up to the corridor with the whip in his hand, so I was told, and for some answer that the prisoner made he struck him.
10046. *Mr. Voss.*] Do you recollect any other complaint of ill-treatment? No public complaint. Of course the prisoners used to tell me their own complaints when I visited them.
10047. *Mr. Oatley.*] We want to know whether the prisoners have complained to you as chaplain? They did, frequently; but of course I could not place any reliance on their private statements to me.
10048. *Mr. Voss.*] You have told us that this man Cummings made a complaint of ill-treatment, and that the case was investigated;—can you give us the name of any other man who made a complaint of ill-treatment? I cannot. When I visited them in their cells they would tell me various things about Mr. Small's severity, but never any complaints of striking or ill-usage in that way.
10049. Speaking generally, what was the nature of their complaints? That they did not get their proper quantity of food, and various other complaints that I cannot recollect against Mr. Small's severity in a general way; but they never stated any particular charge.
10050. *Mr. Oatley.*] Was there ever any complaint made to you in reference to the quantity of bed-clothing? Yes.
10051. What was the nature of that complaint? That they were trembling with cold, and had not sufficient covering.
10052. *Mr. Pinhey.*] Were those men undergoing separate treatment or solitary confinement? Solitary confinement.
10053. Did you have an opportunity of seeing whether they had a sufficiency of bed clothing? The bedding was left in the corridor, and I saw it there.
10054. *Mr. Voss.*] Did they complain of having only one blanket? I do not recollect.
10055. How often used you to see them? I was bound by the regulations to see them once a week, but I used to go sometimes three times a week.
10056. Did any of them complain to you of being unnecessarily gagged or spread-eagled? No, I do not recollect.
10057. You do not recollect any instance of a prisoner complaining to you of having been cruelly gagged or spread-eagled? No, I never heard the term "spread-eagled" used while I was in the gaol. A few of them told me that they were gagged at one time.
10058. Do you know Bragg? Yes.
10059. Do you know anything of his character? So far as my communication with him went I found him docile and obedient, but he had the character of being a ferocious and troublesome prisoner.
10060. How do you know that he had such a name? I think he was the person suspected of committing a

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a murder there, but I do not recollect distinctly. There was a murder committed there at one time, and I think he was suspected of it.

10061. Do you remember Michael Slattery? Yes.

10062. What was his character? It was not good. He was a wild kind of fellow, but excepting that character I never saw anything ferocious about him. You could see that he was a wild kind of character in speaking to him, but personally I knew nothing whatever about him.

10063. Have you formed any opinion as to the effect of separate treatment upon the prisoners? I think it had a good effect, but that it was carried too far.

10064. *Mr. Oatley.*] Do you remember a prisoner named James M'Grath? Yes.

10065. Did he make any complaint to you? I do not remember.

10066. [*James M'Grath's evidence, questions* 1728–1733 *read.*] Did this man make any such complaint to you? I do not remember; I have no recollection of it.

10067. *Mr. Voss.*] Have you any recollection of telling him that it was useless to make complaints; that you had complained to the magistrate yourself about a man who had been ill-used to such an extent that he was left for dead, and that the magistrate took the gaoler's part? I have not the slightest recollection of it.

10068. *Mr. Pinhey.*] Slattery says that, in January, 1870, he was ill-treated by Mr. Small and some warders, and that he complained to you. Do you remember anything of that circumstance? No.

10069. *Chairman.*] Do you know a prisoner named John Coghlan? Yes.

10070. Do you remember him well? I was there so many years, and saw so many of these prisoners, that I have a very indistinct recollection of them.

10071. Do you remember this man complaining to you of having been subjected to very brutal treatment? I do not remember.

10072. He says that he complained to the priest, but that he believed the priest was as bad as the rest of them, and that the priest was Father M'Guinn: you do not remember that at all? No.

10073. Did you form any opinion at all as to the truthfulness of the prisoners' complaints? I thought they were partly true from Mr. Small's general character as a severe and strict man. Not that I ever witnessed any cruelty or ill-treatment on his part, but he was a very severe and strict man. In my opinion, however, it was necessary that a gaoler in his position should be severe and strict.

10074. *Mr. Oatley.*] Speaking of the treatment of the prisoners, you say that you thought it over-severe? I thought it unnecessarily severe; I did not think it would improve the spirit or the conduct of the prisoners.

10075. *Chairman.*] Do I understand you to refer to the system? Yes.

10076. Not to the administration of it by Mr. Small? No.

10077. *Mr. Oatley.*] You say that the prisoners complained frequently to you, but that you cannot remember their complaints? They were frequent, but the complaints were of a vague character.

10078. *Chairman.*] Did you ever feel called upon to represent to the Comptroller General any complaint that you heard against Mr. Small? Only that one occasion about Cummings. I do not think I was ever examined about any other case.

10079. You yourself were brought into disagreeable collision with Mr. Small in consequence of some family matter? Yes; but I had no ill-feeling towards him for that, because he had nothing to do with that affair.

10080. *Mr. Oatley.*] Did you ever go to the dark cells? Yes.

10081. On more than one occasion? On several occasions. Whenever a prisoner was sent to the dark cells I used to get notice of it, and go to see him.

10082. *Chairman.*] Was that with Mr. Small's assent? Yes.

10083. Can you remember any prisoner whom you did visit? I do not remember their names. There were perhaps half-a-dozen.

10084. That is during the six years you were there? Some of them might have been in the dark cells while I was away from home.

10085. Were those interviews in the dark cells prolonged, or did they last only a few minutes? Only a short time. I just went to ask the prisoner why he was sent there, and to advise him not to deserve such punishment again.

10086. *Mr. Oatley.*] Was ever any objection made by the gaoler or any other person to your going there? No, I could go whenever I liked.

10087. *Chairman.*] What do you say your opinion is as to the effects of the separate treatment upon the prisoners? I think that to some extent it had a good effect, but I thought the period of nine months too long. It did away with the good effect, and made the men more violent and ferocious, so that they became half mad.

10088. *Mr. Pinhey.*] But in a modified form you approve of the system of separate treatment? If the prisoners could be managed well without it I do not think it should be carried out to half the extent that it is.

10089. But you must bear in mind the class of prisoners who are sent there? There are some prisoners who have been worse than any there, but who have not been put into separate treatment. Some of those who are confined there I do not look upon as worse than some of those that were never put into separate treatment.

10090. *Chairman.*] Of course it is a mere question of the length of sentence? There is one observation I would like to make, and that is with regard to the prayer-books. Whenever a man commits a breach of the regulations his Bible and his prayer-book are taken away from him. I do not see the good of that.

10091. Did you represent that to the Comptroller General as a thing that ought to be rectified? I forget now.

10092. Have you ever described Berrima Gaol as being a hell upon earth? That was before my time. I believe it was a dreadful place then.

10093. Have you described it from your own experience as being a hell upon earth? No, sir; because nothing of that sort took place in my time.

10094. But you, in your position as chaplain there, must necessarily have had an opportunity of observing the place during those six years, and, having that opportunity, did you ever describe it, from your own experience, as being a hell upon earth? I cannot see that I should think of such a thing, because it was never in my time a hell upon earth. I do not believe Mr. Small had any difficulty in managing the prison. Before my time I believe the prisoners broke out several times.

10095.

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10095. We have been informed that a clergyman has so described the place, and we are anxious to find out who it was. But you are not the clergyman, you say? No, sir. I think it was stated in the papers who the clergyman was.
10096. Do you refer to the Rev. Mr. Dixon? I think that is his name.
10097. *Mr. Voss.*] He is evidently not the one, because he has never had any communication with Mr. Driver, and Mr. Driver stated that clergymen had declared it to him. Unless every clergyman be asked he must lie under the imputation of having stated it. Have you ever had any conversation with Mr. Driver about the ill-treatment of prisoners in Berrima Gaol? Never. I met him some time ago, and asked him whether I would be called upon for examination before this Commission, and he said, "If you are required you will be called;" but I never said anything about the gaol to him.
10098. You stated that you left about 1870? Yes, I could find out the exact date, but I cannot tell from memory.
10099. Then you must have been there in 1866 and 1868 if you were there for six years? Yes.
10100. You recollect Joseph Bragg being there? Yes, I think so.
10101. Did you visit him as a clergyman? I really would not swear that he was there in my time.
10102. But you recollect him? I recollect his name, and that he had rather a notorious character in Berrima Gaol, but I could not swear that I ever saw him there.
10103. Then you do not know that you ever visited him as his clergyman? I do not.
10104. Do you recollect a man named William Lee? Yes, he was there in my time.
10105. Was he one of your people? Yes.
10106. Did he ever make a complaint to you of being gagged? No; I do not remember it.
10107. Do you recollect whether Coghlan ever complained to you of being gagged? I do not remember.
10108. *Mr. Oatley.*] But he may have done so? He may have done so.
10109. *Mr. Voss.*] But you stated before that you never heard of any cases of gagging from the prisoners? I do not think I did; if I did I forget it.
10110. I am merely going over these names to refresh your memory. Do you recollect Henry Faulkner? I do not recollect him.
10111. Do you recollect M'Grath? Yes.
10112. Did he ever complain of having been gagged, and of having his tooth broken? No, I do not recollect.
10113. Then you do not recollect his ever speaking to you of having a tooth broken, and another split by the gag? I do not remember that.
10114. *Chairman.*] Do you remember Chief Warder Hill? Yes, I remember him well.
10115. Had you opportunities of observing his conduct and character? I had.
10116. Did you form any opinion about him? He was a stern rough sort of man to the prisoners, but that is all I know about him.
10117. Did you ever hear any complaints of ill-treatment by him? No, I do not remember that any complaint was ever made to me against him.
10118. Did you ever see any rough usage to any of the prisoners by Hill? Of course they might be ill-used without my seeing it.
10119. In all probability they would not be ill-treated in your presence? Very likely they would not.
10120. *Mr. Voss.*] But do you think they would tell you about it? I think they would tell me everything. I used to sit talking with them for over a quarter of an hour.
10121. Then if any of these prisoners had been cruelly ill-treated you think they would have told you about it? Yes, they used to tell me everything that took place.

Mr. James Hill called in, sworn, and examined:—

Mr. J. Hill. 19 Sept., 1878.

10122. *Chairman.*] What is your name? James Hill.
10123. You were, at one time, I believe, chief warder in Berrima Gaol? I was, sir.
10124. How long were you at Berrima Gaol? I went there in June, 1866, and I left, I think, in March, 1869—about two years and eight months.
10125. Were you chief warder all that time? I was; that was my first appointment. Before that I was Government Instructor of Volunteers at West Maitland for some years. I went there in 1860, and I was Government Instructor until the staff was discontinued by the Martin Ministry coming into office in 1863.
10126. You had previously been in the army? Yes, sir; I had the honor to be.
10127. While you were chief warder at Berrima Gaol did you see any prisoners gagged? I did, sir.
10128. Can you state what prisoners you saw gagged? It is nine years since I was there, and I cannot give you the names of all, though I can give you a few names. I used to keep a private record of each prisoner, showing his name, where he was tried, what sentence he was serving, and when his sentence would expire; and I had a memo. at the end showing what each man was punished for, and when.
10129. But my question was with reference to gagging. Will you tell us what prisoners you have seen gagged—as many as you can remember? There was Michael Slattery, who was gagged many times; I could not say how often, but more than twice. Cummings was gagged on several occasions, and one time Mr. Small flogged him with a riding-whip for tearing up his clothes.
10130. For the present confine your evidence to cases of gagging? Well, Richardson was gagged. Another prisoner, named Weekes, was gagged in my time. Bragg was gagged on several occasions. Drynob, he was gagged. Yellow Billy, a bushranger, I give you his gaol name, he was gagged I think twice. Welsh, he was gagged. Bertrand, he was gagged. There was a prisoner of the name of Hill, he was gagged. Parsons, he was gagged. Watson, he was gagged; and Lee, he was gagged; he was in the Bargo Brush affair. There were others, but I cannot tax my memory so far back as to be able to recollect them. I never dreamed that I would ever be called upon to give evidence of it, but those are names that I recollect well, and I have jotted them down.
10131. Did you see all these men gagged? I did, sir.
10132. Did you gag any yourself? By orders, I did.
10133. How many, do you know? I gagged Bertrand, by the orders of the gaoler. He was making use of very foul and filthy language at the top of his voice one night after lock-up time. Mr. Small was sent for,

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for, and when he came he said, "Shove him into a dark cell, and gag his filthy mouth." I sent a warder for a gag and handcuffs, and I handcuffed his hands behind his back and gagged him. I think the gag was in his mouth for about an hour and a half.

10134. Was Mr. Small present? Yes, sir; he went with me.

10135. *Mr. Oatley.*] Who removed the gag? I did.

10136. *Chairman.*] You put it in, and removed it after it had been in for an hour or an hour and a half? Yes.

10137. Was he in his own cell? No; by Small's orders I shifted him to a dark cell.

10138. Was anybody with him during that hour or hour and a half? No, sir.

10139. When was this? I cannot give you dates. I think Bertrand was somewhere about twelve months in Berrima, and this would be about two months after his admission.

10140. Then you had no opportunity of seeing when he was ready to submit and be quiet during that hour and a half? No, I locked him up, according to orders, and then I went to him. I went by Mr. Small's orders. He said, "Visit him by-and-bye and see how he is," but he gave me no specified time. When I took the gag out, I said to Bertrand, "Do you think you can behave yourself and use better language?" His language was most filthy in the extreme. He said, "Well, I have been in gaol so long, and I never knew what imprisonment was till now; I will be a quiet man during my time;" and after that he was a most exemplary character. We never had any more trouble with him.

10141. Do you think it had a beneficial effect? Yes; he said he never knew what it was to be imprisoned before.

10142. In your opinion was that cruel treatment of Bertrand? I do not think so.

10143. Do you think it was necessary? I think it was necessary for the sake of discipline.

10144. Did he appear to suffer much from that hour and a half's gagging? No, sir.

10145. Was the gag the same as we have here? That is it, sir.

10146. Will you name any other prisoner whom you, yourself, gagged? I could not say, sir; if we went together, of course the instruction to gag would be given to one of the subordinates. If such were the case I would issue the order to one of my subordinates, that so-and-so was to be gagged, according to the gaoler's orders, and I would stand by to see it done. Mr. Small would be there himself, and I would see that the order was carried out.

10147. Can you remember any man whom Mr. Small, with his own hands, gagged? Yes, he gagged Cummings more than once, and Slattery once.

10148. When you say "more than once," you may mean twice or a dozen times; will you swear Cummings was gagged twice? Yes.

10149. Will you swear that he was gagged three times? I think he was, but I will keep on the safe side and say twice.

10150. Were any men gagged more than twice? Yes, Slattery I know was gagged more than twice.

10151. *Mr. Oatley.*] If you had the record you speak of could you tell us exactly? Yes, I left it behind me; it was a private record.

10152. *Chairman.*] Slattery, you say, was gagged more than twice? I do.

10153. How much oftener? He was very insubordinate. I remember his being gagged upstairs, on the top landing, on the centre landing, and twice below, down towards the dark cells, for filthy language.

10154. Were these gaggings on the same day, or different days? Oh, on different days, perhaps there were weeks between them.

10155. How often did you see Cummings gagged? Two or three times.

10156. And Richardson? Once.

10157. And Weekes? Once.

10158. And Bragg? I think twice, as nearly as I can remember.

10159. And Drynob? Two or three times.

10160. And Yellow Billy? Once.

10161. And Welsh? Once.

10162. And Bertrand? Only once.

10163. And Hill? Once.

10164. And Parsons? I remember Parsons being gagged once; I could not say as to any more times.

10165. And Watson? Only once.

10166. And Lee? Once.

10167. Are those all the men whom you can remember to have seen gagged? Yes.

10168. Do you remember a prisoner named Holland? I think I remember the name.

10169. Do you remember seeing him gagged? I could not say.

10170. Do you remember a lad named Joseph Barnes being brought into the gaol on a summary conviction before a Bench of Magistrates? I cannot say that I do.

10171. His father was a prisoner there pretty often and is now blind? I could not say, sir.

10172. You did not remember him at all? No, sir.

10173. It was in 1868? I must have been there at the time, but I cannot call him to mind.

10174. He was a lad who was fined £1, and because he could not pay the fine he was sent to gaol, but the fine was paid in about half-an-hour. Do you remember the case at all? I cannot say that I do.

10175. Do you remember a prisoner named John Coghlan? I remember the name, but I cannot call the man's face to my recollection.

10176. He went to Berrima first in 1867 and he had come from Cockatoo Island? I remember the man now.

10177. Did you ever see him gagged? I would not be sure that I did. There were many men gagged besides those I have mentioned, but I cannot recollect the names or the times. This man came from Cockatoo for bad conduct.

10178. He says that he served a sentence of twenty-eight days dark cells which he received from Mr. Langley at Parramatta;—do you remember the case? Yes, I remember it.

10179. Do you remember whether he was gagged? I cannot remember. I know that he was refractory when he went to the dark cell first.

10180. He says that he was gagged in the presence of yourself and Everett? I remember now that he would not get up, nor put his tub out of his cell when ordered to do so by Mr. Everett. Mr. Everett was senior warder,

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warder, and it was his duty to see that the cells were cleaned out. The prisoners had to clean their cells and put their night-tubs out, and Coghlan would not do it. Mr. Everett reported the matter to me, and I went down and asked the prisoner why he did not do it. I said, "What is the use of knocking your head against bricks; you will have to do it." He made use of some vulgar expression and I reported it to Mr. Small, who came down and gagged him.

10181. In your presence? Yes.

10182. What was he gagged for? Insubordinate conduct. He would not put out his tub, nor rise off the floor; he said he would see us damned first, and that he would do as he liked.

10183. Was he making use of violent and filthy language? He swore at us.

10184. Was it necessary to gag him in order to stop him from making use of this language? It was not, sir.

10185. He was merely gagged for punishment? Yes, sir.

10186. You swear that? Yes; in these matters I never would take the responsibility of gagging upon myself, unless the gaoler was not present and I could see no other alternative. If there was occasion to do anything of the sort, I would always send for him and receive his instructions.

10187. Do you think that it was necessary to gag Coghlan? Well, I would not have gagged him.

10188. Was he gagged violently? He was handcuffed with his hands behind his back, and the gag was shoved in, and he got a good shaking.

10189. Do you know how long the gag remained in? I could not say.

10190. Was it more than 5 minutes? It was more than 5 minutes. The cell was locked upon him.

10191. Who locked the cell? Everett; he had the keys. I had a key for everywhere, but I never used keys unless there was not an officer present.

10192. Who took the gag out of his mouth? I think, I did—yes, I did.

10193. Then how long was it in? It was in more than an hour.

10194. Do you think it was in as long as three hours? No, I never saw the gag in for three hours in my life.

10195. Was it in a couple of hours? No, it might have been in an hour and a quarter or an hour and a half.

10196. And during that time he was locked up? I could not say whether the senior warder went there. Of course he had power to go; and he had the keys.

10197. Did you ever hear of Coghlan being gagged on any other occasion? I could not say, but I remember that occurrence well.

10198. Well, he says that his offence was talking to another prisoner. That does not tally with your recollection. You say that he was insubordinate, and would not put out his tub, and that he made use of bad language? You will bear in mind that that is as near as I can remember.

10199. Do you remember a man named Henry Faulkner, better known as Ross or Shortland, who was convicted of robbery under arms? I think I do remember him.

10200. He went to Berrima first in July or August, 1868, and he remained until the 8th of October? I remember the name, but I cannot call the man to my recollection, and I would not speak of anything that I could not bring pretty well in front of me.

10201. Well, he brings himself in front of you this way:—He says that during that time—from July to October, 1868—he was found fault with for talking; that you and Mr. Small and a warder named Buckley were there; that Mr. Small asked him what he had to say, and he replied, "I hope I may be struck dead if that warder has spoken the truth." "With that," he says, "Hill and a warder named Buckley rushed me, got hold of my hands, twisted them behind me, and handcuffed me. Then Mr. Small jumped up, and rushed over for the gag, which was hanging up, put it into my mouth, and buckled it behind me. He was in a great passion, and asked me how I liked that. Of course I could not speak. Then he said, "I think it is hurting you," and he came over, apparently to shift it, but he hit it with the palm of his hand, and split my mouth with it." Do you know if that is true? I could not say; there were so many gagged in the office by Mr. Small for a minute or two. He would lose his temper at once if a prisoner said anything, and we, his subordinate officers, had no alternative but to obey him.

10202. Can you call to mind a case of that sort? I cannot, sir, indeed.

10203. Do you remember a prisoner named James M'Grath? Yes, I remember a prisoner of that name.

10204. Do you remember the man at all? No, I cannot say that I can bring his face before me.

10205. Have you read the reports in the *Cumberland Mercury*, of statements made to Mr. Taylor? No, sir, I have not. All that I saw was something in the *Evening News* about Mr. Small saying that only five prisoners had been gagged in eleven years.

10206. Listen to M'Grath's statement: He says that nine or ten days after he went up there he was locked up for talking to another prisoner in the yard; at night Mr. Small came and opened the door of his cell. Warder Hill, he believes, was with him, and had a bull's-eye lamp in his hand; Mr. Small said to him, "Get up, you are not satisfied, it appears, with being locked up;" he called for a gag, and when he got it into the prisoner's mouth he struck it with his hand, breaking a tooth and splitting the next one to it. Do you remember that? There were several occurrences of that sort, but I do not remember that particular one.

10207. He says that you took the gag out? Very likely I did, but I cannot remember the man.

10208. He says the gag was in for three hours? I do not believe it to be the case; I never knew of such a thing.

10209. You were holding the light, he says, while Small put the gag into his mouth and broke his teeth? I remember one man having his teeth broken, but I do not remember his name. I remember his mouth bleeding, and seeing him spit a bit of tooth out.

10210. Who gagged that man? Mr. Small.

10211. Did you take the gag out? Yes.

10212. How long was it in? I do not think I ever allowed the gag to remain in more than an hour or an hour and a half at any time.

10213. Do you think that was not too long? I do not think it was, provided that it was not in for punishment. Of course the prisoner's hands were behind his back. I found it many times to have the desired effect of quietening men and putting down insubordination. But, mind you, there were many men gagged that I had nothing to do with; perhaps I would be out. A great part of the gagging was done

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done after the men were locked up for the night. Then they would commence their signalling and talking, and I might be out when some of them were gagged. I remember one man's mouth bleeding and his spitting a piece of tooth out. I took the gag out, and I do not think it was in for more than 2 hours or an hour and a half.

10214. What generally was the length of time that the gag was kept in the mouth? Sometimes 20 minutes and sometimes a quarter of an hour. It was mostly left to me, and, if they submitted, I would not keep the gag in any time.

10215. But if the man was locked up he would have no means of intimating when he was ready to submit? I would go down and visit him often, and I would take the gag out and ask him if he would behave himself.

10216. Did you visit Bertrand or this other man, Coghlan? I did.

10217. At what intervals? I visited him before it was half an hour in.

10218. You would leave him then for half an hour? Yes.

10219. Was that the general run of the way in which men were gagged—leaving them for half-an-hour or so before they had a chance of submitting? Of course the senior warder had the power to go there, but he was generally instructed by the gaoler when to go down and take it out. But two hours was the longest time I ever knew the gag to be kept in.

10220. Whose mouth was it in 2 hours? I cannot remember the man's name, but I remember that the gag was in his mouth 2 hours. There was one man, I think it was Drynob, a very foul-mouthed fellow. When the gag was taken out of his mouth, and he was asked if he would behave himself, he would give you some filthy answer, and then the gag would be put in again, and so on.

10221. You have told us of one case in which the gag was used for punishment;—do you know of any other case in which it was used for punishment, and not necessarily to prevent the man from continuing the use of bad language? There were a great many gagged and not for bad language altogether. If a man gave Mr. Small a disrespectful answer he would lose his temper and gag him in a minute.

10222. You never did anything of that sort? I had no business with it. I never gagged without Mr. Small's permission.

10223. You say that on your oath—that you never gagged without his orders or permission? Yes.

10224. Did you never gag a man except in Mr. Small's presence? When he has been away on leave of absence I have had occasion to gag.

10225. How often? I think about twice; I was then acting gaoler.

10226. Then, if we have been told that the gag was never put into the mouth of a man at all, except when it was necessary to stop his bad language—that is, simply as an instrument of repression—you say that evidence is untrue? It is untrue, for men have been gagged for talking one to another, from cell to cell, when they have been making use of no bad language. I know of such cases.

10227. Do you know of any regulation with regard to gagging? In my time there was scarcely such a thing in existence as a regulation.

10228. You were chief warder in 1867, 1868, and part of 1869? Yes, sir.

10229. And you say there was no such thing as a regulation during that time? There was a blue book which came out in 1867, and I remember that there was a book order given that any time the gag was used it was to be entered in a minute book.

10230. Did you not see the book of regulations issued in February, 1867? I said that in 1867 there was a book of regulations issued, but I don't remember anything it said about the gag. I may be mistaken; of course I cannot tax my memory so far back.

10231. *Mr. Oatley.*] But you say there was an order that a record should be kept of cases of gagging? Yes, that came as a book order. That leads me to think that there could not have been much said in the printed regulations about the gag, or such a minute would not be required in writing.

10232. *Chairman.*] You do not seem to have made yourself very well acquainted with the regulations of 1867? I don't think there was any man in the gaol so well acquainted with them as I was.

10233. Well, did you not know of this regulation:—"The gaoler may place a refractory prisoner in irons, but he will not continue the use of irons for longer than forty-eight hours, without the permission of the Sheriff or of the Visiting Justice, nor will he cause a gag to be used, beyond the necessity for compelling the prisoner to submit, and cease from shouting or making use of offensive language; and the gaoler will report in writing to the Sheriff as well as to the Visiting Justice, the circumstances of every case wherein he may have found it necessary to resort to any of the measures of coercion as above specified." Were you not acquainted with that regulation from February, 1867, to the end of your term of office? The regulations might have been printed in February, 1867, but I question if they were issued at that time. Of course I cannot tax my memory about such things so far back. It is a thing I never thought of being called upon to speak about.

10234. Was there ever a case where a man was cruelly gagged, or gagged with unnecessary severity, in your opinion? There is a wide scope in that question. I consider many a time that men talking to one another did not require to be gagged. I would call that being cruelly gagged.

10235. You mean the cases of men who had been talking, and who, at the time of the gagging, were perfectly quiet? Yes, sir.

10236. Can you mention any cases? There are some of them in that list.

10237. Give us the dates, and the names of the people present so that we may investigate the cases? These things come awkward upon me, because it is so many years ago since they occurred.

10238. But they come more awkward upon men who may be turned out of their situations through your evidence? I do not want any man to be turned out of his situation on my evidence, unless it is the truth.

10239. We want you to tell us the whole truth without any consideration as to consequences at all? I know one thing; I have known Cummings gagged for talking, and talking alone, and at other times he was gagged for gross insubordinate conduct. He pretended to be mad at one time.

10240. I want you to tell us the time when Cummings, or anybody else, was gagged simply for talking? Hill was gagged for talking.

10241. When he was quiet? Yes, simply for talking from cell to cell.

10242. When was that? In 1866.

10243. In what part? Between June and December.

10244. Who were present? Daniel O'Connell, who was my senior warder, and Mr. Small.

10245. Anyone else? No; it was after lock-up time.

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10246. Can you mention any other case? I know there have been more cases, but I cannot mention names or dates, and I decline to say anything I am not positive of.
10247. You say that some of these cases occurred after February, 1867? Yes.
10248. Were you aware that there was a regulation in force providing that the gaoler was not to cause the gag to be used beyond the necessity for compelling the prisoner to submit and cease from shouting or making use of offensive language? Now that you recall it to my memory I recollect it well enough.
10249. It is a curious thing that a matter of this sort should have escaped your memory, you being the chief warder and acting-gaoler in the absence of Mr. Small. That being so, when you witnessed any violation of this regulation, did you represent it to your superiors, the Comptroller General, or anyone else? I never did, sir.
10250. You mean to say that you obeyed orders which you believed to be illegal, and never, in any way, remonstrated? I had no option but to obey. The first duty of a soldier is to obey.
10251. *Mr. Oatley.*] You considered that the responsibility rested on Mr. Small, and not on you? Yes.
10252. *Chairman.*] Hill's case was before the promulgation of the regulations of 1867? Yes.
10253. Is there any other case you can give us where a man was gagged without its being necessary for the purpose of compelling him to submit and cease from using bad language? I cannot give you the names; I cannot tax my memory so far back.
10254. Do you remember a prisoner named Holland, who was there some short time before you left, and who was a man of weak intellect and had a habit of smiling? I remember the name, but I cannot bring the person before my eyes to say what like he was.
10255. Do you remember Mr. Herbert being there? Yes.
10256. Do you remember Mr. Herbert bringing a charge against that man of making away with his thread. Mr. Herbert says he believes that he used to eat it? I cannot say that I do.
10257. Do you remember this (*Mr. Herbert's evidence—questions* 4201–4205, *read*)? I do not.
10258. Does that circumstance in any way bring the man to your recollection? No.
10259. Will you undertake to say that it never occurred? I would not, but I cannot say that I recollect anything of it.
10260. Did you leave the gaol before Mr. Rowley did? Yes.
10261. And he remained Visiting Magistrate after you left? Yes.
10262. *Mr. Pinhey.*] Do you remember a man named Gleeson there? I remember the name, but I could not say that I recollect the man's face.
10263. Then you do not remember his being gagged? No, sir.
10264. *Chairman.*] Did you ever know a man to be placed between the double doors of the dark cells? Yes, one.
10265. Who was that? Yellow Billy.
10266. Do you remember his name? No; he was a bushranger at the Wollombi. Yellow Billy was the only name I knew him by.
10267. Was he a half-caste? Yes, sir, a tall fellow.
10268. What were the circumstances? He was communicating in his cell with other prisoners, and planning an escape. It was after lock-up time—you must know that most of these things happened after lock-up time—and one of the warders came and told me of it. I went and listened, and then sent for Mr. Small, who came and listened too. After they were done talking, Mr. Small ordered "Yellow Billy's" cell to be opened, and they took him down to the dark cells and put irons on him. Mr. Small said to him, "We will not let you off so easily this time." I forget what remark the prisoner made, but Mr. Small gagged him and ordered him to be put between the doors of the cell. If I recollect right, there is a space of about 18 inches between the doors; but he was not there long. He was released and put in his cell again.
10269. Did you lock him between the doors? I would not be sure whether it was I or the senior warder.
10270. Mr. Small was there? Yes.
10271. How long was the man kept between the doors, do you know? Not more than half-an-hour or three-quarters, as well as I can remember.
10272. Is that the only man you ever saw put between the double doors? Yes.
10273. Will you swear that? I will swear that I do not recollect any other.
10274. Is your recollection so good that you will swear there never was any other case? I will swear that I can call no other case to my recollection.
10275. Is it merely that you say you cannot remember, and that there may have been other cases? There may have been others, but I cannot recollect them.
10276. Might there have been half-a-dozen? I do not believe that during my tenure of office there was ever any but the one.
10277. And you say Mr. Small was there? Yes, he ordered it.
10278. And that man was gagged? Yes, he was.
10279. Was the gag left in his mouth while he was fastened between the double doors? I would not be certain about that. After he was put in the dark cell and the gag taken out, he commenced bully-hawing and making the greatest noise possible, and we were called back again. You could hear him outside the gaol walls. He was gagged again, and now I think that he was put between the doors with the gag in.
10280. How long was he left there with the gag in his mouth? I do not think it was more than from half-an-hour to three-quarters.
10281. Do you swear positively that you did not put the gag in his mouth? I would not swear that I did not put it in, but if Mr. Small gave the order I must comply.
10282. Was the man standing up when he was gagged? Yes.
10283. Are you sure of that? Yes.
10284. Are you sure he was not lying down? Yes.
10285. I will read you this and ask you do you know anything about it:—(*Mr. Herbert's evidence, Questions* 4176–4184, *read*)? Whoever gave such evidence, I give it a most unqualified denial. It is a thing I never did in my life.
10286. On your oath do you say that that statement is untrue? I swear, honestly and truly, that it is untrue. I never went to the cells by myself. If a prisoner was refractory, my hands were not put on him; I had officers to do that; but I never knew of such a thing during my tenure of office in Berrima Gaol.

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10287. This was a short, stoutish man? What was his name?
10288. That we do not know; but whoever he was, he was a short, stoutish man? It is a direct libel and falsehold, whoever the witness is. Who is my accuser there, sir, if you please?
10289. That is not a matter of any importance? It is a matter of great importance to me. I give you my evidence without hesitation. If these details were so clear to his mind he must recollect who the prisoner was. Will you be kind enough to give me the name of my accuser?
10290. I am giving you all the details of the matter in order to know whether you can say it is untrue or not? It is positively untrue.
10291. Was Mr. Herbert present on the occasion when Yellow Billy was put between the doors? He was not.
10292. Can you undertake to say whether or not he was ever present when any man was put between the double doors? If he had attempted to come there I would have ordered him away, because it was none of his duty to be present at anything of the sort. I would allow neither doctor nor chaplain, nor any of those officers, to interfere with the discipline. I would have ordered him away to his own department. I never knew him to be down at the dark cells when I had occasion to put a prisoner there. If I had I would have ordered him away.
10293. Well, Mr. Herbert is the witness, and his evidence is this. (*Mr. Herbert's evidence, questions* 4168–4192, *read.*) That is the account he gives, and I want to know whether you will undertake to swear that it is untrue? I do positively and decidedly swear that it is untrue. It bears falsehood in the first part of it, where he says that I had my knee on the prisoner's breast. Such a thing never occurred. I never put a hand on a prisoner unless I was ordered by the gaoler, when he was present. Whenever I went to the cells there was always a warder to open the cells for me, and I never went to the dark cells without one or two warders with me, and if anything was required they did it. I would give the order.
10294. Do you mean to say then that there were never occasions when you had, physically, to handle a prisoner? Never, except one Sunday morning when Drynob was being taken to the dark cells. He whipped past Mr. Small and ran into the kitchen, where he got a knife and was making at the gaoler with it. I had a bunch of keys and a padlock in my hand and I struck him on the head with them, and then I did lay violent hands upon him.
10295. And that is the only instance in which you have had to lay hands on them? I have had to lay hands on them in the office, when Mr. Small has lost his temper and gagged them, because discipline, whatever you may think of it, requires that you should obey your superiors.
10296. When was Richardson gagged? He had a quarrel with some of them, and Mr. Small ordered him to be locked up in separate treatment. When he was there he commenced to make a noise and what not. I was round at the back of the gaol somewhere, and when I came round to the front, Mr. Small and one of the warders went up and gagged him. I followed them up. The prisoner was very disrespectful.
10297. Was he shouting or making use of offensive language at the time he was gagged? He was complaining, in a loud manner, of being locked up in separate treatment, and saying that he did not get fair play.
10298. Was he gagged in order to repress his making use of offensive language, or for punishment? He was gagged, as far as I could see, to make him stop his noise.
10299. *Mr. Oatley.*] But he was not swearing? Not that I remember. Berrima Gaol was supposed to be silent, and there was no talking allowed inside the wings at all.
10300. *Chairman.*] When was this case of Richardson's? I think he left the gaol about the latter end of 1868, or the beginning of 1869, and I think it was a few months before he left the gaol when this took place.
10301. And where was he gagged? In the cell.
10302. By whom? By Mr. Small.
10303. Who was present? I was, and I could not be sure whether the warder was Mulligan or George Hill.
10304. How long was the gag kept in his mouth? I could not say. Mr. Small took it out himself when he thought proper.
10305. When was Welsh gagged? I cannot remember the time, though I remember his being gagged.
10306. Where was it? In the cells. He was in separate treatment.
10307. What was he doing? I cannot remember the circumstances.
10308. You do not know who were there, or who gagged him, or what it was for, but you remember that he was gagged? Yes.
10309. Who was Hill? He was a prisoner there.
10310. When was he gagged? In 1866, for filthy language.
10311. Was it necessary to gag him in order to stop his language? I believe it was.
10312. When was Parsons case? That was in 1866.
10313. What was he gagged for? Impertinence, if I remember rightly, to the gaoler.
10314. Who gagged him? Mr. Small.
10315. Who was present? I was, and the clerk. He was gagged in the office.
10316. How long was the gag kept in? Not very long. I could not say how long.
10317. What kind of impertinence was it? He was brought to the office for some misconduct, and when Mr. Small remonstrated with him upon it, he made use of impertinent language in answering. Mr. Small jumped up and said, "Take hold of him." A warder there named Buckley, I think, got hold of him, and Mr. Small took down the gag (there was always a gag hanging over the chair where he sat) and put it in his mouth.
10318. Was he persisting in talking at the time he was gagged? I could not say that he persisted.
10319. Can you say whether he did not? I would not say whether he did or not.
10320. What is Watson's case? Watson was the baker, and he had made up an arrangement for his escape.
10321. When was this? I think it would be somewhere in the beginning of 1868.
10322. After the regulations came out? Yes; he had got a lot of bed-ticking and other things hid in the bake-house, and he was going to hang a rope ladder he was making over the wall to effect his escape. I found it out by some means or other, and he was locked up. Mr. Small locked him up, and was very violent

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violent with him. When he got him down to the dark cells he sent one of the officers for a gag and put leg-irons on the prisoner, and gagged him. He used him very roughly, there is no doubt.
10323. Was he quiet when he was gagged? He never said a word.
10324. Who was there? I was, and Everett, and Mulligan.
10325. How long was the gag kept in the prisoner's mouth? I could not say. I would not swear how long; but, as I gave you to understand before, I never knew the gag to be kept in for more than an hour or an hour and a half.
10326. And you say it was unnecessary to gag him in order to subdue him? Yes. He complained to me next day that the leg-irons were hurting him, and asked me to get him pads, which prisoners wear to prevent the irons from hurting their legs. I reported it to Mr. Small, but he would not allow the pads. The man was suffering very severe pain.
10327. *Mr. Pinhey.*] Was not this man brought before the Visiting Justice? Yes, afterwards.
10328. How soon after? Whenever a prisoner was locked up, the Visiting Justice was communicated with almost immediately. Perhaps it would be the afternoon or next day.
10329. *Chairman.*] Were you ever complained of yourself for having ill-treated prisoners? Never in my life. I was a strict officer in carrying out my duties, but I trust in God that I was a just officer. I administered according to the regulations laid down for me, and I was never severe to any man in the establishment.
10330. Did you yourself ever have any dispute or falling out with Mr. Small while you were there? Yes; we have fallen out privately, but never so as to interfere with the discipline of the establishment. I would smother private feeling to keep up the discipline of the prison.
10331. We are told that you were dismissed from the service;—is that true? No, sir, it is not true—I resigned.
10332. But is it not a fact that you were allowed to resign as a matter of grace? Yes, I made a mistake once in my life—I got too much grog, I admit that.
10333. Was that the only complaint made against you during your tenure of office? Yes. There was one time a warder named Simmons who got drunk in the town. The matter was reported to Mr. Small, who sent for him next morning and remonstrated with him, but he got very abusive and it led to Mr. Small suspending him. When he was brought up he made a charge against me; he accused me of being drunk, and called a publican and a storekeeper to prove it, but they proved to the contrary.
10334. What was the result:—were you reprimanded or exonerated? I was exonerated.
10335. *Mr. Oatley.*] You spoke of a prisoner named Cummings being beaten with a whip by Small;—when was that? Cummings, at this time, was pretending to be mad. We often had cases of that sort there. Whether he was mad or not I could not say—of course, our only guide was the doctor, but he used to tear up his clothing. I supplied him over and over again. On this occasion I supplied him with new clothes and new bed-clothes in the afternoon, and next morning they were all torn into ribbons. I went and told Mr. Small. He was going out riding on horseback at the time, and he went up and gave the prisoner, who was perfectly naked, a few cuts with his riding-whip. The worst of him was that he could not govern his temper. He would allow his passion to get the better of him.
10336. *Mr. Pinhey.*] Was anybody else present? Nobody, only he and I.
10337. *Chairman.*] Do you know where Cummings is now? I do not.
10338. I suppose you do not know whether he acknowledges that his treatment there was beneficial? I do not know.
10339. *Mr. Oatley.*] But flogging with a whip is not allowed by the prison regulations? No, sir.
10340. You say that you saw one man spit a portion of a tooth out, and that that man was gagged by Mr. Small? Yes.
10341. Do you remember a man of the name of William Slattery being placed between the double doors? I don't remember William Slattery at all.
10342. Do you remember any more cases of prisoners' teeth being knocked out or loosened by the gag? I would not be sure, positively, that I know it from my own knowledge. I know it from hearsay.
10343. *Chairman.*] Do you swear that, in all these cases you have given us, Mr. Small was present, and that the gagging was done by him, or under his orders? I do, sir.
10344. And you say there are many other cases which you cannot call to mind? Yes.
10345. *Mr. Oatley.*] Have you seen any other persons than those you have mentioned, struck or ill-used by Mr. Small, or any of the warders? No warder would dare to do such a thing in my presence. I have seen Mr. Small lose his temper in the yard when a batch of prisoners has been going away, and I have seen him gag them in front of the office when they were on the marching chain. There was one time that I remember when he gagged a man for some saucy answer that he got from him.
10346. When he was on the chain? Yes.
10347. *Chairman.*] Who was the man? I forget. They used to come and go in gangs of 12 or 15.
10348. Was he sent out of the gaol with the gag in his mouth? Oh no.
10349. For how long was he gagged then? Only 2 or 3 minutes.
10350. Do I understand you to say that, if a prisoner gave a saucy answer, without making use of any bad language, Mr. Small would gag him as a matter of retaliation? He would.
10351. Have you seen that many times? I have indeed, sir.
10352. Did Mr. Small carry a gag in his pocket? Never, to my knowledge.
10353. Then he must have gone to the office for a gag? He would always send to the office.
10354. And when the gag came, though the man might then be quiet, he would stick the gag in his mouth, as you would give a man a dozen lashes for misconduct two or three days before? Sometimes, but not always. I never knew him to carry a gag. I always carried handcuffs.
10355. Did you ever see a man spread-eagled? Never in my life. I read something about it in the report of what Mr. Driver said in Parliament, but there was never such a thing.
10356. Do you think it could have occurred without your knowing of it? I do not think it could. The chief warder is at the head of all discipline in the establishment, and nothing occurs that he is not present at.
10357. You say that you have known one instance of gagging for two hours, and several instances of gagging for an hour or an hour and a-half or three-quarters? Yes.
10358. Mr. Small and every warder who has seen a man gagged say that they have never seen a man gagged

Mr. J. Hill. 19 Sept., 1878.

gagged for more than 20 minutes, and very rarely for more than a few minutes. Do you persist in saying that the gag was kept in for an hour or an hour and a-half? I do, and I have had orders from Mr. Small. He would say, "Take it out in an hour, or an hour and a-half."

10359. And it was not because the man would not immediately submit, but, whether he would submit or not, the gag would be kept in for an hour or an hour and a-half;—you swear that? I do, sir.

10360. *Mr. Oatley.*] Were any complaints ever made to you about the rations, either in reference to the quality or the quantity? No, sir. There was the cook and two prisoners with me every morning at the drawing of the rations when the contractors came in, and the rations were passed by them and not by me. If the prisoners complained, I would report the matter to Mr. Small, and he would send out immediately for a Board—that is, any two disinterested gentlemen in town—to decide.

10361. Whenever there were any complaints were they always fully investigated? Yes, the rations were good and wholesome, and there was plenty of them.

10362. Did any of the prisoners ever complain of not being allowed out of their cells for the purposes of nature? There was never a complaint made to me of anything of the sort. It was a positive order that they should be let out whenever they wanted to.

10363. But if several of them rang their bells together, you could only let one out at a time? We would have to do so in such an emergency, but I do not remember an occasion of the sort.

10364. You were with Mr. Small for nearly three years? Two years and nine months.

10365. *Chairman.*] In your opinion was Mr. Small a fit officer to be in the position of gaoler at Berrima? I would rather decline to give an answer to that question; it is not my place to do so.

10366. Was his conduct becoming in a man in his position? I should not like to sit in judgment on such a matter.

10367. But, as a matter of fact, you never once represented to the authorities that he was an unfit man for the position? I did report him once to the Sheriff.

10368. When was that? In 1868.

10369. What for? I reported him for using insulting language to me in the presence of my subordinate officers.

10370. What was the result? It was a private investigation in the office. The Sheriff asked me not to reduce it to writing. As I told the Sheriff, the only difference between me and the prisoners was that I had the keys and could order my dinner, because I had not been 100 yards from the gaol gate all the time I had been there. The cause of our difference was, that I wanted to spend an evening with a sergeant of police in the town.

10371. Did Mr. Maclean uphold your complaint, or was Mr. Small exonerated? It would not do to do that in my presence, but I was informed that I could have every other night and every other Sunday off if I thought proper.

10372. Then you mean to say that the decision was virtually in your favour? It was, sir.

10373. Was that the only occasion on which you reported him? Yes.

10374. And that was a matter personal to yourself? Yes.

10375. You never reported him for cruel treatment to any of the prisoners? I never did—he was my superior officer.

10376. While you were there do you know whether Mr. Small was guilty of purloining the rations to feed his horse—did he feed his horse on the hominy? Yes, I did know, but not often though. There is never a tale without a reason, and that is one of the reasons why he and I did not agree. His family were fed out of the hominy copper, and I put a stop to it.

10377. I mean the hominy that would go to the prisoners? That is what I am speaking of.

10378. That was sent to the horse? It went to his house.

10379. Will you swear that you know of any instance when hominy that ought to have gone to the prisoners has been taken to feed the horse, with Mr. Small's knowledge? I have seen it go—I stopped it whenever I saw it.

10380. Did you ever report it? No; I have stopped members of Mr. Small's family from taking it, and I have reported a warder on the post for allowing it to be taken out of the cook-house, but it never went further.

10381. *Mr. Oatley.*] Do you mean to say that it was taken from the cook-house before the prisoners portions were served out? Of course it was.

10382. Not the refuse? No, a big tin dish full up. I met his son carrying it one morning.

10383. *Chairman.*] But you state that the prisoners had always plenty of rations, so that it had not the effect of depriving them? I am speaking of the prisoners in the mess-room; they were allowed plenty. Whether the men in separate treatment had sufficient or not I could not say, but they made no complaint to me.

10384. How was the health of the prisoners cared for while you were there? Pretty well; I weighed them every week.

10385. Was there any difficulty in the way of the prisoners laying their complaints before the Visiting Justice, or the doctor, or the Comptroller General? No, sir. I visited every cell twice or three times a day. One of my visits was in the afternoon before lock-up time. I saw every prisoner in the establishment then, and if any of them had any complaints to make they could make them. If a prisoner requested to see me, it is more than an officer dared to do to refuse him, because I would report him as soon as I heard of it. If a prisoner requested to see the gaoler I would inform him at once. If he wanted to communicate with the Comptroller, or acting inspector as he was called then, he would be supplied with writing materials to do so.

Thomas Cunningham, farmer, called in, sworn, and examined:—

T. Cunningham. 19 Sept., 1878.

10386. *Chairman.*] What is your name? Thomas Cunningham.

10387. What are you? A farmer now.

10388. You have had the misfortune to be an inmate of Berrima Gaol for some little time? Yes, sir; I was there four months and a few days.

10389. What sentence were you serving? Two years and a half.

10390. For what offence? For striking another man that wanted to stab me with a knife on my own land.

T. Cunningham. 19 Sept., 1878.

10391. You had been previously convicted, I understand, but that conviction was quashed;—is that so? Yes, sir; that is about twelve years ago.
10392. Are you sure the conviction was upset, or were you only pardoned? It was tried by the full Court—Sir Alfred Stephen, Judge Cheeke, and Judge Faucett.
10393. That was the affair with reference to the taking of some racehorses? Yes, sir.
10394. How did you come to go to Berrima? I had served thirteen months in Goulburn, and then I applied for the indulgences allowed to prisoners; but I was informed that I could not get them in Goulburn, and I made application to be sent to Darlinghurst. In place of that I was sent with five others to Berrima, to fill a billet there. I do not know what billets the others were to get; they had all misbehaved before they were sent from Goulburn.
10395. Had you misbehaved? No, sir.
10396. What billet did you get? That of weighing and serving out wood.
10397. What year was it that you were at Berrima? On the 10th February next I will be two years out.
10398. Then you were there at the end of 1876? Yes.
10399. Were you ever subjected to any ill-treatment or injustice at the hands of Mr. Small or any of the warders? There was one day, when another prisoner threw some scalding tea on me, and I called for the warder opposite who did not see it, and when he came over he saw me wiping the tea off myself. A Chinaman, who had got some of the tea, returned the compliment to the prisoner who threw the tea on me. I asked the warder if he would be so kind as to take us before the gaoler, and Mr. Brayne, the senior warder, came over and said, "Take them both and lock them up." I was locked up, and the next day I was brought before the magistrate. Prisoner Wiseman pleaded guilty to the charge, and the magistrate sentenced him to three days. At that time Mr. Small said I had been kicking up a row up-stairs a few nights previous to this, but they would not allow me to bring any witnesses, and they did not swear him. I was sentenced to twenty-four hours, and when the twenty-four hours were up, and I thought I was going to be let out, I found that my sentence had been changed to three days, and that the other man had got twenty-four hours. I sent for Mr. Dixon, and told him. I told Mr. Everett, too, and he said that "Three days" was on the list given to him, and I had to do the three days. I told Mr. Small that I should look after that when I got away from the gaol.
10400. And you say that, though sentenced to twenty-four hours, a sentence of three days was carried out on you;—do you know how that was? I believe Mr. Small got that change made for me.
10401. Did the Visiting Justice alter the sentence? If he did he must have altered it after I left.
10402. Who was the Visiting Magistrate? Mr. Wilshire.
10403. And you say that the only sentence passed upon you was that of twenty-four hours? Yes.
10404. And that, illegally, you got three days? Yes. When I spoke to Mr. Wilshire about it he said he could not help it now; that it did not hurt me, as it was only in my own cell. He knew me previous to this, and he used often to pass a little jest.
10405. I suppose it did not hurt you? It grieved me very much.
10406. Did it deprive you of any remission? Yes, six days.
10407. Have you anything else to complain about? There was a question of the Government resuming some of my land, and they sent a document for me to sign it over, but I did not think it just, and I refused to sign it. Mr. Small told me that if I would not sign it they would take it from me without giving me anything. I said I did not think the Government would do that, and as I did not think it just I would not sign the document. Mr. Small said, in a very rough manner, "Do you see that gag? If you dictate to me I will put that in your mouth, and put you in the dark cells." I said, "I do not think you will do that this time," and he said, "Another word from you, and down you go." I went away then to my work, and next morning, I think, the clerk, Mr. Johnson, told me that as Mr. Small had taken it so roughly the best thing I could do was to sign the document, and keep myself safe.
10408. Did you sign it? Yes; for fear of losing two months' remission in the year. Then I made application to the Comptroller to be sent back to where I came from.
10409. Did you lose anything by signing the document? I would not give up the land.
10410. Who has it now? I have it still, but it has cost me £3 or £4 in law costs.
10411. Is it Crown land? The Commissioner claims it, and I claim it.
10412. *Mr. Oatley.*] Did you receive any compensation? I got £55 for one portion, on one side of the line, but I did not give up the portion on the other side where my house was.
10413. *Chairman.*] Did Small ever strike you? He did not.
10414. Were you ever gagged? No.
10415. Did you ever see a man gagged? No, sir.
10416. Or spread-eagled? No, sir. When I went to the doctor for the sun-stroke, Mr. Small said "Oh, nothing ails him." Dr. Lamb told him it was his business to examine, and not Mr. Small's.
10417. The doctor did not think you were scheming? He did not. They put me to whitewash the dark cells, and the lime came down in my eyes; and when I went to the doctor, Mr. Small said I was only scheming, that I had put the lime in my eyes myself.
10418. Were you ever punished except on the one occasion? That was all, sir.
10419. Is there anything else you wish to tell us about treatment at Berrima? I do not think there is anything else that I need speak about. There was nothing more than rough talk. There is one thing I wish to let you know. There was a man named Callaghan removed from Goulburn to Berrima the same day as I was, and he was relating his career. It is a great practice amongst prisoners to boast to one another of what they have done. I paid attention to the remarks he made, and I heard him say there was a man named Jeffs, that I knew very well, who was doing a sentence in gaol for receiving cattle which Callaghan and a man named O'Dare had stolen, and that Jeffs knew nothing about it. O'Dare was in Goulburn Gaol with me too, and he told me the same thing.

Rev. Father Cassidy. 19 Sept., 1878.

The Rev. Father Cassidy, Roman Catholic Chaplain to Parramatta Gaol, called in, sworn, and examined:—

10420. *Mr. Oatley.*] What is your name, sir? Phillip Cassidy.
10421. You are a clergyman of the Roman Catholic faith? Yes.
10422. Residing at Parramatta? At Subiaco, about 2 miles from Parramatta.
10423. And you are the Roman Catholic Chaplain to Parramatta Gaol? Yes.

Rev. Father Cassidy. 19 Sept., 1878.

10424. How long have you been chaplain there? Since February of this year.
10425. I suppose you have conversations with the prisoners occasionally, in your official capacity? Yes, sometimes.
10426. During the time that you have been there have any of the prisoners complained to you of any ill-treatment or torture that they have received at Berrima Gaol? No.
10427. Not any? No.
10428. I suppose they have every confidence in you, and if such had been the case they would very likely have told you? I think so.
10429. As a matter of fact you have never seen any prisoners after they have been sent to Berrima and have come back again? Not that I know of.
10430. So that you cannot form any opinion as to what effect the treatment has had upon them? No.
10431. *Mr. Voss.*] Have you at any time had a conversation with Mr. Driver, Member of Parliament, in reference to the treatment of prisoners in Berrima Gaol? Never.
10432. Did you ever state to anybody, or hear anybody say, that Berrima Gaol was a hell upon earth? Not that I remember. I saw something about it in the *Cumberland Mercury*.
10433. But you have never heard anything of the kind yourself? No.
10434. Have you had any conversation with Mr. Taylor, Member of Parliament, in reference to Berrima Gaol? No, I have not.
10435. I suppose you hardly consider that you have been long enough chaplain to be able to give any opinion at all about the effects of separate treatment as carried out in Berrima Gaol? No, I have not.
10436. *Mr. Pinhey.*] Outside and irrespective of any ill-treatment which prisoners may or may not have received during their incarceration in Berrima Gaol, although you say you have had no complaints, have you had any conversation in regard to their treatment generally there? I do not remember any complaints at all.
10437. I do not mean complaints, but conversations with regard to their treatment? No, I do not recollect any.
10438. Then we are to understand that your duties during the short time you have been at Parramatta Gaol have been chiefly directed to the spiritual concerns of the prisoners? Yes; I never interfere with anything else.
10439. But I mean did they ever refer to their treatment at Berrima in the course of conversation? No they never have.

WEDNESDAY, 25 SEPTEMBER, 1878.

The Commission sat at the Legislative Council Chambers.

Present:—

THE HONORABLE SIR JOSEPH GEORGE LONG INNES, KNIGHT, M.L.C., PRESIDENT, IN THE CHAIR.

HAYNES GIBBES ALLEYNE, ESQ., M.D., | JAMES OATLEY, ESQ., J.P.,
WILLIAM TOWNLEY PINHEY, ESQ., J.P., | HOULTON HARRIS VOSS, ESQ., J.P.

Mr. William Small called in, sworn, and further examined:—

Mr. W. Small. 25 Sept., 1878.

10440. *Chairman.*] Since you were examined before, a prisoner named William Slattery, brother to Michael Slattery, has given evidence before us;—do you remember when he went to Berrima first? It is many years ago I could not say.
10441. He tells us that he went in May or June, 1869;—would that be about the time? Very likely; that would be near the time.
10442. Can you say how long he was there on that occasion? He was never very long with me. I could not say exactly how long.
10443. He states that he was there for seventeen months continuously, from May or June, 1869? He may have been, but, if I am not mistaken, I think he came insane and was passed to the asylum. I recollect his coming into the gaol on the first occasion, and he appeared to be a lunatic at the time. He was pointing with his fingers and saying some rhyme about twenty-six letters in the alphabet.
10444. You recollect the occasion of his coming the first time? Yes, I recollect his coming in.
10445. Just state the circumstances, whether he came alone or with other prisoners, and if so, how many? I could not say, but I remember him from the circumstance of his pointing with his fingers and saying something about the alphabet. He appeared to be a lunatic.
10446. Was that just after he had come in, and before he had been put into a cell? Yes, before he was put into a cell at all.
10447. Can you not remember whether he was alone or with other prisoners? I could not, sir.
10448. Can you remember whether prisoners Bragg and Cavanagh came with him? Cavanagh might have come at the same time.
10449. Just tell us what happened as well as you can remember? I have no recollection of anything extraordinary happening, further than that he always appeared to be insane or shamming it.
10450. I am asking you about this particular occasion when he came into the gaol? I cannot recollect. He was for some time pointing with his fingers and saying, "Twenty-six letters in the alphabet."
10451. That was before he was put into the cell at all? Yes.
10452. Did you make any remark to him or not? I do not know that I did. I have no doubt that I did make a remark, and very likely I wrote to the Comptroller about him.
10453. Do you know what the crime was for which he had been sent up there? I would know then, but I have no recollection of it now.
10454. When a batch of prisoners comes into the gaol they are all chained together, are they not? Yes, sir.
10455. Do any papers come with them showing who they are, and what they are there for? The police always bring their papers.

Mr. W. Small. 25 Sept., 1878.

10456. And you look at the papers and see what the prisoners' offences are? Yes, I would know then.
10457. Do you remember passing any remark about the offence of which Slattery had been guilty? No, sir.
10458. Do you remember whether it was for robbing the mail? I do not think it was.
10459. What do you think it was? I almost think it was cattle-stealing.
10460. No, it was robbery under arms. Do you remember anybody who was present when Slattery first came in? It is more than likely that the clerk, Mr. Johnson, was. He was discharged from the gaol, and is now living in Sydney. He was always present when the prisoners came in, and took charge of the papers.
10461. Do you remember whether Mr. Herbert was there? I could not recollect.
10462. Can you remember whether with Slattery there came any report saying that he was insane, or that there was reason to suppose that he was, or that he was shamming? That I cannot recollect.
10463. You cannot remember at all? No, sir.
10464. Do you say that you cannot remember whether or not you made any remark to him or about him in his hearing? No, sir, I do not recollect.
10465. Can you undertake to say whether or not it is true that directly he came in, and before his irons were knocked off, you began to taunt him with his crime or his appearance? I do not think it is at all possible.
10466. Will you undertake to swear that you did not? I think I could very well; I am not in the habit of doing anything of the sort.
10467. Will you undertake to swear whether you did or not? I am positive I did not.
10468. He states that as soon as he got into the gaol, and while he had the irons on, you remarked to him, "You are a nice thing to rob the mail"? Nothing of the sort, sir.
10469. And that he replied that he had not come to be bully-ragged—that he had come to be quiet if you would allow him; that you threatened to nail him to the wall, and said, "I lost your brother from here, and I would not have lost him for £100; but I pledge you my word that when you go from here you will go with your toes cocked up"? It is false, sir, because from what I recollect of the man he was scarcely conscious of anything you might say to him. He would not make any reply; he seemed to be perfectly out of his mind.
10470. But that does not prove that you did not say these things. Do you swear positively that you did not make use of those words, or any words calculated to hurt his feelings? I swear positively that I never made use of any such words in respect to him or any other prisoner.
10471. He says further, that after saying that to him you began to talk to the other men, and, pointing to him, said "Look at that thing." He said, "This is nice to begin with." Whereupon you said, "You thing, I will nail you to the wall"; you ran in to get a gag and brought it out in your hand, and some one in the office, he thinks it was Mr. Herbert, called out to you about a doctor's report that had come up with him. You said, "We will soon take that out of him—take him over and put him into such-and-such a cell." That is the account he gives of his first interview with you, when he went first to Berrima Gaol? It is wholly false, sir. The chief warder and the clerk would be there. Mr. Herbert is on no occasion there when prisoners are received.
10472. He says that some person whom he thinks was Mr. Herbert, interposed when you went to gag him. Can you say whether his conduct was such that you had to resort to the use of the gag? No, sir; he was very quiet; he was not like his brother; I never knew him to be refractory. He was either mad or shamming mad.
10473. *Mr. Oatley.*] Are you sure you did not say anything about his brother? I am perfectly sure. I would not bring myself so low as to speak to a prisoner in that way.
10474. *Chairman.*] He says also that Flanagan, the senior warder, was there? It is quite possible.
10475. You mean it is possible that he was there when Slattery came in, but you say the thing never occurred? Yes, sir.
10476. Do you remember anything particular happening next morning in regard to him? No, sir; I do not.
10477. Do you remember whether he went into separate treatment? If I recollect right—I am almost positive—he went into one of the convalescent wards in the hospital. I think I have some recollection of that.
10478. I suppose you would be able to find out when you go back to Berrima, whether any medical report came up with him? It would be attached to his papers at whatever gaol he was discharged from.
10479. Who was the doctor? Dr. Williamson, I think, at that time.
10480. Well, do you know whether anything particular was done to Slattery when he was put into the hospital? I could not tell exactly. The doctor was in the habit when a prisoner was mad, or pretending to be mad, of putting a blister on the back of his head. Whether he had one I do not recollect, but his brother had.
10481. Was his head shaved? I do not recollect.
10482. Can you remember whether you gave orders that he should be put into a straight-jacket? No, sir; if I did it would be by the direction of the doctor; but I do not recollect.
10483. You say then that it is likely enough that it happened? It might have happened.
10484. *Mr. Pinhey.*] Did you ever put a man in a straight-jacket on your own motion? Never.
10485. *Chairman.*] He says that Flanagan put the straight-jacket on him. Does that help you to remember? No, sir; it is quite possible that it might have occurred.
10486. He says, "They put the jacket on as tightly as they could, and when I was braced up with my arms back, they used to pull my hands together." Do you remember whether that happened? No, sir.
10487. The jacket was kept on him, with his hands in that position, for two or three days. Can you say whether he was kept in that position for two or three days? It is quite possible.
10488. *Mr. Oatley.*] Yet you say he was not a violent prisoner? It might have been done to keep him from injuring himself; I do not recollect.
10489. *Mr. Pinhey.*] Have you any straight-jackets in the gaol now? Yes, we keep them regularly.
10490. What are they made of—canvass? No, strong duck.
10491. How far does the jacket come down on the body? Down to the abdomen. It is simply a jacket with sleeves about a foot longer than the arms, and the sleeves are fastened round the body with the arms crossed in front.
10492. *Chairman.*] The arms are not confined inside the jacket? No. There used to be jackets of that description.

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10493. You do not remember whether Slattery had a straight-jacket on? No, sir.
10494. Well, he says further, that he was fed with a spoon by a man named Beard. Was there a prisoner of that name in the gaol? There was a man of that name.
10495. He says, that directly after he went there he was put into the hospital; that they put a straight-jacket on him, and kept him with his hands fastened tightly for two or three days; that he was fed with a spoon by this man Beard; that his head was shaved, and he was blistered along the spine from the top of his head to his backside; that he was blistered in that way three or four times in a week; that then they got a galvanic battery and made him take hold of it; that he was blistered so many times that he has the mark on his back now; that once he spilled some of his medicine, and that you came with a bottle, threw him on his back, choked him while he had the straight-jacket on, and poured the medicine down his throat? I never had anything to do with giving medicine at all.
10496. I do not want you simply to speak about the medicine:—Does what I have read recall the circumstances to your memory at all? I do not recollect his being troublesome in any way. He may have had a straight-jacket put on by the orders of the doctor to prevent him from hurting himself.
10497. *Mr. Pinkey.*] Is it not an exceptional thing for a man to be put in a straight-jacket? No, sir; men used often to come up out of their minds or pretending to be out of their minds, and we used to put them into the convalescent ward.
10498. Then that will account, in a great measure, for your not recollecting this particular case? Yes, sir.
10499. *Chairman.*] Do you remember how Slattery came to be let out of hospital? No, sir.
10500. He says the place was all covered with slime and filth where he had been vomiting and purging; that he was lying down doubled up and in a horrible state; that the doctor came and felt his pulse, and said to you, "Let me see no more of this work," and then to him, "Well, Slattery, you have had very bad treatment here; we will see what good treatment can do for you"; then he said, "Take that jacket off that man and put him to bed"? There was nothing of the sort.
10501. Did the doctor remonstrate with you or say anything to you about this man's being treated badly? Certainly not. I have nothing to do with men in the hospital; they are under the doctor's charge then.
10502. Do you remember whether he attempted to injure himself in any way when he was put back into his cell? No, sir, I do not.
10503. Do you remember any attempt of his to commit suicide? No, sir.
10504. Do you remember his being charged with having attempted to commit suicide with a bone rack-comb? No, I do not, sir.
10505. Can you have the punishment-book for this particular time sent to us—from May, 1869, to the end of 1870? Yes, sir.
10506. I understand you to say that he never was guilty of any violence or impertinence to you? I don't believe he did. I do not recollect any.
10507. Do you remember whether he ever complained of being starved? No, sir; I don't think it is possible; he may have done so, but I do not recollect it.
10508. Did you ever use the gag upon him at all? No, sir; I have no recollection of it.
10509. Can you only say that you have no recollection of it? That is all, sir. I think I would certainly recollect it if I did.
10510. And you swear you have no recollection of it? I swear I have no recollection of it.
10511. Do you remember an occasion when he was in hospital, and when he made some observation about your slippers, or anything of that sort? No, sir.
10512. Can you remember whether you wore glazed slippers? I do not recollect ever wearing such things. I never wore slippers outside my own house.
10513. Well he states that on one occasion when he was in the hospital you came in and passed some remarks about him; he told you that he was starved, and you said, "That's what you ought to be;" then he said, "Only for me and the likes of me, you would not be wearing those glazed slippers that you have got on." You then sent a warder for a gag, and the warder went and got it, and you put the gag into his (Slattery's) mouth while he was lying on his bed, and gave it a crack which broke his teeth? It is false, there was no such thing.
10514. Do you swear positively that that is untrue? I do.
10515. You say that you have no recollection of having gagged him, and that you believe if you had gagged him, you would recollect it? I would.
10516. But will you undertake to swear positively that you did not gag him? I would not like to do so.
10517. Will you swear that you never gagged him while he was in hospital and in bed? I am certain I did not. Prisoners are out of my hands when they are in hospital, except looking after them and seeing that they do not escape.
10518. You have told us about the allowance of blankets? Yes, sir.
10519. Was any short allowance given to William Slattery? I do not think it is possible, sir. If a prisoner was given a short allowance by the warder he would complain to me. I go round to visit all the prisoners every day.
10520. Do you remember his being in the dark cell at all? No, sir.
10521. He says that he was in a dark cell, and that while he was there you went in with a lantern, which you shoved in his face and ordered him to stand at attention; then you struck him on the stomach and took away his wind. Can you say whether that happened? I never carried a lantern into the dark cells. A warder always carries a candle.
10522. It is of no importance whether it was a lantern or a candle;—did you go into the cell and strike him on the stomach? I positively swear that I did not.
10523. Do you remember seeing him in a dark cell on any occasion? I do not, sir.
10524. He says further—this may help you in trying to recollect it—that, "When I came to I called him 'fat gut.'" I said, "you fat-gutted dog, what do you mean by that"? I have no recollection of it.
10525. He says the blow made him vomit; that the gag was brought, and that he was taken outside into the passage, where he was gagged by you, while Flanagan held his head? I have no recollection of it, sir.
10526. But can you say that it did not happen: These are matters that you would recollect, and can you not swear one way or the other? I swear that I did not gag him.

10527.

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10527. I can understand that, but I cannot understand your saying that you do not recollect circumstances of this kind, unless they are of every-day occurrence? I used to have to handle them roughly sometimes, and I have been roughly handled myself. I don't suppose any man has had more rough-handling than I have had. I would not go through it again.
10528. But you say that you never had any trouble with William Slattery? No, sir, I had not.
10529. Then that will enable you to say whether these statements are untrue? They are untrue.
10530. Then he says that he was placed between the double doors of the cell? I never heard of a man being put between the doors of a cell until I heard of these reports.
10531. Do you swear then that it is positively untrue that William Slattery was put between the doors in your presence? I swear it is untrue that he was put between the double doors in my presence, or with my knowledge at all.
10532. *Mr. Pinhey.*] Could that have occurred without a record being made of it? I don't think it is possible.
10533. *Chairman.*] I will read you the whole account which he gives of the occurrence. He says that while he was in the dark cell you came in with a lantern and shoved it in his face. You said, "Stand at attention," and struck him on the stomach. When he came to he said to you, "You fat-gutted dog, what do you mean?" The blow took his wind away, and made him vomit; then the gag was brought and he was taken outside, into the passage, and gagged by you while Flanagan held his head. He was then put between the two doors of the cell; no violence was used, there was only a scuffle; he tried to prevent them from putting the gag in; his hands were fastened behind his back in one ring of a big pair of handcuffs, with the backs of his hands together; this was about 3 o'clock in the afternoon, and he was kept from then until 9 or 10 o'clock at night, with the gag in his mouth and his hands handcuffed behind his back. Is it possible that that could have happened without your remembering it? It is quite impossible, sir.
10534. This was in July or August, 1869? I think you read that he said he had been blistered from his neck to his backside. That is false; I never saw a prisoner blistered in that way in my life. They were only blistered on the back of the head and neck.
10535. Did you ever hear of his being kicked? Never, sir; I would not allow it.
10536. Did you ever see him kicked? No, sir.
10537. He says he was kicked repeatedly by different warders? He was such a miserable looking object that I would be afraid for his life if anyone kicked him.
10538. About the handcuffs: Can you remember whether, on any occasion, he was fastened in the way which he describes, with his hands behind his back in one ring of a large pair of handcuffs? There is no handcuff he could put his two hands into.
10539. *Mr. Oatley.*] But he has very small wrists? You could not put the two wrists of the smallest man in the world into the ring of one handcuff; you could not put a child's.
10540. *Chairman.*] Are there no handcuffs made with a single ring? There are the figure 8 handcuffs—two rings together without any chain.
10541. And are there no handcuffs, one ring of which would admit a man's two wrists? You could not find a handcuff in the Colonies that would do it.
10542. I asked you if you remembered Slattery's attempting to commit suicide by cutting his throat with a bone rack-comb? No, sir.
10543. Do you remember his trying to commit suicide in any other way? No, sir.
10544. Do you remember his fastening himself upon the top of a spike? Yes, he tried to get over the railings, and he hooked himself on one.
10545. How long had he been there? I could not say.
10546. Well, tell us the circumstances? The warder took him down, and he was reported.
10547. Did you see the occurrence? No, it was reported to me after the prisoner was brought in.
10548. Was there any wound on Slattery? I think there was on his hand or his arm where he had cut himself on the spikes.
10549. Was there any wound on his neck? No, sir; I have no recollection of it. He was trying to get over the railings of his exercise yard.
10550. Do you say that was an attempt to escape, and not an attempt to hang himself? No; he made a run and a jump to try and get over.
10551. But how was the matter investigated—was it reported as an attempted escape or as attempted suicide? Attempted escape.
10552. Was he brought up? I think so.
10553. Would there be depositions taken? Oh! yes.
10554. Can you undertake to send them to us? Yes.
10555. Will you make a memorandum of it, and send the depositions down to us? Yes.
10556. Do you remember Slattery's ever complaining of having been made to eat his own excrement? No, sir; I never heard of anything of the sort.
10557. Did you ever hear of any such treatment as rubbing his face in his own excrement? I never heard of it. I do not think it possible that it could have occurred.
10558. He says, "At the time I was shaved a Wesleyan parson was going round, and he asked Small who I was. Small said, 'Oh! he's a papist'; and the parson said, 'Well, you can't expect anything else from him.'" Do you remember that occurrence? No, sir; it never happened.
10559. *Mr. Voss.*] These men, William and Michael Slattery, were at Berrima together, were they not? Sometimes they were there together.
10560. *Chairman.*] Do you remember a prisoner named Dalton alias Blake? Yes, sir.
10561. Was he there at the same time as William Slattery? I dare say; it would be near the same time.
10562. Do you remember at all whether Dalton was gagged? I do not, sir.
10563. You have no record of any such man being gagged? No, sir; he was most of his time under medical observation.
10564. But it is pretty clear that the fact of there being no record of a man's being gagged is no proof that he was not gagged? The only chance would be of the clerk's making a mistake, but I think I would recollect almost every case in which I gagged, and nobody had any right to gag without my sanctioning it.
10565. *Mr. Pinhey.*] Would the person in charge of the gaol during your absence have the same power to gag as yourself? Yes, he would have full charge of the gaol.

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10566. *Chairman.*] Well, this man Slattery says he was gagged twice. Once, when he was in hospital and lying on his back in bed, he says you gagged him violently, and struck the gag so as to break his teeth; and another time, when he was in a dark cell, you gagged him and left him for several hours between the double doors with his hands fastened behind him in one ring of a pair of handcuffs;—do you swear that those statements are untrue? I do, sir, because my statement as to prisoners not being gagged more than 5 minutes since the mutiny ——

10567. But I am speaking of the fact of his being gagged at all? I do not remember his being gagged at all, and I do not believe he was. But in the hospital, certainly not. I would not attempt to interfere there. If a prisoner there committed himself I would send for the doctor.

10568. Have you made any further search to see if there were any more cases of gagging than those you have mentioned? I have; I have searched the papers through.

10569. And have you succeeded in finding any other cases? No, sir.

10570. *Mr. Oatley.*] And can you call to mind no others? No, sir.

10571. *Chairman.*] You told us of six cases? Yes, sir.

10572. One witness has been before us, who says that he saw the following prisoners gagged in your presence:—Slattery, Cummings, Richardson, Weekes, Bragg, Drynob, Yellow Billy, Welsh, Bertrand, Hill, Parsons, Watson, Lee, and Coghlan. He says that he saw all these prisoners gagged between June, 1866, and March, 1869? Richardson was gagged, certainly; he was one of the mutineers in the second mutiny. But that was in 1864.

10573. But this was between June, 1866, and March, 1869, after the last mutiny? Nothing of the sort, sir. Richardson could not have been gagged. After the mutiny he was a very well-behaved man, and I think he was discharged about 1866 or 1867. I am positive nothing of the sort ever occurred.

10574. Was Bertrand ever gagged? Never, sir.

10575. You know the man I mean? Yes; he never was gagged with my knowledge.

10576. Who was the prisoner called Yellow Billy;—do you know such a prisoner? Yes; he was a half-caste. He came from the Coast District somewhere.

10577. Do you know if he had any other name? He had an alias, but I forget it now.

10578. Do you know of his being gagged? It was never done with my knowledge.

10579. Did you ever know of his being put between the double doors? No, sir. I positively swear that I never knew of anybody being put between the double doors. Yellow Billy was a well-conducted man in the gaol. I don't think there is a record of any punishment against him.

10580. I asked you something about prisoners' teeth being injured, and I think your evidence was that you had never known of anything of the sort? I never knew of it, and I never heard a complaint.

10581. The same witness who says that he has seen all these men gagged, says also that he has seen many others gagged, and that he cannot recollect them; that he saw you gag a man, and that, in gagging him, you broke some of his teeth, and that he saw him spit a piece of tooth out? He states a falsehood, whoever he is.

10582. You say that, since the mutiny, 5 minutes has been the utmost time that the gag has been kept in a man's mouth? Yes, cases that I have any knowledge of.

10583. This witness, who was a warder in the gaol, says that the usual time was from half or three-quarters of an hour to an hour or an hour and a half? I never knew it to be done for that time at all.

10584. *Mr. Oatley.*] I think you also said that there was always a warder left with prisoners who were gagged? That is the case.

10585. We have evidence from the same person and others that the prisoners were left alone, locked up in their cells;—is that true? If it was done it was without my knowledge, and I believe it is utterly impossible that it could have been done.

10586. *Chairman.*] Was Yellow Billy a bushranger at the Wollombi? Yes, sir.

10587. And you cannot remember his other name? No, sir, but he is well known in the gaols as Yellow Billy, and I think he is in one of the gaols now.

10588. Mr. Hill is the witness who has given us these various particulars. He says, when he is asked if he ever saw a man put between the double doors,—"Yes, one—Yellow Billy; the circumstances were these:—He was communicating in his cell with other prisoners and planning an escape; it was after lock-up time, and one of the warders came and told me of it; I went and listened, and then sent for Mr. Small who came and listened too; after they were done talking, Mr. Small ordered Yellow Billy's cell to be opened, and they took him down to the dark cells and put irons on him; Mr. Small said to him, 'We will not let you off so easily this time.' I forget what remark the prisoner made, but Mr. Small gagged him, and ordered him to be put been the doors of the cell"? It is false, sir.

10589. He says he would not be sure whether it was he or the senior warder who locked the man between the doors, but you were there, and the man was not kept there more than half or three-quarters of an hour, so far as he can remember. Do you swear positively that that never happened? I do, sir; not with my knowledge.

10590. Of course your knowledge is essential to my question. Have you ever personally gagged, or directed Hill to gag him? No, sir, it is false.

10591. Do you remember any occasion like that, when Hill and you went to listen to Yellow Billy talking? No, sir; as far as my recollection serves me, Yellow Billy was a well-conducted prisoner. I do not think I had anything against him.

10592. What sized man was he? I think he was a tall man, about my height but not so stout.

10593. Hill says also, that when the gag was taken out, and the man was put back into the cell, he commenced bully-hawing and making the greatest noise possible, and that they were called back, and the man was gagged again; he would not swear that he did not put the gag in himself that time, but he says that if you gave the order he must comply. Can you recall any such circumstance as that to your recollection? I have no recollection of the man being punished at all, and I do not believe that he was.

10594. *Mr. Voss.*] Was Hill ever acting gaoler? Yes, I was away for six weeks at one time ill, and he was in charge.

10595. *Mr. Oatley.*] When was that? In 1867 or 1868, I think.

10596. *Mr. Pinhey.*] Do you remember a man named Coghlan being sentenced to twenty-eight days dark cells by Mr. Langley, at Parramatta? Yes; he and Bragg were sent together.

10597. Do you remember his committing himself by swearing frightfully, and your ordering him to be gagged, or gagging him yourself? No, sir.

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10598. During the time he was in the dark cells? I do not recollect it sir. I know only from the records that he was sent up, but I do not even recollect his doing the dark cells. It is a long time ago.
10599. He was handcuffed behind his back, and the gag was shoved into his mouth, and Everett locked him up and he was left there for an hour;—is that correct? It is not possible, sir.
16000. You have stated that prisoners were not left alone with the gag in their mouths, but we have evidence that they were, and for a considerable time? It must have been without my knowledge.
10601. We have it in evidence that Bertrand was left alone for an hour and a half with the gag in his mouth, and that when it was taken out he said that was the first time he knew what imprisonment was? I never knew a man to be gagged that long in my life.
10602. Would there be any record of the case if it occurred? There would if it did occur. Bertrand, on leaving the gaol, thanked me for my kindness to him. He said I had saved him body and soul.
10603. *Chairman.*] This is the evidence in regard to Richardson:—"He had a quarrel with some of them and Mr. Small ordered him to be locked up in separate treatment. When he was there he commenced to make a noise and what not. I was round at the back of the gaol somewhere, and when I came round to the front Mr. Small and one of the warders went up and gagged him. I followed them up. The prisoner was very disrespectful." The witness (Hill) goes on to say that Richardson left the gaol about the latter end of 1868 or 1869, and this occurred a few months before he left. He was gagged in his cell by Mr. Small, and the witness would not be sure whether Warder Mulligan or Warder George Hill was present. Do you remember that case at all, or can you swear that the man was not gagged? After the time of the mutiny I always looked upon him as a trusty man, and I have given him charge of a gang of men.
10604. Where is he now? I do not know, I am sure. He was discharged somewhere about 1867.
10605. Do you remember a man named Welsh being gagged? No; there was a man named Welsh, but I do not remember anything particular about him.
10606. Do you remember a prisoner named Hill? Yes.
10607. Was he gagged? No, sir, he never was.
10608. Was Parsons ever gagged? Never, sir, with my knowledge.
10609. Mr. Hill says that he and the clerk were present, and that the man was gagged by you in the office? Never, sir.
10610. "He was brought to the office for some misconduct, and when Mr. Small remonstrated with him upon it, he made use of impertinent language in answering. Mr. Small jumped up and said, 'Take hold of him.' A warder there named Buckley, I think, got hold of him, and Mr. Small took down the gag (there was always a gag hanging over the chair where he sat) and put it in his mouth"? He never was gagged in the gaol.
10611. What could Hill be thinking of? I could not expect anything else from him. I charged him once with being drunk; and, when the Comptroller came up to Berrima, Hill swore that he had taken nothing for twelve months. Because he swore that, I begged the Comptroller to allow me to withdraw the charge; and he allowed me to, but he cautioned Hill. A few weeks after, on a Sunday, he got drunk and beat his wife and family. His wife's eye was as big as my fist for some time after. I sent for the constables and gave him in charge, and he came next day and took away his things. I had to take him to the watchhouse; he defied the constables.
10612. Would there be any papers in the case? I suppose there would be.
10613. What was done?—was he dismissed or allowed to resign? He was dismissed. I think Mr. Wise was Acting-Comptroller then.
10614. As a matter of fact he was allowed to resign. But a man might be, to some extent, a drunkard, and not be an untruthful man, and why should he come, after ten years, and invent these falsehoods? Well, he came to my back door staggering drunk, and when the Comptroller came up, he swore that he had not touched anything for twelve months.
10615. How long was that before he was dismissed? About five months.
10616. And, in the meantime, Mr. Maclean had gone to England? Yes.
10617. Do you know Watson? Yes, sir.
10618. Was he ever gagged? No, sir.
10619. Do you remember his getting into trouble through attempting an escape? Yes, sir.
10620. The evidence is, "Mr. Small locked him up and was very violent with him. When he got him down to the dark cells he sent one of the officers for a gag, and put leg-irons on the prisoner and gagged him. He used him very roughly, there is no doubt." Hill and Everett and Mulligan were there. Do you remember that? No, sir, he was not gagged.
10621. You remember the circumstance of his being punished for attempting to escape. Can you remember whether or not he was gagged? No, sir, he was not.
10622. And if Hill has sworn that he was, that statement is not correct? No, sir.
10623. Do you recollect the irons being put on him? I do not, sir, but it is quite possible; that is the first step I take when a prisoner attempts to escape.
10624. Do you recollect refusing him pads to prevent the irons from hurting him? No, sir, we always give men pads when they have irons on. They are made on purpose.
10625. Was Hill himself ever complained of for ill-treating prisoners? Yes.
10626. Were those matters reported to the Comptroller? I think so—either to him or to Mr. George Foster Wise. I think I have letters in the office. On several occasions I have spoken to the Visiting Justice about him when he has charged prisoners that I did not believe to be guilty. He would stand at the gate and charge a man in the centre of the corridor for talking.
10627. But was he cruel in his handling of the prisoners, or did he gag them? No, they never complained of his gagging them, but they complained of his manner and of his bringing them up for punishment without cause.
10628. Do you remember whether we asked you before about your horsewhipping Cummings? I don't think you did.
10629. Did you ever horsewhip him? Yes, sir.
10630. What were the circumstances? He was shamming mad, and the chief warder reported to me that he had torn up his clothes and was running about his cell naked. I was going out riding at the time, and I went up to his cell with a whip in my hand. As soon as the cell-door was opened he made a rush at me,

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and I gave him a few cuts with the whip. I had fresh clothes put on him and sent for the doctor, who ordered a straight jacket to be put on him. After that he reported me to the Comptroller.
10631. Then you say you did it in self-defence? Yes, sir.
10632. Flogging with a whip is not allowed by the gaol regulations? No, sir; a man has to be sentenced by two magistrates before he can be flogged.
10633. *Mr. Pinhey.*] What was the Comptroller's decision? Cummings sent a long report from Parramatta, and the Comptroller sent it up to me for my report. I was annoyed that Cummings had reported me, and I made a vague reply. Then the Comptroller came up. He said, "I am sorry you should have so far have forgotten yourself as to use a horse-whip." I said, "Must I allow a prisoner to close on me and not resist; there has been one warder killed here already?" "But," he said, "the fact of your going to your house to get a whip." I said that I did not; that I was going out for a ride at the time, and I had the whip with me. He considered then that I was justified, and he did not want to hold an inquiry, but I requested that he should.
10634. Where did you strike Cummings? On the legs. I do not think it even marked him.
10635. *Chairman.*] Have you ever gagged a man when on the chain, either going or coming? Cummings, on going away one time was abusive, and would not stop, and I took the gag out, but I did not put it in his mouth. That was reported to the Comptroller, and he wrote to me about it, and I have no doubt that the correspondence is in his office.
10636. Is that the only occasion when you went as if to gag a man? Yes, sir.
10637. Hill has sworn that he has seen you gag a man when on the chain for giving a saucy answer? I believe he says what is false.
10638. He swears that he has seen you gag men on many occasions, simply by way of punishment, and when it was not necessary to use the gag as an instrument of repression;—is that true? No sir, it is not.
10639. He says that you used to lose your temper, and, as a matter of punishment, whip the gag into prisoners' mouths there and then? No, sir, it is false.
10640. Have you ever seen Hill since his dismissal? I saw him coming in here the other day as I was sitting in the messenger's room; I never saw him before.
10641. Have you any reason to suppose that he has ever done anything to injure you since he left? The only thing that I know of is, that when Mr. Langley visited Newcastle he spoke to Hill, and Hill told him to look after me, that I was a great scoundrel and blackguard. Mr. Langley told me of it when he came back.
10642. *Mr. Pinhey.*] How long ago is that? Three or four years ago.
10643. *Chairman.*] You know nothing at all of his circumstances or his life now? No, sir.
10644. With reference particularly to the time the gag was kept in, he was asked this:—"You say that you have known one instance of gagging for two hours, and several instances of gagging for an hour and a-half or three quarters * * * Do you persist in saying that the gag was kept in for an hour or an hour and a-half?" and his answer is, "I do, and I have had orders from Mr. Small. He would say, 'Take it out in an hour, or an hour and a-half'"? I think I said that the gag was kept in for an hour during the time of the mutiny.
10645. But that was not in Hill's time? Anything else that he states is false. I never gave him any instructions to do anything of the sort. I was always present on any occasion when I ordered gagging.
10646. He gave us to understand that it was not four or five or six cases of gagging that he had seen, but forty or fifty? He seems to be alone in that respect; I do not think the prisoners themselves will say that.
10647. But they have not the opportunity of knowing what is taking place when they are in separate treatment? There are other prisoners who have been years with me, and not in separate treatment.
10648. *Mr. Oatley.*] Hill says that the gagging was generally done after the men were locked up? The only way in which I can disprove that is by swearing that it did not take place.
10649. *Chairman.*] Would it be possible for us to have copies of the reports which you made against Hill? I dare say Mr. Maclean has them.
10650. Will you ask him to let us have them? Yes, sir.
10651. Was it upon your report that he was dismissed or compelled to resign? Yes, sir. He was making use of very bad language and wanted to break in at the front gate, when I would not let him in.
10652. Father M'Guinn tells us that on one occasion a prisoner complained to him that his teeth had been knocked out, and that he made an examination and found there were some teeth missing:—Do you remember that? I know nothing of it; I positively swear it was without my knowledge.
10653. M'Grath has sworn that that happened, and he swears that he complained to Father M'Guinn. Father M'Guinn says that a prisoner complained to him, and that an examination of the man's mouth corroborated his statement. Hill says that he saw a man with his teeth knocked out, and that he saw him spit a piece of the broken tooth out. You see there is that amount of evidence with regard to the knocking out of somebody's teeth:—Do you still persist in swearing that you never knew of a case where a man's teeth were injured? I swear positively that I never heard of such a thing until this report came out.
10654. Do you remember any case in which a complaint made by a prisoner to Father M'Guinn was investigated? No, sir.
10655. Can you say whether Cummings ever had any teeth knocked out? I am certain he had not. He had a splendid set of teeth. I dare say he could be got now.
10656. Do you remember a prisoner named Thomas Cunningham being there—a man who is now a farmer somewhere near Goulburn? Yes, I recollect him.
10657. Do you remember a document in reference to some land being sent up for him to sign? Yes, I remember it.
10658. Did you ever put any pressure on him to make him sign that document? Certainly not. His wife wrote to him, wanting him to sign it, but he said he would not, and I forget now whether he signed it or not. The document came from the Government.
10659. Do you remember a mistake being made through which he had to endure three days' punishment though only sentenced to twenty-four hours? No, sir.
10660. He says that he was sentenced with another man; that he got twenty-four hours and the other man three days; but that he did the three days and the other man the twenty-four hours? I know nothing about it.

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10661. *Mr. Voss.*] Did you and Hill ever have any private disputes when he was at Berrima? No, sir. I never had anything to do with him except in the way of duty. If he did not do his duty I would report him.
10662. He says that you and he had a private falling out, but not so as to interfere with the discipline of the gaol? No, sir, I do not associate with any of my warders, not even my chief warder.
10663. *Mr. Oatley.*] Mr. Driver, I may inform you, has been examined since you were here before, and he denies having had more than one conversation with you about the gaol, and that was at Berrima. He says that there was never any such conversation as that which you have stated to have occurred at the "Three Tuns" Hotel? Then you had better hear Mr. Powell.
10664. Was it Mr. Powell, the magistrate? No, it was Mr. James Powell, who used to be at Berrima, and who is now living at Blue's Point, North Shore.
10665. Where was the "Three Tuns" Hotel? It was the place his father used to keep in King-street. I think Mr. Driver was occupying the place himself.
10666. Was it an hotel then? No, it was not an hotel then.
10667. How long ago is it? Seven or eight years ago.
10668. Then when you spoke of the "Three Tuns" hotel you meant the place that was the "Three Tuns" hotel? Yes, it was a private house then. I should look upon it as a great favour if you would call Mr. Powell.
10669. Did Mr. Driver go round with you to the cells, and did you, after you had finished your round, ask him if he was satisfied? I did.
10670. What did he say? "Oh, they are frightened of you," or something like that.
10671. Did he then go round and see the prisoners by himself? He did not.
10672. Are you positive of that? I am positive. When I first spoke to him about it I said, "You are misled, Dick,"—I called him Dick and he called me Bill—"why don't you go round and see for yourself?" He said he would go round when he had done in the Court. I spoke to Mr. Rowley, and he gave me permission to show Mr. Driver round. Going down to the gaol, Mr. Driver said, "Oh, it's no use, I am not going round with you; send somebody else." I said, "All right, I don't want to go round with you;" and when we got into the gaol yard I called to one of the officers, but Mr. Driver said, "Oh, it's only my fun, Bill; you come round." I took him round and introduced him to all the prisoners as Mr. Driver, Member of Parliament. He asked them how they were treated, and I think every man in the gaol said, "As well as can be expected; we get what the Government allows." There was a prisoner named "'Possum" there. Mr. Driver asked him how he was getting on, and if there was anything he could do for him, and the man said, "You can get me a couple of guernseys." Mr. Driver promised that he would get him one, and he went over to the store and bought one, and I gave it to the prisoner.
10673. Did he say it was not you but the Government he was hitting at? He said, "It is not you Bill, it is the b—— Government." He said, "The idea of keeping a lot of men housed up like wild beasts in these enlightened days."
10674. You are positive that you cannot be mistaken about that? I cannot be mistaken sir.
10675. *Mr. Voss.*] How did you come to know Mr. Driver so intimately that you should call him Dick, and he should call you Bill? I used to distinguish myself in Sydney as an oarsman at one time, and he was always very fond of that sort of thing. That is how we became acquainted.
10676. And it was then that you became so familiar as to call one another by your Christian names? Yes, sir. I knew him personally before he was articled to Mr. George Robert Nichols, and my father and his father were very intimate.
10677. And is it also true that you called Mr. Driver a liar on the occasion of the conversation at the "Three Tuns"? Yes. Mr. Powell pulled me by the coat and said, "Don't say that to Mr. Driver," and I said, "Mr. Driver has told a lie, and I tell him so."
10678. *Mr. Oatley.*] Hill's statement as to the number of prisoners gagged, with the exception of those you have mentioned, is untrue? It is untrue.
10679. The men he speaks of were not gagged by you nor with your knowledge? No, sir, they were not gagged by me, nor with my knowledge.
10680. *Mr. Pinhey.*] We have some evidence that the gag has been used upon men simply for talking to one another from cell to cell;—is that true? It is untrue, unless they were shouting, and would not desist. When prisoners are found talking they are generally taken down-stairs and brought before the magistrate next day. When the gag first came into vogue it was when we had five or six days' shouting and bad language.
10681. Have you found cases of bad language to be on the increase since the gag has been discontinued? I cannot say that I have, in my gaol. Things have been going on very quietly.

Ghiblin Everett recalled and further examined:—

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10682. *Mr. Voss.*] Do you recollect Coghlan being gagged? On one occasion, as I said before in my previous evidence.
10683. By whom was he gagged? By the gaoler and Mr. Hill. I was looking on at the time; I was senior warder. In fact I never saw any officer but the gaoler gag a prisoner. This was on a Sunday morning, and I recollect it as well as if it had been yesterday.
10684. Do you know any instance of gagging taking place after the men were locked up for the night? No.
10685. Then is it a true statement that a great deal of the gagging was done after the men were locked up for the night? I never knew of an instance. I believe the gagging chiefly took place in the office.
10686. Did you ever see Hill gag anybody when Mr. Small was not present? Never, sir.
10687. Not even when he was acting gaoler? No, sir, never in my life.
10688. Were you asked in your former evidence whether you heard of the story told by Mr. Herbert about a prisoner being put between the doors? Yes.
10689. Did you ever hear of Hill gagging that man? No, sir; I never saw him gag a man on his own responsibility in my life, and I never heard of him or any other officer putting a man between the doors.
10690. *Mr. Oatley.*] It may have been done without your knowing it? It may; but I never heard of it.
10691. *Mr. Voss.*] Have you ever heard of a prisoner being gagged for giving a saucy answer? Only one instance—that of Hornby, which I mentioned in my last evidence.

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10692. What was Hill's character amongst the prisoners? He was generally disliked.
10693. But was he a severe or a cruel man? I think he was a man of this class: he was very ready to jump to a conclusion that a man had committed himself whether he did so or not.
10694. Do you mean to say then that he brought charges unjustly against prisoners? I will show you how easily a man may be deceived. One night a warder called me into the wing and said he heard two men talking at the top of the corridor. I went in and found that there were two men at the bottom of the corridor instead of at the top. Now this warder would have sworn that the two prisoners at the top of the corridor had been speaking. It was the echo of the place that deceived him.
10695. *Mr. Pinhey.*] Do you remember locking Coghlan up? I have locked him up many times.
10696. Do you remember locking him up on one occasion with his hands behind him? Only when he was gagged.
10697. Where was he gagged? In the dark cell.
10698. How long was he in the dark cell while the gag was in his mouth? Not more than 20 minutes.
10699. If we have it in evidence that he was there an hour, is that false or not? It is false; I never knew a man to be gagged that long in the gaol.
10700. But we have it in evidence that men were gagged for an hour or an hour and a half? It is false. I ought to know about Coghlan, because I took the gag out of his mouth. I had orders to take it out at a certain time; I had orders to leave it in 20 minutes.
10701. *Mr. Oatley.*] Who gave you the orders? Mr. Small.
10702. Did you ever get instructions to remain with prisoners while they were gagged, or to leave somebody else in charge of them? No, sir.
10703. Then it was the custom to leave them alone? Yes, and after a certain time to go and take the gag out.
10704. *Mr. Voss.*] Do you recollect a man called Yellow Billy? Yes, sir.
10705. What sort of a man was he? He was a half-caste.
10706. But was he a short or a tall man? He was a tall man.
10707. Do you recollect his being gagged? No, sir.
10708. Do you recollect him or any other man being put between the cell-doors? No, sir; I never heard of any man being put between the double doors.
10709. *Mr. Pinhey.*] Do you remember Bertrand being gagged? No, sir; I am certain that he was not gagged.
10710. We have it in evidence that he was—that Small was present, and that Bertrand was shifted into the dark cell, and left there alone for an hour and a half. Is that true or false? I never heard of Bertrand's being gagged in my life. When he came up from Darlinghurst he made some saws of steel, and I found one of them round his upper gums; but he was not punished for that. Cummings was another man that he made saws for, and I found one in his shoe, between the stiffening and the outer lining.
10711. You say that Bertrand was not punished? Yes.
10712. Did you report him? Yes, but many prisoners have been reported, and not punished.
10713. *Mr. Voss.*] Do you recollect a prisoner named Watson? There were two Watsons—William and Richard.
10714. This man was at Berrima about 1868? That was Richard.
10715. Do you recollect his attempting to make an escape? No, sir; the charge against him was chiefly for talking. When he was doing twenty-eight days' dark cells on one occasion Sir Henry Parkes visited him, and I remember Sir Henry Parkes making a remark that the nature of the conversation should be taken into consideration in giving a prisoner such a sentence.
10716. Do you recollect this man being ironed and gagged? I never knew either of the Watsons to be gagged.
10717. It is stated that you and Mulligan and Hill were present; and that the prisoner was ironed and gagged, and very roughly handled? I am positive that Richard Watson was never gagged or ironed in Berrima Gaol.
10718. *Mr. Oatley.*] Was William? No; he never committed himself.
10719. *Mr. Voss.*] Then is this statement that he was gagged and ironed, true or false? It is false. He got twenty-eight days dark cells. I weighed him when he came out, and I remember that he lost 18 lbs. during the twenty-eight days. When Sir Henry Parkes visited him he complained about the severe sentence he had received, and I recollect Sir Henry Parkes commenting to Mr. Rowley upon the nature of the offence; but Mr. Rowley said he was Visiting Justice, and he would give what sentence he thought proper.
10720. Do you recollect a prisoner named William Slattery? Yes.
10721. Do you recollect his coming to the gaol? The first time he came we had information that he was shamming madness.
10722. You recollect that? Yes, sir.
10723. Can you tell us what occurred when he arrived, and what treatment he received? He got separate treatment, the same as any other prisoner.
10724. *Mr. Oatley.*] Were you present when he arrived? Yes.
10725. Do you remember any conversation taking place at that time? We had intimation to the effect that he was shamming mad, and having known him before I told him plainly that he would have to drop it.
10726. Did he come with any other prisoners? Yes, with a batch.
10727. Do you know the names of any of the other prisoners who came? I could tell by the books.
10728. Do you recollect whether Bragg was one of them? I do not think so, sir.
10729. Or Cavanagh? No, I think he came before that.
10730. You were there when William Slattery arrived? Yes, I am always there to receive prisoners.
10731. Was Mr. Small there? Yes.
10732. Can you name anybody else who was there? I could not say what warders there were. I know the prisoner leaned up against the wall, and would not speak to any one. I told him of the report we had received about him.
10733. Did you hear Mr. Small say anything to him? Not more than ordinarily.
10734. *Mr. Pinhey.*] What do you mean by ordinarily? He told him that he would have to drop it, that we knew he was shamming, and that he would have to do what he had been sent up for. 10735.

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10735. *Mr. Oatley.*] Did you hear Mr. Small say to him, "You are a nice thing to rob the mail"? No, sir.
10736. Did he say that? No, sir.
10737. Did you hear Slattery say that he had not come to be bully-ragged in that way? No, sir; he was silent, and would not speak to anybody.
10738. Did he say that he had come to be quiet if Mr. Small would allow him, and did Mr. Small then say he would nail him to the wall? No, sir; nothing of the sort transpired.
10739. Did Mr. Small say, "I lost your brother from here, and I would not have lost him for a hundred pounds; but I pledge you my word when you go from here you will go with your toes cocked up;"—did Mr. Small say anything of that sort to him? No, sir.
10740. You must have heard it if he did? Yes.
10741. *Mr. Voss.*] Do you recollect what treatment Slattery received after he came; was he treated for his madness or pretended madness? He was brought under the notice of Dr. Williamson.
10742. Was anything done to him? No, sir.
10743. Was he shaved and blistered? No, sir.
10744. *Mr. Pinhey.*] You do not know what takes place in the hospital? Yes, sir; I have to superintend that; but he was not put in the hospital at all.
10745. *Chairman.*] He says that his head was shaved, and that he was blistered along the spine from the top of his head to his backside; that after that everything but his shirt and trousers were taken from him, and a straight jacket put on him. He was weeks in the jacket, and when he was braced up they used to pull his hands together and cause him great pain? William Slattery was never put in the straight jacket in Berrima Gaol. His brother was; not he—he was never treated as a madman there. He assaulted a warder there name Gately, and I had to go to the warder's rescue.
10746. Then you cannot say anything about his being gagged? He was never gagged in Berrima Gaol. I am certain of that. He never gave any occasion for it.
10747. *Mr. Pinhey.*] Was a prisoner ever locked up with the gag in his mouth? Yes.
10748. Was it not usual to take the gag out of his mouth when he submitted? Yes; we have gone to them on different occasions, sometimes 5 minutes or 10 minutes afterwards, and taken the gag out if they gave the signal that they would succumb.
10749. *Mr. Voss.*] Did you ever see Dalton gagged? No, sir.
10750. If this man Slattery has stated that you and Small did gag this man is his statement true or not true? It is a falsehood.
10751. Do you recollect this man ever being gagged? No. He was assaulted by another prisoner.
10752. Have you ever gagged him? No, sir; he was a man that I only heard make use of a few words while he was in the gaol.
10753. He was a quiet man then? Yes, remarkably so.
10754. Do you recollect Slattery trying to commit suicide at any time;—do you recollect his attempt to cut his throat with a bone rack-comb? No, sir. One time he jumped upon the top of the bars of his exercise yard, and cut himself under the chin with one of the spikes; and Warder Clemens took him down.
10755. Was he gagged at that time? No, sir.
10756. Could he stand? Yes, as well as I could.
10757. Is it a fact that, when he was taken down, he was kicked by the warders, you being one? No, sir.
10758. *Mr. Oatley.*] Was he charged with any offence? I do not think he was. The doctor was brought to him.
10759. Was he put in irons? No, sir; William Slattery was never put in irons.
10760. And there was no charge brought against him on this occasion? No, sir.
10761. Did he say what it was done for? It was at the time he was shamming madness. I was under the impression that he did it to carry out his scheme of shamming madness.
10762. *Mr. Pinhey.*] Not with the intention of escaping? No, sir; it would have been childish to think of it.
10763. *Mr. Voss.*] Do you recollect this man being complained of for dirting in his cell? No, sir.
10764. You do not recollect his making a mess in his cell? No, sir.
10765. He says that they came down—you amongst the rest—and that because he would not clean the mess up he was kicked, and he was made to eat it, or, as he afterwards explains, his face was rubbed in the stuff. Is there any truth in that, at all? No, sir; I am certain nothing of the sort occurred. His brother, when he shammed madness, made cakes of the hominy, and put the nuisance on it himself; but never William.
10766. *Mr. Pinhey.*] It has been stated by one of the late warders in Berrima Gaol that he saw many men gagged in the office through Mr. Small losing his temper;—can you remember any such instances? I stated the number of cases in which I have known the gag to be used—seven or eight I think.
10767. Were they the result of temper on the part of Mr. Small? I mentioned one case where I thought the man did not deserve gagging,—that was Hornby.
10768. And you cannot call to mind any other case? Not from any exhibition of temper.
10769. *Mr. Oatley.*] You remember Coghlan being gagged? Yes.
10770. Was he gagged more than once? No.
10771. Do you remember Michael Slattery being gagged? Yes.
10772. How many times? I saw him once, since the time of the riot.
10773. Have you seen Cummings gagged? I have a faint recollection that he was gagged in the yard, but I could not be positive about it.
10774. Was a prisoner named Richardson gagged? Yes, but that was in the riot.
10775. Do you remember Weekes? I did not see him gagged, but he made a complaint that he had had a tooth knocked out by Chief Warder Hill.
10776. Do you know whether Mr. Small was there? I could not say; I was not in the gaol then. I was the senior warder; it was night, and I was away.
10777. You say you remember Bragg being gagged? Yes.
10778. How many times? Only once; that was in conjunction with Coghlan.
10779. Do you remember Drynob being gagged? No, sir; he was not gagged; he was only threatened.
10780. Yellow Billy was not gagged you say? No, sir.
10781. Do you remember a man named Welsh being gagged? No, sir; I do not.

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10782. You say Bertrand was not gagged? I am certain that he was not.
10783. Do you remember a prisoner named Hill? Yes.
10784. Was he gagged? He was in the riots too.
10785. Then he was gagged? Yes.
10786. Do you remember Parsons? Yes.
10787. Was he gagged? No, sir; I never knew him to be gagged.
10788. Watson, you say, was not gagged? I never knew him to be gagged; he was in the dark cells several times.
10789. You are quite sure that there was never any prisoner shut up between the doors of the dark cells? I never heard of any case only from Mr. Small's conduct to visitors, when he would say that we did put them there; but it was mere talk. I never knew an instance.
10790. *Mr. Voss.*] Did you ever hear of it before this inquiry began? No, sir.
10791. *Mr. Oatley.*] About the hominy;—have you ever seen Mr. Small or anyone else take hominy to the horses? The prisoners' servants have taken it, but whether there was any arrangement between the contractor and the gaoler I do not know.
10792. Have you ever seen the hominy taken from the cook-house to the stable, or to Mr. Small's place, before it was served out to the men? No, sir.
10793. Then the hominy you saw taken away was refuse? Yes; what we call waste.
10794. *Mr. Voss.*] Has there not been some order given with reference to the refuse hominy? There is a contract for it now.
10795. How long has that been the case? Six or seven years.
10796. Was it before that, or both before and since, that you have seen the hominy taken to the stable? Both before and since. Mr. Rowley used to get some for his fowls before the contract was taken.
10797. But since then? The gaoler has used a certain portion of it.
10798. *Mr. Oatley.*] Have you anything further to add to your evidence that you may have thought of? Not that I am aware of. I have stated the facts as far I have seen them. It is no use to speak from hearsay; that is not evidence.
10799. *Mr. Voss.*] Do you recollect the circumstances under which Hill left the gaol? Yes.
10800. What were they? It was a Sunday and his day off, and I was doing his duty until he came back. When he returned, some words passed between him and his wife, who came into the lodge, where some more words transpired, and he tried to molest the warders on duty; and the gaoler, I believe, gave him in charge.
10801. Were you there? I was not there when his wife came out. I went to give him charge of the gaol.
10802. Was he drunk? I do not think he was drunk; he was slightly under the influence of drink.
10803. Was he quiet at the time? Yes, he was quiet when I went in.
10804. Was he ever drunk before that? Not that I know of.
10805. Was he ever reported for it? I do not think so.
10806. Was he considered an efficient officer? The Comptroller considered him such.
10807. *Mr. Pinhey.*] Have you ever known the gag to be used not as an instrument of repression but as an instrument of punishment? It has been threatened on many occasions, but it has never been used except to repress bad language. I only recollect one instance of gagging where I thought it was unnecessary.
10808. *Mr. Oatley.*] Have you ever known men to be gagged for talking? No, sir; never.
10809. *Mr. Pinhey.*] We have some evidence to this effect: that Mr. Small has several times had men gagged for disrespectful language. Do you believe that to be true? I never knew an instance, except the case of the man who was accused of laughing at me. It was chiefly for filthy language that men were gagged, and some of the language has been very filthy—I could not express it.
10810. Have you felt the want of the gag since it has been discontinued? No, sir; our punishments have been very few.
10811. Have they been fewer since this commission has been sitting? I think they have been.
10812. *Mr. Oatley.*] Did you ever see a man gagged on the chain when about to go away? I think Cummings was; I have a slight recollection of it. I think it was the time Chief Warder Hill was there. Now that I come to recollect the circumstance, Cummings was caught with two nails—floor brads—sharpened up to a point, and concealed in his jacket; and some words transpired between him and the gaoler. That is the only instance that I recollect. I was senior warder at the time, and Mr. Hill was present.
10813. Are you sure whether he was gagged? I am pretty sure that he was gagged on that occasion.
10814. *Chairman.*] Do you remember a prisoner named James Sullivan? Yes, sir.
10815. Do you remember his being brought before the magistrate on a charge of having made a false and malicious report against the Visiting Surgeon? Yes, sir.
10816. Were you present? Yes, sir.
10817. Did you hear Mr. Wilshire make use of any strong language to Sullivan? The language was to the effect, that if he had been the doctor he would have pressed the charge and had him punished.
10818. Did you hear him make use of any improper language? No, sir; I did not.
10819. Did you hear him say, "Cut it short, or by God I will make it hot for you?" No, sir. The language was simply to the effect that the Visiting Justice considered the doctor ought not to look over the offence, but that he ought to have him punished.
10820. Did you ever hear Mr. Wilshire swear at a prisoner from his place on the Bench? No, sir; he is too lenient with them in my opinion.
10821. *Mr. Oatley.*] Did you hear Mr. Wilshire tell him to cut it short? No, sir; he stated distinctly that if he had been the doctor he would have had him severely punished, because he considered it a malicious charge. The doctor withdrew it, and the prisoner was not punished.

Hugh Taylor, Esq., M.L.A., called in, sworn, and examined:—

Hugh Taylor, Esq., M.L.A. 25 Sept., 1878.

10822. *Chairman.*] Your name is Hugh Taylor? Yes.
10823. You are a Member of the Legislative Assembly? Yes.
10824. You have taken some interest in the matter of this Berrima Gaol management;—have you any objection to tell us who first gave you information with reference to the subject of our inquiry? Mr. Driver, in the Assembly.

10825.

Hugh Taylor, Esq., M.L.A. 25 Sept., 1878.

10825. Did you receive any communications from any prisoners who had been at Berrima prior to your going to Parramatta Gaol? No.
10826. Then the statements made to you in Parramatta Gaol were the first that were made to you by any prisoners? Yes.
10827. I presume that, of your own knowledge, you know nothing about the management or discipline of Berrima Gaol? Nothing whatever.
10828. Was it you or Mr. Driver who produced in the Assembly a gag said to be the gag used at Berrima? Mr. Driver.
10829. Do you know where Mr. Driver procured it? I gave it to him.
10830. Have you any objection to tell us where you procured it? Not the slightest.
10831. Will you tell us then? When I visited the gaol at Parramatta the gaoler produced a gag, and I asked him whether he had had any occasion to use it since he had been in Parramatta Gaol, and he said "No, never." I kept it in my hand some time, and took the dimensions of it, and afterwards had one made.
10832. Did you ask him to give you one? I did not.
10833. Then the one you had was made by some tradesman outside? Yes.
10834. *Mr. Voss.*] How did you take the dimensions? I measured with my fingers the length of the wood and the length of the copper.
10835. But it was not a copper one that you saw? It resembled copper in the darkness of the wing where I was.
10836. Did you see whether there was any copper about it? I could not say; it might not have been.
10837. Was it not like this [*showing gag*]? It was not so large in the tube as that.
10838. But as to the material? It resembled that, and part of it appeared to be made of copper.
10839. *Mr. Oatley.*] The one you had made had copper in it? Yes.
10840. *Chairman.*] And the reason that you had copper put in was because you thought that the one shown to you had copper in it? Yes.
10841. Was the copper on the outside of the tube? Yes.
10842. So that the metal would come into contact with the mouth? Yes, the whole of the tube was copper.
10843. Have you any objection to send that gag to us? If I can find it I will.
10844. Generally, I suppose, it was like this one [*showing gag*]? Yes.
10845. You do not say now that the gag shown to you at Parramatta was made partly of copper? Oh dear no.
10846. This is a letter which you sent to the Commission is it not [*showing Mr. Taylor's letter, dated August 3rd*, 1878]? Yes.
10847. Was this letter sent by you for publication anywhere? No.
10848. Were you cognizant that a copy of this letter was published? Not until after I had seen it published.
10849. Can you in any way explain how it was that it found its way into the newspaper? No.
10850. Whose handwriting is the body of the letter in; it seems to be that of some clerk, and not your own? I do not know; I think it is that of a clerk I had—I am not sure.
10851. Do you know whether any copy of it was kept? I do not know.
10852. Did you authorise your clerk or anyone else to keep a copy? No.
10853. Then we understand from you that it was not with your sanction that this letter was published in the newspapers? I do not think it was; at least I am sure it was not.
10854. And you knew nothing whatever of its being about to be published? I do not think I did.
10855. Can you not say positively? No, I cannot. I wished to give publicity to everything that I heard of, not only in justice to the prisoners but to Mr. Small also.
10856. Do you think the publication of a letter like this in a newspaper would be calculated to do justice to Mr. Small? I think it would, in my opinion.
10857. Who were your informants in this matter? The information came from Goulburn to me.
10858. In a letter? Yes.
10859. Have you any objection to produce the letter? I think it is destroyed.
10860. Who was the writer? That I cannot tell you. I do not remember.
10861. This letter states, "It has been stated to me by former confinees at Berrima Prison that there are at present two warders in Goulburn Gaol, who, having been stationed at Berrima, can, if they choose, give evidence that will be very material to the matters now being investigated by your Commission. These warders are, I understand, named Keirnan and Bennett. My informants state that the former was present when a prisoner named J. Carney was brutally gagged by the Berrima gaoler personally." Your informants you say reside at Goulburn? Yes.
10862. And had been confinees in Berrima? No, never.
10863. But you state in this letter that they were? That was the information given to my informant.
10864. Then the letter ought to have read, "I have been informed that former confinees in Berrima Gaol have stated," &c.? Yes.
10865. And who was your informant at Goulburn? I must decline to tell you that.
10866. But was he known to you? Yes.
10867. Is he a person in the Government service? No.
10868. Is he a person whose evidence we could receive on oath? I do not think it would be right to give his name.
10869. *Mr. Pinhey.*] I understood you to say just now that you did not remember his name? Oh, I know him perfectly well; very intimately.
10870. *Chairman.*] You state that you are unable to say whether these statements are true, but you suggest that the warders mentioned should be examined. I may inform you that we have examined these warders; but do you not think it would conduce to the eliciting of the truth if we were furnished with the name of your informant, so that we may examine him also? He knows nothing at all about it; only what these warders informed him.
10871. Then your informant knew nothing of it of his own knowledge, beyond what the warders told him? No, and he wrote me a letter which I copied and sent to the Commission.
10872. But you state here that it was former confinees in Berrima Gaol who had given the information? No, sir, I do not.

10873.

Hugh Taylor, Esq., M.L.A. 25 Sept., 1878.

10873. What are the rights of the matter? A gentleman residing in Goulburn, seeing that I had taken a great interest in the matter, received the information you have there from the warders in Goulburn Gaol, and forwarded it down to me, and I thought it would be an act of justice to prisoners, and to Mr. Small likewise, if you were made acquainted with the evidence these warders could give.

10874. But what becomes of the "former confinees" who are referred to? They are referred to by the warders.

10875. Then it ought to have been—"It has been stated to me that warders in Goulburn Gaol have been informed by former confinees in Berrima Gaol," &c.? I have given you the contents of this gentleman's letter, word for word.

10876. Do I correctly understand you to say that the gentleman wrote to tell you that he had been informed by warders in Berrima Gaol that they had been informed by former confinees? No; that they were present.

10877. Then what becomes of this reference to former confinees in Berrima Gaol; according to that statement there is no occasion to bring them in at all? I do not know what is the meaning of that. I have just given you his letter.

10878. *Mr. Oatley.*] All you desired was to inform the Commission that these warders could give evidence? Yes. That letter is simply a copy of the communication I received.

10879. *Chairman.*] We want to arrive at the source of this information, and, if possible, to obtain the evidence on oath? It is only the warders.

10880. Then your informant knew nothing of it? Nothing whatever.

10881. And the two warders are Keirnan and Bennett? Yes.

10882. Just look at this letter again. Do you mean to say it is a copy of the letter written to you; you see it begins with—"I desire to bring under the notice of your Commission," &c.? That, of course, was not in the letter I received. I mean the body of the letter. The letter I received was something after this style: "My dear Mr. Taylor,—There are two men, warders in Goulburn Gaol, who can give important evidence before the Commission in regard to Berrima Gaol, they having been warders at that place. Their names are so-and-so, and they can prove so-and-so." That is all.

10883. Can you not give us any idea how this letter found its way into the columns of the newspaper? I do not think I can.

10884. But is it likely you could have given your sanction without remembering it? I may have done so.

10885. Can you not recall to your mind whether you authorised the publication of this letter in the columns of the *Cumberland Mercury*, or any other newspaper? I may have done so.

10886. And you cannot speak more certainly than that? I cannot.

10887. And you say that your desire was to give as much publicity as possible to the information that you received, even without waiting for the result of this investigation? Yes.

10888. *Mr. Voss.*] Have you ever personally heard of any complaints of alleged ill-treatment at Berrima Gaol from any persons other than prisoners or ex-prisoners? Well, there are one or two men in Parramatta now who were warders there; they tell me they could substantiate everything that has been said in regard to the treatment of prisoners; but they decline to come forward.

10889. *Chairman.*] When did they tell you that? Within the last fortnight.

10890. You received a letter asking you to place the Commission in possession of the names of the witnesses who could give information, did you not? Yes, and immediately after that I waited upon these persons to see if they would give evidence, but they declined. They are respectable tradesmen there.

10891. Did they tell you that they could substantiate the truth of the statements that have been made? Yes; and within the last half-hour Mr. Johnston, Member of Parliament, has told me that he could bring me a man from his place who could substantiate everything that was said.

10892. But you did not give us any information in reference to these warders you speak of until now? No, because they declined to be examined.

10893. Did you say they were at Parramatta Gaol? No, they are in business at Parramatta now.

10894. Can you give us their names? I decline to give their names.

10895. But do you not see how grossly unfair it is to any man to have his character whispered away in this manner by persons who will make accusations privately and have not the manliness to come forward to state what they know? It is unmanly, but if they won't come forward what can you do?

10896. Would you place the slightest reliance upon the statements of persons of that kind, who go whispering about that they know of these matters but decline to come forward to be examined? Well, but you know we hear things every day of our lives that we would not like to be called upon to prove.

10897. That is the way characters are assassinated. I should be very sorry to say anything in private against a man's character if I were not prepared to come forward and swear it on oath.

10898. *Mr. Oatley.*] Are these persons respectable, and people that you could rely upon? Yes.

10899. *Chairman.*] Can you refer us to any persons at all who can give evidence in regard to this matter? No.

10900. Is the clerk who wrote this letter in your employ now? No, he has gone to Melbourne. I may be able to find the original; if I can I will send it down to you after tearing the name off.

10901. I want you to understand this, because I do not quite understand your evidence in regard to it. You say that a gentleman wrote to you from Goulburn to say that he had been informed by these two warders, Keirnan and Bennett, that the statements had been made by former confinees at Berrima? They were warders at Berrima Gaol.

10902. Then your correspondent's informants were these two warders;—that is what you say;—is it not? Yes.

10903. How can you reconcile that with this paragraph which says, "My informants also state that the other warder whose name they only believe to be Bennett?" how could he say that he was told by a man named Bennett, whose name he only believed to be Bennett? Oh, we often call a man Smith when his name perhaps is Jones. You are the best judges after examining these men from Goulburn whether there is any truth in the statement or not.

10904. But suppose these warders state that they never gave any such information, would it not be desirable to have your informant to compare his evidence, in his own interests, if he wishes it, with the evidence of Keirnan and Bennett. I may tell you, and you may communicate it, if you please, to your correspondent,

correspondent, that both of these men have denied on their oaths that they ever gave any such information, and your correspondent may think it due to himself that he should come forward and give his statement? Those two warders are receiving Government pay you see, and they know that their position is jeopardised. Hugh Taylor, Esq., M.L.A. 25 Sept., 1878.

10905. Do you think the fact of their being in the Government pay would influence them to swear what was not true? Oh, there is a way they have of getting out of these things.

10906. Out of what? Out of making statements that they have made, when they know that their bread depends on the evidence they are going to give. I could give the names of a number of men in the Government service who have given me information that would substantiate all that has been said, but I decline to do it because I know I am jeopardising their bread—their living.

10907. Let us deal with the matter fairly and straightforwardly. Do you mean to insinuate that because these men's positions in the service are jeopardised by the evidence they may give when they are examined on oath, they will not speak straightforwardly? I do not say any such thing. These men may have told my informant every word he wrote to me, and I believe they did. I am convinced of it because he is a gentleman of unblemished character and holds as high a position as there is in the country, and he would not be guilty of an untruth.

10908. Yet you decline to say who he is? Yes, I decline to say.

BERRIMA GAOL INQUIRY COMMISSION.

APPENDIX.

[*To Evidence of Joseph Bragg.*]

A.

PORTION of a letter identified by Joseph Bragg to be in the handwriting of an ex-prisoner named Kerr :—

"It is all nonsense about prisoners being gagged because they were abusive, especially before or in the hearing of females. There was no possibility of any prisoner being heard by any females of Mr. Small's family. Besides the gag was generally thrust into the mouths of the prisoners before they could utter a word at all. Just now I cannot recollect one prisoner that was gagged for using bad language ; I think though that Green threatened Mrs. S. Be sure to tell Mr. D'r. all about Green's arrangement. I myself was gagged because it was said that I was in the sulks, and would not speak at all. The prisoners who pass through Berrima, and are represented as belonging to the worst and most dangerous class of convicts, all, or nearly all, pass through Parramatta, where they have much more power to do damage, yet we never hear of Mr. Hussey gagging them there. In Berrima the prisoners are kept apart, and cannot support or encourage each other. A half-a-dozen warders can handle any half-starved man without gagging him. Be sure and mention about spread-eagling. In P. the prisoners are all in a large yard, and are hardly ever, while out in that yard, under the supervision of more than one or two warders at a time. It is nearly all "first timers" too that suffer most. Fancy calling Small a determined man ; he is only determined to persecute the unfortunate ; he has no courage. If Small has two or three "long timers" out on the works he is afraid of them, and dodges until he gets them in separate. Hussey must have hundreds of long timers at Parramatta, but he is not afraid of them, I think.

"Memo.—Not to forget that Slattery was squeezed in the testicles.

"Witnesses likely to be of service that I know of :—

Prisoners :—

Both Slatterys—One in Maitland, the other in Parramatta.
Henry Shaw, Darlinghurst.
John Thompson, do.
Thomas Gleeson, Parramatta.
John Cauchlan, Darlinghurst.
Henry Weavers, do.
Henry Faulkner, do.

Prisoners who have gone through Berrima Gaol, and are now free :—

John Joyce, Sydney.
James Kelly, Tea-pot Swamp.
Josh. Bragg, and the writer, Sydney.

"Also, the Rev. Mr. Dixon, B., Mr. Lackey, clerk at B., Mr. Johnson, late clerk at B., Mr. Herbert, overseer, B., and perhaps, the Rev. Mr. Langley, late gaol chaplain."

[*To Evidence of H. Badgery, Esq., J.P.*]

B.

TESTIMONIAL of residents in Berrima District in favour of Mr. Small.

The Hon. M. Fitzpatrick, Esq., M.L.A., Colonial Secretary, Sydney, New South Wales,—

Hon. Sir, Berrima, April 15, 1878.

We, the undersigned, residents of Berrima District, having observed with considerable pain and regret certain allegations recently made in the Legislative Assembly, seriously reflecting on the character of Mr. William Small, the gaoler here, and more particularly as relating to Mr. Small's management of the Berrima Gaol, hereby desire to express our deep sympathy with him under these untoward circumstances, together with our entire disbelief in the said allegations, and, at the same time, our decided disapproval of the system of condemning without a hearing or investigation (as in this and many other recent instances) any person, much less a Civil Servant holding so important and responsible a position as governor of one of the most important penal establishments in the Colony—a course which must prove in the end not only most disastrous to the Civil Service and the best interests of the State, but disgraceful to the Colony as a British dependency. We further record our full confidence in Mr. Small as such gaoler, and have no reason to believe his conduct has ever been other than patient, discriminating, and humane towards the prisoners (who include all of the worst class) passing under or remaining in his charge.

We have, &c.,

Edward Carter, J.P.
M. Butler, J.P.
W. C. Cordeaux, J.P.
G. E. Makin.
William M'Court.
C. A. Bransley.
John A. Badgery, J.P.
Frederick Draper.
A. Welby.
J. V. Atkinson, J.P.
Charles Chisholm, J.P.
Walter Morrice, J.P.
Alfred J. Powell.
Edward T. F. Gomm.
Arthur Raymond, solicitor, Bowral.
Edward H. Badgery.
David E. Williams.
Ben. M. Osborne.
R. J. Matthews.

[*To Evidence of Rev. E. Dixon.*]

C.

THE Rev. E. Dixon to The Colonial Secretary. (Marked "Private.")

My dear Sir, The Parsonage, Berrima, 29 April, 1878.

On receipt of your kind note of the 15th instant, I wrote to Mr. Maclean, stating the substance of your letter, and particularly the three points that bear on my position, viz., that I had no intention of speaking of Berrima Gaol when I called upon you—that I did not use the expression referred to—and that my communication to you did not give rise in your mind to such an impression as would cause you to use that expression.

The Comptroller replies to day "that such damaging weight seems to me to attach to the statement tendered, upon your authority, to Parliament, that I have felt it incumbent upon me to address the Colonial Secretary in serious terms upon the subject."

I take the liberty of addressing you again, privately, because an attempt is being made by those interested in the gaol here to deprive me of my incumbency, in which they cannot succeed in the face of your letter. Mr. Maclean's sentiments are clear from his letter, and I know these persons rely on his help to get me deprived of my chaplaincy. They scarcely make a secret of this.

I am relying on your kind assurance that you will leave nothing undone in your power to do to counteract any evil consequences to me, and trust that you will excuse my again troubling you, knowing how much depends on your assistance at this juncture—perhaps my whole future in life.

I remain, &c.,
E. DIXON.

[*To Evidence of Rev. E. Dixon.*]

D.

The Rev. E. Dixon to The Comptroller General of Prisons.

Sir, The Parsonage, Berrima, 17 April, 1878.

I think it due, both to you and to myself, to write to you in reference to a speech made in the House on the 9th instant by Mr. Fitzpatrick.

On the 2nd instant I had occasion to see Mr. Fitzpatrick. When my business was concluded, he requested me to take my seat again, and put to me a number of questions relating to Berrima Gaol, all of which I answered to the best of my ability, as in duty bound to the Chief Secretary. On leaving, Mr. Fitzpatrick said that he was much obliged to me as he had been wishing to see me, and that he regarded the conversation as private and confidential. I do not take in the *Herald*, and last Friday my attention was drawn to Mr. Fitzpatrick's speech *re* Berrima Gaol, of the 9th instant. I felt sure I had not used any such expression as that attributed to me; but, before publicly saying so, I wrote to Mr. Fitzpatrick. In reply, he authorizes me to say that I did not use that expression, but that Mr. Driver had used it, or something equivalent to it.

I am desirous that you should understand that I had not the least intention of referring to Berrima Gaol when I went to see Mr. Fitzpatrick; that I did not use any such expression as that attributed to me; that any replies of mine to questions put to me by the Colonial Secretary did not even give rise in his mind to such an impression as would cause him to use this expression.

I have, &c.,
E. DIXON.

E.

Testimonial from M. D. Woodhouse, Esq., J.P., and Marcus Travers, Esq., J.P., in favour of Mr. Small.

Berrima, 16 July, 1878.

To the President of the Royal Commission of Inquiry into the management of Berrima Gaol,—

Sir,

We the undersigned Justices of the Peace, resident in this district, desire, supplementarily to a memorial that we believe has already been sent in, to bear testimony to the high character of Mr. Small, and to express our belief that he is quite incapable of having been guilty of the charges brought against him.

We wish also to accord our appreciation of his great fitness for the post he holds.

We have, &c.,
M. D. WOODHOUSE, J.P.
MARCUS TRAVERS, J.P.

[*To Evidence of James Sullivan.*]

F.

Statement in reference to labour performed in Darlinghurst Gaol.

Berrima Gaol, July 16, 1878.

To the Board of Commissioners now sitting at Berrima Gaol:—I, prisoner James Sullivan, beg most respectfully to state that I was removed from Goulburn Gaol last August, for the purpose of learning the mat-making, but finding the working of the loom injurious to my health I was transferred into the brush-making department, and finding that employment suitable for my health I determined to learn the trade, which the following will prove:—

On January 1st there was a weekly task drawn up, prescribing the number of brushes each man had to make weekly (which varied according to class of work). On February 9th my week's task was 18 hair brooms; the number I made was 30—12 over. On February 16th my week's task was 30 coir brooms; the number made was 50—20 over. The remaining nine working days previous to my removal I bordered 60 hair brooms and finished 8 coir brooms. This put together would equal three tasks. The overseer of the brush department (Mr. Sutton), finding I was likely to exceed double the task which he had prescribed to be performed weekly, and knowing it would be detrimental to him, he applied to the head overseer of works to remove me the first opportunity, on the pretence that I was not agreeing with my fellow prisoners. I was removed to here on the 7th of March, and on the 9th I made a written application to the Comptroller General, in which I embodied seven specific grounds for my removal back to Darlinghurst. He (the Comptroller General) replied that my application could not be complied with. I then wrote to the Hon. the Minister for Justice complaining of the treatment I received. The Hon. the Colonial Secretary replied, and stated that I was justified in making my complaint, but deemed the grounds which the Comptroller General had given him for my removal satisfactory.

I beg to state that I know not what those grounds were; but I do know that I have been most unjustly treated and most severely punished in consequence of my removal here, in being deprived of the following:—

1st. The trade which I gave undeniable proof of learning.
2nd. A shilling per week which I was earning.
3rd. Tea, sugar, and tobacco, for over three months.
4th and lastly. Of portions of my daily rations and weekly indulgence.

This is the injustice I complain of having received.

I may add that my only fault appears to have been in having contributed 30s. per week by my labour towards reducing the expenditure of prisons; for I have conducted myself with satisfactory conduct to the three respective gaolers I have been under during my incarceration, viz., Messrs. Read (Darlinghurst), Walker (Goulburn), and Small (Berrima).

I now leave my case with confidence in the hands of the Commissioners, and hope they will not deem me out of place in bringing the above under their notice.

JAMES SULLIVAN.

[*To Evidence of Thomas Connell.*]

G.

Memo. from the Rev. Wm. Riordan, R.C. Chaplain, Berrima Gaol, recommending prisoner Thomas Connell for mitigation of sentence.

July 19, 1878.

The Reverend Father Riordan has the honor to call the attention of the President of the Royal Commission to the case of prisoner Thomas Connell.

During the long period of his imprisonment his conduct could not have been better. He is quite a reformed man. Mitigation of sentence would be a suitable reward for such conduct as his, and would, doubtless, influence others to imitate his good example whilst in prison. The R.C. Chaplain requests that Connell's case will meet with merciful consideration.

W. J. RIORDAN, R.C.C.

[To Evidence of Harold Maclean, Esq.]

H.

MINUTE of the Comptroller General of Prisons on the establishment of the separate treatment system.

Sheriff's Office, 23/3/65.

HAVING with the Colonial Architect carefully examined the gaols at Berrima and Parramatta, with a view to ascertain if arrangements can be made for the classification of the prisoners of the Colony with the present prison accommodation, I am enabled to say that such arrangements are practicable.

The foundation of all prison management is a complete control, and the object next to be sought is a system of treatment under which the prisoner must, after being subjected to separate confinement at the outset of his imprisonment, work his way by gradation through the remainder of his sentence.

The treatment most effective for the dangerous and refractory prisoners is also that which is now accepted as the most desirable for all prisoners in the first stage of their punishment, viz., separate treatment. Thus the Panoptican Prison in Victoria serves for the two purposes mentioned, and affords the means for an easy prison management. By some alterations and additions at the Berrima and Parramatta gaols so below specified, those two prisons can, in perhaps a less complete manner, be made to afford the same means of treatment.

I would recommend the classification of prisoners into divisions A, B, C, and D. In each division there would be three or more classes, through which the prisoner would work according to regulations.

To the A division should belong all prisoners in their first year of sentences of not less than five years, of whom there are now seventy-three, and also all of such desperate and violent character as to render it inadvisable that they should be at large in the prison yards. I do not include these two descriptions in the same division as being of one class, but because their treatment will have to be similar. Primarily I propose Berrima Gaol as that for the A division; therein I would place those of the incorrigibles, and those in the first year of sentence for whom there might be room. There are many prisoners who would properly belong to the A division who are at present going on quietly with their work. It would, I think, be harsh, so long as their conduct continues to be unexceptionable, to alter their treatment. I would therefore allow them to remain in B division until any case of misconduct, when they should immediately be reduced to the A. The knowledge that there exists such a power so to alter their treatment would have a great effect on the conduct of prisoners, and of itself almost accomplish one of the main objects. Berrima Gaol can be made to contain eighty prisoners in strictly separate confinement, with the proper exercising-yards, and also dark punishment-cells in the basement, at a cost of about £2,000; and in about nine months time I could place all the refractory men of the A division there, and as they increase in number, if it should be necessary, draft some of them in the first year to Parramatta, the arrangements at which place will be stated below.

At Parramatta there are sixty single cells, and by the erection of an exercising-yard, the cost of which would be about £1,260, sixty prisoners can be treated as at Berrima. Those cells would be used for the purpose as Berrima might become insufficient for the members of the A division, and any of them not wanted for such men could be used for the lowest class of the B division, thus keeping them, except at labour, apart from the other prisoners. In Parramatta I would place the B division, which would be composed of men in the second stage of punishment, and they would be selected according to their offences, length of sentences, and character.

Then, in Darlinghurst—which, by the constant influx and discharge of prisoners, involved by its use as a gaol for Sydney, is ill-adapted for a penal establishment under strict rules—I would place the C division, which would be composed of the men of shorter sentences, those of better character, and those will then progress towards the end of their sentence. In that establishment I would push forward trades and employment of almost every description.

The D division would be composed of men who are nearer discharge, and who can be employed at Cockatoo Island or on other public works.

The treatment of the prisoners would vary in each division; for instance, in the A there should be no indulgence whatever, and the plan now suggested would have to be carefully perfected in detail and by regulation.

By its adoption, however, at a cost of only about £3,200, and in view even of the immediate commencement of a new prison, fully two years' time, as regards prison management, would be gained.

H. M.

I.

REPORT from Dr. Taylor, Medical Superintendent, Parramatta Lunatic Asylum, on the case of prisoner William Slattery.

Sir, Lunatic Asylum, Parramatta, 26 September, 1878.

I have the honor to submit, for the information of the Berrima Gaol Commission, the following record of the history of William Slattery, whilst detained as a criminal lunatic in this Asylum. He was admitted on February 1st, 1871. He was then in bad bodily health, but is reported by the Medical Superintendent to have betrayed no evidence of insane delusions:—

31st March, 1871. The entry of this date, March 31st, 1871, states, "I believe this man to be a malingerer as far as insanity is concerned, and I think his object in getting himself sent here was the idea that he would get mutton chops for his breakfast, and be put on medical comforts." He has been disappointed in these expectations, and says, "He wishes to be returned to gaol."

28th April, 1871. He joined two others in an attempt to scale the wall.

31st May, 1871. The record states, "I do not believe this very low charactered criminal to be insane, although his low cunning enables him to baffle my attempts to get him recommended by the Board for return to gaol."

The fact is, he never even pretends to be insane except when brought up for examination. He was taken before the last Board meeting without warning, but was quite ready with a catalogue of newly invented delusions, which, although manifestly to all present were gross shams, are sufficient to prevent him being sent back to gaol. He has again been agitating an assault on the attendants by surprise, arguing that as his party was now equal in numbers to them a sudden attack would be likely to prove successful. I do not believe him ever to have been insane; but he knows that having been once pronounced a lunatic, though by the grossest shamming, he is free from punishment in a lunatic asylum. The gaoler at the gaol to which he was committed did not believe in his insanity, neither did the medical officer.

9th June, 1871. This man and Scott have been the origin of much mischief in the criminal yard, which, before they came, was the quietest and most controllable yard in the establishment. They have now organized a band of malcontents, who endeavour by lies and misrepresentations to bring the attendants into disgrace and the authorities into trouble.

30th June, 1871. This dissatisfied, mischief-making, and malignant character continues the same. I do not believe him insane, but cannot get him removed back to gaol because he does not want to go, and when taken before the Board feigns insanity.

31st August, 1871. In consequence of his having declared he will take a life (meaning mine) before the next Board day, he is placed in his cell during the round, and let out immediately after.

1st September, 1871. He told the Board that he had no medical treatment; that he had not seen Dr. Brown for three months, nor the Medical Superintendent for a month. Dr. Brown had actually seen and prescribed for him that morning, and I was in his sleeping cell while he was in his bed and awake the morning before. Said he had no appetite, and could not keep his food on his stomach, yet he was craving for extras, particularly rum. He has the habit of putting his fingers down his throat to excite vomiting.

19th January, 1872. This man for the last two or three months has conducted himself very well, and indeed a generally improved conduct has been observed among the criminals since the discharge of Andrew Scott. I do not believe in Slattery's insanity, although like many other ignorant and uneducated people (particularly the lower order of Irish) he is very superstitious, and believes in fairies, &c., which some may have erroneously considered delusions of insanity instead of the credulity of ignorance.

12th

12th June, 1872. He was interviewed by Dr. Brown with a view to having him brought before the Board.

13th June, 1872. He was seen by Dr. Manning, and after a long interview this gentleman pronounced him to be a decided malingerer.

14th June, 1872. He was brought before the Board and recommended for discharge.

18th June, 1872. On this day, the day of his discharge, he struck an inoffensive patient with a broomstick and broke it over his head. He was discharged to gaol on the 18th June, 1872. This official record was made by the late Dr. Wardly, then Medical Superintendent, who in common with the officers having charge of Slattery appeared to have always questioned his insanity. His history whilst in this asylum was that of a dangerous turbulent criminal, who, finding all efforts to effect his escape unavailing, kept up a continued system of annoyance to the authorities by falsehood and misrepresentation. Although his general condition appears from the records to have improved whilst under treatment in this asylum, he was regarded as being at no time in good bodily health.

I have, &c.,
CHAS. TAYLOR, M.D.,
Medical Superintendent.

J.

Letter from "A Ruffian" to The Colonial Secretary.

To the Honorable Mr. Fitzpatrick, Colonial Secretary,—

Sir, 8|5|78.

It was stated last night in the Legislative Assembly, and has been stated at other times in defence of the gaoler of Berrima's brutality, that he has the worst of ruffians to deal with; and these Members, it appears to me, imagine that great severity is necessary to keep them down and reform them. But they know little of human nature. These prisoners, on the contrary, should be kindly treated, for, as a rule, they are hot-tempered, ignorant fools, and harsh treatment only embitters their mind.

For instance, some twelve years ago a number of prisoners in Darlinghurst Gaol—almost the whole gaol—rioted. The worst of them were brought before the Visiting Magistrate and received the sentence of twenty-eight days solitary confinement. When about half of this sentence had expired, through the intercession of one or both of the clergymen, the magistrate consented to let them out of the cells on condition that they promised to go to their work again. I assure you, sir, that most of them did promise to conduct themselves and were thenceforth apparently reformed men. And although some six or seven (all of them poor wretches doomed to suffer inexpressible cruelty in Berrima) refused to make any promises, still I heard them express their gratitude for their intercessors. But if this had happened in Berrima, the whole of them would have been locked up and subjected to indescribable tortures. Still if these tortures were legal there would be nothing to make a noise about; but when we all know that they are illegal, it is monstrous to say, in extenuation of those atrocities, that Berrima Gaol is the receptacle for the most hardened ruffians.

Your obedient Servant,
Sir,
A RUFFIAN.

K.

Testimonial from the Rev. R. E. Kemp, in favour of Mr. Small.

My dear Mr. Travers, The Parsonage, Burrawang, 23 July, 1878.

I have considered your request that I would give a written expression of my opinion as to the manner in which things are managed in the gaol at Berrima. I still feel the same reluctance to do so as I told you of, because my experience was of such short duration. But as you appear to think that my testimony may possibly be of some service, I write to say that I had charge of the parish of Berrima for about a fortnight towards the end of 1874, while Mr. Langley was fulfilling an engagement in Sydney. During that period I visited the gaol several times, and was shown over by Mr. Small in person. I saw the establishment in its every-day routine, and from what I observed on my various visits was very strongly impressed with the very admirable manner in which everything was conducted. The discipline was excellent. I was in particular very much struck with the apparent freedom with which the prisoners were allowed to move about in the yard. It seemed to me also that the gaoler was really pleased with an arrangement which had not long before been made by the Church of England Chaplain, to afford the "separate" prisoners the advantage of a service on a week-day, for I had it from his own lips that he took measures for extending the privilege to those of other denominations. And from his manner of speaking in general I concluded that his government of the gaol was certainly not marked by undue harshness.

I was present at the examination of a prisoner who had just been admitted to the gaol. He was examined by the warders in the presence of the gaoler, and certainly without any roughness. The instructions given to him as to the regulations of the gaol appeared to me just such as were calculated to make him understand, that whilst no nonsense would be put up with, it would at the same time be well with him during good behaviour. Whilst they were very firm and decided, they were certainly not unkind either in tones or terms.

As for the gags, a specimen was shown me. I put it in my own mouth, and I think the outcry about their being instruments of torture is simply nonsense. Nor can I understand how a more effectual or equally effectual stop could be put to a man's abusive tongue with a less amount of annoyance.

My very decided opinion is that Mr. Small is a most efficient officer.

I remain, &c.,
RICHARD KEMP, M.A.,
Incumbent of Bowral.

L1.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 17 April, 1878.

In my recent interview with the Colonial Secretary the subject of the description of the gaol at Berrima by the Church of England chaplain of that prison, came under discussion.

The reverend gentleman described that prison as a "hell upon earth," or by a similar expression, than which no more condemnatory denunciation could be hurled at a penal establishment. It is the term that was applied to the most iniquitous of the unreformed prisons of England in former times, and to Norfolk Island in its worst days.

I would take no exception to the Reverend Mr. Dixon having made the assertion that he did make to the Colonial Secretary if it were justified by fact, but I regard it as an audacious and utterly unjustifiable assertion, and I feel it to be incumbent upon myself, in the interests of the officers of the establishment, of my Department, and of the public, to point to its effects, and to place under examination its value.

The subject of the treatment of prisoners being before Parliament, the statement of Mr. Dixon, weighed with the deference accorded to his profession, cannot but have the effect, at first sight, of giving strength to the allegations in complaint of discharged prisoners in a degree not readily to be estimated. I do not wish it to be understood that no weight is to be attached to the statements of prisoners, but in their nature, as common sense dictates, such statements must be entertained with a keen discrimination, and they require clear confirmation.

Mr. Dixon's statement has further had the effect of suggesting to the public mind, through the medium of articles in the leading journal of the Colony, the doubt whether the prisons are not in the condition of a semi-barbarous period, and whether their management is not being conducted in ignorance of all modern principles of prison administration; whereas none who have taken the trouble to note the information from time to time made public can question that the management is conducted upon designs abreast of the most advanced European ideas upon the most difficult subject of administration, as evidenced by the existing periodical International Congress, and designs, the fulfilment of which is only retarded by materia causes of insufficient building accommodation, for which my department is certainly not answerable, and which deficiency is gradually being supplied.

Feeling

Feeling the responsibility of so large and important a department as this under my control, I have thought it right, in vindication of the service and in my own, to make the assertion above submitted. But I have not down so without means of affirming by the highest Colonial authority—that of the Secretary of State—the assertion that I have made. In this view I take leave to quote the following extracts from despatches addressed by the Secretary of State to this Government.

Extracts from despatches of the Secretary of State.

Despatch of the Duke of Buckingham and Chandos, in answer to Sir John Young's despatch of 23rd October, 1867, dated 10th February, 1868 :—

"It is gratifying to find that Mr. Parkes has for a series of years devoted himself to the study of the subject both by visiting some of the best conducted prisons in this country when he was here, and by promoting an elaborate inquiry into it by a Committee of the Legislature, while Mr. Harold Maclean, the Sheriff, has done all in his power to effect such improvements as have been found to be practicable."

Lord Kimberley to Lord Belmore, respecting report of the Sheriff, now Comptroller-General, upon the Prisons of the United Kingdom, 27 January, 1871 :—

"I have read with much interest Mr. Maclean's very useful and able report of the 4th August, 1870, which seems to be worthy of the best consideration of the Government of New South Wales."

Lord Kimberley to Lord Belmore respecting co-operation of the Colonies in interchanging through the Colonial Office information relating to prison management, 13th March, 1871 :—

"I anticipate special advantage from the co-operation of your Government in this matter, as I have no doubt that in dealing with it your Ministers will avail themselves of the assistance of Mr. Harold Maclean, who has so thoroughly informed himself upon these questions as they present themselves, both at home and in the Colony, and whose able observations upon them I have recently had before me."

Lord Kimberley to Lord Belmore, respecting a paper furnished in response to his circular dispatch, 12th January, 1872 :—

"I have to request that you will convey to Mr. Maclean my acknowledgment for his carefully prepared and useful observations."

I now come to the valuation of Mr. Dixon's assertion. It is confessedly founded on matters not within his own knowledge and is baseless of proof. Reliance for its worth must then be looked for in an estimate of the soundness of his judgment. For myself, I cannot accord favourable appreciation of the judgment of a gentleman who makes an assertion carrying much grave and serious consequences with nothing tangible behind it.

Mr. Dixon has certainly at various times made representations to myself respecting the treatment of prisoners in relation to the gaoler, Mr. Small, towards whom, since they came to personal issue some time back about matters that, to my mind, were so contemptibly trifling that I have forgotten them, he has evinced a feeling of hostility. On his own showing there was nothing tangible in the examples he adduced—mostly as far as I can recollect questions of manner, or abrupt speech, or of supposed secret motives for actions which in themselves were not censurable.

I do not claim for Mr. Small that he is a perfect officer—nor for any one else. He has his faults, and has at times fallen into errors both of discretion and judgment, in respect of which I have not failed to censure and advise. He is of a somewhat impatient disposition, and a quick temper which he endeavours, I believe to check. But he has qualities for his office far outweighing such faults, and he has performed his duties in a post of exceptional responsibility well and fearlessly through the best years of his life. I have placed before the Colonial Secretary testimony rendered from opportunities equal if not superior to those of Mr. Dixon, entitled in every way to outweigh his assertion and in effect sweeping it away. In that testimony there is no element of hostility to either side. I have the assurance from the Roman Catholic chaplain, as indeed I have frequently had it before from that gentleman, in answer to my confidential inquiries that he has often questioned "his people" as to their treatment, and that in no single instance has complaint been made.

It has long been the opinion of the Visiting Justice, as well as of the gaoler, that Mr. Dixon has in his mode of exercising his functions evaded the regulations, and interfered prejudicially with the discipline of the prison. I have latterly greatly against my will felt constrained to lean towards that opinion.

I do not desire to impute motives to Mr. Dixon. The case may be one of those well known in prison history, wherein prisoners of a certain tendency gain the ear of a credulous chaplain.

I am of course aware that under the circumstances in which Mr. Dixon made his assertion, he cannot be held effectively to account, but I feel it to be my duty to say that I can never extend again to him that confidence which it is so specially desirable should exist between the chaplains and the Comptroller General.

Mr. Driver, M.P., is reported to have alleged that "paid clergymen" had made to him statements similar to that made by Mr. Dixon to the Colonial Secretary. If this be correctly reported, I am at a loss to know by whom, other than Mr. Dixon alone, they could have been made, inasmuch as I have been accustomed to converse very confidentially with the chaplains, and no such statements were ever made to me. Any clergyman while holding office as chaplain making such a statement beyond and behind the back of not only the head of the department, but of the Minister under whose control it is, would commit a breach of discipline—and I conceive an act of official treachery—as well as a breach of the regulations of the Governor and Executive Council, necessitating his removal from office.

As the aspersions cast upon my department and its officers have reached Parliament, I would ask the Colonial Secretary to be so good as also to cause this report to be laid before the Houses.

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

L 2.

Minute of The Colonial Secretary, No. 1.

If the Comptroller, after mature reflection, desires that I should lay this report before the Parliament, I will do so, as I consider it my duty to offer him every reasonable means of replying to the attack which he conceives was made upon him. But, before laying before the Parliament this letter, which is evidently written whilst Mr. Maclean is still smarting under a sense of wrong, I would invite his careful consideration to the following points :—

1. So far as I know (if I except some words of heat, perhaps, used by Mr. Driver), nobody has assailed the general system of gaol management which the present Comptroller has been the chief instrument in bringing about.

2. It was alleged that physical tortures of a specific character were used in one particular gaol, namely Berrima. The preliminary inquiry instituted, and nothing more than a preliminary inquiry proved to be necessary, led to the admission that the modes or instruments of torture not only were resorted to but that one of them (the gag) was sanctioned by the Gaol Regulations, although neither mode was used to the extent alleged.

3. The Government, with a full consciousness of the responsibility incurred, has seen fit to direct the total abolition of these modes of torture, at the same time absolving the Comptroller General from all personal blame.

4. As regards Berrima Gaol, statements have reached me of alleged acts of violence on the part of the gaoler. These statements are difficult to prove, because the only persons who could prove them are, from their position, not quite free agents ; but they are certainly not disproved by the fact that the Comptroller General does not believe them, no matter how emphatic soever may be his expression of his belief. The contradictory allegations remain, and the mode of getting at the truth still remains to be discovered.

5. As regards the Rev. Mr. Dixon, I must say that I cannot sympathise in the terms of severity which Mr. Maclean would extend to him. Mr. Dixon's statements to me were not gratuitously made. He waited on me merely to bear his testimony in favor of a particular prisoner (Jeffs), and all that he said to me was in answer to my pointed inquiries. I am slow to admit that Mr. Dixon, in answering my inquiries, was guilty of "official treachery" or even of a breach of office discipline.

L 3.

Minute of The Colonial Secretary, No. 2.

The enclosed unfinished minute (No. 1) was written the day, or the day after, the letter of the Comptroller General was received. I was interrupted while writing, and in some way, which I can only explain by the great pressure of Parliamentary business, it was put aside with other matters.

Forward

Forward it now to Mr. Maclean, as a means of explaining why his request to have that letter laid before Parliament was not complied with at the time. I think it probable that, in view of subsequent discussion in the House, Mr. Maclean will agree with me that his interests are not damaged by the non-publication of the letter. Ask him to return the papers to be laid before the Berrima Commission when appointed.

M.F., 30/5/78.

L 4.

Minute of The Comptroller General of Prisons.

RETURNED as desired for the Berrima Commission.

The first minute of the Colonial Secretary I should however point out, seems, in that portion relating to the conduct of Mr. Dixon, to have been written under a misapprehension. I did not apply the term "official treachery" to the answers given by Mr. Dixon to the inquiries put to him by the Colonial Secretary. I applied it to the act of any "paid chaplain" who, as alleged by Mr. Driver, had, behind the backs of myself and also of the Minister within whose control the Department is, made statements to Mr. Driver similar to those made by him to the Colonial Secretary. I was not in a position to assert that Mr. Dixon made these statements to Mr. Driver, but the inference that he did so was very strong. I think that Mr. Dixon has subsequently denied having communicated with Mr. Driver. If this be so, my remark on this particular part of the matter does not apply to him.

H.M., 21/6/78.

M 1.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

I HASTEN to place before the Colonial Secretary a letter (Appendix D) which I have received from the Rev. Mr. Dixon, the Church of England chaplain at Berrima Gaol, after the despatch of my letter of the 17th instant, in relation to the proceedings in Parliament, reported in the *Herald* of the 10th instant concerning that prison, and which it seems to me must now be connected with that letter.

The letter in question was written, it will be observed, in the condition that of the allegations generalized in the discussion, the assertion of the Rev. Mr. Dixon—and that assertion confessedly unsupported by proofs—was the only matter which could be grappled with, and then at a great disadvantage. I pointed out the colour and weight that it gave to the imputations before Parliament, and, in view of the public press resting upon the officers at Berrima, and I commented upon it as I felt it incumbent upon me to do, placing also before the Colonial Secretary counter testimony, entitled, in my conception, to greater consideration. To this time I have no specific knowledge of the matter of the allegations that have been made, so I have no means of vindicating and upholding the officers impugned if they be in the right, or of exercising my authority to make them answerable for their conduct if they be in the wrong.

But the present letter of Mr. Dixon's, if it be accepted as it stands, throws a new complexion upon the matter. The Colonial Secretary personally informed me that he had doubts about Mr. Dixon having used the exact expression quoted to the House—"Hell upon earth"—but said that he used some similar or equivalent expression, and in this way I stated the position in my letter.

Now, at the conclusion of his letter, Mr. Dixon says that "any replies of mine to questions put to me by the Colonial Secretary did not even give rise in his mind to such an impression as would cause him to use this expression."

If this statement be a recantation of the statements made by Mr. Dixon to the Colonial Secretary, under which the officers at Berrima stand impugned, I think the Colonial Secretary will see with me that justice to those officers requires that it should also be communicated to Parliament.

If it be not regarded as a recantation, it can be taken in no other light than as a direct contradiction of the terms in which Mr. Dixon's part in the conversation in question was explicitly tendered to the Legislative Assembly, and I would submit, irrespectively of any other action that the Colonial Secretary may see fit to take, should be communicated to Parliament.

In either point of view the value of the statements made by Mr. Dixon, and which constitute the gravamen of the accusations against the administration of Berrima Gaol, must be held to have disappeared.

Since writing the above, my attention has been drawn to the publication of the proceedings of an inquiry being held by Mr. Taylor, M.P., at Parramatta Gaol. More specific allegations appear in these proceedings, upon which I do not desire to offer any observations at the present stage.

HAROLD MACLEAN,
Comptroller General.

24 April, 1878.

M 2.

Minute of The Colonial Secretary.

I HAVE unintentionally done Mr. Dixon a wrong in two respects:—

1. Now that I am reminded of it, I believe he did regard the conversation as confidential, and I, for the moment, forgot the fact.

2. Mr. Dixon did not use the words "*hell upon earth*," nor did I say, or, at all events, intend to say, in Parliament, that he did use them. What occurred was this:—I think Mr. Driver likened Berrima Gaol to a hell upon earth, and I intended to convey to the House the fact that the account of the gaol given by Mr. Dixon justified Mr. Driver's language.

In justice to Mr. Dixon I made this correction in the House a few nights ago.

I trust the Comptroller General will inform Mr. Dixon of this correction on my part.

10/5/78. M.F.

M 3.

Minute of The Comptroller General of Prisons.

I HAVE made the communication as desired, to the Rev. Mr. Dixon.

It seems to me to be immaterial whether Mr. Dixon used the expression mentioned, or gave the Colonial Secretary such an account of the prison as confirmed the use of the expression by Mr. Driver; the giving of such an account being now, in his present letter, denied.

I do not see that Mr. Dixon's position in the matter is bettered by his denial of assertions made under the idea that they would not be brought to light.

28/5/78. H.McL.

N.

The Rev. W. J. Dymock to The Gaoler, Berrima.

Dear Sir, Jamberoo, 18/4/78.

In answer to yours of the 16th, I am sorry that such annoyance should be given you, and that Mr. Dixon should have spoken so unguardedly. I cannot think he meant by "hell upon earth" the treatment prisoners receive at your hands, but simply the character of the prisoners themselves, which, he has also told me, was of a low standard indeed. I can only say that I have never witnessed anything but what called forth my admiration. The order of the gaol cannot but strike a visitor as being something very good, and though I have visited not a few of the prisoners in virtue of my office, never yet have I heard the slightest complaint of the treatment they have received, or been led to believe in any way that undue discipline had been exercised upon them. I trust this will have whatever influence it is worth in your behalf.

Yours faithfully,
JOHN W. DYMOCK,
Presbyterian Minister.

O 1.

O 1.

The Rev. Mr. Hassall to The Gaoler, Berrima.

Dear Sir, Oxley, 20 April, 1878.

I have read a report of some statements made in Parliament by Mr. Driver and others respecting your conduct as principal gaoler at Berrima, and as "clergymen who had been in attendance as paid chaplains" are mentioned among the parties supplying the information relied upon, in justice to you and to myself I deem it necessary to make some remarks, which you may make use of if you desire.

I was the Church of England chaplain at Berrima for ten or twelve years, and during that time I had no grounds of complaint of any harsh and improper treatment of prisoners, either to the Government or anyone else. I am not, therefore, one of the number of informers alluded to.

The position of a gaol chaplain is ever a difficult and a weary one. While he sympathises with the prisoners' complaints, real or imaginary, he has to consider the strict discipline and peremptory rules of the gaol. I have at various times had to complain of some harshness or injustice through new or inefficient warders, but have never failed to find redress when I have acquainted you with the case. There are, no doubt, many petty hardships and wrongs which prisoners have to submit to (as is the case in a boys' school, perhaps in a minor degree), but I can safely say that your endeavours have ever been to lessen them as far as was in your power.

Your treatment of those acting in open disobedience and rebellion I found to be most severe, but never to exceed the limits of the prescribed discipline; and immediately the prisoner has submitted to lawful authority you have exercised due leniency and kindness, which has often won the permanent good-will of the offender.

As for the cruelties of the gag and triangles, I never heard of the latter in my time, and the gag I consider the most harmless punishment that could be devised as exercised by you. It was only used two or three times that I am aware of. The first occasion was after the whole township of Berrima had been disturbed for several days by the loud yells and curses of the prisoners night and day. The gag was tried, and in less than half-an-hour all was quiet and order was restored, as the Sheriff can testify. In all cases as soon as a prisoner tendered his submission the gag has been removed. The pain may be great while used, but a few minutes brings a man to reason and submission, and he has no more suffering, while flogging was cruel from the long period of recovery.

The gag can be, and has only been used when a man is violent and uncontrollable, and in no instance has a prisoner complained to me that it was unduly administered.

I have met many late inmates of your gaol here and elsewhere, who have, in most cases, spoken of your kindness to them where it could be legitimately exercised.

I feel very sure that in an impartial inquiry into any cases that may be fully examined, your conduct and your duty cannot be impugned. At the same time I am not surprised to hear of complaints against you originating from prisoners, who no doubt were aggrieved to some extent and from circumstances would magnify their grievances, and place all of them upon your shoulders.

But clergymen, I think, would have found every redress, as I did, by laying the matter before you or the Visiting Magistrate. I should be glad to hear that Mr. Driver obtains an investigation into gaol matters, as there is much room for improvement. The great want is more isolation of prisoners in all gaols. The sentences might be shorter and reformation more attended to. The culprits would not then go out worse characters than when they enter prison, or return so often after obtaining their liberty. Good work and active employment would fit them better for their future life.

I remain, &c.,
J. HASSALL.

O 2.

Minute of The Comptroller General.

FORWARDED for the consideration of the Colonial Secretary, who will see that the testimony of the Rev. Mr. Hassall, who was Church of England chaplain at the time the cruelties were said to have been practised, is very strong.

I can myself endorse his statements as regards certain prisoners who have been necessarily subdued by repressive measures, having left the prison in a frame of good-will towards the gaoler. H.M., 30/4/78.

O 3.

Minute of The Colonial Secretary.

I AM pleased to receive this testimony in Mr. Small's favour.—M.F.

P.

The Rev. P. Hewitt to Mr. W. Small.

Sir, Appin, 29 April, 1878.

In reply to your letter of the 18th instant, I beg to state that during the two years in which I attended the Berrima Gaol as Roman Catholic chaplain, notwithstanding the frequent opportunities I had I never heard of any harsh or cruel treatment inflicted on any of the prisoners confined there, nor did I ever hear of such cruel treatment as spread-eagling or gagging being resorted to by the authorities of the gaol. On the contrary, considering the class of criminals you had to deal with, I consider you acted very leniently with them.

Permit me to add, that I always considered you an excellent disciplinarian, and well suited in every respect to discharge the responsible and onerous duties of Governor of Berrima Gaol.

I am, &c.,
PATRICK HEWITT, R.C.C.

Q.

The Visiting Justice, Berrima Gaol, to The Comptroller General of Prisons.

Sir, Berrima, 29 April, 1878.

As repeated and persistent accusations are being made by various persons and from a variety of sources, in and out of Parliament, against the general official character of Mr. W. Small, gaoler at Berrima, and more particularly as to his alleged cruel and inhuman treatment, at different times, of various prisoners passing under his control, I do not think, in simple justice to that officer, that I ought to longer delay in furnishing you with any testimony in my power to supply, bearing on these imputations.

I have therefore the honor to report, for your information, that for the whole six years and over, during which I had officiated as Visiting Justice to the Berrima Gaol, in no one single instance has a case ever approaching cruelty to a prisoner by Mr. Small come under my notice; neither has any one of the prisoners at any time made complaints to me of his treatment generally in this gaol; nor has a murmur reached me of any conduct on the part of the gaoler that could be termed in the least degree cruel, nor (with one or two solitary exceptions) has any complaint whatever been made to me by prisoners against the gaoler; and those instances were of a trivial nature, too insignificant for me now to distinctly recollect. One, I think, was pulling a prisoner roughly by the shirt out of bed (on his failing to get up when ordered), and the other for threatening to knock a prisoner's head against the wall if he repeated his offence, which, if really true, was very improper.

Seeing that by the Regulations (copies of which are hung up in each cell), a prisoner can, if he has a complaint to make, at any time put his name down to see the Visiting Justice, and considering the class of prisoners that Mr. Small, as a rule, has had to contend with, I think it must be admitted that for the period named the foregoing indictment is neither a very serious nor a very heavy one.

I have, &c.,
F. R. WILSHIRE,
V.J.

R.

R.

The Gaoler, Berrima, to The Comptroller General of Prisons.

H.M. Gaol, Berrima, 23 April, 1878.

Sir,

I have the honor to state that my attention was called to a statement made by prisoner Michael Slattery to Mr. Taylor, in Parramatta Gaol, and published in the *Cumberland Mercury*, as to his having been gagged in this gaol. On reference to the records, I find that Slattery was gagged, and the case reported to me on the 26th July, 1865.

This case escaped my notice when making my previous report on gagging, owing to the name not having been inserted in the margin of the letter-book. Most of the prisoner's statements, as reported, are either untrue or very much exaggerated; he states, that when handcuffed to the ring-bolts his feet were partly off the ground. This would be impossible, as he himself acknowledges that the rings are only about 3 feet 6 inches from the floor.

I have, &c.,
W. SMALL,
Gaoler.

S.

The Gaoler, Berrima, to The Comptroller General of Prisons.

H.M. Gaol, Berrima, 30 April, 1878.

Sir,

I have the honor to state that I have now before me all the statements made by prisoners in Parramatta Gaol to Mr. Taylor, and I will take them as they appear in the paper.

George Berriman's statement requires no comment.

George Birds, Daniel Burns, Michael Desmond, Joseph Armstrong, and P. Conley, speak favourably of the treatment.

Peter Brennan's statement requires no comment further than to state that the blankets he had in the dark cells were good, and not as he states part of a blanket.

Michael Slattery.—A report as to this man's statement was forwarded to you on the 23rd instant, and I have only to add that the bar irons were not on the prisoner for more than forty-eight hours at one time instead of eighteen days as he states; and the bar irons were not resorted to until he had broken three pairs of the chain irons; every instance of irons having been used was at once reported. With reference to his bed boards and night tubs having been taken away from him, I may state that at this time the prisoners mutinied and smashed up everything in their cells, and used the staves of their night tubs (at that time made of wood), to assault the officers whenever they went to their cells. I can safely assert that this prisoner was never harshly treated until he brought it upon himself; and if some severe measures were not resorted to at that time the prisoners would have got the upper hand of the officers and taken possession of the gaol.

Richard Hanson.—This is also one of the prisoners who took part in the mutiny and who smashed the cell furniture, defying any person to come near. His statement as to the time he was without a night tub, and to the length of time he had the irons on, are very much exaggerated; and I am quite sure the blankets he had when in the dark cells were good and clean.

Thomas Gleeson's statement as to being kept for fourteen days in dark cells without seeing a magistrate, and as to my having beaten him with a whip and my fists, is entirely false. In fact his whole statement is a tissue of falsehoods. He nor any other prisoner has, to my knowledge, ever been put between the double doors; and it is almost impossible that such a thing should occur without my knowing of it, as I visit the prisoners every day, and no complaint was ever made to me of anything of the kind.

Edward Callaghan's statement as to being put in a cold water bath on being received is utterly false; every prisoner on being received is put in warm water. This prisoner was once treated for dysentery and once for enteralgia or colic by Dr. Lamb, and once for diarrhœa by Dr. Lambert, who ordered his motion to be kept for him to see; and when he saw it he ordered his discharge from the hospital at once as he found he was not suffering at all. Callaghan never complained to me of not being allowed to go to the closet, and I never found his cell in the dirty state which he describes it to have been in. The cruelties he states as inflicted upon him were never resorted to. I positively state he was never either gagged or handcuffed to the ring-bolts, and that I never knocked him down or dragged him down the steps. Senior-warder Brayne was present all the time, and he states I took him by the arm and led him down the stairs and locked him up in a cell (not dark) in the lower corridor. I intended to bring him before the Visiting Justice on the charge of having written the letter, but before I did so Father Riordan visited Callaghan, and afterwards came to me and told me that Callaghan had made promises of amendment if he would intercede for him and get him off. To give him a chance I withdrew the charge, and the prisoner was removed upstairs again. Prisoners weighed on admission was 11st. 6lbs., and during the next four months he varied from 11st. 3lbs. to 11st. 9lbs., clearing showing he could not be suffering much from dysentery. When prisoner was transferred from here he weighed 10st. 12 lbs., or 8lbs. less than on his admission.

James M'Grath's statement as to being gagged in 1869 is untrue. As long as I have known the prisoner he has been minus some teeth in front, and I am quite sure they were never knocked out with the gag in this gaol.

James Gordon, Michael Kelly, and Charles Johnson speak favourably of the treatment they received. Henry Denis Williams never complained to me about not being allowed to go to the closet, and I saw him almost every day. He weighed on admission in March, 12st. 5lbs., and increased in weight during the time he was in separate until he weighed 13st. in August. During this time he was allowed a double quantity of hominy morning and evening by order of the Visiting Surgeon, the hominy at each meal weighing about 6lbs. In the end of August he was sentenced to three days dark cells, and the extra hominy stopped for a time, which had the effect of reducing his weight; when transferred from this gaol he weighed 11st. 11lbs. With reference to his statement as not being allowed time to bathe, the chief warder informs me that they are never hurried, and a warder is always present to see that they wash themselves properly.

John Finnerty's statement as to my having shaken him by the neck and knocking his head against the wall is untrue. During the time he was here he received one sentence of three days solitary, and one of thirty-six hours dark cells and seven days solitary, but the Visiting Justice saw him next day, and on his promise of good behaviour, he ordered him to be released when he had served twenty-four hours in the dark cells.

There are officers in this gaol, and also some transferred to other gaols, who I am quite sure can rebut the statements made by these prisoners if it is necessary.

I am of opinion that this is a concocted affair amongst the prisoners to cause a sensation.

I have, &c.,
W. SMALL,
Gaoler.

T.

The Gaoler, Berrima, to The Comptroller General of Prisons.

H.M. Gaol, Berrima, May 8, 1878.

Sir,

I have the honor to inform you that I noticed in this day's *Herald* that Mr. Hanley Bennett charges me, in Parliament, with buying poor horses and fattening them on the gaol hominy and then selling them, which statement I positively deny. I have only sold one horse for the last five years. I did hear that the prisoner, acting as gardener, did give some hominy to my horse about a month ago. I do not know whether the horse would eat it or not, as very few horses will, but I cautioned the prisoner never to give it to my horse again. I always keep plenty of feed on hand for my horse, purchased by myself.

I have, &c.,
W. SMALL,
Gaoler.

U.

The Gaoler, Berrima, to The Comptroller General of Prisons.

H.M. Gaol, Berrima, June 13, 1878.

Sir,

I herewith enclose a letter forwarded to me by Mr. Forster, solicitor, Sydney, and have the honor to request that you will grant me permission to take the necessary steps required in the matter.

I have, &c.,
W. SMALL,
Gaoler.

[*Sub-Enclosures.*]

[*Sub-Enclosures.*]

R. Forster, Esq., to The Gaoler, Berrima.

My dear Sir, 203, York-street, Sydney, 12 June, 1878.

I am informed on good authority that the rule of the Service is to obtain the sanction of the head of the Department before proceedings of this kind are initiated. Under the circumstances I would advise you to write at once to the Comptroller General for permission to institute criminal proceedings against Mr. Cyrus Edgar Fuller, the proprietor of the *Cumberland Mercury*, for libellous articles published in his paper of 20th and 27th April last, and on receipt of his reply telegraph to me the day you will be down, and I will have the information ready to file before the P.M., Sydney. I think the case ought to be heard here.

Yours truly,
ROBERT FORSTER.

Minute of The Comptroller General of Prisons.

I am not aware that there is any laid down rule in the Public Service in this respect. It seems, however, to be proper that an officer should notify his desire to take legal proceedings in self-vindication in relation to accusations respecting his official duties. Under ordinary circumstances I would not hesitate to give the authority herein sought, but as the subject has been under the cognizance of the Colonial Secretary, I think it right to forward this application for his approval.—H.M., 17/6/78.

Minute of The Colonial Secretary.

If Mr. Small desires to vindicate his character in a Court of Law, he is at perfect liberty to do so.—M.F., 19/6/78.

V.

Observations by the Comptroller General of Prisons, respecting Royal Commission to inquire into the Management of Berrima Gaol.

Respecting the Royal Commission to inquire into the general management of Berrima Gaol, I am desirous of affording to the Commission every assistance in my power.

I conclude that the main feature of the inquiry will be the subject of the treatment of prisoners—mostly so far back, according to the allegations, as 1864.

The main evidence to be adduced in support of the allegations is to be found in Parramatta Gaol, where some of the prisoners who were refractory and mutinous in these days are now confined.

This evidence, proffered to Mr. Taylor, M.P., and subsequently repeated to myself, is to be found published in the *Cumberland Mercury* of the 20th and 27th April last, which the Commission will doubtless have before them.

The allegations of the prisoners referred to constitute the only specific allegations capable of being put to the test that have come to my knowledge, and seem to me to afford the base for inquiry.

It so happens that there are officers at Parramatta who were in Berrima at the time of the occurrences spoken of by the prisoners, whose evidence will be available. I have reason to believe that further evidence of ex-officers can be adduced.

The Commission will probably think it right (but perhaps that is a matter entirely for themselves to consider) to afford the accused officer, Mr. Small, an opportunity of cross-examining the accusing witnesses, and eliciting evidence from those who are prepared to testify in his favor.

Although the scope of inquiry is restricted to the management of Berrima Gaol, that prison being constituted for a purpose, by means of "separate treatment," materially affecting the whole prison administration, that subject may have to be entered upon in some degree by the Commission; I would wish therefore to adduce important testimony in relation thereto. I conclude that the Commission will be desirous of affording to me every facility to bring forward testimony upon any matters which may come within the scope of their inquiry.

Although I have suggested that the most valuable base of inquiry on evidence in the whole business can best be obtained from the accusing prisoners at Parramatta, I suppose that the Commission will make inquiries both at Berrima itself and at Darlinghurst and Parramatta of other prisoners who have passed through Berrima, and of officers who have been stationed there.

HAROLD MACLEAN,
24 June, /78.

W.

J. Bragg to The Colonial Secretary.

Hon. Sir, 8 May, 1878.

Having passed some seven years of my existence in Berrima Gaol I feel confident that I can give you much information concerning the treatment of prisoners in that institution; and not only that, but that I can, to a certain extent prove my assertions to be true. If the statement of prisoners must be taken with great precaution, I would ask you to take the defence of the gaoler with still greater precaution, for I believe I can prove to your satisfaction that he is a great liar.

Yours, &c.,
JOSEPH BRAGG.

X.

J. Bragg to R. Driver, Esq., M.P.

Hon. Sir, Thursday, 9 May, 1878.

I would like to make a few observations, sir, which might enlighten you somewhat relative to Sir Henry Parkes' speech on the utility of the gag. This speech, from beginning to end, appeared to me to be downright nonsense, and I could not but admire Mr. Fitzpatrick for the answers he interjected while the honorable gentleman was speaking. Now, sir, admitting that the use of the gag were continued, that there were an order given, to prevent actual cruelty, that no prisoner should be gagged for upwards of 10 minutes, or we'll say a quarter of an hour (after which period it is proved to become a great torture, by causing the tongue to swell and extreme sickness at the stomach),—this order would soon become known to the prisoners—if from no other source from observation; and I venture to assert that on the removal of the gag, if they were men for whom it was at all necessary, they would roar and bellow for mere spite. But I am sure, sir, that an intelligent gaoler can, if he chooses, maintain order throughout his gaol without resorting to any harsh measures whatever, and produce ten times more reformations than ever were produced by the tyrannical conduct of Mr. Small. All men whom I have seen gagged in Darlinghurst and Parramatta Gaols were gagged solely for screaming and roaring; but I never saw a prisoner in Berrima gagged for anything else than simply talking, and nearly all the men who were gagged there unfortunately had their front teeth knocked down their throats by the gaoler.

A few words now, sir, in regard to Mr. Fitzpatrick's statements. He says that most of the alleged cases of cruelty which are reported to have occurred in Berrima Gaol happened about 14 years ago, and that no complaints had been made till recently. There were certainly numberless cases of brutal ill-usage practised on prisoners about 14 years ago and prior to that time—many more than will ever come to light—but I deny that the cases now under consideration, with one or two exceptions, happened till this side of 1867; and as to there having been no complaints made, the Colonial Secretary has certainly been misinformed—and I am sure intentionally misinformed—for a number of prisoners, on their removal to Parramatta Gaol in 1868, saw the Comptroller General of Prisons and complained of the injustice and brutality to which they had been subjected in Berrima Gaol. One of these prisoners (Lawrence Cummins) complained of having been flogged in Berrima by the gaoler and chief warder, while handcuffed behind his back to a ring-bolt; and Cummins told me afterwards that Mr. Maclean had communicated to him that he had made inquiries into the matter, but found that his statement had been exaggerated. Two of the other prisoners, by name Lee and Weekes (Lee being now in Darlinghurst Gaol and Weekes at his liberty) complained of having

having their front teeth knocked out by the gaoler thumping at the gag with the heel of his hand after it had been placed in their mouths; and they also told me that the Comptroller General had communicated to them that, on inquiry, he had found that the gaoler could not help knocking their teeth out, as they had been violent while being gagged. And this is all the satisfaction that these men got. I therefore think, sir, that if the Colonial Secretary was aware of this he would acknowledge with me that it was absurd and useless for prisoners to make complaints, for they never did any good, but generally did the prisoners who made them a great deal of harm. Shortly after these complaints were made Cummins attempted to escape from Parramatta, and was ordered to be removed back to Berrima, but, being frightened that the gaoler would cook him this time, as he expressed it to me, for having complained of his conduct, he wrote to Mr. Maclean, asking to be allowed to remain in separate treatment in Parramatta, instead of going to Berrima. But the Comptroller, notwithstanding, had him removed to Berrima, and I fancy that he gave instructions that Cummins should not be ill-treated. However, although Cummins remained here this time till he was liberated, he was treated with considerable partiality by the gaoler.

I will now briefly relate a history of my own adventures in Berrima Gaol, mentioning at the same time, in as few words as possible, the names of some of the prisoners whom I know to have been barbarously treated. Well, sir, for having grossly misconducted myself in Parramatta Gaol, about the latter part of 1866, I was sentenced to 28 days solitary confinement in the dark cells at Berrima, and separate treatment till further orders. One would think this sentence would be severe enough for a poor ignorant boy—I was hardly 18, and could neither read nor write—but the gaoler did not think so, for he was not content with keeping us (another lad was sent there with me for the same offence) on bread and water, according to our sentence, but he illegally deprived us of our bed and blankets of a night, although it was very cold, it being the middle of May, and only allowed us part of an exceedingly thin blanket to cover us. I was not only in a continual state of hunger, even crawling about the floor of the cell in the evening to pick up the crumbs that I had dropped while eating my allowance of bread in the morning, but I used to have to run about nearly all night to keep myself warm. I once heard a prisoner say that he would sooner take 200 lashes than do 28 days in Berrima dark cells; and so would I far sooner. But, Mr. Driver, I think I shall bring this letter to a close, by simply remarking that before I was there a week I had two of my front teeth, which were loose with the scurvy, displaced by the gaoler's smacking me in the mouth while the gag was in my mouth, and that I was in such a horrid condition, from the brutality with which I had been treated there, that when I was sent to Darlinghurst 15 months afterwards, neither warders nor prisoners could recognize me, and some predicted that I would never recover. Without any exaggeration, sir, it would fill two or three volumes if I were to detail all that I and other poor wretches suffered at the hands of the Berrima Gaoler.

Apologising, sir, for intruding so much upon your valuable time,—

I remain, &c.,
JOSEPH BRAGG.

Y.

J. Farrelly to Richard Driver, Esq., M.P.

Sir, Temperance Boarding House, 52, York-street, Sydney, 11 April, 1878.

I submit to your consideration the following singular proceedings carried on in the Gaols of Berrima and Parramatta. I received a sentence of 5 years for uttering a forged cheque in the year 1873, at Maitland. After doing my separate treatment at Berrima, I was transferred to Parramatta Gaol, where I remained till November, 1874, when I was returned to Berrima as clerk.

Mr. Small's behaviour while at my duties in the gaol office was so gross that the Visiting Surgeon had me removed to the charge of the hospital, and to assist him in the surgery. This has given the gaoler provocation to make my condition more unendurable, by placing his clenched hand to my nose, pretending an excuse for so doing by saying that I would kill the patients by keeping the window shut, although I was ordered to do so by the surgeon, on account of the prisoner Jeffs being there suffering from opthalmia. I knew that if I informed Dr. Williamson of the gaoler's conduct, the doctor would be sure to intimate it to him—then woe would be me; but I might as well have done so, for his reproaches and the severity of his looks when passing me by had driven me to despair. So I planned, in company with two patients, one of whom he treated harshly, an escape from the gaol. We failed in our attempt, in consequence of my fall from the wall, being blown off by a heavy storm, and which occasioned dislocation and violent strain of the ligaments.

During my agony for 33 days laid up in my cell, the gaoler found grounds from a report made by Warder Brown that the prisoners were talking, to come to my cell (it being the first in the tier), and pull me me out by my neck, on my elbows, tearing my flannel and leaving the marks of his nails on my neck. I denied the charge he made against me of talking, and protested against his conduct. I said, "Were I talking I would despise myself for denying it." He (the gaoler) then ordered the next cell door to be opened. I heard the gaoler say, "You were talking too." "I was not" was the reply. Then the gaoler's voice, "I had your father here, and your brother; now I have you; you are all a damned pack of vagabonds." Reynolds—for this was the prisoner's name—a delicate young man, about 20 years of age—called out, "Don't strike me like that."

I had risen from by bed with the assistance of my crutch, and looked through the holes in my door. I saw the gaoler have a hold of the young man's legs, pulling him naked along the passage and he screaming. This was attested by no less than four witnesses before Mr. Wilshire, the Visiting Justice. I demanded paper to make a report of this disgraceful and cruel proceeding of Small. The paper was granted to me by the Visiting Justice, but it was four days before the gaoler would comply with my demand. But when I received it, and had written my report, and gave it to Small, he returned it to me on the following morning and said, "If you do not withdraw what you said in that statement I will bring a charge against you of making an unfounded report, and you will be kept in 'special treatment' for the remainder of your time." Warder Tinson came to me in a few minutes after the gaoler left me, and said, "I do sincerely trust that you will not retract what you have stated." I replied that despair had supplied me with intrepidity and vigour, so much so, that if the gaoler threatened my life it would not intimidate me, so as to cause me to gainsay pure and unalloyed facts.

So my report went to the Comptroller. This was in June, 1875. The Comptroller would not decide the matter, but referred it to Sir John Robertson, who was then in office. That gentleman gave the following reply to my charge:—"I believe that Farrelly had sufficient provocation given to seek redress; but it was not his province to seek remedies for others." The case was tried before the Visiting Justice. Although I had four prisoners (all of whom, when they heard the screaming, ran to look through the holes of their cells) who swore to the fact of seeing Reynolds in this posture pulled naked (except his shirt) by the gaoler, the case was given against me. For Warder Brown was secured by Small at the time that I relied on his impartial evidence. In place of that, his deliberate perjury so shocked me in the Court that I called out that he and Small had a mutual understanding since the evening of the gaoler's brutality. Small replied to me by saying that he would wring my nose. At this stage of the proceedings he was interrupted by the Visiting Justice jumping on his feet demanding respect. His worship's decision was, after hearing the evidence, "You are not," meaning me, "sustained by the evidence of a free man, but it is plain that you had some reason given to take this step. I will pass as light a sentence on you as possible. He said, "The sentence is that you receive 48 hours to the dark cells." I began to think that justice was a dead letter. This caused my removal to Parramatta Gaol, where the Rev. Mr. Dixon, visiting clergyman at Berrima Gaol, arrived a few weeks after he sent me word that young Reynolds was dead; I was not surprised at this after the treatment that I saw him receive from Small. I have had no opportunity of making this known before the present, as I was only liberated on last Friday, 5th April. Small's vengeance followed me to Parramatta. He came there to point me out to Mr. Hussey, gaoler. Mark you! My slightest digressions, which were looked over in others, were magnified in me; and although I was a clerk by profession, and due for a billet, I was kept at hard labour all my time, while others, such as Poole and Treeve, the former having only served 12 months, and the latter 2 years, out of 7 and 13 years. A fortnight before I was liberated I made application to Mr. Stuart, the Visiting Justice, to allow me to apply to the Comptroller of Prisons, as I could not live where my character was known to be lost, for a passage to Adelaide, and sufficient clothes to make an appearance suitable to my calling on arrival. The gaoler at once opposed me getting any clothes, but the Visiting Justice was favourable to my cause, and told me that he would consider my request, and give me an answer in a few days. The gaoler in the interval wrote to the Comptroller of Prisons the application as if it went from me direct. The rules are, if a prisoner be able to write his application, &c., he is supposed to do so. So whatever misrepresentations the gaoler made of me the Comptroller refused me getting any clothes to wear, or a passage from the country. This refusal compelled me to apply to the gaoler for an order to get the clothes pressed that I brought to the gaol with me. They are as follows:—1 Indian pith-hat, 2 white shirts, 1 suit of tweed, 2 pairs elastic side boots, 1 silk umbrella, 1 glazed bag, 7 linen collars, 1 pair kid gloves, 1 watch and guard. The watch and guard I made over to prisoner Cunningham, by the request of the chief warder, Watt. Now,

Now, honorable Sir,—Language could hardly describe to you the mean and paltry expedients Hussey and Watt had recourse to to humiliate me—by discharging me with prison clothes. They said at one moment that I brought none into the gaol; at another they said that they were burned as being useless; again, that I did not bring in half the quantity that I stated. Why all this evasion? Why all this insincerity? Why not show men in my condition that they were for our reclamation, and disposed to be honest and upright before us? The Visiting Justice gave an order that as my property was made away with they should supply me with clothes. This was a terrible turn the matter took to Timon the man-hater, as he takes a pride in being called. Although I calculated my property to value £10 10s., nevertheless, they bought a coat, vest, and trousers, valued at £2 19s.; this is what I signed for. Any clerk after serving a long sentence, and when his circumstances are very limited, in a pecuniary point of view, is allowed a suit of clothes, suitable to his calling. Why then did this man abhorrer make an exception of me? Simply because he was induced to do so by Berrima Small, and misrepresent me to the Comptroller.

The Rev. Mr. Dixon's object apparently was, when he caused me to be acquainted with the death of Reynolds, that I should take steps to expose it, but that I could not do as I was under detention; and were I to commence it in the gaol I should be a martyr to the cause.

It is monstrous for gentlemen to arrive at the groundless conclusion that Small is not such an inhuman wretch as people represent him. I beg to differ from those gentlemen, for I beheld him knock Hornby down by a blow on the jaw because he did not answer immediately when called. I reported the circumstance to Rev. H. A. Langley a few hours after he had done so. He does not act thus in the presence of free people, for he is aware that that would dismiss him. But he can knock down, kick, and drive the teeth down prisoners' throats in the presence of prisoners, knowing that their testimony is useless in a Court of Justice, unless sustained by a free person's.

The gaoler in Parramatta does not beat the men, but when they apply to the Visiting Justice for a right or a favor, the gaoler then, in consequence of his misanthropical nature, tells of them the most abominable lies. "This man has been in prison before; he minds every one's business but his own. He makes balls about sour bread and stinking beef, and gets others to fire them; I know him your worship; I oppose him; take him away." This, all the year round, is his peculiar mania. Why is such a man (a discarded policeman, incompetent for the duties of the Force)—how then is it possible for him to be fit for the duties of a gaoler in that establishment. A board of enquiry is at present indispensable at Parramatta Gaol; for there is nothing but imposition, discontent, and lamentations there. The chief warder being a soldier in the ranks, his former poverty compels him to stoop to acts of paltriness. Therefore there is one rule for the prisoner that is known to have a little money to his credit in the gaol office, and another for the creature that is poor and friendless.

I asked the warders why did they not expose the conduct of the gaoler and chief warder; one of them replied, that he had four children to maintain, and if it was known that he said anything detrimental to the gaol they would set a trap for him: then what would become of his little ones? But I said there are gentlemen in the Assembly of the country that would protect you when they see your cause good. He shook his head and said it would be dangerous. Honorable sir,—The heart-broken men in Parramatta wish me to submit this report to you. I think they all pray for you, for they say that you hate tyranny; fight the battles of the oppressed, and I join fervently in praying that the Almighty God give you utterance to confound those who disputed lately the validity of the grounds that you build your authority on, in obtaining that information which no reasonable person (unless his conscience was so seared as to deaden all feeling for the pangs of the oppressed) could deny.

A few weeks ago the chief warder gave an order to his subordinates to go to Jacobson's cell, take him out in the passage, strip him naked, and search his clothes, under the pretence of receiving information from some one that Jacobson had something contraband on his person.

If a prisoner should pass them by, and not put his hand to his hat, there is no allowance made for his wandering mind; his heart may be in the bosom of his family, far in the interior; nevertheless, they resort to the above mode of punishing under a false pretence.

The prisoners are at times attacked with scurvy, particularly in the gums; they are ordered for this complaint a supply of cabbage three days in the week for one month. This medical order is never carried out, for if the contractor says that he cannot get it oftener than once a week the chief warder lets it glide by—then it ends.

I am ready to prove what I here have stated, and should a committee of inquiry go to Parramatta I will supply the names of those who have suffered from their cowardly injustice.

When warder Rispen was going the rounds of his usual search he discovered three bars of Vaughan's cell window cut; he immediately reported the bars being cut to the gaoler. The gaoler's reply was: "I knew that a fortnight ago; it is very strange that you only discovered it now."

Was it not the gaoler's place, if a prisoner informed him of this (as James Moore received his liberty, it is supposed, for it) to inform the warder and not allow him to be dismissed, which he would be if he did not detect it?

Honorable sir,—Were those proceedings exposed through the columns of the press, I am aware, from experience, they would greatly tend to alleviate the present distress of the sufferers.

I have, &c.,
JAMES FARRELLY.

Z.

J. Bragg to R. Driver, Esq., M.P.

Sir, 295, Kent-street, 11 April, 1878.

I see by the papers that you have touched on the subject of the cruelties that many prisoners have received in Berrima Gaol. Ah! sir, it is I who could open your eyes on that subject, for I passed nearly seven years there in solitude; it is I who have reason to speak of the cruelties practised in Berrima Gaol, for I was one of the chief sufferers. The Colonial Secretary seems to think that no proof can be adduced that Small ever struck a prisoner, but I can give him plenty of proof, not only that he struck one prisoner illegally, but that he struck a dozen, and struck them so hard that it has disfigured them for life. It appears to me that some Members of the Legislative Assembly imagine that great severity is necessary for the reformation of notorious criminals. But I can easily prove to them that they are wrong. For example, in 1866, I received a sentence of two years. Out of this time I was confined 21 months in the cells, that is, four months in light cells on bread and water; about two months on bread and water in the dark cells at Berrima, without either bed or blankets (Small illegally taking it upon himself to deprive us of this last indulgence, let it be ever so cold, and it is very cold there in winter), and about 15 months in the "model" on a very small allowance of food, so small indeed that when I was sent from there to Darlinghurst I was nothing but a mass of bones. Yet after all this punishment, was I reformed? No, sir. I was so enraged at the injustice I had received in Berrima, that I determined to go in and rob every one I possibly could. I will let them see, thought I, that they will not reform me by tyranny. I also conceived a new idea of garrotting and robbing men, that was—to get three mates, one to stand at one corner of a street, as the corner of King and Kent streets; another at another corner, as the corner of Market and Kent streets, so that if we could not get a drunken man in any out-of-the-way place, we could garotte and rob him in the street barefacedly, while the men at the corners kept watch. At any rate, sir, I went in so well that I garrotted and robbed upwards of 20 men in less than a fortnight, at the end of which time I received two months to Darlinghurst Gaol for an assault, during which time the doctors decided unanimously that I was mad, and passed me on to Tarban Creek. In conclusion, sir, I may say that two innocent men received five years and three years respectively for one of the robberies that I committed.

I have, &c.,
JOSEPH BRAGG.

AA.

J. Bragg to R. Driver, Esq., M.P.

A GREAT number of cases of cruelty, twenty or thirty, which I could mention to Mr. Fitzpatrick, happened long since 1864—about 1867. If Mr. Fitzpatrick wishes it, I will call at his office to-morrow, and I am sure that I can convince him of the truth of your statements.

J. BRAGG.

BB.

J. Rushton to R. Driver, Esq., M.P.

Sir, Orange, 26 June, 1878.

Having noticed an account of the investigation held by Sir Alfred Stephen's Committee in the columns of the *Town and Country Journal* of a recent date, and having a sad experience of the system of treating prisoners in gaol, I am induced to take the liberty of addressing these few lines to you, trusting that they may bear out and justify the steps you have taken in bringing the matter before the Government. I need not point out to a gentleman of your professional ability the glaring inconsistency

inconsistency of the statements made by the Comptroller and his gaolers, but will merely confine myself to the evidence given by gaoler Hussey, as he was my custodian whilst I was in prison. He states that the gag deters men from making use of abusive and obscene language. He says that the prisoners become aware of the fact of its being abolished two days after the Colonial Secretary decided that it should be done away with. He further states that it is impossible to maintain order without the power to use the gag when he thinks it necessary. Also, that a prisoner called the Derwent Nugget was at that time in the dark cells and totally unmanageable, because he knew that he dare not be gagged.

Now, in the first place, I cannot find a man in that gaol who can remember the gag to have been used during the last ten years, and that simply because there was no occasion for its use. That it must be a deterrent is self-evident, and needs no further notice, as it is impossible for a man with a gag in his mouth to speak. That it is painful no one can doubt, or it would not have the effect of intimidating those on whom it is used, according to his own statement. Prisoners in that gaol did become aware of its being abolished, but it was not generally known till Mr. Taylor held his examination there. As far as not being able to manage prisoners without it, is it not strange that he has been able to do so up to the present time without having recourse to it? and I am certain that for prisoners a more orderly or better behaved body of men could not be found in any gaol in the colonies; and there is no perceptible difference in their conduct now to what it was before the use of the gag was abolished. As for the Derwent Nugget being unmanageable, I can safely assert that if the gaol records were referred to, it would be found that his conduct was a great deal worse during his former convictions than it has been during this one. And it is absolutely false that he made any unusual noise whilst in the dark cells, or the other prisoners must have heard him, which they did not.

That portion of it in which Mr. Hussey wants to make it appear that the men under his charge are of the very worst description is totally false, and calculated to mislead the Committee. He says that he has men under him so bad that their fellow-prisoners will not even associate with them. The men he refers to are a few who act as spies on the actions of others, and report all they see and hear to the authorities. I must admit that these are not very popular with the prisoners themselves, but are the *pets* of the officers, and are allowed uncommon privileges. And they can't be *so very bad*, for it was some of these that made statements in favour of the Berrima gaoler, and as a reward for their perfidy are recompensed by large remissions of sentence.

I am, indeed, very sorry to see, sir, that you and Mr. Fitzpatrick are stigmatized as "*tools of the criminal class*," but I should still more deeply regret that you should be the dupes of Harold Maclean and his gaolers; and if you have the power you will render an inestimable service to the cause of humanity by depriving him of some of the power he now possesses—too much for one man, especially if he is disposed to abuse it.

With great respect, I am, Sir,
JOHN RUSHTON,
A discharged prisoner.

C C.

T. Healey to R. Driver, Esq., M.P.

Sir, Parramatta, 25 June, 1878.

When it came to the knowledge of the prisoners in Parramatta Gaol that you had moved for a Select Committee to inquire into the Gaol Department, they thought that the time had arrived for an impartial investigation of not only the conduct of prisoners under the existing regulations, but also the bad management of the gaol authorities. To one like myself, who has just been discharged from Parramatta Gaol, after serving three years and five months in that establishment, the Parramatta gaoler's statement before Sir A. Stephen's Committee is astonishing. If his situation depended on the truthfulness of that statement he would, in my humble opinion, be done with the management of prisoners. If he were compelled to answer the following questions and give proof of their truthfulness, you would find *what* reliance could be placed on *his* word:—

1. What prisoners have been gagged in Parramatta Gaol since you took charge there?
2. Name *one* man?
3. What officer saw him gagged?—bring the officer forward.
4. Name one prisoner who was shown the gag, and the officer who showed it?
5. Has any prisoner seen or heard of the gag in Parramatta Gaol during the last ten years, or during your time there? Name the man, and prove it by your books?
6. What prisoner, examined by H. Taylor, M.P., has to be kept in separate treatment to prevent him being "murdered" by other prisoners?
7. Name one who *is* or *has been* in separate on account of his fellow-prisoners—in short, the man who is not "a human being."
8. Was the Derwent Nugget ever in Parramatta Gaol before?
9. Is his conduct as bad now as in his former sentence?
10. Was he not sent on a former occasion from Goulburn to Berrima to separate, and then to Parramatta for bad conduct?
11. Has he not been in the Parramatta mad-house?
12. How is it possible to hear one word a man utters when confined in dark cells?
13. If you (the gaoler) were locked up in the dark cells, could your words be heard from outside the cells? Try the experiment.
14. Did not the prisoner George Carr get flogged for using offensive language to warder Broady in Parramatta Gaol?
15. Did not the same prisoner get twenty-five lashes extra for offensive language before Visiting Justice and Comptroller General (then only Inspector of Prisons), when tried and flogged with Cummins and Mourn for attempting to escape.
16. Would not John Weeks have been flogged for abusing the gaoler and the Visiting Surgeon—then Dr. Waugh—only the doctor prevented it on medical grounds?
17. Were any of these men gagged?

Sir,—Not to tire you with further questions, when I think the above will be sufficient to prove to you and the public (if you will be good enough to publish this) that his statement is without foundation, which can be proved by holding an investigation in the gaol. I know from fellow-prisoners who have been in that gaol for nine or ten years that the gag has never been used during their time, nor have they heard of its ever being used in that gaol. You may ask then what is the cause of the remarkably good conduct of such a large body of men? The answer is easy:—the mitigation of sentence under "Docker's Act," and the indulgence of tea, sugar, and tobacco allowed to all after serving twelve months. The loss of these—particularly the mitigation—is the "deterrent," and not the gag. Stop the mitigation for one year, and allow gaolers to gag, spread-eagle, and resort to other restraints, and it will then be seen which is the "deterrent." For then gaols would become pandimoniums. Mitigation, sir, is the corner-stone of gaol discipline. For every one day a prisoner gets in the cells he loses three days' mitigation; and if he gets four days or over in Parramatta Gaol cells, his indulgence of tea, sugar, and tobacco is stopped for four weeks. I don't know by what authority the indulgence is stopped in such cases, as the gaoler no later than four or five weeks ago refused to let a prisoner (M'Intosh) see the Comptroller on the subject of his indulgence having been stopped for over four weeks. Sir, there are men in that gaol who never thought to speak one word if an investigation were held there as supposed, but who, after hearing of the gaoler's statement, will gladly step forward if chance offers, regardless of punishment, and not only assist but prove by the gaol records that the gaoler's statements are false, and challenge him to his face to prove them correct. Yes, sir, well-conducted and well-disposed men. In conclusion, sir, as a fellow-creature I ask you in the name of truth, justice, and humanity, to see that justice is done on this subject, and not allow such men as the Colonial Secretary, Mr. H. Taylor, M.P., and yourself to be called "tools of the criminal class" by an erroneous press, while you are able rather to prove that Sir Alfred Stephen's committee is more likely to become the tools of such men as the Parramatta gaoler by placing implicit reliance on his word. Trusting that you will see justice done in this matter,

I have, &c.,
THOMAS HEALEY,
An ex-convict, discharged on 25th instant.

P.S.—Should you wish to make any communication on this subject to me, my address is,—Collie Marthaguy Creek, *viâ* Mudgee.

D D.

DD.

P. Kelly to R. Driver, Esq., M.P.

Sir, Wagga Wagga, 7 May, 1878.

Noticing in the *Sydney Morning Herald* the other day that you made certain statements *re* the Berrima Gaol and gaoler, Mr. Small, and further, that Mr. Small denied certain of those allegations, I thought it an act of justice to you in your endeavours to expose the hardships, to say the least of them, imposed upon the prisoners there, to let you know a little of the character of the said gaoler, and inform you that I can endorse all that you have said on the above subject.

Hence these lines to you.

As a preface, I may state that I acted in the capacity of warder in the Berrima Gaol for about 10 months in the years 1866-7, just about the time you mention, and recollect what you have said well.

I am not going to write you a lengthy note; I am simply giving you an example or two of the many acts of despotism practised by the individual in question.

Speaking from my experience in that gaol, I can safely say that he was a "terror" to both prisoners and warders, the latter of whom he treated as if they were serfs. As an example of his treatment to the warders in my time: On one occasion, when called upon to give evidence in the case of the escaped prisoners Cummins and Southgate, after giving my evidence, or rather part of it, in the usual manner before Mr. Justice Rowley and the now Right Rev. Dr. Lanigan, Bishop of Goulburn, Mr. Small called me a "liar" for stating certain facts about the Berrima gaol discipline. Mr. Rowley took up what Mr. Small had said, and said, "Yes, Kelly, you are a 'liar' if you say so, and you are not fit to be here." I may state that the Bishop mentioned could vouch for the accuracy and truthfulness of my statement, and also the warders who were there in my time.

As another example of his tyranny, he (Mr. Small) issued an order commanding us to sign the arrival and departure of our (warders') time when going to the water-closet. We objected to the order as most tyrannical, but received instructions from head-quarters that we were to obey orders.

After being called a "liar," as said, I applied to be removed to any other gaol, and was removed accordingly.

Then again I agree with you that some of the punishments imposed upon the refractory prisoners at the discretion of the gaolers are too severe, more especially the gag, which is an awful punishment. I have seen prisoners after being gagged for half an hour, quite speechless for 20 minutes.

I don't mean to say that some such severe punishment should not be used upon those disobedient prisoners, but I think it should not be left in the hands of the gaoler to be used at his discretion.

You are at liberty to make what use of this you wish to help you in your endeavours.

I am, &c.,
PETER KELLY.

EE.

Anonymous letter to R. Driver, Esq., M.P.

Sir,

I have read with much interest all that has appeared in print in the *Herald* lately anent the subject of prison discipline at Berrima and other places, the use of the gag, spread-eagling, dark cells, &c., and I have also read "The Vagabond's" No. 1 in the *Herald* of Saturday, as well as his six hours in the dark cell at St. Helena, off Moreton Bay, when he was up that way. He may be very wide awake on some matters, but on this matter he appears quite at sea. There have been a large number of places as prisons alluded to from time to time, and the sort of treatment therein, but you take my word for it it is not all gospel that has been stated with regard to places outside this Colony, and to use the expression in the novel "Two Years before the Mast," I have been through the mill many years back, and am not yet 50 years old, but not on this side at New Holland. I could put you up to a little, and if you are disposed to see me or to hear from me a little more just intimate to me in the Missing Friends column of the *Herald* any day, or in Saturday's *Evening News*, that you would like to see or hear from No. 1, and it will be attended to; but all must be strictly confidential, as I would like to put you a little on the right side where I find you are, from what I have yet read, somewhat in the dark.

FF.

H. T. Sanderson to R. Driver, Esq., M.P.

Sir, Burwood, 15 April, 1878.

Observing in the press that you had taken notice of cases of ill-treatment to prisoners in Berrima Gaol, I have considered it to be my duty to inform you that I am in a position to place before you a memorandum or statement referring to the ill-treatment of prisoners in Berrima and Darlinghurst Gaols, and also that several prisoners, whose names I can furnish, have informed me that Mr. Small (the gaoler at Berrima) is in the habit of striking prisoners, and of gagging and otherwise ill-treating them. If you think that the information I can afford you would be of service, I will, upon hearing from you, call upon you with a copy of my memo., which is made from my own personal observation during a period of twelve months.

I have, &c.,
H. T. SANDERSON.

GG.

T. L. Kerr to R. Driver, Esq., M.P.

Sir, Victoria Boarding-house, King-street, Sydney, 15 May, 1878.

I am sorry to have to leave Sydney and this investigation coming on. I had hopes that I might be able to give evidence and otherwise assist at it, but Mr. Maclean turned me out with less than half the gratuity that I thought I should get, and I find myself getting short of money. I think it right to apprise you of my going away, as I think you may perhaps be counting upon me. Believe me that it is very much against my grain that I am leaving Sydney without giving Messrs. Maclean and Small a parting shot. Maclean no doubt counted on starving me out of Sydney, and he has done it. However, if I recollect anything as I go along, I will write and let you know. I am trying to get passage to the country when I shall be amongst old acquaintances. There is a man named Rose somewhere here in Sydney. I don't know him, but I am told that he is willing to give evidence if called upon. It seems that he was a warder in Berrima once. He could not have been a warder there for any time without knowing enough to crush M'L. and S. With many many thanks for what you have done for me, and with regret that I cannot assist at the inquiry,

I remain, &c.,
THOMAS L. KERR.

HH.

Anonymous letter to R. Driver, Esq., M.P.

Sir, Sydney, 13 February, 1878

If you get some of the officers in the police formerly they will bear you out in your statement of the Berrima torture. Mr. M'Cook formerly sub-inspector in Sydney.

Your obedient servant,
"HELP TO MISPLACE TYRANTS."

II.

PARTICULARS as to height of highest ring-bolts, weight of leg-irons, and size of smallest cell, in Berrima Gaol.

Height of ring-bolts:—

Cell No. 34.—One ring-bolt, 4 feet from the floor to the lower part of the ring.
Cell No. 36.—One ring-bolt, 4 feet 2½ inches from the floor to the lower part of the ring.

Weight of irons:—

Escort rivet irons, 4¼ lbs.
,, lock iron, 3½ lbs.

Bar rivet irons { 5 lbs. 10 ozs.
{ 5 lbs. 2 ozs.

Size of smallest cell:—
4 ft. 1 in. by 3 ft. 11 in. at one side, and 5 ft. 5 in. at the other, by 10 ft. high.

JJ.

JJ.

PARTICULARS of conviction and prison history of Michael Slattery, a prisoner in Parramatta Gaol.

Name of prisoner—Michael Slattery. Birth-place and age—Ireland, 1842. Convicted at Sydney Gaol Delivery on 16th May, 1866. Offence—Murder. Sentence—Death, commuted to life in irons on the roads or other public works of the Colony. Judge—Cheeke.

Previous convictions.

Bathurst Quarter Sessions, 27 May, 1863, cattle-stealing, 7 years roads. The murder was committed while prisoner with others was under escort from Berrima to Sydney at Bargo.

Punishments in Gaol.

Darlinghurst—20 April, 1864, insubordination and threatening the schoolmaster, 14 days. 15 May, 1864, sent to Cockatoo Island.

Cockatoo Island—4 August, 1864, refusing to work, 7 days cells.

Darlinghurst—10 August, 1864, received from Cockatoo; 15 August, 1864, refusing to work, 28 days cells; 12 September, 1864, assaulting a warder, 5 days cells.

Berrima—7 October, 1864, received from Darlinghurst; 5 December, 1864, mutinous conduct, 21 days cells; 14 January, 1865, insolence to gaoler, 7 days cells; 23 July, 1865, insolence to gaoler, 7 days cells; 24 July, 1865, insolence in court, 7 days cells; 24 July, 1865, insolence to Visiting Justice, 7 days cells; 22 October, 1865, assaulting an officer, 28 days cells.

The above punishments were recorded against Slattery while serving a sentence of 7 years roads.

Berrima—7 October, 1866, speaking to a fellow-prisoner when in separate treatment—against the regulations, 48 hours cells; 15 October, 1866, tearing a leaf out of a school book, writing on it, and throwing it into yard to other prisoners, 48 hours cells; 7 November, 1866, insulting language to Visiting Justice, 7 days dark cells.

In Lunatic Asylum from July, 1868, to July, 1869.

Berrima—12 January, 1876, riotous conduct, assaulting a warder, and insulting and threatening language, 28 days dark cells.

Darlinghurst—1 February, 1872, feigning insanity, 7 days cells (medical observation); 3 January, 1874, unnecessarily assuming illness, reprimanded; 30 September, 1875, assaulting a prisoner, reprimanded; 3 November, 1875, assaulting a fellow-prisoner, 24 hours cells; 17 May, 1877, insolence and disobedience to a warder, reprimanded; 19 July, 1877, trafficking and having prohibited memo. in his possession for the purpose of sending out of gaol, 7 days cells.

General conduct in gaol—Has been good latterly; otherwise these records speak for themselves.

Parramatta Gaol, 11 November, 1878. J. G. HUSSEY, Gaoler.

KK.

PARTICULARS of conviction and prison history of John Coghlan, *alias* Mackay, a prisoner in Darlinghurst Gaol.

Name of prisoner—John Coghlan, *alias* Mackay. Birth-place and age—Goulburn, 29 years. Convicted—Sydney Supreme Court, 17th May, 1878. Offence—Assault and robbery. Sentence—2 years hard labour. Judge—Hargrave.

Previous convictions.

Goulburn Police Court, 11 April, 1864; larceny; 3 months' imprisonment.

Sydney, 24 January, 1865, vagrancy, 1 month's labour; 15 March, 1865, refuse to pay fare, 14 days (paid fine); 20th March, 1865, stealing, 5 months; 28 August, 1865, obscene language, 48 hours; 18 September, 1865, the like, 48 hours.

Goulburn Quarter Sessions, 3 February, 1866, assault and robbery, 5 years roads; 24 December, 1870, having stolen property, 3 years labour.

Sydney Police Office, 14 March, 1874, vagrancy, 6 months labour; 14 October, vagrancy, 7 days; 24 October, 1874, vagrancy, to police on remand.

Goulburn Quarter Sessions, 7 January, 1875, stealing money, 18 months labour; 7 January, 1875, assault, 18 months' labour, cumulative.

Punishments in Gaol.

Frequently punished during previous convictions.

General conduct in gaol—Good during present sentence.

Darlinghurst Gaol, 12th July, 1878. J. C. READ, Principal Gaoler.

LL.

PARTICULARS of conviction and prison history of William Lee, a prisoner in Darlinghurst Gaol.

Name of prisoner—William Lee. Born where and when—London, 1831. Convicted—Gaol Delivery, Sydney, 10 May, 1866. Offence—Murder. Sentence—Death, commuted to hard labour for life in irons. Judge—Cheeke.

Previous convictions.

Goulburn Criminal Court, 28 November, 1860, robbery with firearms, 10 years roads—2 years irons.

Cockatoo Island, 19 December, 1860, attempting to escape, 6 months irons.

Sydney Gaol Delivery, 29 July, 1861, maliciously wounding a warder, 3 years hard labour.

Punishments in Gaol.

Darlinghurst—30 March, 1861, attempting to cut bar of cell-window, 7 days cells; 8 November, 1861, insolence, 3 days cells.

Parramatta—9 December, 1861, smoking in tailor's shop, 24 hours cells; 18 September, 1862, cutting a bed-tick, 3 days cells; 5 January, 1863, refusing to work, 24 hours cells; 13 January, 1863, mutinous conduct and inciting others, 2 days cells, and to be kept separate; 13 April, 1863, assaulting a warder, 7 days cells; 13 April, 1863, having prohibited articles, to be kept separate till 28 April, 1863.

Berrima—5 May, 1863, fighting, 48 hours cells; 24 June, 1863, refusing to work, 7 days cells.

Darlinghurst—5 October, 1863, fighting, 7 days cells; 3 January, 1864, threatening, 7 days cells.

Berrima—5 December, 1864, mutinous, 21 days cells; 19 February, 1866, stealing Government property, 28 days cells; 13 April, 1866, conduct indifferent—kept in separate treatment—returned to Darlinghurst. On the road with others Lee murdered one of the escort.

Berrima—16 October, 1866, using obscene language, 7 days cells; 15 October, 1866, attempting to escape, 28 days cells; 5 November, 1867, insolence and refusing to work, 7 days cells.

Parramatta—8 November, 1872, idling on the works, 3 days cells; 22 July, 1873, having a pair of trousers in his possession not issued to him, 7 days cells; 11 September, 1875, disobedience of orders and insolence in presence of other prisoners, 3 days cells; 27 April, 1876, insubordination and threatening language, and attempting to bite warder Dalton's nose, and spitting in his face, 28 days cells, and recommended to be removed to Berrima gaol.

Darlinghurst—25 July, 1877, having a silk scarf clandestinely in his possession and sending it out of the gaol, discharged.

General conduct in Gaol—Bad.

Darlinghurst Gaol, 11 July, 1878. J. C. READ, Principal Gaoler.

MM.

PARTICULARS of conviction and prison history of Edward Callaghan, a prisoner in Parramatta Gaol.

Name of prisoner—Edward Callaghan. Birth-place and age—Ireland, born 1846. Convicted—Yass Quarter Sessions, 2 February, 1876. Offences—Horse-stealing and larceny. Sentences—3 years hard labour and 1 year hard labour Darlinghurst Gaol (4 years in all). Judge—M'Farland.

Previous

Previous convictions.

Supposed to have served sentences on Cockatoo Island and in Wollongong Gaol about seven years ago.

Punishments in Gaol.

Parramatta—10 December, 1876, loitering at the back of workshops, disorderly mark—cautioned and discharged; 30 December, 1876—endeavouring to obtain a pair of Government boots by false pretences, 4 days cells, bread and water.

General conduct in gaol—Berrima: Good; Parramatta: Generally good; a very plausible man, and great mischief-maker.

J. G. HUSSEY,
Gaoler.

Parramatta Gaol, 12 July, 1878.

NN.

PARTICULARS of conviction and prison history of Joseph Bragg, *alias* Johnson, *alias* Brandon, *alias* Bourke.

Previous convictions.

Summary, 16 November, 1863, stealing, 3 months; 14 March, 1864, stealing, 3 months.

Sydney Quarter Sessions, 18 July, 1864, robbery; acquitted.

Summary, 27 July, 1864, stealing, 3 months; 24 November, 1864, vagrancy, 1 month; 23 December, 1864, gambling, 3 days; 24 January, 1865, vagrancy, 1 month; 15 March, 1865, obscene language, 7 days; 25 April, 1865, stealing and obscene language, 3 months and 7 days; 5 August, 1865, stealing, 6 months; 20 February, 1866, stealing, 2 months; 12 January, 1866, having stolen property in his possession, 3 months,

Sydney Quarter Sessions, 15 November, 1866, attempt at burglary, 2 years.

Summary, 21 November, 1868, assault, 2 months.

From Darlinghurst, 29 January, 1869, to Tarban Creek Lunatic Asylum.

Summary, 19 April, 1869, vagrancy, 6 months.

From Darlinghurst, 19 May, 1869, removed to Berrima for separate treatment.

Supreme Criminal Court, 16 February, 1870, assault with intent to do grievous bodily harm, 5 years roads; discharged 15 February, 1875.

Central Police Court, 20 December, 1875, drunk, 2 days.

Water Police Office, 13 February, 1877, neglect to pay order of court, 14 days; 5 December, 1877, cruelty to a dog, 1 month, paid fine, £3 9s. 4d.; 31 January, 1878, assault, 1 month, paid fine, £3 5s. 10d.

Punishments in Gaol.

Darlinghurst—24 April, 1864, disorderly, 3 days cells; 13 February, 1865, disorderly conduct and making use of filthy and obscene language to a warder, 1 dozen lashes with a birch rod on his posterior; 24 June, 1865, fighting and throwing missiles and assaulting a fellow prisoner, 7 days cells and 1 day cells; 5 July, 1866, stealing a handkerchief from a fellow prisoner and abusing a warder, 4 days cells; 7 November, 1866, trafficing, 24 hours cells.

Berrima—18 November, 1867, insolence to Visiting Magistrate, 7 days dark cells; 27 November, 1867, talking in exercise yard, 3 days dark cells; 27 November, 1867, talking in his cell to prisoners, 7 days dark cells; 21 February, 1868, talking in his cell, 24 hours solitary.

Darlinghurst—11 September, 1868, violent and disorderly conduct on the works and assaulting Warder Wallace with intent to do him bodily harm, 1 month cells; 21 November, 1868, assaulting and beating a fellow prisoner, 7 days cells and separate treatment for the rest of his time; 10 December, 1868, assaulting and striking a fellow prisoner and abusive language to a warder, 7 days dark cells and medical observation; 27 April, 1869, idleness on the works and general conduct bad, recommended for removal to Berrima; 19 November, 1869, assaulting Warder Donovan with intent to do him grievous bodily harm, 7 days dark cells.

Parramatta—16 August, 1870, fighting, 14 days cells; 12 October, 1868, 1870, violently assaulting and wounding three fellow prisoners and violent and disorderly conduct, 50 lashes.

Berrima—20 February, 1872, aiding Lawrence Cummings to escape, 2 weeks cells; 15 May, 1872, insolence to a warder, 24 hours dark cells.

General conduct in gaol—Bad.

J. C. READ,
Principal Gaoler.

Darlinghurst Gaol, 20th July, 1878.

OO.

PARTICULARS of conviction and prison history of James M'Grath, a prisoner in Parramatta Gaol.

Name of prisoner—James M'Grath, *alias* Boyd. Born where and when—Ireland, 1834. Convicted—Wagga Wagga Quarter Sessions, 10 February, 1877. Offence—Stealing in a dwelling. Sentence—3 years hard labour. Judge—Forbes.

Previous conviction.

Muswellbrook Quarter Sessions, 22 February, 1865; robbery under arms, 10 years' roads.

Punishments in Gaol.

Berrima—7 March, 1877, telegraphing in his cell, 24 hours dark cells; 25 May, 1877, talking in his cell, 24 hours solitary; 29 June, 1877, having tobacco in his possession, cautioned and discharged.

General conduct in gaol—Berrima: Good, with above exceptions. Parramatta: Good since he has been here.

J. G. HUSSEY,
Gaoler.

Parramatta Gaol, 12 July, 1878.

PP.

PARTICULARS of conviction and prison history of Henry Faulkner, a prisoner in Darlinghurst Gaol.

Name of prisoner—Henry Faulkner, *alias* Henry Bamfield, *alias* Edwd. Shortland. Born where and when—Ireland, 1834. Convicted—Tamworth Criminal Court, 3 October, 1873. Offence—Robbery (being armed) three convictions. Sentence—15 years roads. Judge—Faucett.

Previous convictions.

Tamworth Quarter Sessions, 4 July, 1868; mail robbery with arms, 10 years' roads. Discharged from Parramatta Lunatic Asylum, 21 May, 1873.

Punishments in Gaol.

Parramatta Gaol—19 January, 1875,—1st, scheming and malingering,—2nd, insubordination and disrespectful language to the gaoler, 7 days cells. Darlinghurst Gaol—31 May, 1878, assaulting and beating a fellow prisoner, 24 hours cells.

General conduct in gaol—During first conviction very bad, feigning insanity; latterly, good.

J. C. READ,
Principal Gaoler.

Darlinghurst Gaol, 15 July, 1878.

QQ.

PARTICULARS of conviction and prison history of Thomas Gleeson, *alias* M'Cauley, a prisoner in Parramatta Gaol.

Same of prisoner—Thomas Gleeson, *alias* M'Cauley. Birth-place and age—Sydney, born 1853. Convicted—Sydney Criminal Court, 16 November, 1875. Offence—Stealing from the person. Sentence—3 years hard labour. Judge—Faucett.

Previous

Previous convictions.

Summary, 6 April, 1868, having stolen property, 1 month imprisonment; 16 September, 1868, threatening, 6 months imprisonment; 9 April, 1869, assault, 2 months hard labour; 21 June, 1869, assault and stealing, 8 months hard labour; 21 March, 1870, assault, 1 month hard labour; 19 May, 1870, vagrancy, 7 days imprisonment; 4 June, 1870, larceny, discharged; 11 June, 1870, illegally on premises, 3 months hard labour; 15 September, vagrancy, 1 month imprisonment.

Sydney Quarter Sessions, 4 October, 1870, larceny, 2 years hard labour, Parramatta Gaol.

Summary, 15 December, 1873, drunk, 3 days imprisonment; 31 January, 1874, indecency, 7 days imprisonment; 23 February, 1874, intent to commit felony, 6 months hard labour; 31 October, 1874, vagrancy, 6 months hard labour; 25 June, 1875, drunk and disorderly, 7 days imprisonment; 12 July, 1875, damage property, 4 days imprisonment.

Sydney Quarter Sessions, 7 August, 1875, assault and robbery, acquitted; 7 August, 1875, stealing from person, to bail on own recognizance.

Summary, 1 November, 1875, assault, 1 month imprisonment.

Punishments in Gaol.

Darlinghurst—27 April, 1877, assault and striking two fellow prisoners and threatening to assault warder, and violent and insubordinate, 7 days dark cells; 11 June, 1877, assaulting and beating a fellow prisoner named Colin M'Lean, and also making use of insolent language to his warder, 3 days dark cells; 10 September, 1877, threatening to commit violence if his classification was not altered, 48 hours cells and recommended for separate treatment.

Berrima—30 May, 1876, loitering in exercise-yard and attempting to communicate, 24 hours dark cells; 16 March, 1876, talking in his cell, 3 days cells.

Parramatta—25 June, 1878, disobedience of orders, 48 hours dark cells.

General conduct in gaol—Darlinghurst: Bad. Berrima: Good, with above exceptions. Parramatta: This prisoner's record speaks for itself; he was everything that was bad; he was, I believe, also flogged at Darlinghurst.

Parramatta Gaol, 11 July, 1878.

J. G. HUSSEY,
Gaoler.

RR.

PARTICULARS of conviction and prison history of Thomas Kerr, a prisoner in Darlinghurst Gaol.

Name of prisoner—Thomas Kerr, *alias* Lynch. Born where and when—Canada, 1833. Convicted—Quarter Sessions, Goulburn, 2 February, 1877. Offence—Escaping from gaol. Sentence—Two years hard labour. Judge—M'Farland.

Previous convictions.

Bathurst Criminal Court, 17 April, 1867; horse-stealing, three charges; 5 years hard labour, roads, 3 years and 2 years hard labour on the roads—sentences accumulative. Prisoner escaped from Berrima Gaol whilst serving this sentence, 16 May, 1872, and was retaken, February, 1876.

Punishments in Gaol.

Parramatta—21 April, 1868, threatening language, 7 days' dark cells; 20 August, 1868, attempting prison-breaking and having a saw concealed, 28 days dark cells.

Berrima—26 December, 1868, wilfully destroying a book the property of the Government, 7 days dark cells; 6 September, 1870, placed in separate treatment for security.

Darlinghurst—25 June, 1877, unseemly conduct at Divine Service, reprimanded; 16 November, 1877, assaulting and beating a fellow-prisoner, 24 hours' cells; 2 March, 1878, writing a clandestine letter to be sent out of gaol, 7 days' cells and recommended for separate treatment.

General conduct in Gaol—Bad.

J. C. READ,
Principal Gaoler.

Darlinghurst Gaol, 12th July, 1878.

SS.

PARTICULARS of conviction and prison history of Joseph H. O'Neill, a prisoner in Parramatta Gaol.

Name of prisoner—Joseph Holloway O'Neill. Born where and when—Sydney, 1846. Convicted—Sydney Gaol Delivery, 18 August, 1877. Offence—Arson. Sentence—5 years roads. Judge—Faucett.

Previous conviction.

Yass Quarter Sessions, 23 June, 1874, obtaining goods by false pretences, 18 months imprisonment.

Punishments in Gaol.

Berrima—19 October, 1877, attempting to strangle himself, 48 hours solitary; 10 April, 1878, malingering, 24 hours solitary; 10 April, 1878, defacing a Bible, 24 hours dark cells.

General conduct in Gaol—Darlinghurst: Good; Berrima: Good, with the above exception; Parramatta: Generally good.

Parramatta Gaol, 12th July, 1878.

J. G. HUSSEY,
Gaoler.

SPECIAL APPENDIX.

ALLEGED TORTURE OF PRISONERS IN BERRIMA GAOL.

(CORRESPONDENCE WITH REFERENCE TO.)

No. 1.

Minute of the Colonial Secretary to The Comptroller General of Prisons.

IN his place in the Assembly on Thursday, Mr. Driver stated in the most confident manner that it was within his knowledge that it had been the practice in Berrima Gaol to subject prisoners in that establishment to physical torture by means of (1) "*gagging*" and (2) "*spread-eagling*," or the tricing up of a man by his wrists, with his feet not quite resting on the ground; and this assertion was further corroborated by Mr. Macintosh (as I understood him) on the testimony of other persons. The gagging, it was alleged, extended sometimes as long as eight or ten hours. Mr. Driver also said that the gaoler at Berrima had on one occasion admitted to him that he resorted to these expedients in the case of refractory prisoners.

I promised on the part of the Government to have a full inquiry made into the truth of this charge; but before proceeding with any more formal investigation, I think it due to the Comptroller General of Prisons to afford him an opportunity of saying whether it has ever reached his knowledge that the practice of gagging or spread-eagling had been resorted to? If so, when and where, and upon what convicts, and under what sanction, direct or implied?

M.F.

B.C., 9/2/78. The Comptroller General of Prisons.—M.R.A.

No. 2.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Prisons Department, Sydney, 18 February, 1878.

I COULD have at once answered the inquiries contained in the concluding part of the minute of the Colonial Secretary, by stating that no instance of "spread-eagling" in Berrima Gaol has reached my knowledge; it was within my knowledge that the use of the "gag" has been resorted to upon several occasions.

I have referred to Berrima for information under both heads, taking for the period, since 1867, the time of the promulgation of the present Prisons Regulations, prior to which the officers had no sufficient instructions for their guidance.

I extract from regulation No. 68 that portion relating to the use of irons and the gag in cases of refractory prisoners:—

> "The gaoler may place a refractory prisoner in irons, but he will not continue the use of irons for longer than forty-eight hours without the permission of the Sheriff or of the Visiting Justice, nor will he cause a gag to be used beyond the necessity for compelling the prisoner to submit and cease from shouting or making use of offensive language; and the gaoler will report in writing, to the Sheriff, as well as to the Visiting Justice, the circumstances of every case wherein he may have found it necessary to resort to any of the measures of coercion as above specified."

This regulation, as in fact the entire code, was prepared by myself, and I have no reason to doubt but the directions therein laid down have been duly observed by reports at the time, in cases of gagging, to myself and the Visiting Justice.

A report from the gaoler, supported by a minute of the Visiting Justice, is enclosed. It returns five cases of gagging in the last eleven years. It asserts that "in no case has the gag been in for more than five minutes, and in some cases less;" and it denies "spread-eagling."

The Visiting Justice informs me that he has made inquiries of the chaplains and of other officers of long standing, and can trace no cases of gagging other than those given in the gaoler's report.

The case of the prisoner referred to by Mr. Macintosh I take to be that of a man named Molloy. He was not gagged at Berrima, but at Port Macquarie. He was perhaps at one time the most refractory prisoner in the gaols, and brought unusual measures of coercion upon himself. I passed his complaints to the then Colonial Secretary. Sir Alfred Stephen, after his discharge, took up his case, obtained all information, and mentioned to me that, although he thought a mistake had been made in the mode of managing him at Port Macquarie, he had forced the measures of punishment and coercion upon himself.

I am of opinion that the power of using irons and the gag, as defined in the regulation quoted above, is a necessary and wholesome power with which to meet extreme cases; and that its withdrawal would be fraught with serious danger. When occasion has arisen, I have strongly impressed upon the gaolers that such means should, in the spirit of the regulation, be resorted to only to suppress violence or disturbance, and be discontinued instantly upon submission. I would not for a moment tolerate "spread-eagling" in the sense it is alleged to have been exercised, but I, with those who direct the English prisons, recognize the necessity in exceptional and rare cases of extreme violence for restraint by irons to the sides as well as to the floor of a cell.

After obtaining the information rendered above, it occurred to me that the references in Parliament may have been to occurrences behind even the eleven years, for which period I had called for reports. I transmit the further information obtained, which discloses two cases of ironing to the sides of cells—not "spread-eagling" in the sense used, of the prisoner being tortured by being suspended off the floor—a case of gagging four riotous prisoners in 1864, which was sanctioned by myself, and another in the early part of that year.

The system obtaining in Berrima Gaol, resting upon separate treatment, is of incalculable service in maintaining subordination in the gaols of the Colony, and in bringing refractory prisoners (to their own material benefit) into discipline and good conduct. To that prison, as to Pentonville in England, are returned for a time men who in the associated prisons have become refractory and unmanageable save by corporal punishment, which is rarely and only in extreme cases resorted to. So the officer-in-charge of Berrima Gaol has to deal with the most rebellious men. It is impossible to lay down the exact measures of repression needed to control a violent and infuriated man; and it is essential that an officer in such a position should, unless shown clearly to be in the wrong, be strongly supported.

I would ask to be furnished with specific information of the allegations made in Parliament, when I would be prepared to make the most searching inquiry. As the matter now stands, I have only been able to gather such information as I could in cases which may or may not be the basis of such allegations.

HAROLD MACLEAN,
Comptroller General.

[*Enclosure No.* 1.]

The Gaoler, Berrima, to The Visiting Justice, Berrima Gaol.

Sir, H.M. Gaol, Berrima, 12 February, 1878.

In compliance with your request, I have the honor to submit the names of prisoners who have been gagged in this gaol since 1867.

There is no record of any prisoners having been spread-eagled during that time.

18 November, 1867.

Joseph Bragg—For insolence before the Visiting Justice (Mr. Rowley).

17 August, 1870.

Patrick Giltinan—For cursing and blaspheming when I visited him in his cell. The same prisoner, when brought before the Visiting Justice (Mr. Rowley) and Mr. Bray, J.P., was ordered by them to be gagged for using filthy and obscene language.

25 September, 1872.
Henry Schultz—For shouting, swearing, and using filthy language in his cell.

14 January, 1878.
Charles Cunningham alias *Smith*—For using filthy and insulting language during an inquiry in the gaol office.

I have carefully examined the records, and the foregoing are the only cases of "gagging" during the past eleven years. In no case has the gag been in for more than five minutes, and in some cases less.

No other means of coercion have been resorted to in this gaol since 1867, other than that ordered by yourself or the Comptroller General of Prisons, such as "separate or solitary confinement or dark cells."

I have, &c.,
W. SMALL,
Gaoler.

Six years personal knowledge enables me to confirm for that period the facts herein. "Spread-eagling" has not been resorted to, and "gagging" only when necessary, and when other means of coercion fail or are impracticable.—F. R. WILSHIRE. 14/2/78.

[*Enclosure to No.* 2.]

Telegram from Comptroller General of Prisons, Sydney, to Police Magistrate, Berrima.

MR. Driver states that Mr. Small did on one occasion admit to him that he had resorted to gagging and spread-eagling in cases of refractory men. How does Mr. Small reconcile that with present report? If admission relates to cases anterior to 1867, let him give particulars, and irrespectively of such admission, of any cases before 1867; testimony from other officers also desirable in cases reported. One, Giltinan, seems to have had a punishment ordered after he had ceased foul language; is it so, or any of the others, and which? Please answer by Monday morning.

Further reports from the gaoler and other officers herewith as required.—F. R. WILSHIRE, V.J., Berrima, 17/2/78.

The Gaoler, Berrima, to The Visiting Justice, Berrima Gaol.

Sir, H.M. Gaol, Berrima, 16 February, 1878.

In reply to your inquiry as to my having told Mr. Driver that prisoners had been gagged and spread-eagled, I have the honor to state that I have no recollection of ever having told Mr. Driver any such thing, and I think it scarcely possible that I should do so. I think Mr. Driver has made a great mistake, as I am quite sure I never told him, nor anyone else, that prisoners were gagged for such a length of time as stated by Mr. Driver, and reported in the *Herald*, nor have I any recollection of telling him they were gagged at all. It is scarcely feasible I should tell such a falsehood for such a purpose. I rather think if such cruelties had been perpetrated I should try to keep them from the knowledge of the Members of the Assembly, unless asked direct for the information.

It is seven or eight years since Mr. Driver was in this gaol, and at that time I questioned him as to what grudge he had against me that he should bring the discipline of this gaol before the Assembly, when he replied it was not me, it was the Government he was hitting at, as he thought the time was past for men to be shut up like wild beasts. With the consent of the Visiting Justice (Mr. Rowley) I took Mr. Driver round the cells, and introduced him as a Member of Parliament, and he questioned the prisoners as to their having any complaints to make of their treatment, and not one complained.

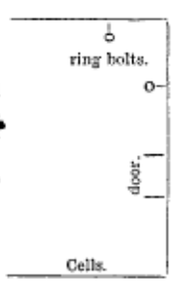
I drew the attention of Mr. Driver to the fact, after he had been round, and he said they were afraid to complain because I was with him. Mr. Driver asked one prisoner, whom he seemed to know, if he would not rather be on Cockatoo than here, and prisoner replied, "No, because he got what he was allowed by Government here, but at Cockatoo he would be put in the dark cells for asking for it."

I forward herewith reports from several of the officers, also a copy of the report of "Giltinan's" punishment, as supplied to the Comptroller at the time, which I think will explain his case. Reports of spread-eagling and gagging prior to 1867, attached.

I have, &c.,
W. SMALL,
Gaoler.

Cases of Spread-eagling in Berrima Gaol.

IN 1863 one prisoner, whose name I forgot, and of whom I can find no record, was spread-eagled for refractory conduct and refusing to desist: Another in 1864, as reported by Chief warder Everett, was spread-eagled by warder Sadler and himself. These are the only cases of spread-eagling that have occurred during the time I have been in this gaol. The rings to which the prisoners were fastened are only 3 feet 10 inches from the ground, placed as shown in the margin.



The prisoners on neither occasion were spread-eagled for more than half an hour, and there is no torture in the process, as the prisoner is standing on his feet all the time, and was only resorted to to keep the prisoners from breaking the prison.

W. SMALL,
Gaoler.

Cases of Gagging anterior to 1867.

THE four prisoners named in the margin were gagged during the mutiny in November, 1864, and was* reported to the Comptroller General of Prisons at once, he being in Berrima at the time. This was not resorted to until the prisoners had been refractory for four days and would not desist from shouting, smashing the cell-doors and other Government property.

In no case was the punishment longer than was sufficient to subdue the prisoner, nor was it ever resorted to when he was subdued.

Sic in original.
James Richardson.
William Lee
James Smith *alias* Tomlins,
Peter Hindmarsh.

W. SMALL,
Gaoler.

The gaol was in a high state of mutiny; the prisoners had to be driven into their cells. Their shoutings could be heard for a great distance; I sanctioned the use of the gags by which order was restored.—H.M'L., 18 Feb., /78.

The Gaoler, Berrima, to The Acting Inspector of Prisons.

Sir, H.M. Gaol, Berrima, 19 August, 1870.

I have the honor to report, for your information, that the prisoner named in the margin was this morning locked up by Warder Mulligan for insubordination and insolence. I went to his cell in company with the Visiting Surgeon, when he at once commenced to curse and blaspheme, so much so I was obliged to use the gag, which was removed after a little time, when he had become quiet. As I entered the cell prisoner came towards me in a threatening attitude, with his hands clenched. I made a blow to keep him off and struck him on the shoulder, but did not hurt him; afterwards, when brought before the Visiting Justice and another magistrate, he commenced again to curse and swear. The Visiting Justice then ordered him to be gagged. After hearing the entire case the Magistrates sentenced him to fourteen days in the dark cells.

Patrick Giltinan —wife desertion.

I have, &c.,
W. SMALL,
Gaoler.

H.M. Gaol, Berrima, 17 February, 1878.

Warder John H. Mulligan states :—I am fourteen years as warder in this gaol; I have never seen a prisoner either gagged or spread-eagled since I came to the gaol.

J. H. MULLIGAN,
Warder.

I heard of one or two instances of gagging since I came here, but no cases of spread-eagling.—J. H. MULLIGAN, Warder.

Berrima Gaol, 16 February, 1878.

Chief Warder Ghiblin Everett states :—About the latter part of 1863, or the beginning of 1864, a prisoner named Matthew Brittian was very refractory in his cell and breaking up his furniture, night-tub, &c., and also trying to break through his cell-door; at that time the doors were composed of cedar, and panelled; he was told several times to desist but would not, and we were obliged to handcuff him to the ring-bolts in his cell, commonly called spread-eagling; I assisted Warder Sadlier to do it, be being at that time in charge of the wings (I was at that time an ordinary warder); that is the only instance that ever came under my notice since I have been in this gaol; the prisoner alluded to was not gagged; it was shortly after the mutiny that occurred here, when a prisoner named Hindmarsh jumped through his cell-door by breaking the panel out.

H.M. Gaol, Berrima, 17 February, 1878.

Senior Warder Brayne states :—I have been a warder in this gaol four years and six months; three years and six months of that time senior warder in charge of the wings; during that time I have never seen any prisoner either gagged or spread-eagled, nor have I ever seen any harsh means used towards any prisoner during the time I have been in the prison service; I have heard of two prisoners being gagged, named Hornby and Cunningham, but I was not present, nor do I know it to be a fact.

CHAS. G. J. BRAYNE,
Senr. Warder.

Berrima, 17/2/78.

The Trades Overseer states that during the period that he has held his appointment, viz.,—twelve years, he has witnessed but one instance of gagging; had this kind of punishment been frequently inflicted more than one occurrence should have come under his observation.

P. HERBERT,
Trades Overseer.

H.M. Gaol, Berrima, 17 February, 1878.

Warder John Brown begs to state that he has been in this gaol eight years, and during that time he has never seen any case of gagging or spread-eagling; he has heard that prisoners Schuetz and Cunningham had been gagged, but it did not come under his immediate observation, and consequently he cannot vouch for it; he never heard of or seen* any spread-eagling during the time he has been here.

*Sic in original.

JOHN BROWN,
Warder.

No. 3.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir,

Colonial Secretary's Office, Sydney, 21 March, 1878.

20 March, 1878. In acknowledging the receipt of your blank cover communication of the 18th ultimo, reporting with reference to the practice of "gagging" and "spread-eagling" prisoners, I am directed to transmit herewith, for your information and guidance, a copy of the Colonial Secretary's minute on the subject.

I have, &c.,
M. R. ALLAN.

[*Enclosure.*]

1. As it is distinctly admitted in this report that the practice of "*gagging*" has not only been used occasionally in our prisons, but is actually sanctioned by the existing Gaol Regulations, and that the system of "spread-eagling," in a mitigated form, has also been resorted to, no further inquiry such as that contemplated in my minute of 9th February is necessary, and I at once proceed to deal with the several points raised :—

2. It affords me great satisfaction to find from these documents (1) that the use of the gag has been so seldom resorted to, (2) that its duration was not nearly so great as stated, and (3) that the so-called "spread-eagling" was not so cruel as was alleged. In two out of three of these inferences I am sustained by the statements made to me personally by a prisoner now in Darlinghurst Gaol, on whose information I have reason to believe Mr. Driver placed some reliance. I closely cross-questioned this man (Kerr) after giving him my assurance that he would incur no penalty for speaking freely, and he stated (1) that he had on several occasions been subjected to the *gag*, but that in no instance was it continued for a longer period than about 10 minutes; (2) that the so-called "*spread-eagling*" was only extending the hands, and securing them to the wall, and did not involve *tricing up*.

3. In the next place, seeing that the use of the gag is recognised by the Gaol Regulations, I entirely acquit the Comptroller General from any blame in resorting to that mode of coercion. Furthermore I have nothing to say against the system of separate confinement. It is no doubt a terrible punishment—more mental than physical—but I suppose it is necessary.

4. But having said this, I place on record my entire disapproval of anything like the infliction, arbitrarily, of physical torture, under any circumstances whatsoever. I shall doubtless be told that flogging is an instance of physical torture—granted; but it cannot be resorted to arbitrarily by any gaoler or warder. The resort to it can only be had after a trial before a Magistrate; it is inflicted publicly, and the severity of its application is regulated and cared for by the law. Not so the arbitrary use of the "gag" or the "spread-eagle." Here the punishment, which if long continued partakes of the character of torture, depends on the individual will of the gaoler, unchecked by any principle save his own conception of the adequacy of the punishment, and that at a time when he is not perhaps in the very mildest frame of mind towards the refractory prisoner.

5. In the next place, I do not admit the necessity for resort to these modes of restraint, if only restraint and not punishment be aimed at. If a person be violent, he can be *restrained* (*a*) by the use of handcuffs, (*b*) by the use of irons, (*c*) by the use it may be of a straight jacket, or (*d*) by the fear of punishment to be inflicted by the Visiting Magistrates' orders; whilst if the prisoner be only *noisy*, which is the offence charged as an excuse for applying the "gag," I think he could be sufficiently restrained by being remitted to a dark cell.

6. Having thus stated my disapproval of the application of any physical torture, not recognized and regulated by law, it only remains that the Comptroller General should instruct the various gaolers that the use of the *gag* and the *spread-eagle* (whether mitigated or unmitigated) must henceforth wholly cease.

7. It might be desirable that a new regulation should be submitted to repeal so much of Gaol Regulation No. 68 as appears to sanction the use of the "gag."

20 March, 1878.

M.F.

Sydney : Thomas Richards, Government Printer.—1878.

1878.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LECTURES IN DARLINGHURST GAOL.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 4 December, 1878.

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LECTURES IN DARLINGHURST GAOL.

No. 1.

J. Hurley, Esq., M.P. (*Hartley*), to The Colonial Secretary.

Sir, Sydney, 16 May, 1878.

On behalf of those unfortunates who are the inmates of Darlinghurst, I beg to apply to you for permission to allow gentlemen to lecture to them from time to time, chiefly on temperance.

Such a course of lectures in my opinion may tend to have a very beneficial effect upon those who are inveterate drunkards, and to whom advice may not be given or received except by such a course. An early reply will oblige

Your's faithfully,
J. HURLEY.

Minute of the Colonial Secretary.

For report of the Comptroller General.—M.F., 17/5. The Comptroller General of Prisons, B.C., 17/5/78.—M.R.A.

Report of the Comptroller General of Prisons.

So much instruction is already afforded by Church services, school choir practising, and visits of persons who have been authorized to visit for reformatory objects, that the industrial works of the prison are materially retarded.

Nevertheless I would be very unwilling to place any obstruction in the way of obtaining the benefit that should accrue from lectures which should be entirely confined to the subjects of temperance and moral reform.

I have consulted the Principal Gaoler, and, with him, am of opinion that permission to lecture could most conveniently be given for Saturday afternoons. With the approval of the Colonial Secretary I would furnish permission to one or two gentlemen who may be recommended therefor.

The Principal Under Secretary, B.C., 22/5/78. H.M.

No. 2.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 3 June, 1878.

In reply to your report of the 22nd last month, as to the proposal of Mr. J. Hurley, M.P. for Hartley, that gentlemen should be allowed to deliver lectures from time to time, chiefly on temperance, to the prisoners in Darlinghurst Gaol, I am directed to inform you that the Colonial Secretary approves of your furnishing, as you propose, one or two gentlemen, who may be recommended to you, with permission to deliver lectures which should be entirely confined to the subject of temperance and moral reform; the most convenient time for the lectures being, as you state, on Saturday afternoons.

I have, &c.,
M. R. ALLAN.

No. 3.

The Under Secretary, Colonial Secretary's Department, to J. Hurley, Esq., M.P. (*Hartley.*)

Sir, Colonial Secretary's Office, Sydney, 3 June, 1878.

In reply to your letter of the 16th of last month, proposing that gentlemen should be allowed to deliver lectures from time to time, chiefly on temperance, to the prisoners in Darlinghurst Gaol, I am directed by the Colonial Secretary to inform you that the Comptroller General of Prisons, whose report has been obtained on the subject, has been authorized to furnish one or two gentlemen who may be recommended to him with permission to deliver lectures which should be entirely confined to the subjects of temperance and moral reform, the most convenient time for the lectures being, as Mr. Maclean states, on Saturday afternoons.

I have, &c.,
M. R. ALLAN.

No. 4.

J. Hurley, Esq., M.P. (*Hartley*), to The Colonial Secretary.

Sir, Sydney, 17 June, 1878.

On Saturday last the first temperance lecture was delivered in Darlinghurst to about two hundred prisoners, but I am sorry to say that, through the unjustifiable interference of the Church of England and Roman Catholic Chaplains, the object of delivering the lecture was almost frustrated, they the chaplains successfully prevented our being admitted to the most suitable building, viz., the rotunda, a place used

used by the chaplains for Church service. Mr. Read did the best he could for us, by allowing the use of the room under the building, that serves for a church, but such a place is not at all suited, being a very low room with only a few small windows to let in the light.

I would therefore urge that the use of the large place be granted, where male and female prisoners may be present; if we are limited to a small room not one half the male prisoners can be present, and no females.

I quite agree that no one but the chairman and lecturer should take part in such meetings. I may say many gentlemen have come forward and proffered their service to carry on this mission.

Trusting you will at once instruct the Comptroller of Prisons to grant the use of the most suitable building to us every Saturday afternoon,

I am, &c.,
J. HURLEY.

Minute of the Colonial Secretary.

I SHOULD first like to have the opinion of the Comptroller General.—M.F., 17/6. The Comptroller General of Prisons, B.C., /17/6/78.—M.R.A.

Report of the Comptroller General of Prisons.

IN rendering the report desired by the Colonial Secretary I think it desirable to place before him the correspondence that has taken place upon the subject of the use of the chapel.

It will be seen that on the notification by the Principal Gaoler to myself that the chapel was desired for the purpose of lecturing, I, as a matter both of propriety and courtesy, directed a reference to the chaplains, who both objected. Their objections in writing are attached. During my absence in Maitland these objections were received, and the Deputy Comptroller, on my behalf, directed that the chapel could not be used. By telegraphic instructions from Maitland I arranged for the lecture to take place in the women's work-room, below the chapel.

For the reasons stated by Mr. Hurley there can be no question but that the chapel (allowing also for the attendance of both males and females) is the place most advantageous for the purposes of the lecture.

As a matter of secular (if I may use the term) prison discipline I do not object to the use of the chapel; but I think that the representations of the chaplains having the spiritual (which comprehends the moral) care of the prisoners are entitled to very respectful consideration. It is a wide question how far lay proceedings prejudice the sacred character that the chaplains naturally desire for their chapel; but it does seem to me that anything of the nature of noisy applause and the like as characterize lectures emanating from the chapel would be highly inconsistent. I do not think, on full consideration of the matter, that it would be well to over-rule the objections of the chaplains, even if from an opposite point of view to their own they may not be held to be conclusive. As, however, the subject may assume public importance, the Colonial Secretary may think it desirable to consult the heads of the churches. It will be observed that the chaplains object not only to the use of chapel but to lectures at all. In a general sense I cannot concur with them, as I have reason to believe that experience of the practice elsewhere has been attended with good results. In a report attached, of the 17th instant, it is stated that the Roman Catholic chaplain preached a very vigorous sermon in condemnation of the permission to lecture having been given at all, and interdicting the attendance of the Roman Catholic prisoners.

This, if it be correct (as there seems no reason to doubt), raises a question of discipline, he having in fact taken up a position antagonistic to superior authority, and requires serious consideration.

H.M., 18/6/78.

Principal Under Secretary, B.C.

[*Enclosure.*]

Memo. from the Principal Gaoler to The Comptroller General of Prisons.

Darlinghurst Gaol, Sydney, 7 June, 1878.

I BELIEVE Mr. Hurley desires to have the use of the chapel as a lecture-room. Has the Comptroller General any objection?

J.C.R., Principal Gaoler.

I would like to have the view of the chaplains before deciding.—H.M., 7/6/78. The Rev. Canon Rich, B.C., 8/6/78.

Report of Church of England Chaplain.

I FEEL it necessary to object to the use of the chapel for the purpose of these lectures.

I am afraid that it would act prejudicially on the minds of the prisoners accustomed to assemble in the same place for Divine Service. As one who may now perhaps have some claim from experience to express an opinion, I cannot too strongly urge that the hold in this direction on such a class of persons should not in the slightest degree be relaxed. I cannot but here also express my regret, not having received any previous intimation on the subject, that another of those voluntary efforts, well intended, but often mistaken, and which are calculated to interfere with the duly appointed channels for benefiting the moral and spiritual condition of the prisoners, as well as with the necessary discipline of the establishment, should be contemplated, so as to give rise for the consideration of such a matter.

CHARLES H. RICH,
Church of England Chaplain, 8/6/78.

The Principal Gaoler to The Roman Catholic Chaplain.

Darlinghurst Gaol, Sydney, 10 June, 1878.

WILL the chaplain please express his opinion on the subject of accompanying correspondence, for the guidance of the Comptroller General of Prisons?

J.C.R., P.G.

Report

Report of Roman Catholic Chaplain.

HAVING to express my opinion as Roman Catholic Chaplain to the gaol as to the suitability of the chapel being used by volunteering preachers on temperance and morality, I am bound to say that I think nothing is more unfit.

No one moreover will be surprised if I enter a protest against any morality being taught to the Roman Catholic prisoners in or out of the chapel; which is not founded on the principles of faith. And to teach this very "christian morality" none but duly authorised ministers should be called.

CHARLES FRANCIS PETER COLLINGRIDGE,
Priest.

Telegram from Comptroller General of Prisons to Deputy Comptroller of Prisons.

East Maitland, 13 June, 1878.

SEE paragraph in yesterday's *Echo* respecting lectures in Darlinghurst Gaol. If chaplains have assented to one of the chapels I approve.

If they have objected, telegraph substance of objection; visitors other than Magistrates should have usual permission unless introduced by Magistrates; do not wish to object to attendance of respectable persons. In case of misapprehension instruct Principal Gaoler to exercise discretion of admission, explaining rule for future.

HAROLD MACLEAN,
Comptroller General.

Memo. from The Principal Gaoler to The Comptroller General of Prisons.

Darlinghurst Gaol, Sydney, 13 June, 1878.

I BEG leave to call your attention to paragraphs in yesterday's *Evening News* and this day's *S. M. Herald* with reference to Saturday's lecture to be given here, under the auspices of Mr. Hurley, M.P., and to ask if these articles are correct, if the lectures are to be held in the church, and if the public are to be admitted by tickets as stated. I have not had any official instruction as yet, and I have not had the report of the Roman Catholic Chaplain back, and the letter has to go to the Presbyterian Chaplain after Canon Rich (C.E.) has reported. J.C.R., P.G.

P.S.—I have sent to the Roman Catholic Chaplain for his report this morning.

Report of The Deputy Comptroller of Prisons.

IN view of the strong objection expressed by both chaplains, the use of the chapel as a lecture-room cannot be sanctioned, but the female work-room below the chapel may be used for the purpose, unless the Principal Gaoler sees any reason against such arrangement. In such case males and females cannot be present at same time.

The Colonial Secretary has not given authority for any persons beyond the person permitted to lecture to be present. This will include Mr. Hurley, M.P., at whose instance the lectures have been sanctioned. W.G.B., 14/6/78.

B.C., The Principal Gaoler. Returned with report, &c., &c.—J.C.R., P.G., 17/6/78.

Telegram from Comptroller General of Prisons to Deputy Comptroller of Prisons.

East Maitland, 14 June, 1878.

UNLESS Mr. Read has some objection, of which I am not aware, female work-room below chapel may be used for lecture. In such cases males and females cannot attend same lecture.—HAROLD MACLEAN, Comptroller General.

Memo. from The Principal Gaoler to The Comptroller General of Prisons.

Darlinghurst Gaol, Sydney, 15 June, 1878.

MR. Alfred Allen (introduced by Mr. J. Hurley, M.P.) delivered a lecture on temperance, morality, &c., to about two hundred male prisoners, in the female work-room, to-day, in accordance with your order.

Mr. Allen, and nineteen gentlemen, introduced by Mr. Hurley, were conducted over the work-shops, &c., &c. They came to hear the lecture, but as that could not be allowed I took them round the gaol, with which they expressed themselves much pleased. J.C.R., P.G.

Papers herewith.

---

16 June, 1878.

BY the report of Warder John Carroll, marked "A 1., J.C.R., P.G.," herewith, you will see that the R.C. chaplain has denounced the lectures in very strong terms to his congregation at Divine Service to-day, Sunday, so that if continued it will conflict with the chaplain's duties.

17 June, 1878.

To-day the prisoners sent ten delegates to me to beg of you as a favor to have these lectures continued. J.C.R., P.G.

Memo. Darlinghurst Gaol, 17 June, 1878.

WHILE preaching to the Roman Catholic prisoners yesterday, the chaplain said in the course of his remarks that it was very wrong to allow a ranter to come into the prison and lecture to the prisoners on temperance and morality; that they had received permission from the authorities before he was aware of it, but that he would have it stopped; that he was sorry to learn that they forgot their dignity as Catholics to go and listen to such lectures; that no one had a right to lecture morality but the pastors of the Catholic Church; that he did not know these people, and that they may not be even Christians; for all he knew they may be Materialists; that it was such teaching without religion that brought Communism in France

France and Socialism in Germany; that the Church forbid Catholics in attending such lectures, and that he was only doing his duty as a priest in forbidding them to attend in future; and if any of them would be weak enough to go again, which he supposed some would, he would have nothing more to do with them, and that they need not come to mass any more. He had no objection to persons coming to lecture on the topography of Australia, astronomy, geology, or such subjects, but he would not allow any one to come and lecture morality to them, as it was forbidden by the Bishops and His Holiness the Pope. If it was only a lecture on temperance they wanted he would come and lecture to them himself, as he attended large meetings with Cardinal Manning in London. He also said he was prevented from performing his duties on Saturday in hearing confessions, from the noise.

The reverend gentleman seemed much annoyed, and spoke with much warmth on the subject.

JOHN CARROLL,
Warder.

No. 5.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 20 June, 1878.

In acknowledging the receipt of your report of the 18th instant, on the letter of Mr. John Hurley, M.P., in which he complains that the use of the chapel at Darlinghurst Gaol has not been granted for the holding of the temperance lectures allowed to be delivered there, I am directed to inform you that Mr. Hurley has now been apprised that the Colonial Secretary is unwilling to over-ride the objections so strongly expressed by the gaol chaplains to the use of the chapel for that purpose, and must therefore affirm the decision taken by you, but that any other part of the building that will answer the purpose will be placed at the disposal of the lecturer.

2. As regards the sermon preached by the Reverend Mr. Collingridge (the Roman Catholic Chaplain), the Colonial Secretary is of opinion that that gentleman had an undoubted right to exhort the members of his own communion to abstain from attending these lectures; but when he condemned in terms of severity the action of the Government in permitting the delivery of the lectures at all, he forgot, as Mr. Fitzpatrick thinks, for the moment his duty as a gaol chaplain.

I have, &c.,
M. R. ALLAN.

No. 6.

The Under Secretary, Colonial Secretary's Department, to J. Hurley, Esq., M.P. (*Hartley.*)

Sir, Colonial Secretary's Office, Sydney, 20 June, 1878.

In reply to your letter, received on the 17th instant, in which you complain that the use of the chapel at Darlinghurst Gaol has not been granted for the holding of the temperance lectures allowed to be delivered there, I am directed to inform you that the Colonial Secretary is unwilling to override the objections so strongly expressed by the gaol chaplains to the use of the chapel for that purpose, and must therefore affirm the decision taken by the Comptroller General of Prisons, but that any other part of the building that will answer the purpose will be placed at the disposal of the lecturer.

I have, &c.,
M. R. ALLAN.

No. 7.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 11 July, 1878.

I have the honor to notify, for the information of the Colonial Secretary, that the Roman Catholic chaplain of Darlinghurst Gaol has made the following entry in the Visitors' Book, in reference to the lecture delivered at that establishment on the 6th instant: "For the fourth time on Saturday afternoon, July 6, I was prevented by the lecturers from fulfilling certain social duties I have to perform as Roman Catholic chaplain."

I have, &c.,
HAROLD MACLEAN,
C.G.P.

No. 8.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 13 July, 1878.

In acknowledging the receipt of your letter of the 11th instant, respecting an entry made by the Roman Catholic chaplain of Darlinghurst Gaol in the Visitors' Book with reference to the lecture delivered at the above establishment on the 6th of the present month, I am directed by the Colonial Secretary to inform you that you should explain to the Rev. Mr. Collingridge, that if he desires to make any representations on matters affecting the prison it would be more convenient that he should do so in writing to yourself.

I have, &c.,
M. R. ALLAN.

No. 9.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 26 July, 1878.

I do myself the honor to forward a communication which I have received from the Church of England Chaplain at Darlinghurst Gaol, having reference to the proceedings at a lecture delivered in that establishment on last Saturday.

Irrespectively

Irrespectively of that communication, viewing the questions arising out of these lectures as likely to assume an importance beyond that which was contemplated when the application to permit them was consented to, it was my intention to bring the proceedings referred to under the notice of the Colonial Secretary.

I transmit the official report of the incidents of the lecture from the officer who was placed upon duty.

I can have no hesitation in affirming my entire concurrence in the protest of the chaplain against the reference made by the lecturer to himself and his reverend colleagues.

I conceive it to be highly offensive, and calculated to engender feelings of disrespect on the part of the prisoners, as well as most prejudicial to discipline. It is in violation of the condition upon which lectures are permitted, and although there may be room for difference of opinion upon the point, I do not think that recitations of a dramatic character, however laudable the object, are consistent with Prison rule.

I had made arrangements with Mr. Hurley, M.L.A., whereby such objections as occurred to myself would have been obviated; but it will be seen by the enclosed correspondence that by an omission at Darlinghurst my minute was not communicated to Mr. Macintosh, M.L.A., who took his place. Had it been so communicated the present cause of complaint might not have taken place, and as it will be communicated in the future, I am content to await the effect.

I feel bound, however, to observe, in reference to Mr. Macintosh's remarks, which appear to be in their purpose unexceptionable, and directed to a good end, that I regard it as incompatible with the proper maintenance of discipline, and of the relations of the prisoners to the Executive, and to the Prison authorities, for a Member of Parliament to address a number of prisoners in special reference to his capacity as such, and upon the views of Parliament concerning them. I cannot but think that on it being put before him Mr. Macintosh would concur in this view.

I am of opinion that until the matter of his alleged offence to the chaplains is settled, Mr. Allen should not receive further permission to lecture, and I do not propose to give any such permission.

I have placed myself in communication with the Roman Catholic chaplain respecting his repetition of the entry in the Visiting Book, notwithstanding the instructions conveyed in your letter of the 13th instant.

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

P.S.—I have had an interview with the Roman Catholic Chaplain respecting the renewed entry in the visitors' book, and pointed out to him the necessity for an unqualified observance of the instruction addressed to him, which it seems he had not fully comprehended. The reverend gentleman has given to me assurance of a careful observance in the future.—H.M.

[*Enclosures.*]

The Rev. C. H. Rich to The Comptroller General of Prisons.

I AM under the necessity of requesting attention to a remark made by the lecturer in the lecture on temperance given in the gaol on Saturday afternoon, the 20th May. It was to the effect that "he or they (the lecturers) did not get £130 a year for coming there." The allusion, there can be no doubt, was to the chaplains, and in that view I take notice of it. Such a remark made outside the gaol would be unworthy of notice, but as made to such an audience, I feel that it should not be allowed to pass without protest. This is to expose the office of the chaplains to ridicule in the eyes of the prisoners, and certainly is not lecturing purely and simply on temperance. It is not to be tolerated that persons coming into the gaol for the purpose of benefiting its inmates by their addresses are to give piquancy to their observations at the expense of those officially connected with the establishment. The injunctions of the Comptroller General in his minutes on the subject of these lectures seem to be unheeded.

CHARLES H. RICH,
C. of E. Chaplain.

23 July, 1878.

Warder J. Carroll to The Principal Gaoler.

Darlinghurst Gaol, 1 July, 1878.

WARDER Carroll reports, for the information of the Principal Gaoler, that he attended the lecture given by Dr. Neild, on Saturday, the 29th ultimo, when there were about 180 prisoners present.

Mr. Hurley, M.L.A., the chairman, in a few prefatory remarks before introducing the lecturer, said that he had much pleasure in informing them that since last meeting they had made great progress, having the sympathy of the public with them on these lectures; that he soon expected to have lectures given to them on other subjects besides temperance—on astronomy, geology, &c.; and also that they soon would have the place over head (meaning the church) which would be more suitable and comfortable for them to sit in.

Dr. Neild then lectured for better than a hour on temperance, reading many anecdotes, and quoting largely from Solomon's Proverbs against the use of intoxicating drinks.

When the lecture was finished, a prisoner, named Edward A. Herbert, called upon his fellow prisoners to return thanks to Mr. Hurley for his kindness in inaugurating these lectures, and coming to visit and cheer them "the living dead;" also for the interest he has taken in a man who is nearly sixteen years in gaol and who is good man; he hoped it would be responded to with acclamation, and which they did heartily and unanimously by clapping their hands. Mr. Hurley after, made a few remarks announcing that Mr. Roseby would lecture next Saturday, and Mr. Holdsworth the Saturday after. As time would not permit of a longer stay the gentlemen left and the prisoners went to their yards.

JOHN CARROLL,
Warder.

J. Hurley, Esq., M.L.A., to The Comptroller General of Prisons.

Sir,

Sydney, 19 July, 1878.

I beg to recommend that John Macintosh, M.P., take the chair in the absence of Mr. Davies and myself, and that Mr. A. Allen be permitted to lecture to-morrow, and Mr. Scott on the Saturday following; and that the recommendation of Mr. Macintosh or Mr. Davies be accepted in recommending lecturers.

I am, &c.,
J. HURLEY.

Warder

Warder J. Carroll to The Comptroller General of Prisons.

Sir, Darlinghurst Gaol, 22 July, 1878.

The lecture on Saturday was attended by about 175 prisoners, who behaved in a very orderly manner. Mr. Macintosh, M.L.A., the chairman, in introducing himself, said he was requested by Mr. Hurley and by consent of the Government he presided there that evening.

He advised them to obey their overseers, to learn trades, and to work as much as they could, so that when they left here it would benefit them; hoped they would reform, and to make the most of their present situation; that the people outside wished them well. In the Parliament, to which he had the honor to belong, that they thought a great deal about them; hoped they would conduct themselves so that there would be no cause of complaint for the authorities to withdraw these lectures; gave his own experience as a temperance man, and counselled them to be sober when they left here.

Mr. Allen then began his lecture, telling them some humorous anecdotes; was told by a person that afternoon that it was no use to come here; might as well whistle jigs to a milestone, or sing psalms to a priest; a man comes here for nothing; he don't get £130 a year for it; that there are good spirits in the world, and an infernal amount of humbug; it's not a man's faith or nationality makes a good man; no harm coming here to induce them to refrain from drink; if they choose they might go to blazes for he could not stop them; said he would sing a temperance song; that he promised Sir Alfred Stephen he would sing it wherever he would be; that it might be ridiculed, saying that we were bringing theatricals in the place; but he did not care—he would sing it, which he did in character, there being six verses showing the six stages of drunkenness, and in the last verse or two mimicked the actions and unsteadiness of a drunken man before he dies and falls into the grave; this part pleased them very much.

Mr. Macintosh then said that Mr. Allen lectured in an amusing manner to soften their present state; hoped they would profit by these lectures; that men of great ability and high position would come and see them; it gave him much pleasure to be there that evening; would express his feelings in Parliament; that the eyes of society were upon them; giving them some good advice, they then withdrew.

JOHN CARROLL,
Warder.

P.S.—When Father Collingridge, the chaplain, signed the visitors' book yesterday (Sunday) opposite his name he put the word "ditto", referring to the remarks he placed in the book on the Sunday previous, and as reported last week.
J.C.R., Principal Gaoler.

Was the copy of my minute of July 2nd, respecting mode of conducting the lectures, communicated to Mr. Macintosh, M.L.A., before he took the chair on (last) Saturday for Mr. Hurley?—H.M., B.C., 22/7/78. The Pl. Gaoler.

Copy of the minute was not read to Mr. Macintosh; he came here in a hurry while the lecturer was waiting, and passed into the lecture-room. I was under the impression that the nature of your wishes as conveyed in the minute would be communicated at the time any gentleman would be requested to take the chair.—J. C. Reid, Pl. Gaoler, 22 July, 1878. I have directed a copy of the minute to be put on a board, to be read by the chairman and lecturer in future.—J.C.R., P.G.

Appendix.

I have seen Mr. Hurley upon the subject of this report.

He concurs with me in deeming the form of procedure, admitting of a prisoner making a speech, to be inconsistent with the position of the prisoners, as also the making of anything beyond the quietest demonstration in the way of applause, and will arrange with Mr. Davies to explain this to the prisoners who may attend. There is no objection whatever to the prisoners by a delegation conveying through the officer who may be in charge their thanks for the lecture if they desire to do so. The Principal Gaoler is requested to place a copy of this minute before the chairman acting for Mr. Hurley, or any future chairman so acting, previous to the lecture.

I omitted to mention to Mr. Hurley that in my view any notifications to the prisoners respecting arrangements sanctioned or pending in respect of the lectures would be better avoided in future as possibly tending towards relaxation of discipline. I feel assured that Mr. Hurley, or any gentleman acting for him, will fall in with my wishes in this respect, confining the proceedings as far as possible to the business of the lecture.

I would wish Mr. Hurley also to see this minute on his next attendance. H.M., 2/7/78.

B.C., Pl. Gaoler. To be returned.

No. 10.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 29 July, 1878.

In acknowledging the receipt of your letter of the 26th instant, forwarding a communication received by you from the Church of England chaplain of Darlinghurst Gaol, regarding the proceedings at a lecture delivered by Mr. Alfred Allen in that gaol, on Saturday, the 20th instant, I am directed to inform you that the whole character of Mr. Allen's lecture was unbecoming, and that the Colonial Secretary deems it therefore necessary to direct that Mr. Allen be not permitted to lecture again in the gaol.

2. But beyond this, I am to observe the lectures that are delivered in the gaol are not altogether of the character that Mr. Hurley led the Colonial Secretary to expect, and if there be not some reasonable assurance given that they will for the future be conducted with more decorum Mr. Fitzpatrick will be compelled to withdraw permission for their delivery.

I have, &c.,
M. R. ALLAN.

No. 11.

No. 11.

The Under Secretary, Colonial Secretary's Department, to J. Hurley, Esq., M.P. (*Hartley*).

Sir, Colonial Secretary's Office, Sydney, 29 July, 1878.

With reference to the authority given for the delivery of lectures to the prisoners in Darlinghurst Gaol, I am now directed to inform you that a report has been received of the proceedings at a lecture delivered by Mr. Alfred Allen, on Saturday, the 20th instant, and that the whole character of the lecture was so unbecoming that the Colonial Secretary has deemed it necessary to direct that Mr. Allen be not permitted to lecture again in the gaol.

2. But beyond this I am to observe the lectures that are delivered in the gaol are not altogether of the character that you led the Colonial Secretary to expect, and if there be not some reasonable assurance given that they will for the future be conducted with more decorum Mr. Fitzpatrick will be compelled to withdraw the permission for their delivery.

I have, &c.,
M. R. ALLAN.

No. 12.

Mr. E. L. Scott to The Colonial Secretary.

Sir, 4, Berlin-terrace, Nobbs-street, Surry Hills, 14 August, 1878.

I have the honor to request your permission to invite the prisoners in the gaol at Darlinghurst, at the conclusion of each of my lectures, to sign a card similar to the one annexed hereto, which is the pledge card of the New South Wales Alliance for the suppression of intemperance.

In case you should object to the said card on the score of its having scriptural texts upon it, I would ask your sanction for the use of a card bearing these words:—"I (blank for name) hereby solemnly promise to abstain henceforth from the use of intoxicating drink. day of , 18 ."

The lectures are doing great good, and I am anxious, at whatever sacrifice of time or trouble the case may demand, to increase that good, carefully abstaining from the remotest allusion to religious matters.

I have, &c.,
E. LEWIS SCOTT.

[*Enclosure.*]

"And now drink no wine or strong drink."—Jud. xiii, 7.
"I have drunk neither wine nor strong drink."—Sam. i, 15.

Temperance Hall, Pitt-st., Sydney.
New South Wales Alliance
for the suppression of
Intemperance,
and for the
social, moral, and intellectual elevation of the people.
Instituted February 26th, 1857.

Member's Card.

I,
do agree that I will not use intoxicating liquors as a beverage, nor traffic in them; that I will not provide them as an article of entertainment, nor for persons in my employment; and that in all suitable ways I will discountenance their use throughout the community.

Dated this day of 1878.

JOHN OSBORNE, } Secs.

"Therefore to him that knoweth to do good and 'doeth it not, to him it is sin."—James vi, 17; Prov. xx, 1; xxxiii, 29 to 35; xxxi, 4, 5; Isaiah, xxviii, 7.

Free Temperance Meetings every Wednesday evening in the New Hall.
Persons subscribing 5s. annually are entitled to vote at the Annual Meeting for election of Committee, &c.

"It is good neither to eat flesh nor drink wine, nor anything whereby thy brother stumbleth, or is offended or made weak."—Romans xiv, 2.

No. 13.

The Under Secretary, Colonial Secretary's Department, to Mr. E. L. Scott.

Sir, Colonial Secretary's Office, Sydney, 19 August, 1878.

In acknowledging the receipt of your letter of the 14th instant, requesting permission to invite, at the conclusion of each of your lectures, the prisoners in Darlinghurst Gaol to sign cards pledging themselves to abstain from intoxicating drink, I am directed to inform you that the Colonial Secretary thinks the asking of the prisoners in the above gaol to sign any pledge is altogether a futile proceeding, more especially as the person who is to propose the pledge is one in whom they can recognize no authority, religious or otherwise.

I have, &c.,
M. R. ALLAN.

No. 14.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 19 August, 1878.

Application having been made by Mr. E. Lewis Scott for permission to invite, at the conclusion of each of his lectures, the prisoners in Darlinghurst Gaol to sign cards pledging themselves to abstain from the use of intoxicating drink, I am directed to inform you that it has been intimated to Mr. Scott that the Colonial Secretary thinks the asking of the prisoners in the above gaol to sign any pledge is altogether a futile proceeding, more especially as the person who is to propose the pledge is one in whom they can recognize no authority, religious or otherwise.

I have, &c.,
M. R. ALLAN.

No. 15.

No. 15.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 19 September, 1878.

Referring to a conversation of yesterday with the Colonial Secretary, I have now the honor to forward a report from the officer who attends the lectures at Darlinghurst Gaol, notifying the intention of the Roman Catholic chaplain to hold lectures in the chapel over the room now allotted for the lay lectures on Saturdays, at the same hour, and on the same subjects, with a notation thereon of the Principal Gaoler.

I accompany this report with a letter from the chaplain, dated yesterday, in answer to my reference to himself upon the report. It will be observed that the chaplain proposes to change the character of his contemplated proceedings from lectures to, in effect, Divine services.

This removes from consideration in the matter any question of the propriety of permitting the use of the chapel for purposes other than religious exercises, even by one of the chaplains.

In the case of the chaplain holding religious service it is necessary in the maintenance of discipline that the Roman Catholic prisoners should be required to attend, and I have given him to understand that they would be required to attend his proposed services.

This, were the services and lectures to be held simultaneously, would, according to the chaplain's computation, result in the compulsory attendance upon him of some two-thirds of the Roman Catholic prisoners who have displayed a desire to attend the lectures against his exhortations. Such a state of things it is obviously very undesirable to bring about, entailing, as it not improbably would, excitement, if not insubordination.

But from a disciplinary point of view I hold, and the Principal Gaoler concurs with me, that the simultaneous occurrence of the proceedings is, apart from the unseemly effect, inadmissible.

It would engender excitement if not animosity, and would be distinctly dividing the Roman Catholic prisoners into two bodies, one supporting the chaplain and the other the lecturers.

This alone would be inconsistent with discipline; and further, there are not officers to spare for both.

The question then would seem to be narrowed down to this issue: Whether the chaplain must be constrained to abandon his intention, or the lecturers make way for his services by an alteration of the time allotted therefor.

In ordinary circumstances there could, I conclude, be no hesitation in making the privilege of lecturing give way to the official requirements of the chaplain. But there are on the other hand these considerations: 1st. That the time for the lectures was not selected by those who sought authority to give them, but fixed by authority to avoid taking the prisoners from labour in an ordinary week day to attend. 2nd. That the purpose of the chaplain is avowedly to counteract effects of the lectures sanctioned by the Government, which he deprecates.

So far as an opinion may be desired from myself I have no hesitation in saying that the privilege of lecturing ought not to be permitted to interfere with the exercise of the functions for which they are officially and conscientiously answerable by the chaplains.

It seems to me that the chaplain, while in some respects I cannot but regret his mode of action and the tone of his letter, has, irrespectively of the design of his present proposal, made out a case, in relation to the interruption of his confessional exercises, against the holding of the lectures in the present place on Saturday afternoons, and there is no other place suitable for the purpose. The benefit to be derived from the lectures, which were only allowed experimentally, is conjectural, and I think it better, in the interests of the good working of the prison, that they should be given up rather than be allowed to continue as a cause of contention. Under all the circumstances the difficulty of the position might be met, and I would reluctantly assent to the loss of one hour's labour in the month, say the first Monday, from 2·45 to 3·45 p.m., if the gentlemen who have sought the privilege are disposed to accept that modification; and I think that even in this way the continuance of the privilege should be conditional upon the full satisfaction of the authorities with its exercise.

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

[*Enclosures.*]

Warder J. Carroll to The Principal Gaoler.

Sir, 16 September, 1878.

Father Collingridge, the Roman Catholic chaplain, told me yesterday that he will request His Grace the Archbishop to relieve him of the duty of attending at the Necropolis on Saturdays. If so, he then intends to lecture to the prisoners (male and female) in the rotunda on "Temperance and Moral Reform," commencing next Saturday, at half-past 2 o'clock.

I have, &c.,
JOHN CARROLL,
Warder.

Both lectures being carried on at the same time I fear I shall be in a difficulty about the officers to attend them.—J.C.R., P.G. B.C., The Comptroller General.

The Comptroller General of Prisons to The Roman Catholic Chaplain, Darlinghurst Gaol.

I HAVE had some conversation with the Roman Catholic chaplain upon this subject, and have pointed out considerations against lectures, within the ordinary meaning of the term, in existing circumstances being held in the chapel while the lay lectures now sanctioned by the Government are going on in the room below.

If

If the chaplain still desires to use the chapel at that particular time for Divine service would he be good enough to place his desire in writing, so that it may have due consideration. I accordingly refer this report for his guidance.

HAROLD MACLEAN,
Comptroller General, 18/9/78.

The Roman Catholic Chaplain, Darlinghurst Gaol, to The Comptroller General of Prisons.

Dear sir, St. Mary's Cathedral, 18 September, 1878.

I beg to submit for the due consideration of the Honorable the Colonial Secretary the following memorandum :—

I have first to state that, when free to do so, I have hitherto, until the gaol lectures began, never been prevented from hearing the prisoners' confessions on Saturday afternoons, as a preparation for the Sunday service ; but the lectures being coincident with the time for confession, and bringing about a recreative change and break in the monotony of prison life, the prisoners have undoubtedly felt a greater temptation to attend them than to attend the confessionial, which they naturally look upon as tending rather to invite them to resignation. With regard to this I have respectfully to request that all the prisoners may be left *free in every sense of the word* to present themselves to me on Saturday afternoons. Moreover, I have to request that the adjoining rooms may be free from noise and dissipation while I am administering a sacrament in the chapel or sacristy. I tried on one occasion to hear confessions, but the rounds of plaudits, the noise and dissipation, added to the ranting voice of the lecturer in the contiguous apartment, caused me not to try again.

I mentioned in beginning that I have been free to go to the gaol now and then on Saturdays. I shall now be free to go every Saturday, and intend preparing the prisoners for the sacrament of penance, by holding a course of instructions to begin and end with prayers and hymns, which is a form of service very usual in Catholic churches and chapels. The confessions will follow after the dismissal of the prisoners from the rotunda.

No doubt it will be objected by the enemies of the confessional, or the lecturers generally, that my services are intended to withdraw at least the Roman Catholic prisoners from under their influence. Well, to a certain degree, I grant it ; but I beg respectfully to ask the Colonial Secretary whether this is not my sheer duty as Roman Catholic chaplain? Mr. Hurley, M.P., inaugurated the lectures ; all the prisoners know under what auspices ; his words against the confessional and concerning its disastrous consequences are still ringing in their ears. Every lecturer that appears in the gaol represents Mr. Hurley in the eyes of the prisoners, and is exerting an influence antagonistic to mine.

If the Honorable the Colonial Secretary is not aware of it, I beg to inform him that the confessional in the gaol is the most powerful agent of moral reform ; and to counteract its influence is the most fatal blow that could conceivably be struck, both at prison discipline and moral reform. I therefore entreat the Colonial Secretary to place no obstacle in the way of my bringing the prisoners back to that more docile temper and disposition which is requisite for the reception of the sacraments.

And I sincerely hope my authority will not receive another blow through any difficulty arising to prevent the prisoners under my care from coming to me on Saturday afternoon next.

I am, &c.,
C. F. P. COLLINGRIDGE,
Roman Catholic Chaplain of Darlinghurst Gaol.

No. 16.

Warder Carroll to The Principal Gaoler.

Sir, 23 September, 1878.

Father Collingridge announced to the prisoners yesterday morning that he intends to commence a course of instruction and prepare them for the Sacraments, beginning with prayer and the singing of a hymn, to commence next Saturday in the chapel.

JOHN CARROLL,
Warder.

If this takes place at the same time as the lecture it will be very inconvenient.—J. C. READ, P.G. The Comptroller General, B.C.

Forwarded for the consideration of the Colonial Secretary in connection with my report of the 19th instant. It appears to me that the reverend chaplain has been precipitate in giving his notice before the decision of the Colonial Secretary upon the question raised was received. A lecture has been sanctioned for next Saturday, and a decision is needed to prevent collision. If the lectures are to be postponed to the proposed services, that, it appears to me, should not be done by an abrupt withdrawal of a sanction for a specified day—next Saturday already given.—H.M., 26/9/78. B.C., Principal Under Secretary.

[*Annexure.*]

The Roman Catholic Chaplain of Darlinghurst Gaol to The Comptroller General of Prisons.

Dear sir, St. Mary's Cathedral, 21 September, 1878.

When I last had the honor of seeing you, you observed "Well, it is an understood thing that you wait for a communication before undertaking anything at the gaol on Saturday," or something to this effect. My answer was in the affirmative.

Now I beg to say that if no communication comes to hand I can hardly take it that silence does not give consent. Therefore unless I get instructions to the contrary I shall present myself, as I gave notice I should, at half-past 2 this afternoon.

Yours faithfully,
C. F. P. COLLINGRIDGE.

[This note crossed one from myself to Father Collingridge to say that the decision could not be given by last Saturday.—H.M., 26/9/78.]

Minute

11

Minute of The Comptroller General of Prisons.

In respect to the proposal of the Reverend R.C. Chaplain to hold a service at 2·30 on Saturdays in the chapel, I have arranged with him that he will abstain from doing so until the Government decide the question which is now before the Colonial Secretary. No decision can be given to-day; the lecture may go on as usual. H.M., 21/9/78.

The Principal Gaoler, B.C.—To be returned. Noted and returned. See report this morning. —J. C. Read, P.G., 23/9/78. The Comptroller General of Prisons.

Minute of The Colonial Secretary.

I entirely concur in the view expressed by the Comptroller General. Every effort will be made to facilitate the Rev. Mr. Collingridge's wishes with regard to the use of the rotunda; but as it is clear the two sorts of lectures cannot go on at the same time without danger to the discipline of the gaol, which is to my view a matter of prime moment, I trust he will not make any attempt to carry out his intention until the prison authorities have time to mature their arrangements. M.F., 26/9/78.

The Comptroller General of Prisons, B.C.—M.R.A., 26/9/78. I have communicated with the chaplain in terms of the Minute of the Colonial Secretary.—H.M., 26/9/78. B.C., The Principal Under Secretary.

No. 17.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Temperance Hall, Sydney, 1 October, 1878.

I have the honor to inform you that to avoid misunderstanding in connection with the Saturday afternoon lectures at the gaol, Darlinghurst, the following gentlemen will act as a committee:—John Hurley, Esq., M.L.A., John Roseby, Esq., M.L.A., John Macintosh, Esq., M.L.A., John Mills, Esq., J.P., and P. R. Holdsworth.

The above committee having heard that the Rev. Father Collingridge desires to meet his flock on Saturday afternoons for the purpose of instruction, desire me to state that they are prepared to meet that rev. gentleman by making their lectures once a fortnight, so that each can have the building on alternate Saturdays. At the same time, while willing to work in unison with that gentleman, no day except Saturday will do for the lecturers, that being the only day that gentlemen willing to lecture are at liberty. I may state we will skip over next Saturday, so as to enable you if desirable to make the new arrangement.

Trusting such will prove satisfactory to all,

I am, &c.,
P. R. HOLDSWORTH.

The Comptroller General of Prisons.

Forwarded for the information of the Colonial Secretary, in connexion with my B.C. report of the 26th ultimo, and previous correspondence.

The permission for lectures and the privilege of recommending lecturers were originally conceded to Mr. Hurley, but I conclude that there can be no objection to his being superseded by the Committee.

It will be absurd that the Committee will accept no day but Saturday, so the suggestion made in my letter above mentioned need not be considered.

I had some conversation with the chaplain yesterday, and am persuaded that there is no likelihood of his falling in with the compromise proposed of alternate Saturdays. H.M.

The Principal Under Secretary, B.C., 2/10/78.

No. 18.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 15 October, 1878.

With reference to your further report of the 2nd instant, in the matter of the delivery of temperance lectures to the prisoners in Darlinghurst Gaol on Saturday afternoons, that being the time appointed by the Roman Catholic Chaplain for giving religious instruction to the prisoners of his communion, I am directed by the Colonial Secretary to state for your information and guidance that it has now been arranged that the temperance lectures shall be held in the women's workshop on every alternate Saturday and not once a week as heretofore.

2. On the alternate Saturday the Roman Catholic prisoners will assemble in the rotunda in order that the Reverend Mr. Collingridge may conduct the religious service contemplated by him; but if on the Saturday on which the temperance lecture is to be delivered any of the Roman Catholic prisoners desire to see their chaplain they will be permitted to do so; but in that case they will not be paraded for the purpose by the gaol authorities in large numbers, but will be allowed to attend the chaplain either singly or in such small numbers as will offer no difficulty to the authorities and will in no way endanger the discipline of the prison. In this way the Reverend Mr. Collingridge will practically have the use of the rotunda every Saturday.

I have, &c.,
M. R. ALLAN.

No. 19.

No. 19.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 7 October, 1878.

The Roman Catholic Chaplain of Darlinghurst Gaol having handed to me the accompanying letter with the request that it be forwarded for the consideration of the Colonial Secretary I think it incumbent upon me to forward it accordingly.

Having already reported my views upon the questions that have arisen at that prison respecting the temperance lectures in relation to the ministrations of the chaplain, I refrain from comment upon this letter.

I would however ask you to remind the Colonial Secretary that the newly constituted committee replacing Mr. Hurley will probably apply for sanction for a lecture on next Saturday while the chaplain will also desire to hold his "instruction" on the same day and time. I have, &c.,

HAROLD MACLEAN,
Comptroller General.

[*Enclosure.*]

The Rev. C. F. P. Collingridge to The Comptroller General of Prisons.

Sir, St. Mary's Cathedaal, 4 October, 1878.

I beg you will submit this last communication of mine to the serious consideration of the Honorable the Colonial Secretary.

When I look round and see the low and infamous insults heaped upon the Catholic religion in the town, Members of Parliament and the press giving their countenance to the same, I feel inclined to give up asking for my just rights in the official position which I hold, for it appears that I have to deal with different people in this community to those I have been accustomed to at Home. There is in England a certain high tone, both moral and religious, which a member of the old religion can appeal to with some chance of getting fair play. Here what do we see? The most awful mysteries of religion, the most sacred practices, dearer to Catholics than life itself, publicly traduced and vilipended, and this with the encouragement of Members of Parliament, of an ex-Minister of the Crown, and of the press. Is the Catholic body the only one which has no rights and which insulters both indigenous and imported may vilify with impunity? It seems perfectly clear—when if the Catholic faith and religion be the only one that deserves to be hated and traduced—I can understand the Government sanctioning those preachers to R. C. prisoners who are best fitted to influence them in the sense of the evils of the confessional and idolatrous practices of their Church.

The last argument I have heard urged in support of Mr. Hurley's crusade for would-be-secular preaching in the gaol is the precedent set by England in the matter. For the honour of my country I protest against the calumny, and I challenge any one to prove that any such precedent has been set by English authorities.

To throw a little light on the subject the following points should be examined:—

1. What is the number of gaols in England?
2. The number of secular-moral reformers introduced into gaols in England?
3. Number of Catholic prisoners in any gaol in England who authorities admit secular moral reformers, &c.?
4. Number of secular-moral reformers introduced by Government sanction into gaols in England to supplement R. C. Chaplains, where these are in attendance?

As Mr. Hurley, M.P., has thought fit to discover an English precedent, and as the Government has been complaisant enough to give him credit for a great discovery, I insist in my position of R. C. Chaplain to Darlinghurst Gaol on his substantiating this discovery and in the way I have submitted:—

For the answer to the two first questions will show what is rule and what is exception generally. The answer to the third will show what is rule or exception as regards the R. C. prisoners. The answer to the fourth will show exactly whether there be anything worthy of being called a precedent for what is going on in the principal gaol of this country.

If Mr. Hurley, M.P., can give a satisfactory answer to these questions, then, but not before then, may he suggest an English precedent for what he has rashly and guiltily undertaken.

But even supposing he could find such a precedent, he will never find that English authorities have gone on sanctioning lectures to R. C. prisoners, when those that organized them were known revilers of what is most sacred in the Catholic faith, and those who carried them out had committed themselves to buffooneries and low ranting, which improprieties would immediately have brought the whole proceedings to a close, for such improprieties must necessarily reflect upon the whole brotherhood of secular-moral-reformers, and be deemed incompatible with Prison discipline and with that sacred prestige which should attach to the authorities of one of Her Majesty's gaols.

I again, therefore, in the name of God, beg to protest against the partiality which is shown to those who have annihilated my authority and my influence as a Catholic priest over the greater number of the R. C. prisoners, who have committed an unprecedented violation of prison discipline, and I shall anxiously await a more favourable answer and a more Christian determination on the part of the Government. I have, &c.,

C. F. P. COLLINGRIDGE.

No. 20.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 8 October, 1878.

In acknowledging the receipt of your letter of the 7th instant, forwarding a communication dated the 4th instant, from the Roman Catholic Chaplain of Darlinghurst Gaol in the matter of the delivery of lectures to the prisoners in that establishment, I am directed by the Colonial Secretary to inform you that he has now only time to request that you will act up to his former instructions on this subject, that is, that you will leave matters as they are until the Government have time to deal deliberately with the matter. I have, &c.,

M. R. ALLAN.

No. 21.

No. 21.

Memo. from The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Darlinghurst Gaol, Sydney, 18 October, 1878.

I beg to forward herewith letter received from Revd. Mr. Collingridge to day, and shall be glad of some instructions from the Comptroller General of Prisons on the matter.

J. C. READ,
Principal Gaoler.

[*Enclosure.*]

Sir, St. Mary's, 18 October, 1878.

My last communications have been disregarded by the Government. The reasons I gave to show the antagonism between the moral platform set up by Mr. Hurley, M.P., within the gaol, and my own altar, have remained unanswered and unnoticed, and the decision come to by the Government will, as heretofore, make my position untenable. I therefore desire it to be known to you and to whom it may concern that I feel bound to decline all responsibility at Darlinghurst Gaol respecting the moral improvement of the R. C. prisoners. My ministrations may go on, but they will be without fruit, and my time and labour will be wasted over revolutionized prisoners.

I have given notice that I will write no more to the Government upon this subject.

Yours, &c.,
C. F. P. COLLINGRIDGE,
R. C. Chaplain.

Forwarded for the consideration of the Colonial Secretary.—H.M. Principal Under Secretary, B.C., 19/10/78.

No. 22.

J. Hurley, Esq., M.P. (*Hartley*), to The Colonial Secretary.

Sir, Wallerawang, 19 October, 1878.

In to-day's issue of the *Herald*, appears a letter (which I annex) from a servant of the Crown, in the person of C. F. P. Collingridge, Roman Catholic Chaplain to Darlinghurst Gaol, reflecting on the treatment he receives from the Government, and criticising me in my action and position as a Member of Parliament. I have to request you to follow the usual practice in such cases, viz., to remove the gentleman complained of from the position he now holds under the Crown.

I have, &c.,
J. HURLEY.

[*Enclosure.*]

Lectures in Darlinghurst Gaol.

To the Editor of the *Herald*.

Sir,

My last communications to the authorities, showing the utter incompatibility between the altar and the would-be-moral platform set up in the gaol by Mr. Hurley, M.P., the denouncer of the Catholic confessional, have been totally disregarded.

Moreover, the challenge therein made to Mr. Hurley to substantiate his English precedent for what is going on in the principal gaol of this country has passed unnoticed. This is, no doubt, convenient. But my official position, as heretofore, will remain untenable; and those who have any real knowledge of the dealings of the Catholic Church with the moral conscience of her votaries, will not be surprised if I decline any responsibility for the moral improvement of permanently disaffected and revolutionized prisoners.

I am, &c.,
C.F.P.C.,
Roman Catholic Chaplain to Darlinghurst Gaol.

No. 23.

The Under Secretary, Colonial Secretary's Department, to J. Hurley, Esq., M.P. (*Hartley*).

Sir, Colonial Secretary's Office, Sydney, 23 October, 1878.

In acknowledging the receipt of your letter of the 19th instant, concerning a certain letter from the Roman Catholic Chaplain of Darlinghurst Gaol, printed in the *Sydney Morning Herald* of the same date, I am directed by the Colonial Secretary to inform you that he cannot find, as you profess to do in the letter in question, any criticism of yourself in your action and position as a Member of Parliament.

I have, &c.,
M. R. ALLAN.

No. 24.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 23 October, 1878.

With reference to a certain letter from the Roman Catholic Chaplain of Darlinghurst Gaol, which was printed in the *Sydney Morning Herald* of the 19th instant, I am directed by the Colonial Secretary to request that you will point out to the Reverend Mr. Collingridge that according to the rules of the service he is not at liberty to comment on the action of the Government through the public press.

I have, &c.,
M. R. ALLAN.

No. 25.

No. 25.

The Comptroller General of Prisons to The Under Secretary, Colonial Secretary's Department.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 31 October, 1878.

I do myself the honor to forward for the consideration of the Colonial Secretary the accompanying letter, dated yesterday, from the Roman Catholic Chaplain of Darlinghurst Gaol, with a copy of a report by the officer who attended the Roman Catholic service on last Sunday, respecting the action taken by the chaplain on that occasion; and of one from myself to the chaplain upon the subject.

In transmitting this correspondence I feel bound with regret to observe that in my view the taking of anything having the nature of a vote from a body of prisoners, and especially in relation to the occurrences under the sanction of the Government, is inconsistent with the proper order of prison discipline.

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

[*Enclosure.*]

Sir, St. Mary's, 30 October, 1878.

I had made up my mind not to write again but to yield to the force of circumstances, and since I had been earnest enough in my endeavours to vindicate the cause of *Christian morality and temperance*, I thought the better plan was to leave a sacred interest to Him who may guard it in His mercy or allow it to be frustrated in His wrath and vengeance.

Humanly speaking, I feel as though it had been more conducive to my personal comfort had I left things alone, but it is both natural and customary in those who exercise pastoral care to sound a note of alarm when a strange visitor appears among the faithful, not to have cried wolf, when I felt his presence would have required more power of self restraint than I possess. My earnestness has been treated as "funny" and "out of place" by those to whom I looked for some aid of Christian sympathy; where might chooses to declare itself right it is impossible for a poor weak individual to disprove it. Naturally enough I have abandoned the task; and since no good is to result from my representations I have begged at last to be left in peace. But this I am not to get.

This morning, sir, on my return home I find your letter of the 29th seeking information as to the accuracy of warder Fallon's report, purporting to describe the action taken by myself after Divine Service on Sunday last. The warder's report is correct enough. I might make the slight correction that for "after Divine Service" should be substituted the words "after Mass." The show of hands that I called for was after Mass, but was followed by a sacred hymn, which terminated the service.

You desire me furthermore to add observations on this subject for the consideration of the Colonial Secretary. I scarcely think any observations are really necessary in this instance, as the affair is a private one between myself and the R. C. prisoners. I will, however, comply with your request. I was pretty sure that the R. C. prisoners were decoyed away to uncatholic, nay more, to anti-Christian temperance lectures, *notwithstanding their own conviction that such was wrong.* It was a temptation that any one, with the faintest knowledge of the psychology so to say of prison life, would have considered sufficient to overcome the better instincts of those helpless men. What I was pretty sure of I wished to ascertain without any doubt. I called for a show of hands, when it was all but unanimously declared that the lecturers were anti-Catholic intruders. This will not prevent the same prisoners from yielding again to the temptation when it is again violently pressed before them. But I was exceedingly happy to find that the R. C. prisoners are still faithful to the Catholic and Christian principle, that *since Paganism is supposed to have been superseded by Christianity, Christian morality and temperance ought alone to obtain* in a Christian community or in a Christian prison, and be taught by Christian ministers.

Only five R. C. prisoners voted against this doctrine, and for the continuance of the secular lectures; and I put it down to the account of Mr. Hurley, M.P., who is carrying secularism into the school on the Sabbath day, as well as into the prison, if five unjust have been found to deny the Christian principle.

I have said that I had ceased corresponding. This letter I write with not a small feeling of repugnance, not so much because of any suspicion that it is sought to entrap me in any unfortunate utterance, as because I cannot help feeling that this business is not transacted in a serious and Christian manner. I should not certainly have written this letter against my declared intention, had I not intended the "conscience vote" of the R. C. prisoners for your guidance as well as for my private knowledge of them. It was rumoured, and I had some reason to suspect that a certain number among them were not R.C. prisoners. A great number not being willing to confess, I had no means of getting at the truth. All I have said in past letters was, however, abundantly proved by the evidence I contrived to get. This was not a small satisfaction to seek for; I was entitled to it in every sense. Should the vote have gone against me I should have asked you, sir, to be good enough to institute an inquiry respecting the christianity of those prisoners who attend my services.

Having now given I think a full answer to your last communication I do earnestly request you to relieve me from further correspondence on this subject. Things have been made as clear as the noon-day; what need is there of further elucidation?

I beg to remain, &c.,
C. F. P. COLLINGRIDGE,
R. C. Chaplain to Darlinghurst Gaol.

The Comptroller General of Prisons to The Rev. C. F. P. Collingridge.

Sir, Department of Prisons, N.S.W., Comptroller General's Office, Sydney, 29 October, 1878.

I do myself the honor to enclose a copy of a report made by Warder Fallon, purporting to describe the action taken by yourself after Divine service on Sunday last, in relation to lectures in Darlinghurst

Darlinghurst Gaol, which have formed the subject of correspondence; and to request that you will favor me with a communication as to the accuracy of the report, and such observations as you may think fit to offer upon the subject, for the consideration of the Colonial Secretary.

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

Warder Fallon to The Principal Gaoler.

Sir, Darlinghurst Gaol, 28 October, 1878.

Warder Fallon begs to report that yesterday, after Divine Service, Father Collingridge told the prisoners that the arrangement was, that he was to come one Saturday and the lecturers the other, but that he would not do that. He then called for a show of hands of those who were against the lecturers coming here, when nearly all the prisoners held up their hands; then called for those who were favourable that they should come, when four or five held their hands up.

In the afternoon prisoner Pearson, who attends the R. C. Chaplain, told him that Father Collingridge asked him (Pearson) to get some paper and take a list of the names of the R.C. prisoners who were against the lecturers coming here, and also the names of those who wished them to come. I advised him to have nothing to do with it; if the chaplain wanted to have such a thing done to let him see the authorities himself on the matter.

JOHN FALLON,
Warder.

No. 26.

The Under Secretary, Colonial Secretary's Department, to The Comptroller General of Prisons.

Sir, Colonial Secretary's Office, Sydney, 7 November, 1878.

In reply to your letter of the 31st of last month, enclosing a communication from the Roman Catholic Chaplain of Darlinghurst Gaol with other papers relating to that reverend gentleman's proceedings during Divine Service on Sunday, the 27th October, I am directed to inform you that the Colonial Secretary is willing to believe that the Reverend Mr. Collingridge had no other motive for what he did than to ascertain the feeling of the Roman Catholic prisoners with regard to their attendance at the temperance lectures; but that he agrees with you that the calling for a show of hands was a proceeding inconsistent with the proper order of prison discipline.

2. Mr. Fitzpatrick takes it for granted that no Roman Catholic is compelled to attend the temperance lectures, and if this has not been the practice he desires that it may be so for the future.

I have, &c.,
M. R. ALLAN.

Sydney: Thomas Richards, Government Printer.—1878.

[1s.]

1878–9.

NEW SOUTH WALES.

VACCINATION.

REPORT FOR 1878.

Presented to Parliament by Command.

The Medical Adviser to the Government to The Under Secretary, Colonial Secretary's Department.

Sir, Sydney, 27 March, 1879.

I do myself the honor to submit to you the annual return of vaccinations performed during the year 1878, which have been received from the Government Vaccinators in the country districts, from the Vaccine Institution in Sydney, and from the vaccinators in the suburbs.

Table A includes the returns from the country districts, and shows that seven hundred and eighty-four children under one year of age, one thousand three hundred and twenty-six of from one to five years of age, and eight hundred and eighty-four of from five to ten years of age were successfully vaccinated in the country.

Table B gives the number of successful vaccinations in Sydney and the suburbs, as follows, one hundred and fifty-three children under one year of age, two hundred and seventy children of from one to five years of age, and ninety-five children of five to ten years of age, making a total of only three thousand five hundred and twelve successful vaccinations throughout the Colony during the year.

2. From many of the districts no returns have been received.

3. I regret to have to call your attention to the very small number of vaccinations, which the returns for 1878 show, but nothing can demonstrate more clearly the necessity of making provision for more adequately remunerating the public vaccinators, than a comparison of the numbers of vaccinations performed during the year 1877 (sixteen thousand eight hundred and eighty-one) with the returns of vaccinations done during last year.

4. The early part of 1877 was a period of alarm, when the people believed that small pox was at their doors, and they then eagerly sought for the vaccinators, but there was no alarm last year, and the remuneration offered for vaccinating, was not sufficient to induce many operators to undertake the labour of seeking out the unvaccinated by making house to house visitations.

5. No estimate of the number of unvaccinated persons in the Colony, which could be relied on as approaching to accuracy, can at present be made, but Mr. Hogg, one of the hardest working vaccinators in Sydney, has prepared a table (Appendix D) which shows that the number of unvaccinated children cannot be less than ninety-one thousand seven hundred and forty-five (91,745.)

6. This is a matter for very serious consideration, and will become more and more so, as year by year our intercourse with countries where small-pox always prevails to a greater or less extent becomes more frequent and rapid, in consequence of the substitution of steam ships for sailing vessels.

I have, &c.,

H. G. ALLEYNE,
Medical Adviser.

TABLE A.

RETURN showing the number of Children vaccinated by the Government Vaccinators in the Country Districts of the Colony, during the year 1878.

District.	Under 1 year of age.				From 1 to 5 years of age.				From 5 to 10 years of age.				Total number of cases.			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Albury	52	40	92	83	38	34	72	72	4	9	13	13	94	83	177	168
Armidale	11	17	28	28	50	39	89	89	11	23	34	34	72	79	151	151
Araluen	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Adelong	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bathurst	1	3	4	4	10	7	17	17	7	11	18	18	18	21	39	39
Bega	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Berrima	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Binalong and Burrowa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bourke	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bombala	3	1	4	4	5	4	9	9	1	2	3	3	9	7	16	16
Braidwood	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Camden	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Carcoar	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

TABLE A—*continued.*

District.	Under 1 year of age.				From 1 to 5 years of age.				From 5 to 10 years of age.				Total number of cases.			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Corowa	3	1	4	4	6	4	10	10	3	2	5	5	12	7	19	19
Dubbo	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Deniliquin	27	49	76	73	17	32	49	47	..	..	..	..	44	81	125	120
Dungog	1	2	3	3	3	3	6	6	2	1	3	3	6	6	12	12
Forbes	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Goulburn	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Gulgong	8	13	21	21	63	73	136	134	73	87	160	159	143	174	317	314
Grafton	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Gundagai	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Grenfell	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Hill End	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Inverell	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kempsey West	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kiama	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Lambton	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Liverpool	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Mudgee	80	88	168	168	65	69	134	134	38	27	65	65	183	184	367	367
Macleay River	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Molong	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Morpeth	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Maitland East and Paterson	3	5	8	8	8	9	17	17	3	2	5	5	14	16	30	30
Maitland West	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Musclebrook	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Moruya or Broulee	..	..	..	..	8	9	17	17	3	7	10	10	11	16	27	27
Milton	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Macdonald River (*Vide* Wollombi)	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Murrurundi	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Newcastle	2	9	11	11	33	35	73	73	6	4	10	10	46	48	94	94
Narrabri	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Orange	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Oberon	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Oxley	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Parramatta	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Parkes	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Patrick's Plains	18	22	40	38	29	19	48	43	13	18	31	30	60	59	119	111
Penrith	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Port Macquarie	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Port Stephens	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rockley	95	101	196	192	95	103	198	195	67	73	140	135	257	277	534	522
Raymond Terrace	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Richmond	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rocky Mouth	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rylstone	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Singleton	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Stroud	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sofala	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tenterfield	6	4	10	10	38	45	83	79	26	29	55	52	70	78	148	141
Tamworth	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tumut	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wagga Wagga	20	20	40	40	58	64	122	122	32	38	70	70	110	122	232	232
Windsor	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wollombi	..	1	1	1	8	5	13	13	9	..	9	9	17	6	23	23
Wallsend	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wollongong	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Walcha	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wellington	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Uladulla	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Yass	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Young	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Moama	9	9	18	18	3	..	3	3	..	..	..	..	12	9	21	21
Cooma	3	1	4	4	6	15	21	21	12	17	29	29	22	32	54	54
Hartley	32	19	51	51	101	69	170	170	56	160	216	216	189	248	437	437
Minmi, N. Hexham	7	16	23	23	35	20	55	55	12	6	18	18	54	42	96	96
Grand Total	381	421	802	784	684	658	1,342	1,326	378	516	894	884	1,443	1,595	3,038	2,994

TABLE B.—1878.

SYDNEY and SUBURBS.

Vaccinator.	Under 1 year of age.				From 1 to 5 years of age.				From 5 to 10 years of age.				Total number of cases.			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Egan Miles	45	45	90	86	54	45	99	98	5	8	13	13	104	98	202	197
Hogg Thomas	35	25	60	55	66	82	148	144	23	43	66	66	124	150	274	265
Cumming Fredk.	7	5	12	12	13	15	28	28	8	8	16	16	28	28	56	56
Grand Total	87	75	162	153	133	142	275	270	36	59	95	95	256	276	532	518

TABLE C.—1878.

SUMMARY.

	Under 1 year of age.				From 1 to 5 years of age.				From 5 to 10 years of age.				Total number of cases.			
	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.	Males.	Females.	Total.	Successful.
Total in Country Districts	381	421	802	784	684	658	1,342	1,326	378	516	894	894	1,443	1,595	3,038	2,994
Total in Sydney and Suburbs.....	87	75	162	153	133	142	275	270	36	59	95	95	256	276	532	518
Grand Total.....	468	496	964	937	817	800	1,617	1,596	414	575	989	989	1,699	1,871	3,570	3,512

APPENDIX D.

TABLE showing the number of Births from the Registrar General's Vital Statistics for 1877, page 7; Deaths, page 9, from the year 1869 to year 1877; and the number of successful Vaccinations as per the Medical Adviser to the Government's Annual Reports on Vaccination, from 1869 to 1877.

Year.	Births in the Colony.	Number Vaccinated in Sydney and Suburbs.	Number Vaccinated in Country Districts.	Number Vaccinated in the Colony.	Remarks.
1869	19,243	5,261	16,246	21,507	Alarm of small-pox in Melbourne.
1870	19,648	3,368	3,716	7,084	
1871	20,143	2,183	4,277	6,460	
1872	20,250	5,987	10,020	16,007	Small-pox in New Zealand.
1873	21,444	1,772	1,386	3,150	
1874	22,178	1,558	3,274	4,832	
1875	22,528	1,323	1,788	3,111	
1876	23,298	1,217	3,144	4,361	
1877	23,851	5,236	11,645	16,881	Small-pox, Port Jackson.
	* 192,583	27,905	55,496	83,401	

* 57,404 were births in the city of Sydney and suburbs, deducting 27,905 as vaccinated, leaving 29,499 under 10 years of age who are not vaccinated or protected from small-pox in Sydney and suburbs.

The following will more fully explain the above Table for the whole Colony :—

Births	192,583
Deduct Deaths	17,437
	175,146
Deduct Vaccinated	83,401
Unvaccinated	91,745

Sydney : Thomas Richards, Government Printer.—1879.

[3d.]